



Ass #	809
Bull #	736
State #	356

WESTERN AUSTRALIA

MINISTER FOR THE ENVIRONMENT

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

**SYSTEM 6 BOUNDARY ALTERATION, RECOMMENDATION M8, SNAKE SWAMP
(LOT 2 PRIEST ROAD, LANDSDALE, CITY OF WANNEROO) (809)**

OXLEIGH HOLDINGS PTY LTD

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 commitments made in the Consultative Environmental Review and in response to issues raised following public submissions, provided that the commitments are not inconsistent with the conditions or procedures contained in this statement. These commitments are consolidated in Environmental Protection Authority Bulletin 736 as Appendix 1. (A copy of the commitments is 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 Environmental Management Programme

- 3-1 The proponent shall ensure that the rehabilitation and enhancement of wetland functions of that part of Snake Swamp within Lot 2 which has been generally defined for inclusion as Public Open Space provides for human uses whilst maintaining and enhancing the existing natural attributes.
- 3-2 To achieve the objective of condition 3-1, prior to preliminary approval of subdivision and with the benefit of public involvement, the proponent shall prepare an Environmental Management Programme for the rehabilitation of the area of Snake Swamp shown in Figure A (attached), to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

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This Environmental Management Programme shall include, but not be limited to:

- 1 ecological, hydrological and human use objectives of the replacement wetland, and how these objectives are met through design and management;
 - 2 detention of stormwater flows and the retention of nutrients, sediments and pollutants outside the lake area;
 - 3 detailed design plans, including habitat maps;
 - 4 detailed biological specifications, including flora and fauna selections and landscape design;
 - 5 water balance of the rehabilitated wetland and nutrient retention basins and the incorporation of the design principles and management practices of water sensitive urban design within the residential portion of the subdivision of Lot 2;
 - 6 incorporation of the rehabilitated wetland into an integrated cell of Public Open Space for the remainder of Snake Swamp;
 - 7 definition of completion criteria for determining success of the rehabilitation of habitat and wetland functions; and
 - 8 monitoring of vegetation, fauna, habitat and water quality parameters over the first two years following completion of subdivision.
- 3-3 Prior to preliminary approval of subdivision, the proponent shall implement the Environmental Management Programme required by condition 3-2 to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

4 Fauna Management

- 4-1 The proponent shall ensure the protection of populations of fauna gazetted under the Wildlife Conservation Act which may be impacted by the proposal.
- 4-2 To achieve the objective of condition 4-1, prior to commencement of rehabilitation or construction activities in areas of known habitat for gazetted rare species, the proponent shall develop strategies for the maintenance of habitat or the relocation of populations of protected fauna (especially the Quenda; *Isoodon obesulus*) which are known to inhabit the wetland, to the requirements of the Minister for the Environment on advice of the Department of Conservation and Land Management.
- 4-3 The proponent shall implement the strategies required by condition 4-2 to the requirements of the Department of Conservation and Land Management.

5 Proponent

These conditions legally apply to the nominated proponent.

- 5-1 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.

6 Time Limit on Approval

The environmental approval for the proposal is limited.

- 6-1 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.)

7 Compliance Auditing

In order to ensure that environmental conditions and commitments are met, an audit system is required.

- 7-1 The proponent shall prepare periodic Progress and Compliance Reports, to help verify the environmental performance of this project, in consultation with the Environmental Protection Authority.

Procedure

- 1 The Environmental Protection Authority is responsible for verifying compliance with the conditions contained in this statement, with the exception of conditions stating that the proponent shall meet the requirements of either the Minister for the Environment or any other government agency.
- 2 If the Environmental Protection Authority, other government agency or proponent is in dispute concerning compliance with the conditions contained in this statement, that dispute will be determined by the Minister for the Environment.

Kevin Minson MLA
MINISTER FOR THE ENVIRONMENT

25 MAY 1994

PROPONENT'S COMMITMENTS

**SYSTEM 6 BOUNDARY ALTERATION
RECOMMENDATION M8, SNAKE SWAMP
LOT 2 PRIEST ROAD, LANDSDALE
CITY OF WANNEROO (809)**

OXLEIGH HOLDINGS PTY LTD

COMMITMENTS

1 Conditions

Oxleigh Holdings Pty Ltd would develop the Snake Swamp POS area, within reason, in accordance with the development plan and conceptual planting and habitat plan (Figure 6) on their land. The development plan is in principle only, within which other options may be explored.

In implementing the development plan, it should be noted that:

- these plans are conceptual and may be modified as a result of other surrounding land owner's requirements. Therefore it is premature to provide detailed information, before approval to the 'concept' of boundary realignment is agreed to;
- the plans are indicative of areas, zones and boundaries like any other Structure Plan. If for example the average groundwater level at the time of development was different to what it is now, this would effect the development plan (i.e depth of the lake, level of the shoreline, etc). These issues are best considered closer to the time of development and appropriate designs and plans developed then;
- the general concepts and principles referred to in this document would be followed as closely as possible. Advice from the relevant authorities would be sought. If there was a need to propose a major change to the principles then this would be taken up with the EPA for consideration in accordance with the intent of Section 46(6) of the Environmental Protection Act; and,
- it is the intention of Oxleigh Holdings to liaise with North Whitfords Estates in the development of this cell as an integrated cell of POS.

2 Lake Design Detail

Upon the proponent proceeding with the urban development of Lot 2, the lakes and the associated features of the area would be developed in accordance with the following concepts:

- there would not be any direct drainage of stormwater into the lakes;
- design to incorporate integrated compensating and aquifer recharge function in accordance with no direct drainage of stormwater into the lake;
- increased attractiveness for passive recreation, education, encourage the establishment of wildlife and native wetland vegetation;
- assimilation of nutrients in stormwater, trapping of sediments and other pollution likely to be in stormwater external to the lake in dry landscaped basins;
- the establishment of diverse food web (eg varied habitats including island refuge, open water, reed beds, seasonally or storm event inundated areas, etc);
- wherever possible relevant, local, indigenous species would be used for planting in the cell;
- permanent water affording drought refuge and summer habitat for water birds and trans-equatorial migratory species;
- the lake would be surrounded by a buffer of POS no smaller than 50m; and,
- the concepts, design detail, landscaping plans, recreation zoning and internal land uses consistent with a Category "O" (Open Space) wetland.

3 Water Quality Monitoring

Appropriate monitoring of the water quality would be undertaken and submitted to the Wanneroo City Council. Data to be collected would include;

- water levels;
- pH;
- conductivity;
- total Nitrogen;
- total Phosphorous;
- chlorophyll a.

The frequency of water quality testing is expected to be quarterly initially and then twice annually.

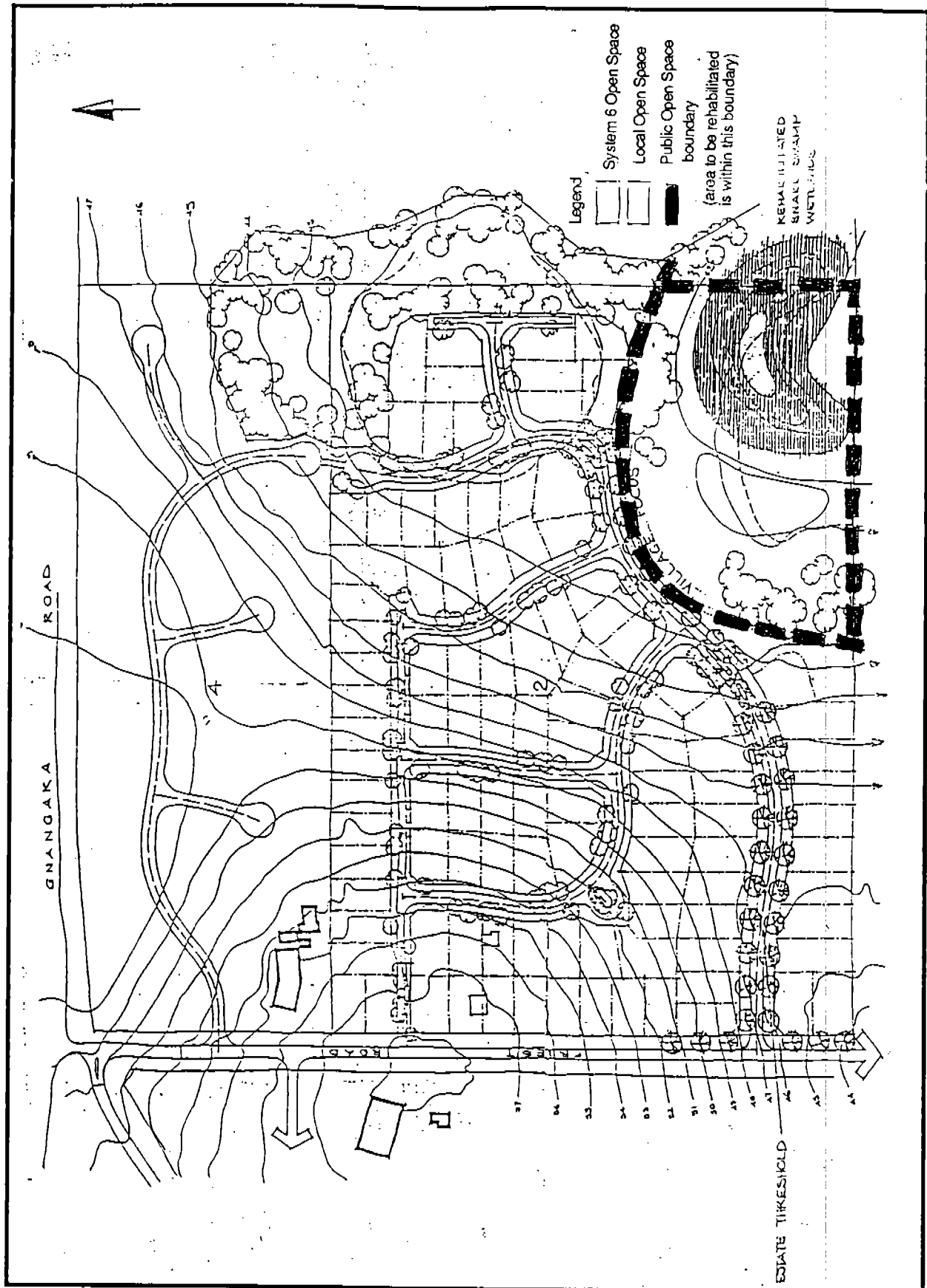


Figure A. Area of Snake Swamp to be rehabilitated within Public Open Space boundary