

Proposed Grouped Dwelling Development Pt Lot 1001 Foreshore Drive, Singleton

Temwood Holdings Pty Ltd

**Report and recommendations
of the Environmental Protection Authority**

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Summary and recommendations

This report provides the Environmental Protection Authority's (EPA's) advice to the Minister for the Environment and Heritage on the proposal by Temwood Holdings Pty Ltd to construct 92 grouped dwellings and a local shop/house on Pt Lot 1001 Foreshore Drive, Singleton.

The proposal was referred to the EPA in March 2002, and as it appeared unlikely to meet the EPA's objectives, the Authority set the level of assessment for the proposal at Proposal is Unlikely to be Environmentally Acceptable (PUEA) in June 2002. At that time a brief statement of reasons for the PUEA level of assessment was made publicly available as set out in the EPA's Administrative Procedures for Environmental Impact Assessment.

An appeal against the level of assessment was dismissed by the Minister for the Environment and Heritage on 23 December 2002.

This report is the next stage in the assessment process. It is the EPA's report to the Minister for the Environment and Heritage on the proposal, pursuant to Section 44 of the *Environmental Protection Act 1986*.

Relevant environmental factor

It is the EPA's opinion that "conservation areas - the protection of the coastal foreshore and associated bushland" is the environmental factor relevant to the proposal that requires detailed evaluation in the report.

Conclusion

The EPA has considered the proposal by Temwood Holdings Pty Ltd that involves the construction of grouped dwellings and a shop/house on coastal foreshore land identified for conservation and recreation purposes. The proposal does not meet the EPA's objectives for the protection of conservation areas, and is inconsistent with the outcomes of the previous environmental impact assessment of urban development on Lot 1001 Singleton.

As a consequence, the EPA considers the proposal by Temwood Holdings Pty Ltd to construct 92 grouped dwellings and a local shop/house on Pt Lot 1001 Foreshore Drive, Singleton, is environmentally unacceptable and should not be implemented as it cannot be managed to meet the EPA's objectives.

Recommendations

The EPA submits the following recommendations to the Minister for the Environment and Heritage:

1. That the Minister notes that the proposal being assessed is to construct 92 grouped dwellings and a local shop/house on Pt Lot 1001 Foreshore Drive, Singleton, on land designated for foreshore reserve purposes.

2. That the Minister considers the report on the relevant environmental factor as set out in Section 3 of this report.
3. That the Minister notes that the EPA has concluded that the proposal cannot be managed to meet the EPA's objectives for conservation areas – the protection of the coastal foreshore and associated bushland.
4. That the Minister notes that the EPA has not included in this Bulletin “conditions and procedures to which the proposal should be subject, if implemented” because the EPA holds the view that the proposal should not be implemented.

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1. References

1. Introduction

This report provides the advice and recommendations of the Environmental Protection Authority (EPA) to the Minister for the Environment and Heritage on the environmental factors relevant to the proposal by Temwood Holdings Pty Ltd to construct 92 grouped dwellings and a local shop/house on coastal foreshore land on Pt Lot 1001 Foreshore Drive, Singleton. The location of the proposal is shown on Figure 1, and the proposed plan of the development is at Figure 2.

An earlier proposal by Temwood Holdings Pty Ltd to develop Lot 1001 for urban purposes was assessed by the EPA in 1992. The EPA concluded that the earlier proposal was acceptable subject to compliance with conditions and the proponent's commitments. The conditions subsequently set in Statement No. 269 include the requirement that the proponent provide a foreshore reserve for conservation and recreation at least equivalent in terms of conservation and recreation values to the area of Lot 1001 within the System 6 Recommendation M107 Area. The required land was subsequently reserved as Parks and Recreation under the Metropolitan Region Scheme. The proposed 92 grouped dwellings and a local shop/house are within the area reserved as Parks and Recreation.

The current proposal was referred to the EPA in March 2002 and the level of assessment was set at Proposal is Unlikely to be Environmentally Acceptable (PUEA). This level of assessment was set because the proposal does not meet the EPA's objectives for the protection of conservation areas, and is inconsistent with the outcomes of the previous environmental impact assessment of urban development on Lot 1001 Singleton.

An appeal against the level of assessment was dismissed by the Minister for the Environment and Heritage in December 2002.

Section 44 of the *Environmental Protection Act 1986* requires the EPA to report to the Minister for the Environment and Heritage on the environmental factors relevant to the proposal and on the conditions and procedures if any to which any implementation of the proposal should be subject. In addition, the EPA may make recommendations as it sees fit.

Accordingly, Section 3 discusses the environmental factor relevant to the proposal and Section 4 presents the EPA's conclusions and recommendations. References are listed in Appendix 1.

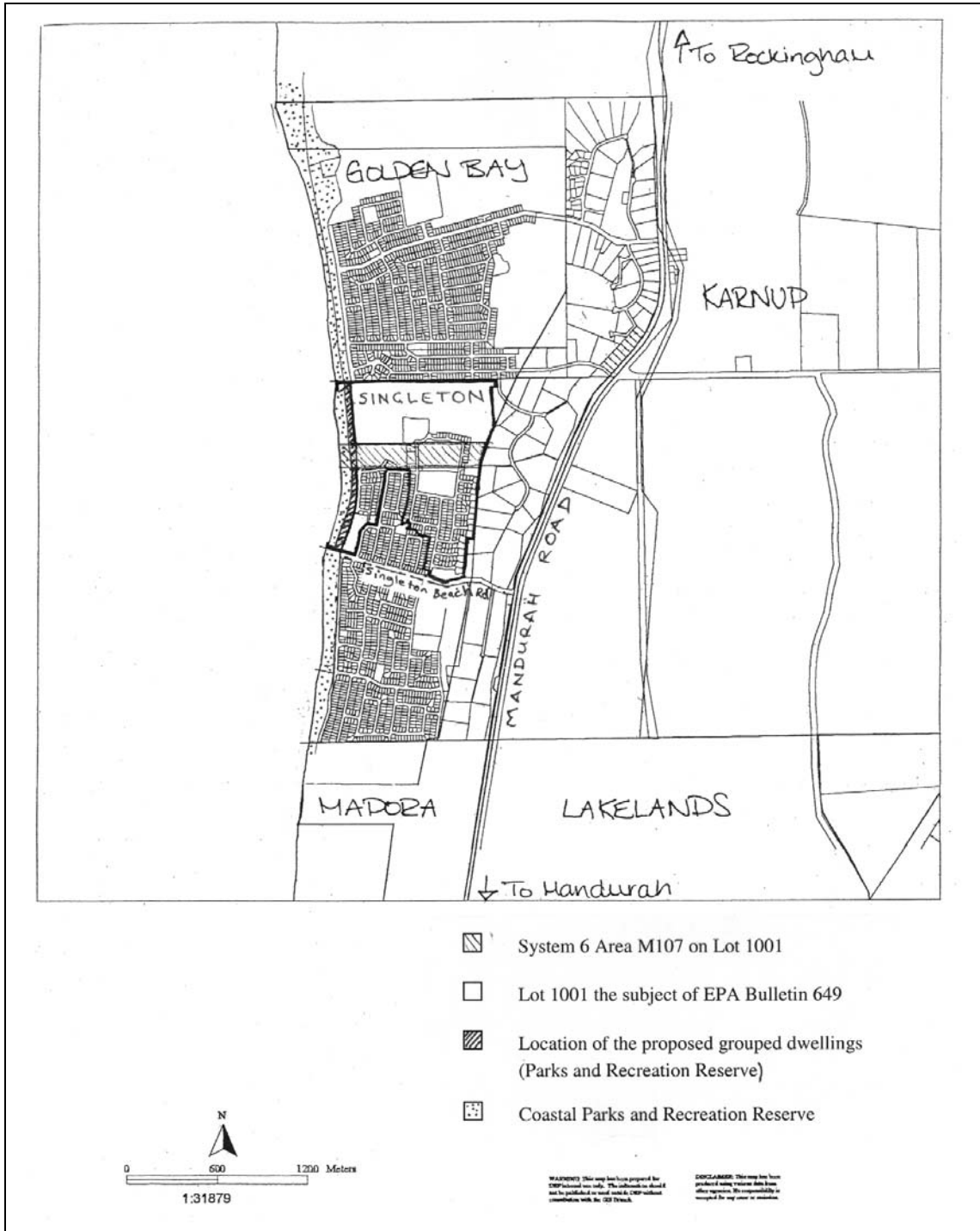


Figure 1: Location of proposal

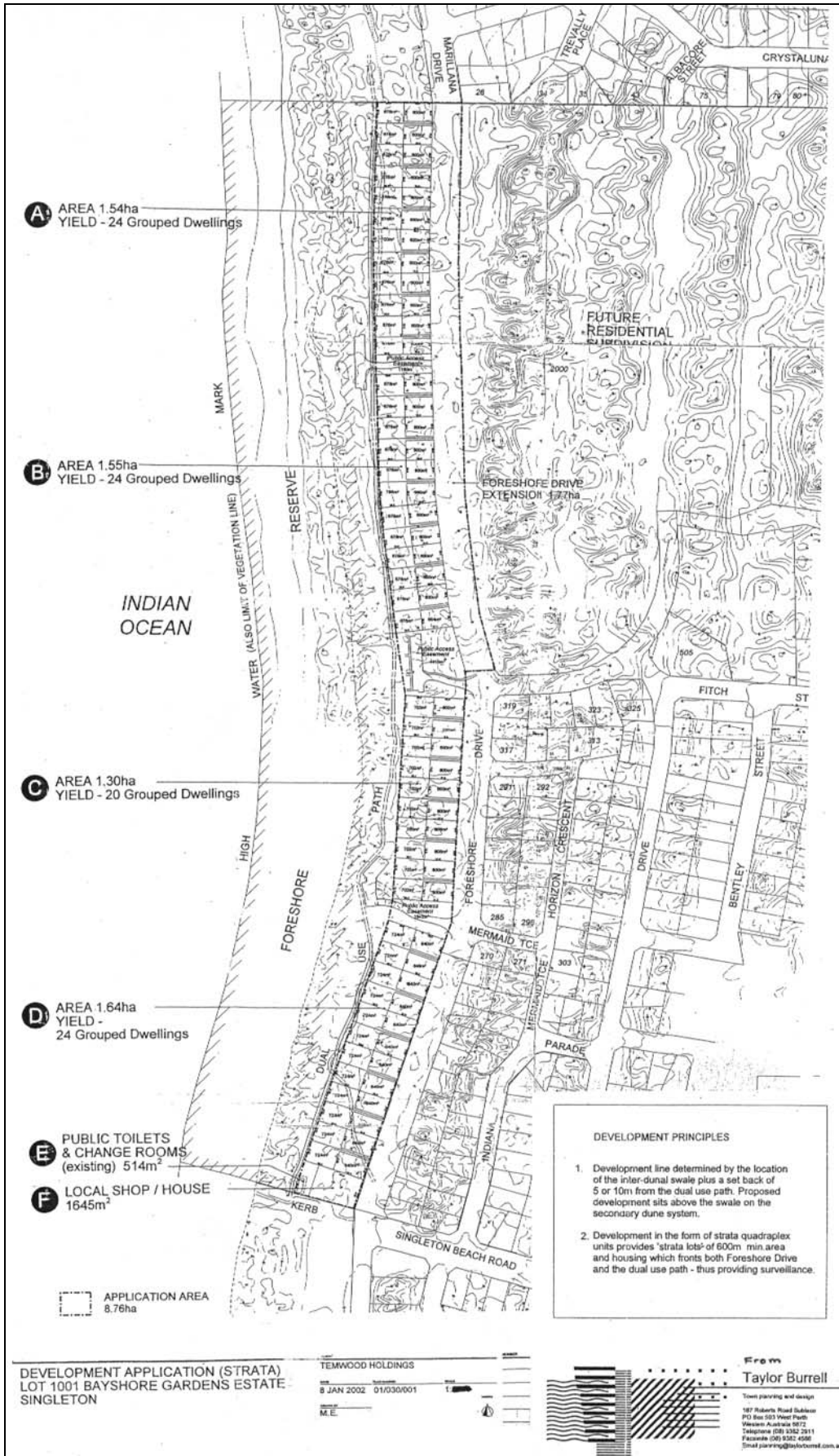


Figure 2: Proposed development plan

2. The proposal

The proposal is for the construction of 92 grouped dwellings and a local shop/house on Pt Lot 1001 Foreshore Drive, Singleton. The location of the proposal is shown on Figure 1 and the proposed plan of the development is at Figure 2.

The proposed development extends approximately 1 160 metres along the coastal side of Foreshore Drive, and is approximately 60 metres in depth. The proposal includes three public easements that provide access to a reduced foreshore reserve. The proposed lot area for each grouped dwelling is between approximately 600 square metres and 724 square metres.

The proposed dwellings and shop are on land that is reserved for the purposes of Parks and Recreation under the Metropolitan Region Scheme. This reservation reflects the intended use and purpose of the land as a coastal foreshore reserve. The Parks and Recreation reservation over the site links to the north and south with a similar width Parks and Recreation reservation.

3. Relevant environmental factor

The EPA considers that this proposal is clearly in contravention of the environmental objectives for the site. The EPA has therefore decided only to report in detail on the key environmental factor relevant to the proposal.

It is the EPA's opinion that the environmental factor relevant to the proposal is "conservation areas - the protection of the coastal foreshore and associated bushland".

This factor is discussed in Section 3.1 of this report.

3.1 Conservation areas – the protection of the coastal foreshore and associated bushland

Description

The proposed grouped dwellings and shop/house are located on land designated as Parks and Recreation reservation under the Metropolitan Region Scheme. This reservation reflects the requirement to set aside a coastal foreshore reserve for conservation and recreation, pursuant to the conditions in Statement No. 296. The vegetated portion of the coastal foreshore is approximately 200 metres in width and links with a similar width foreshore to the north and south.

Environmental impacts expected to result from the proposed development include the following:

- (a) Clearing of coastal vegetation, earthworks, and removal of some of the coastal landscape.
- (b) A reduction in the coastal foreshore area - smaller areas are less able to maintain a range of flora, fauna, landform, landscape and ecosystem values.
- (c) Adverse impacts on the conservation values of the coastal foreshore area resulting from subsequent residential and related activities, potentially including, but not limited to:
 - garden fertiliser and other discharges, affecting the ground and surface water quality of the adjoining coastal area;
 - weed spread in the foreshore due to the proximity of gardens; and
 - garden watering regimes increasing water availability in the adjoining coastal bushland.
- (d) A less than optimal management boundary adjoining the foreshore reserve - a road provides a better management boundary.
- (e) Adverse impacts on social values associated with the coastal landscape, including visual amenity and recreation values - the coast is a significant visual resource for both residents and the general community, and development on the western side of Foreshore Drive is likely to greatly reduce the visibility of the low foreshore environment from an important public viewing route, namely Foreshore Drive. The proximity of the proposed residential development to the foreshore area is likely to adversely affect the recreational experience of some sectors of the community of the natural foreshore environment.

Assessment

The area considered for assessment of this factor is land on Lot 1001 required to meet the objectives of System 6 Recommendation M107 (Department of Conservation and Environment 1983).

The EPA's environmental objectives in regard to this factor are:

- (a) to protect the environmental values of areas identified as having significant environmental attributes;
- (b) to maintain the integrity, ecological functions and environmental values of the coast;
- (c) to maintain the abundance, diversity, geographic distribution and productivity of ecological communities, flora and fauna; and
- (d) to protect community values that arise from the coastal environment, including recreational, aesthetic and cultural values.

The issue of the protection of the coastal bushland on Lot 1001 is a significant issue that has previously been addressed by the EPA in the context of the EPA's assessment of urban development for the entire Lot 1001.

The previously assessed proposal for urban development of Lot 1001 impacted on a part of System Six Recommendation M107, namely a narrow east- west strip of land in Singleton. The proposal was assessed by the EPA at the Consultative Environmental Review (CER) level. The EPA's report and recommendations on the proposal were published in Bulletin 649 (EPA 1992). The System Six recommendations are described in Department of Conservation and Environment (1983).

As part of the CER process, the EPA considered five options for the development of Lot 1001 to replace the narrow east-west portion of System Six Recommendation M107 that would be affected by the development.

The EPA reported in Bulletin 649 that:

"It was considered that the expanded coastal foreshore reserve would provide the best alternative to the System 6 east-west link for Singleton because it preserved a landscape of significance to the area, that is, part of the coastal landform and its associated flora, and would provide for recreation, thereby satisfying the System 6 objectives."

The CER process culminated in a statement issued by the Minister for the Environment that permitted urban development on Lot 1001 subject to environmental conditions. These included the requirement that:

"The proponent shall provide a foreshore reserve for conservation and recreation at least equivalent in terms of conservation and recreational values to the area affected by this proposal and which is within the System 6 Recommendation M107 Area." (Condition 3-1 Statement No. 296)

The proponent also made the following binding commitment:

"The proponent will provide in exchange for the development of the part of the currently proposed System 6 area M107 within Singleton, additional Regional Open Space adjacent to the Coastal Reserve as shown in the Structure Plan, in excess of that which would normally be required by Department of Planning and Urban Development (DPUD). This will be done to the satisfaction of the EPA, DPUD and the Local Authority at the rezoning stage." (Commitment 1 Statement No. 296)

These particular requirements have been fulfilled through the reservation of coastal land to the west of Foreshore Drive for Parks and Recreation pursuant to the Metropolitan Region Scheme. The proposed grouped dwellings and shop/house are located within this area.

The EPA expects that the foreshore reserve will be transferred to public ownership as required by condition 3-2 of Statement No. 296.

The EPA considers that the proposal is unlikely to be environmentally acceptable for the following reasons:

- (a) The proposed development is in the coastal foreshore area that requires protection for its conservation and social values. No form of residential development is acceptable in this area.

- (b) The proposed development does not comply with the outcomes of the EPA's assessment of the proposal "Urban Development of Lot 1001 (affecting part of System Six Recommendation M107), Singleton" in terms of the replacement of the System 6 Recommendation M107 east-west link for Singleton.
- (c) The proposed development is likely to adversely affect the conservation values of the coastal foreshore area by reducing the extent of the natural foreshore environment. Smaller areas are less able to maintain a range of flora, fauna, landform, landscape and ecosystem values.
- (d) The proposed development is likely to adversely affect the conservation values of the coastal foreshore area by increasing the susceptibility of the adjoining bushland area to impacts from residential and related development, including, but not limited to, impacts caused by garden fertiliser and other discharges in ground and surface water, garden watering regimes, and weed spread.
- (e) Residential development immediately adjoining the foreshore reserve is not optimal for foreshore management reasons. A road provides a better management boundary.
- (f) The proposed development is likely to adversely affect social values associated with the coastal landscape, including visual amenity and recreation values. The coast is a significant visual resource for both residents and the general community. Development on the western side of Foreshore Drive is likely to greatly reduce the visibility of the low foreshore environment from an important public viewing route, namely Foreshore Drive. The proximity of the proposed residential development to the foreshore area is likely to adversely affect the enjoyment of sectors of the community of the natural foreshore environment.

Accordingly, it is the EPA's opinion that the proposal cannot be managed to meet the EPA's environmental objectives.

4. Conclusions and recommendations

The proposal does not meet the EPA's objectives for conservation areas and the protection of the coastal foreshore and associated bushland, and is inconsistent with the outcomes of the previous environmental impact assessment of urban development on Lot 1001 Singleton.

As a consequence, the EPA considers the proposal by Temwood Holdings Pty Ltd to construct 92 grouped dwellings and a local shop/house on foreshore land on Pt Lot 1001 Foreshore Drive, Singleton, is environmentally unacceptable and should not be implemented as it cannot be managed to meet the EPA's objectives.

Recommendations

The EPA submits the following recommendations to the Minister for the Environment and Heritage:

- (a) That the Minister notes that the proposal being assessed is to construct 92 grouped dwellings and a local shop/house on Pt Lot 1001 Foreshore Drive, Singleton, on land designated for foreshore reserve purposes.

- (b) That the Minister considers the report on the relevant environmental factor as set out in Section 3 of this report,
- (c) That the Minister notes that the EPA has concluded that the proposal cannot be managed to meet the EPA's objectives for conservation areas – the protection of the coastal foreshore and associated bushland.
- (d) That the Minister notes that the EPA has not included in this Bulletin “conditions and procedures to which the proposal should be subject, if implemented” because the EPA holds the view that the proposal should not be implemented.

Appendix 1

References

Department of Conservation and Environment (1983) *Conservation Reserves for Western Australia. The Darling System – System 6. Parts 1 and 2. Report 13.* Department of Conservation and Environment, Perth, Western Australia

Environmental Protection Authority (1992) *Urban development of Lot 1001 (affecting part of System Six Recommendation M107) Singleton, Temwood Holdings Pty Ltd: Report and recommendations of the Environmental Protection Authority.* Bulletin No. 649. EPA, Perth, Western Australia