

**Residential development, part location 1699
Stoneville Road, Mundaring -
change of Ministerial condition**

Glen Retreat Pty Ltd

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

**Environmental Protection Authority
Perth, Western Australia
Bulletin 597
Assessment No 186
November, 1991**

THE PURPOSE OF THIS REPORT

This report contains the Environmental Protection Authority's environmental assessment and recommendations to the Minister for the Environment on the environmental acceptability of the proposal.

Immediately following the release of the report there is a 14-day period when anyone may appeal to the Minister against the Environmental Protection Authority's recommendations.

After the appeal period, and determination of any appeals, the Minister consults with the other relevant ministers and agencies and then issues his decision about whether the proposal may or may not proceed. The Minister also announces the legally binding environmental conditions which might apply to any approval.

APPEALS

If you disagree with any of the assessment report recommendations you may appeal in writing to the Minister for the Environment outlining the environmental reasons for your concern and enclosing the appeal fee of \$10.

It is important that you clearly indicate the part of the report you disagree with and the reasons for your concern so that the grounds of your appeal can be properly considered by the Minister for the Environment.

ADDRESS

Hon Minister for the Environment
18th Floor, Allendale Square
77 St George's Terrace
PERTH WA 6000

CLOSING DATE

Your appeal (with the \$10 fee) must reach the Minister's office no later than 5.00pm on 13 December 1991.

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Pursuant to Section 46(1) of the Environmental Protection Act, the Minister for the Environment has requested the Environmental Protection Authority to inquire and report on the modifications to the proposal for the residential development of part Location 1699 Stoneville Road, Mundaring.

A report describing the proposal for residential development was previously submitted to the Environmental Protection Authority on behalf of Glen Retreat Pty Ltd in December 1988. Following assessment of the Notice of Intent by the Environmental Protection Authority, (published as EPA Bulletin 406), the Minister for the Environment issued a statement "that the proposal may be implemented" on 1 August 1990 (Appendix 1).

The Minister's statement contained a condition to be included in the local authority's town planning scheme that prohibited clearing outside the appropriately located building envelopes.

It is normal for such provisions to be included in the local authority's scheme and for the local authority to be responsible for their on-going implementation once the land has been sold to new landowners. However, other planning mechanisms are available to planning agencies to ensure that appropriate and effective mechanisms are in place and implemented for the time they are required. There has been a request to modify the condition so that changes may take place as to the means of implementing this condition, should this be considered acceptable by the planning agencies.

The EPA considers that meeting the objectives of the conditions are important rather than the mechanisms for achieving them. Accordingly, the Authority considers that there are no environmental reasons why the change could not occur.

The Authority has noted in proposals assessed more recently that, during the detailed implementation of many proposals, it is often necessary or desirable to make minor and non-substantial changes to the designs and specifications which have been examined as part of the Authority's assessment. The first condition in Ministerial statements drafted in such circumstances has been modified to accommodate the need for these minor and non-substantial changes. It is recommended that this modification be introduced for this proposal and that the proponent and decision making authorities be advised that any change to this proposal which involves the means of implementing Condition 2 of the Ministerial statement will be regarded as non-substantial provided the alternative mechanism put in place can effectively meet the need to prevent clearing of vegetation and ensure the appropriate siting of the on-site effluent disposal systems for the duration of the development.

Recommendation 1

The Environmental Protection Authority recommends that, subject to the conditions in the Minister for the Environment's statement of 1 August 1990, detailed implementation of the proposal shall conform in substance with that set out in any designs, specifications, plans or other technical material submitted with the proposal by the proponent to the Environmental Protection Authority . 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.

Condition 2 could also be modified to delete reference to the Town Planning Scheme in that condition.

Recommendation 2

The Environmental Protection Authority recommends that Condition 2 of the Minister for the Environment's statement of 1 August 1990 could be modified so the second paragraph reads as follows: Effective Statutory provision shall be made to ensure that no clearing occurs outside the appropriately located building envelopes to the satisfaction of the Environmental Protection Authority on advice of the Department of Planning and Urban Development.

Appendix 1

Ministerial statement that a proposal may be implemented



WESTERN AUSTRALIA
MINISTER FOR THE ENVIRONMENT

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

RESIDENTIAL DEVELOPMENT, PART LOCATION 1699
STONEVILLE ROAD, MUNDARING

This proposal may be implemented subject to the following conditions:

1. The proponent shall adhere to the proposal as assessed by the Environmental Protection Authority and shall either connect the proposed residential development on Pt Location 1699, Stoneville Road, Mundaring to reticulated sewerage, or as a less desirable option, install on-site effluent disposal, subject to the specific commitments made in the Notice of Intent (copy of commitments attached).
2. Should planning approval be granted for the development to proceed on the basis of the on-site disposal option referred to in Condition 1, then the proponent shall design the subdivision and shall position building envelopes to provide an environmentally acceptable location for the installation of each septic tank/leach drain system, to the satisfaction of the Shire of Mundaring.

Statutory provision shall be made in the Shire of Mundaring's Town Planning Scheme to ensure that no clearing occurs outside the appropriately located building envelopes.

3. The proponent shall design the stormwater drainage system to contain on-site drainage from a one in one hundred year storm event, to the satisfaction of the Shire of Mundaring.
4. No transfer of ownership, control of 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.


Bob Pearce, MLA
MINISTER FOR THE ENVIRONMENT

2 8 1980

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1 AUG 1980

**LIST OF COMMITMENTS BY GLEN RETREAT PTY LTD FOR SUBDIVISION
PT LOCATION 1699 STONEVILLE ROAD, MUNDARING**

1. The proposed development will have a minimum lot size of 2,000sq.m.
2. 10% of the site will be dedicated as Public Open Space ; the majority of which will be contained on the existing Reserve 20990 to be exchanged for the school site.
3. All urban services, with the exception of deep reticulated sewerage, will be provided.
4. Before discharge of stormwater, all silts, etc. will be removed through the provision of silt traps in the lines. All drainage construction will be in accordance with the requirements of the Shire of Mundaring.