

**Rural/Residential subdivision  
lot 2 Sounness Drive, Bullsbrook**

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**F H and E F Oorschot**

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

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## **Summary and recommendations**

Mr F H and Mrs E F Oorschot propose to subdivide Lot 2 Souness Drive, Bullsbrook into two lots of 2 hectares each and one lot of 15.7 hectares. The subject land is located to the north of Pearce RAAF base. This report provides the Environmental Protection Authority's (EPA's) advice and recommendations to the Minister for the Environment on the environmental factors, conditions and procedures relevant to the proposal.

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

### **Relevant environmental factors**

Although a number of environmental factors were considered by the EPA in the assessment, it is the EPA's opinion that the following are the environmental factors relevant to the proposal, which require detailed evaluation in the report:

- (a) Vegetation communities - impact on regionally significant vegetation; and
- (b) Wetlands - potential impacts from drainage

The EPA has also provided advice in relation to the impact upon the proposed Perth-Darwin Highway.

### **Conclusion**

The EPA has considered the proposal by F H & E F Oorschot to subdivide Lot 2 Souness Drive, Bullsbrook into two lots of 2 hectares each and one lot of 15.7 hectares.

Since the release of the public review documentation, the proponent has modified the boundary lines of the two 2 hectares lots so that each of the reconfigured lots includes sufficient cleared, dry land for a building envelope. The proponent has also made a commitment to place conservation covenants (under the *Soil and Conservation Amendment Act 1990*) over the bushland outside the building envelopes one each of the two 2 hectare lots.

Having regard to the modifications and the proponent's commitments, it is the EPA's opinion that the proposed rural/residential subdivision can meet the EPA's objective for vegetation communities and wetlands. The EPA has therefore concluded to recommend that the Minister for the Environment impose the conditions and procedures consistent with Section 4 and set out in Appendix 3 of this report.

### **Recommendations**

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

1. That the Minister considers the report on the relevant environmental factors of vegetation communities and wetlands;
2. That the Minister notes that the EPA has concluded that the modified proposal can be managed to meet the EPA's objectives, and thus not impose an unacceptable impact on the environment, provided there is satisfactory implementation by the proponent of the commitments set out in Appendix 3 of this report; and
3. That the Minister for the Environment imposes the conditions and procedures consistent with Section 4 and set out in Appendix 3 of this report.

### **Conditions**

Having considered the proponent's commitments and the information provided in this report, the EPA has developed a set of conditions which the EPA recommends be imposed if the proposal by F H and E F Oorschot to subdivide Lot 2 Souness Drive, Bullsbrook into two lots

of 2 hectares each and one lot of 15.7 hectares is approved for implementation. These conditions are presented in Appendix 3. Matters addressed in the conditions include the following:

- (a) the proponent shall fulfil the commitments in the Consolidated Commitments statement set out as an attachment to the recommended conditions in Appendix 3.

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## **1. Introduction and background**

This report is to provide the advice and recommendations of the Environmental Protection Authority (EPA) to the Minister for the Environment on the environmental factors relevant to a rural/residential subdivision proposal.

Lot 2 Sounness Drive, Bullsbrook is located to the north of Pearce RAAF base (Figure 1). Mr F H and Mrs E F Oorschot ('the proponent') originally proposed to subdivide the subject land into two lots of 2 hectares each and one (balance) lot of 15.7 hectares (Figure 2).

The proposal was referred to the EPA in January 1998 and the level of assessment was set at Formal Assessment under Part IV. Documentation was made available for public review for three weeks between 9 April and 30 April 1998 (DEP, April 1998). A copy of this document can be viewed at the DEP library.

Further details, relevant to both the original and modified proposals, are presented in Section 2 of this Report. Section 3 discusses environmental factors relevant to the modified proposal. Conditions and procedures to which the modified proposal should be subject if the Minister determines that it may be implemented are set out in Section 4. Section 5 presents the EPA's conclusion and Section 6 the EPA's recommendations.

A list of people and organisations that made submissions is included in Appendix 1. References are listed in Appendix 2, and recommended conditions and procedures and proponent's commitments are provided in Appendix 3.

The DEP's summary of submissions and the proponent's response to those submissions has been published separately and is available in conjunction with this report.

## **2. The proposal**

Lot 2 Sounness Drive, Bullsbrook is zoned "Rural" in the Metropolitan Region Scheme (MRS) and "General Rural" with an "Additional Use" provision in the Swan Shire Council Town Planning Scheme. The "Additional Use" provision covers an existing tourist facility, known as "The Shetland Barn", at the southern portion of the land. Excision of the two 2 hectare lots from the northern portion of the land would still permit operation of the tourist activities, including pony cart rides, barn dancing and convention facilities.

The draft Bullsbrook Structure Plan identifies the land as "General Rural", with a minimum lot size of 20 hectares. Owing to the low nature of the land, and its ecological attributes, it is unlikely the subject site could be worked as a viable productive agricultural unit. The proponent intends to object to the proposed "General Rural" zoning during the structure plan's (Bullsbrook Town and Environs Plan) 28 day public advertisement period, which commenced on 19 May 1998.

The proposed land use for the two 2 hectare lots is rural residential. Land uses in the general locality are rural. The subject site is adjoined by Reserve No. 1654 (Bullsbrook Nature Reserve) and Reserve No. 27583 (Recreation - golf course) (Figure 1). Great Northern Highway runs along the western boundary of Lot 2. That portion of the Highway has been identified as part of Alignment C (Inner Bullsbrook) of the proposed Perth-Darwin National Highway. Five alignment options are currently being prepared for consideration: the Highway proposals are not yet sufficiently advanced to have been referred to the EPA for assessment.

The main characteristics of the modified proposal are summarised in Table 1.

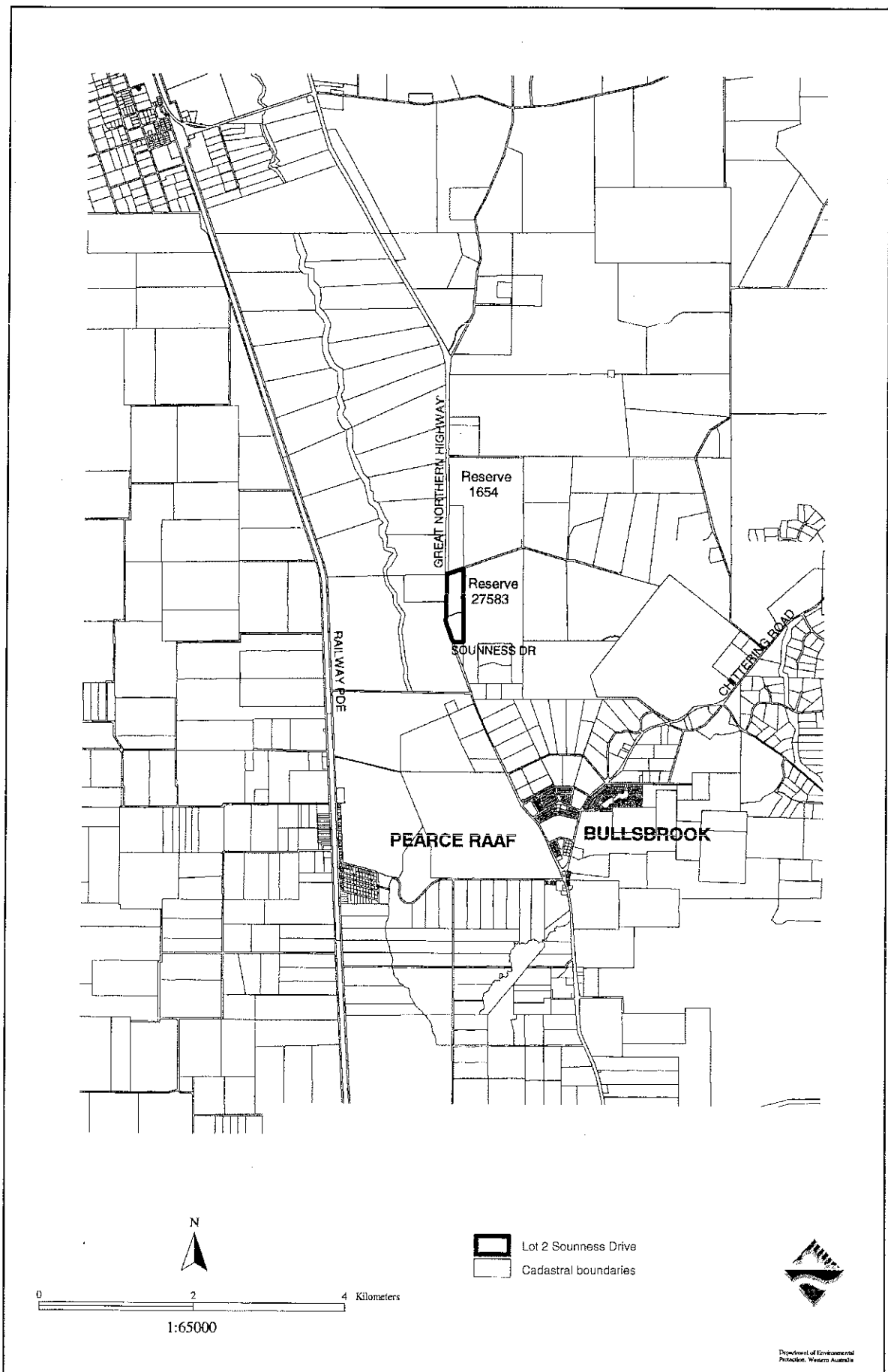


Figure 1. Locality plan.

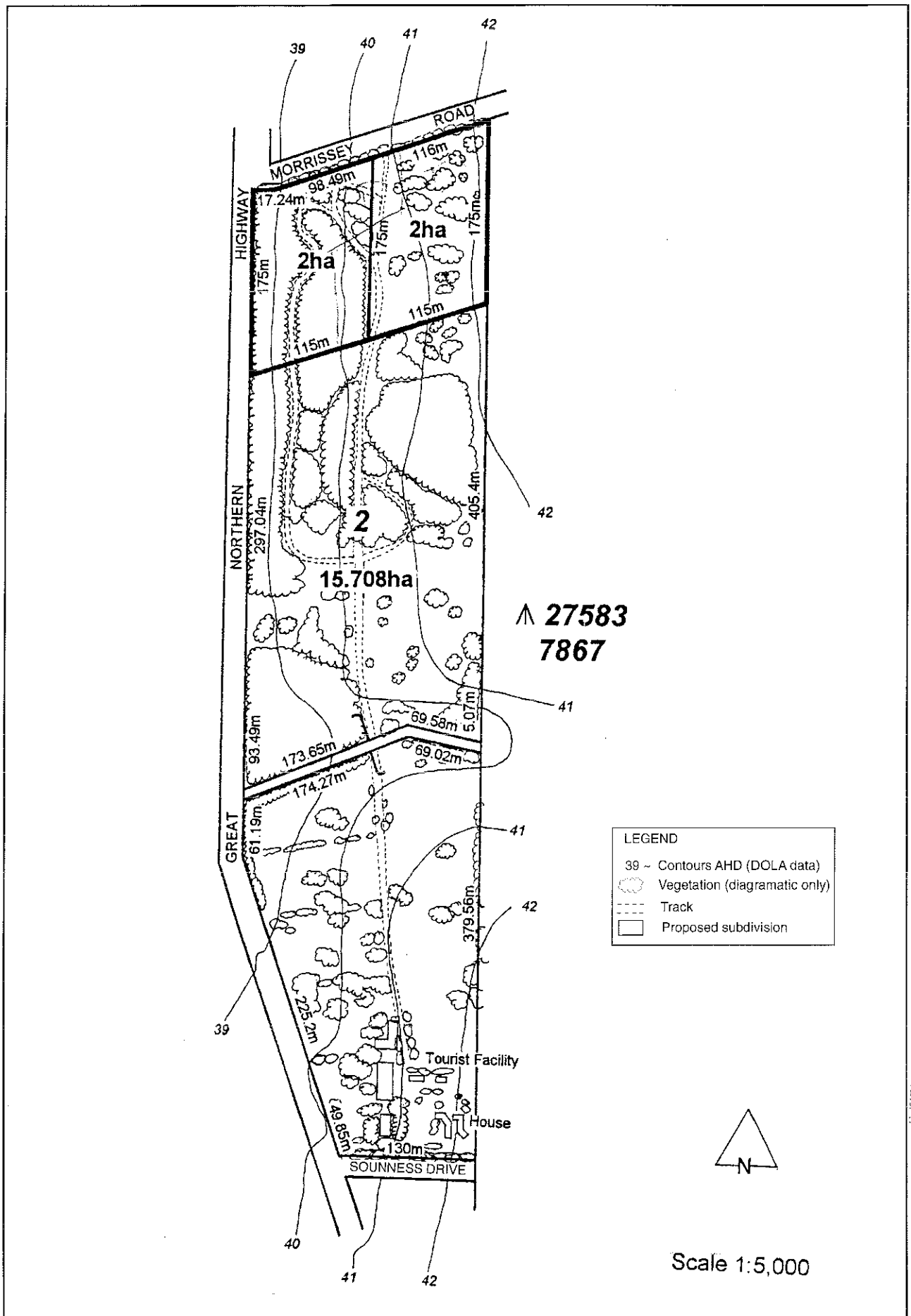


Figure 2. Original subdivision proposal (Adapted from Ray Belton Planning).

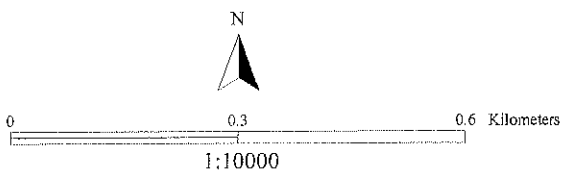
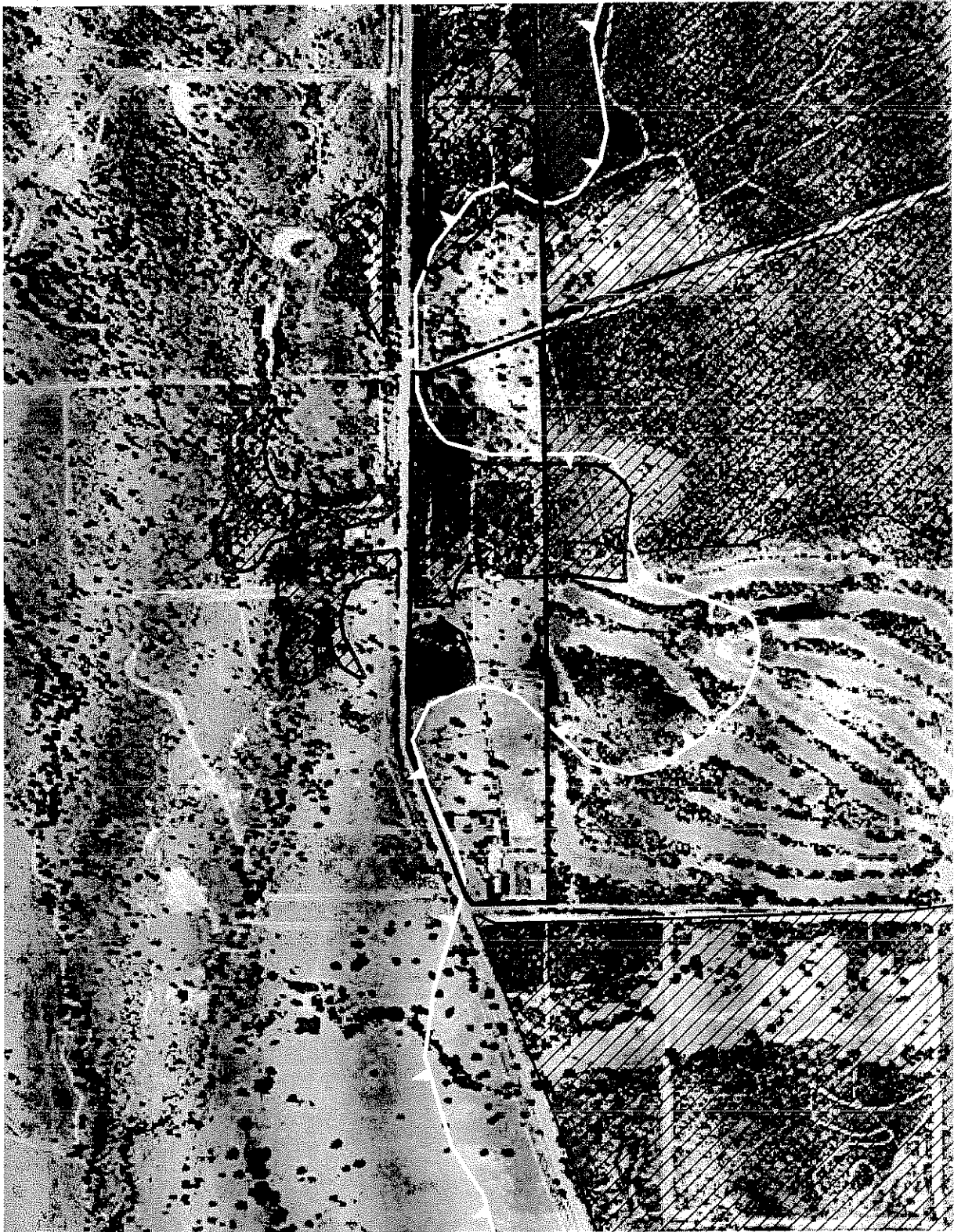









**Table 1: Summary of key characteristics of modified proposal**

<b>Proposal Characteristic</b>	<b>Description</b>
Total site area (Lot 2)	19.7 hectares
Number and size of lots	2 lots of 2 hectares each 1 lot (balance) of 15.7 hectares
Additional number of dwellings	2
Building controls	Building envelope for each new lot to be designated on previously cleared land, outside conservation category wetland area and buffer
Areas of new lots to be privately managed for conservation of regionally significant vegetation and wetlands	Outside specified building envelopes
Firebreaks	To be within the building envelope
Fencing	To permit movement of native fauna
Drainage	Stormwater drainage to be confined to the cleared areas
Effluent disposal	Alternative effluent disposal systems with nutrient retention capacity
Current land use	Tourist facility on southern portion of Lot 2. Northern portion of Lot 2 exhibits limited grazing by horses, and contains horse and pony cart tracks which have created severe localised disturbance Surrounding land uses are rural
Other adjacent land uses	Reserve No. 1654 (Bullsbrook Nature Reserve) Reserve No. 27583 (Recreation - golf course) Great Northern Highway

Since release of the public review documentation, a number of modifications to the original proposal have been made by the proponent. These include:

- modification of the boundary lines of the two 2 hectare lots so that each of the reconfigured lots includes sufficient cleared, dry land for a building envelope (see Figures 3 and 4);
- proposal to use alternative treatment units with nutrient retention capacity for the disposal of effluent.



-  Proposed subdivision
-  Verified Conservation Wetlands 1997
-  CONSERVATION AREAS
-  System 6
-  Seminiuk's Basin Wetlands
-  Palausplain
-  Perth Bush Plan, (Draft)



Department of Environmental  
Protection, Western Australia

Figure 3. Relevant environmental characteristics map.

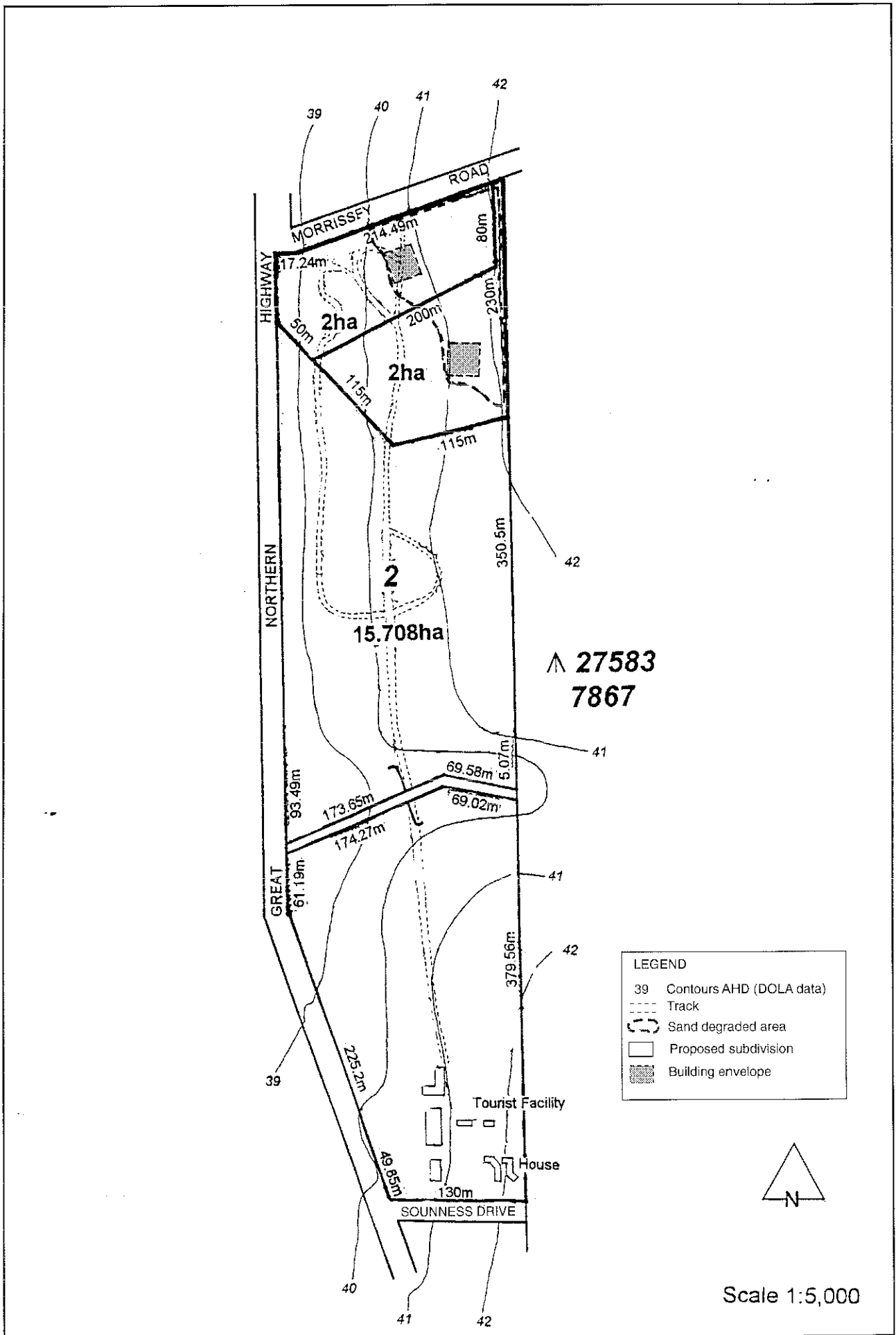


Figure 4. Modified subdivision proposal (Adapted from Ray Belton Planning).

### **3. Environmental factors**

#### **3.1 Relevant environmental factors**

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

It is the EPA's opinion that the following are the environmental factors relevant to the proposal, which require detailed evaluation in this report:

- (a) Vegetation communities - impact on regionally significant vegetation; and
- (b) Wetlands - potential impacts from drainage.

The above relevant factors were identified from the EPA's consideration and review of all environmental factors (preliminary factors) generated from the public review document and the submissions received, in conjunction with the proposal characteristics (including significance of the potential impacts), the adequacy of the proponent's response and commitments, and the effectiveness of current management and alternative approval processes which ensure that the factors will be appropriately managed.

On this basis, the EPA considers that the factors of declared rare flora and priority flora and other issues raised in the submissions do not require further evaluation by the EPA. These factors either have manageable impacts, are addressed by proponent's commitments, or are covered by other environmental control processes. The identification of relevant environmental factors is summarised in Table 2, and a summary of their assessment is set out in Table 3.

The relevant environmental factors are discussed in Sections 3.2 and 3.3 of this report.

#### **3.2 Vegetation communities - impact on regionally significant vegetation**

##### **Description**

The proposal to create two additional 2 hectare lots has the potential to affect naturally vegetated areas of remnant vegetation which are considered to be regionally significant and contain plant communities and habitat that are poorly reserved.

The bushland lies at the foothills of the Dandaragan Plateau, within the area mapped as the Beermullah Vegetation Complex (Hedde *et al.*, 1980). The complex has been heavily cleared throughout the Perth Metropolitan Area. Of the estimated original 6707 hectares on the Swan Coastal Plain, only 6% remained uncleared in 1994 (Dixon *et al.*, 1994). In the context of Government policy, as set out in the Urban Bushland Strategy (Ministry for Planning (MfP), 1995), which aims to protect 10% of each vegetation complex, the Beermullah Complex is poorly conserved and therefore of regional significance. Following identification of the vegetation on Lot 2 as a Threatened and/or Poorly Reserved Plant Community (EPA, 1994), the owners and the Shire of Swan were notified of this significance (May 1995). They were also advised to refer all proposals to clear or develop the bushland to the EPA for assessment. The north-eastern portion of Lot 2 had been previously cleared and degraded (Figure 3).

Gibson *et al.* (1994) divided vegetation on the Swan Coastal Plain into four supergroups, based on floristic analysis. These supergroups are divided into a number of floristic community types. The subject site contains floristic community types from both Supergroup 2 (Seasonal Wetlands) and Supergroup 3 (Uplands, centred on the Bassendean Dunes and the Dandaragan Plateau). Within Supergroup 2, the inferred floristic community type is No. 11 (Wet forests and woodlands) and within Supergroup 3 the inferred floristic community type is 23a (Central *Banksia attenuata* - *B. menziesii* woodlands).

**Table 2: Identification of Relevant Environmental Factors**

Preliminary Factor	Proposal characteristics	Government Agency and Public comments	Identification of Relevant Environmental factors
<p><b>BIOPHYSICAL</b></p> <p>Vegetation Communities</p>	<p>The north east corner of the site meets the south west corner of System 6 Area M14, and much of the site contains regionally significant vegetation.</p> <p>If implemented, the proposal may result in clearing of potentially regionally significant vegetation for building, fencing and firebreaks.</p>	<p><b>Government:</b></p> <ul style="list-style-type: none"> <li>The Department of Environmental Protection (DEP) believes that, as originally configured, the proposed subdivision would be likely to lead to the clearing of native vegetation. If the boundaries of the two 2ha lots are reconfigured to include sufficient cleared land on each lot for a building envelope, other impacts could be managed through conditions. Such conditions relate to a conservation covenant on title to protect bushland outside building envelopes from clearing, including for firebreaks, or planting with non-local species; no horses or cats to be permitted and other pets to be kept within the building envelope; fences in bushland portions of lots to permit movement of native fauna.</li> <li>Water and Rivers Commission (WRC) is unable to support the proposed subdivision because of potentially unacceptable impacts upon regionally significant vegetation, predominantly as a result of clearing and further fragmentation.</li> </ul> <p><b>Public:</b></p> <ul style="list-style-type: none"> <li>The western portion proposed for the 2ha allotments is well vegetated with the threatened (less than 6% remaining of the original 6,707ha) and poorly reserved Beermullah Vegetation Complex which is of significant regional conservation value, as indicated by its inclusion in Perth's Bushplan, so the clearing and destruction of habitat is considered to have unacceptable environmental impacts.</li> <li>The site represents the only uncleared area of interface (supporting complex habitats and diverse flora) between Dandaragan Plateau and the Pinjarra Plain (Keighery <i>et al.</i>, 1996).</li> <li>The site is part of a larger area of remnant vegetation and its viability is increased by linkages to the north (Res. 1654 - Bullsbrook Nature Reserve), to the east (Res. 27583 - Recreation) and to the west (Gt Northern Highway road verge and canopy linkage through to Ellen Brook).</li> <li>Fragmentation of the remnant vegetation has the potential to have unacceptable impacts upon regionally significant vegetation because the proposal would militate against future reservation.</li> </ul>	<p>Considered to be a relevant factor.</p>

Preliminary Factor	Proposal characteristics	Government Agency and Public comments	Identification of Relevant Environmental factors
Dieback	Residential construction activities have the potential to spread dieback from neighbouring areas.	<p><b>Government:</b></p> <ul style="list-style-type: none"> <li>Dieback is believed to be present in nearby areas DEP believes that dieback hygiene practices should be used to prevent the potential of it spreading.</li> </ul>	<p>The proponent has committed to prepare and implement a Dieback Management Plan. Factor does not require further EPA evaluation.</p>
Declared Rare Flora and Priority Flora	It is possible that Declared Rare Flora species are present on site and may be cleared as a result of the proposed residential development.	<p><b>Government:</b></p> <ul style="list-style-type: none"> <li>No DRF were located during the limited DEP survey (May 1998), but if any clearing were to occur, a full DRF survey should be undertaken.</li> <li>CALM advises that neither of the floristic community types (11 and 23a) is on the database of threatened ecological communities and <i>Restio stenostachyus</i> has recently been deleted from the priority flora taxon database.</li> </ul> <p><b>Public:</b></p> <ul style="list-style-type: none"> <li>A rare species is present, and as no flora or fauna surveys have been carried out it is possible that other declared rare species are present.</li> <li><i>Restio stenostachyus</i>, which is under threat, is present and would be further threatened by the proposal.</li> </ul>	<p>These issues are considered further under the relevant factor 'Vegetation communities'.</p>

Preliminary Factor	Proposal characteristics	Government Agency and Public comments	Identification of Relevant Environmental factors
Wetlands	<p>Conservation Management Category wetland identified on the subject site. Potential impacts on the wetland during residential construction and from subsequent land use.</p>	<p><b>Government:</b></p> <ul style="list-style-type: none"> <li>• DEP advises that stormwater drainage will need to be properly managed (confined to the cleared areas) to ensure impacts on wetlands and groundwater-dependent vegetation are minimised.</li> <li>• WRC advises that the area proposed for subdivision appears to include a small area of palusplain evaluated as "Conservation Management Category".</li> </ul> <p><b>Public:</b></p> <ul style="list-style-type: none"> <li>• The subdivision proposal would lead to the loss, in part or full, of vegetated wetland, which is <ul style="list-style-type: none"> <li>• of the rare palusplain type,</li> <li>• under threat,</li> <li>• evaluated as 'Conservation Management Category', and</li> <li>• recommended for protection in the Bushplan Wetland Protection Strategy.</li> </ul> </li> <li>• The proposal contravenes the Government's conservation and restoration commitments in the <i>Wetlands Conservation Policy for Western Australia</i> (1997) and the EPA's protection and enhancement management objectives (Bulletins 685 and 686) for the 'Conservation' wetlands on the land.</li> <li>• The importance of vegetated palusplains stems from their high genetic diversity, presence of rare species, waterbird breeding habitat and floristic displays.</li> <li>• The land is too wet for rural residential dwellings and would require significant landfill.</li> <li>• The lot lies within the Ellen Brook Catchment, which is centre of focus due to the disproportionate level of nutrients it delivers to the Swan River Estuary, and altered pathways of water and nutrient transport pose a greater risk of higher nutrient discharge (including effluent) into Ellen Brook.</li> </ul>	<p>Considered to be a relevant factor.</p>

**Table 3: Summary of Assessment of Relevant Environmental Factors**

Environmental Factor	Relevant Area	EPA Objective	Assessment	EPA Recommendation
<b>Biophysical</b>				
Vegetation communities	Swan Coastal Plain	<ul style="list-style-type: none"> <li>•Maintain the abundance, diversity, geographical distribution and productivity of regionally significant vegetation communities.</li> <li>•Protect declared rare flora and priority flora consistent with the provisions of the <i>Wildlife Conservation Act 1950</i>.</li> <li>•In addition the EPA acknowledges the Government's Urban Bushland Strategy target of reserving "not less than 10% of each vegetation complex" (MIP 1995, p5) in the Perth Metropolitan Area.</li> </ul>	<ul style="list-style-type: none"> <li>•Building envelopes will be located in areas that are already cleared on the north-eastern portion of Lot 2.</li> <li>•Clearing remnant vegetation will not be permitted as part of the proposed rural/residential subdivision.</li> <li>•<i>Restio stenostachyus</i> has recently been removed from the priority flora taxon database.</li> <li>•The proponent's commitments in relation to remnant vegetation equally ensure protection of any other declared rare flora or priority flora.</li> <li>•Under the <i>Wildlife Conservation Act 1950</i>, the proponent is required to inform CALM if any declared rare flora or priority flora are discovered on site.</li> </ul>	<p>Having particular regard to:</p> <ul style="list-style-type: none"> <li>(a) reconfiguration of the subdivision boundaries and provision of building envelopes in previously cleared areas;</li> <li>(b) the deletion of <i>Restio stenostachyus</i> from the priority flora taxon database; and</li> <li>(c) the proponent's commitment to place conservation covenants over the bushland outside the building envelopes on each of the two 2 hectare lots;</li> </ul> <p>it is the EPA's opinion that the proposed rural/residential subdivision can meet the EPA's objective for vegetation communities.</p>
Wetlands	Swan Coastal Plain	<ul style="list-style-type: none"> <li>•Maintain the integrity, functional and environmental values of regionally significant wetlands.</li> </ul>	<ul style="list-style-type: none"> <li>•The previously cleared areas proposed for building envelopes are on higher land and generally clear of the conservation management category wetland.</li> <li>•A wetland buffer will be provided.</li> <li>•Stormwater and other drainage will be retained within the building envelope.</li> <li>•Alternative effluent disposal systems with nutrient retention capacity will be used.</li> </ul>	<p>Having particular regard to:</p> <ul style="list-style-type: none"> <li>(a) the building envelopes being located outside the wetland and its buffer; and</li> <li>(b) the proponent's commitments in relation to management of drainage and nutrients;</li> </ul> <p>it is the EPA's opinion that the proposed rural/residential subdivision can meet the EPA's objective for wetlands.</p>



Although no Declared Rare Flora were located during a limited vegetation survey (DEP March 1998), the area was identified as the potential habitat for *Restio*, which was listed as a Priority flora.

The significant regional conservation value of the Beermullah vegetation complex was reiterated in the submissions from the Conservation Council of Western Australia Inc., the Ellen Brook Integrated Catchment Group, the Water and Rivers Commission, the Waterbird Conservation Group Inc. and the Wildflower Society of Western Australia. It was stated that the proposal is environmentally unacceptable because the site represents the only uncleared area of interface between the Dandaragan Plateau and the Pinjarra Plain; that it is part of a larger area of remnant vegetation so its viability is increased by linkages, particularly to the Bullsbrook Nature Reserve (Reserve 1654) and the recreation reserve to the east (Reserve 27583); and that fragmentation could militate against future reservation.

Submissions from public groups reiterated the further threat the proposal would place upon *R. stenostachyus*, and suggested that as no flora or fauna surveys have been undertaken it is possible other declared rare species are present.

Conversely, the Department of Conservation and Land Management (CALM) advises that *R. stenostachyus* has recently been deleted from the priority flora taxon database, and that, on the information provided, there is no reason to assume that the site would contain any floral communities identified as threatened.

## Assessment

The area considered for assessment of this factor is the Swan Coastal Plain.

The EPA's objective in regard to this environmental factor is to maintain the abundance, species diversity, geographic distribution and productivity of regionally significant vegetation communities, and to protect declared rare flora and priority flora, consistent with the provisions of the *Wildlife Conservation Act 1950*. In addition the EPA acknowledges Government's Urban Bushland Strategy target of reserving "not less than 10% of each vegetation complex" (MfP, 1995, p5) in the Perth Metropolitan Area.

The EPA acknowledges that, as originally configured, the proposed subdivision would be likely to lead to the clearing of regionally significant native vegetation. However, the proponent has reconfigured the lot boundaries to include sufficient previously cleared land on each lot for a building envelope (see Figure 4). In addition, the proponent has committed to the following:

- placing conservation covenants on title of each of the 2 hectare lots to protect bushland outside the cleared building envelope from:
  - further clearing;
  - planting with non-local species;
  - all domestic stock and pets;
  - stormwater and any other drainage;
  - effluent disposal.
- preparation of a dieback management plan.

Under the *Wildlife Conservation Act 1950* the proponent is required to inform the Department of Conservation and Land Management if any declared rare flora and priority flora are discovered on site.

Having particular regard to the:

- (a) reconfiguration of the subdivision boundaries to provide previously cleared areas for building envelopes;
- (b) deletion of *R. stenostachyus* from the priority flora taxon database; and

(c) proponent's commitments;

it is the EPA's opinion that the proposal can meet the EPA's objective for remnant vegetation communities and for declared rare flora and priority flora.

### 3.3 Wetlands - potential impacts from drainage

#### Description

The wetland which covers portion of Lot 2 has been identified by Hill *et al* (1996b) as a wetland of Conservation Management Category, and this was verified by the V & C Semeniuk Research Group (1997) (Figure 3). Of particular value is that this wetland is a vegetated palusplain of which less than 6% remain on the Swan Coastal Plain (Hill *et al*, 1996a).

Public submissions stated that the subdivision proposal would contravene the Government's conservation and restoration commitments (*Wetlands Conservation Policy for Western Australia* (CALM & WRC, 1997)) in that it would lead to the loss, in part or full, of vegetated, palusplain wetland which has been recommended for protection due to its status as a Conservation management category wetland. Concerns were raised that the land is too wet for dwellings and would require significant landfill, leading in turn to altered pathways of water and nutrient transport and posing a risk of higher nutrient discharge (including effluent) into Ellen Brook.

#### Assessment

The area considered for assessment of this factor is the Swan Coastal Plain.

The EPA's objective in regard to this environmental factor is to maintain the integrity, functions and environmental values of regionally significant wetlands. In addition, the EPA notes the State's commitments in the *Wetlands Conservation Policy for Western Australia* (CALM & WRC, 1997).

The previously cleared areas proposed for the building envelopes are on higher land and generally outside the Conservation Management Category wetland. A wetland buffer will be provided. The buffer will comply with *Guidelines for Environment and Planning: Preliminary Policy No. 33* (EPA, 1997) which states that "50 metres or 1 metre AHD higher than the furthest extent of the wetland vegetation, which ever is the largest, would be the minimum dryland buffer required by the EPA". In addition, the proponent has committed to retaining stormwater and other drainage within the building envelope, and to providing alternative effluent disposal systems with nutrient retention capacity.

Having particular regard to the:

- (a) building envelopes being located outside the wetland; and
- (b) proponent's commitments in relation to management of drainage and nutrients;

it is the EPA's opinion that the proposal can meet the EPA's objective for Wetlands.

## 4. Conditions

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

In developing recommended conditions for each project, the EPA's preferred course of action is to have the proponent provide an array of commitments to ameliorate the impacts of the proposal on the environment. The commitments are considered by the EPA as part of its assessment of the proposal, and following discussion with the proponent the EPA may seek additional commitments.

The EPA recognises that not all of the commitments are written in a form which makes them readily enforceable, but they do provide a clear statement of the action to be taken as part of the proponent's responsibility for and commitment to continuous improvement in environmental performance. The commitments, modified if necessary to ensure enforceability, then form part of the conditions to which the proposal should be subject if it is to be implemented.

The EPA may, of course, also recommend conditions additional to that relating to the proponent's commitments.

Having considered the proponent's commitments and the information provided in this report, the EPA has developed a set of conditions which the EPA recommends be imposed if the proposal by F H and E F Oorschot to subdivide Lot 2 Sounness Drive, Bullsbrook into two lots of 2 hectares each and one lot of 15.7 hectares, is approved for implementation. These conditions are presented in Appendix 3.

Matters addressed in the conditions include:

- (a) the proponent shall fulfil the commitments in the Consolidated Commitments statement set out as an attachment to the recommended conditions in Appendix 3.

## **5. Other advice**

### **Perth Darwin Highway**

One submission discussed the potential cumulative impacts upon the wetland in the event that the proposed Perth Darwin Highway alignment follows the Great Northern Highway adjacent to the subject site. It is contended that such an alignment would require a high raised road base, and would create altered drainage patterns and noise and, accordingly, should be factored into consideration of land use changes.

Whilst the EPA agrees with the logic of this comment, the technical work required to prepare the five alignment options is not yet sufficiently advanced for the Perth-Darwin Highway project to be regarded as a formal proposal for referral to the EPA for assessment. The issues of drainage patterns, noise and loss of remnant vegetation will be addressed as part of the assessment of each of the five options, and creation of these two additional allotments will not have any significant impact upon that assessment.

## **6. Conclusions**

The EPA has considered the proposal by F H & E F Oorschot to subdivide Lot 2 Sounness Drive, Bullsbrook into two lots of 2 hectares each and one lot of 15.7 hectares.

Since the release of the public review documentation, the proponent has modified the boundary lines of the two 2 hectares lots so that each of the reconfigured lots includes sufficient cleared, dry land for a building envelope. The proponent has also made a commitment to place conservation covenants (under the *Soil and Conservation Amendment Act 1990*) over the bushland outside the building envelopes on each of the two 2 hectare lots.

Having regard to the modifications and the proponent's commitments, it is the EPA's opinion that the proposed rural/residential subdivision can meet the EPA's objective for vegetation communities and wetlands. The EPA has therefore concluded to recommend that the Minister for the Environment impose the conditions and procedures set out in Appendix 3 of this report.

## **7. Recommendations**

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

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

1. That the Minister for the Environment considers the report on the relevant environmental factors of vegetation communities and wetlands, and the EPA objectives set for each factor.
2. That the Minister for the Environment notes that the EPA has concluded that:
  - the modified proposal can be managed to meet the EPA's objectives.
3. That the Minister for the Environment imposes the conditions and procedures consistent with Section 4 and set out in Appendix 3 of this report.

## **Appendix 1**

### **List of submitters**

## **List of organisations who made submissions**

### **Organisations:**

- Conservation Council of Western Australia Inc
- Department of Conservation and Land Management
- Ellen Brook Integrated Catchment Group (Inc)
- Water and Rivers Commission
- Waterbird Conservation Group Inc
- Wildflower Society of Western Australia (Inc.)

## **Appendix 2**

### **References**

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## **Appendix 3**

### **Draft Recommended Ministerial Conditions and Proponent's Consolidated Commitments**

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

**RURAL RESIDENTIAL SUBDIVISION LOT 2 SOUNNESS DRIVE,  
BULLSBROOK (1190)**

**Proposal:** The proposal is to subdivide a 19.7 hectare lot into two lots of 2 hectares each and one lot of 15.7 hectares, as documented in schedule 1 of this statement.

**Proponent:** F H and E F Oorschot

**Proponent Address:** Lot 2 Sounness Drive, Bullsbrook WA 6084

**Assessment Number:** 1190

**Report of the Environmental Protection Authority:** Bulletin 896

The proposal to which the above report of the Environmental Protection Authority relates may be implemented subject to the following conditions and procedures:

**1 Implementation**

- 1-1 Subject to these conditions and procedures, the proponent shall implement the proposal as documented in schedule 1 of this statement.
- 1-2 Where, in the course of implementing the proposal, the proponent seeks to change any aspect of the proposal as documented in schedule 1 of this statement in any way that the Minister for the Environment determines, on advice of the Environmental Protection Authority, is not substantial, those changes may be effected.

**2 Proponent Commitments**

- 2-1 The proponent shall implement the consolidated environmental management commitments documented in schedule 2 of this statement.
- 2-2 The proponent shall implement subsequent environmental management commitments which the proponent makes as part of the fulfilment of conditions and procedures in this statement.

### **3 Proponent**

- 3-1 The proponent for the time being nominated by the Minister for the Environment under section 38(6) or (7) of the Environmental Protection Act is responsible for the implementation of the proposal until such time as the Minister for the Environment has exercised the Minister's power under section 38(7) of the Act to revoke the nomination of that proponent and nominate another person in respect of the proposal.
- 3-2 Any request for the exercise of that power of the Minister referred to in condition 3-1 shall be accompanied by a copy of this statement endorsed with an undertaking by the proposed replacement proponent to carry out the proposal in accordance with the conditions and procedures set out in the statement.
- 3-3 The proponent shall notify the Minister for the Environment of any change of proponent contact name and address within 30 days of such change.

### **4 Commencement**

- 4-1 The proponent shall provide evidence to the Minister for the Environment within five years of the date of this statement that the proposal has been substantially commenced.
- 4-2 Where the proposal has not been substantially commenced within five years of the date of this statement, the approval to implement the proposal as granted in this statement shall lapse and be void. The Minister for the Environment will determine any question as to whether the proposal has been substantially commenced.
- 4-3 The proponent shall make application to the Minister for the Environment for any extension of approval for the substantial commencement of the proposal beyond five years from the date of this statement.
- 4-4 Where the proponent demonstrates to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority that the environmental parameters of the proposal have not changed significantly, then the Minister may grant an extension not exceeding five years for the substantial commencement of the proposal.

### **5 Compliance Auditing**

- 5-1 The proponent shall submit periodic Performance and Compliance Reports, in accordance with an audit program prepared in consultation between the proponent and the Department of Environmental Protection.
- 5-2 Unless otherwise specified, the Department of Environmental Protection is responsible for assessing compliance with the conditions contained in this statement and for issuing formal clearance of conditions.
- 5-3 Where compliance with any condition or procedure is in dispute, the matter will be determined by the Minister for the Environment.

**Schedule 1**

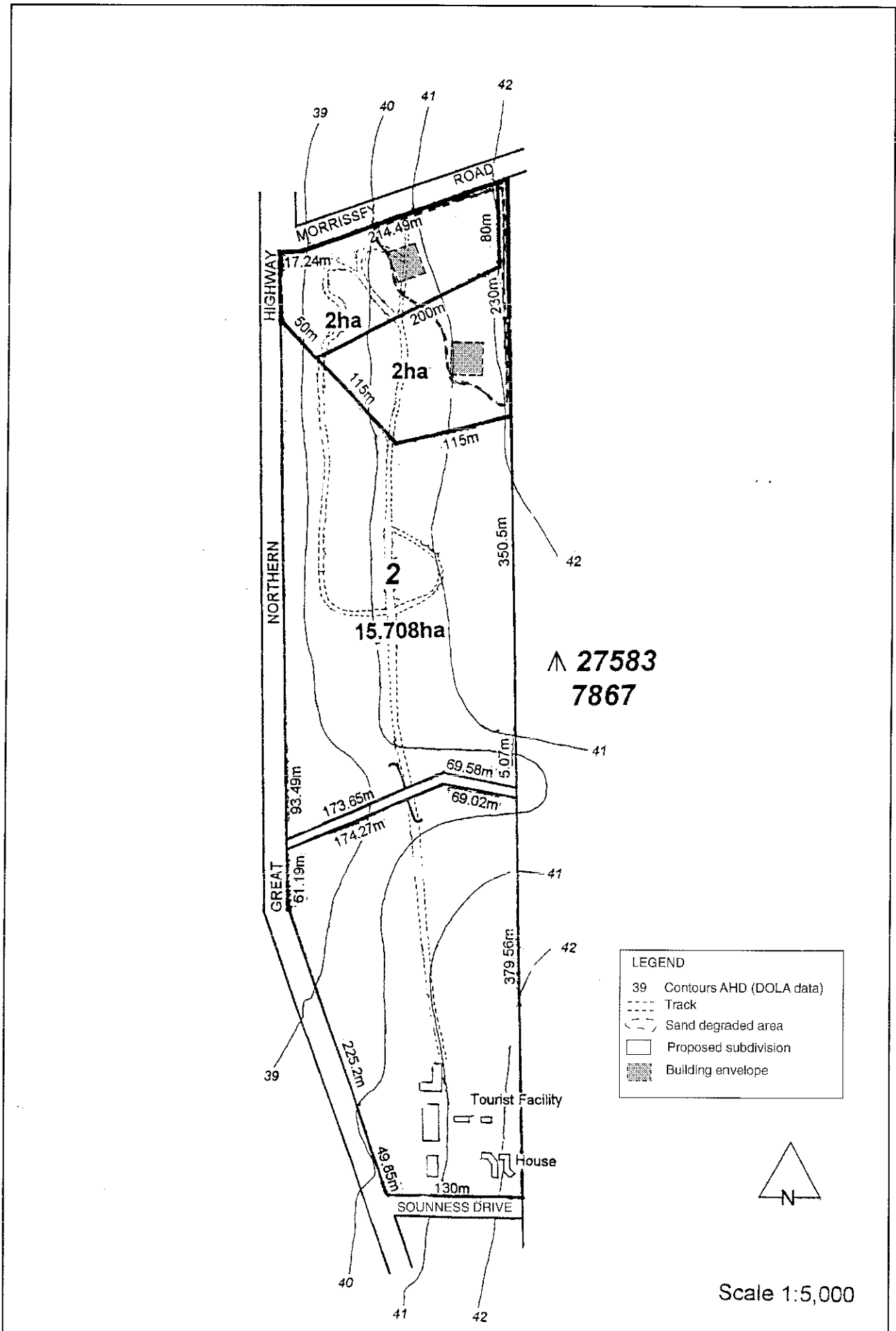
**Proposal, including Modified Subdivision Plan**

**RURAL/RESIDENTIAL SUBDIVISION LOT 2  
SOUNNESS DRIVE BULLSBROOK (1190)**

F H and E F Oorschot

### Summary of key characteristics of modified proposal

Proposal Characteristic	Description
Total site area (Lot 2)	19.7 hectares
Number and size of lots	2 lots of 2 hectares each 1 lot (balance) of 15.7 hectares
Additional number of dwellings	2
Building controls	Building envelope for each new lot to be designated on previously cleared land, outside conservation category wetland area and buffer
Areas of new lots to be privately managed for conservation of regionally significant vegetation and wetlands	Outside specified building envelopes
Firebreaks	To be within the building envelope
Fencing	To permit movement of native fauna
Drainage	Stormwater drainage to be confined to the cleared areas
Effluent disposal	Alternative effluent disposal systems with nutrient retention capacity
Current land use	Tourist facility on southern portion of Lot 2. Northern portion of Lot 2 exhibits limited grazing by horses, and contains horse and pony cart tracks which have created severe localised disturbance
Other adjacent land uses	Reserve No. 1654 (Bullsbrook Nature Reserve) Reserve No. 27583 (Recreation - golf course) Great Northern Highway



Modified subdivision proposal (Adapted from Ray Belton Planning).

**Schedule 2**

**Proponent's Consolidated Environmental Management  
Commitments**

May 1998

**RURAL/RESIDENTIAL SUBDIVISION LOT 2  
SOUNNESS DRIVE BULLSBROOK (1190)**

F H and E F Oorschot

**PROPONENT'S ENVIRONMENTAL MANAGEMENT COMMITMENTS**

**RURAL RESIDENTIAL SUBDIVISION LOT 2 SOUNNESS DRIVE,  
BULLSBROOK (1190)**

**PROPOSAL:**

The proposal is to subdivide a 19.7 hectare lot into two lots of 2 hectares each and one lot of 15.7 hectares.

**COMMITMENTS**

We, F H and E F Oorschot (proponent) provide the following commitments in relation to the above proposal:

**Remnant Vegetation and Wetland Protection**

1. Prior to subdivision application, the proponent will identify a building envelope on each 2 hectare lot, on previously cleared land and outside the conservation management category wetland and its buffer, to the requirements of the Environmental Protection Authority (EPA) and on advice from the Department of Environmental Protection (DEP).
2. The proponent will not subdivide the land prior to finalisation of a conservation covenant with the Commissioner for Soil and Land Conservation (under s.30B of the *Soil and Land Conservation Amendment Act 1990*). The covenant will set aside the land which is outside the building envelopes, on each of the two 2 hectare lots, for protection and management as described below. The covenant will prevent
  - clearing, including the clearing for firebreaks which are to be within the building envelope;
  - the construction of dwellings or any other associated buildings;
  - planting of non-indigenous species;
  - construction of boundary fences which do not allow movement of native fauna;
  - the keeping of domestic stock;
  - the keeping of cats and the straying of any other domestic pets;
  - the disposal of stormwater and any other drainage; and
  - pollution by human effluent (which will require the use of alternative effluent disposal systems with nutrient retention capacity within the building envelopes).
3. Prior to commencement of ground-disturbing activities, the proponent undertakes to prepare and implement a Dieback Management Plan (DMP) to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection and the Department of Conservation and Land Management and further undertakes to supply prospective purchasers with a copy of the DMP.

.....  
(F H and E F Oorschot)