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Published on: 14 July 2010

Statement No. 835

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

**DEVELOPMENT AND CONSERVATION PROPOSAL
LOT 4 UNDERWOOD AVENUE, SHENTON PARK**

Proposal: The proposal area is approximately 33.4 hectares of Lot 4 Underwood Ave in Shenton Park. Within this area the University intends to establish a conservation area (13.9 hectares), Public Open Space (2 hectares) and a development area (17.5 hectares). The development area includes approximately 13 hectares to be developed for residential purposes with the remainder of the area for “University purposes - future use and development”, as it is affected by odour from the Subiaco Wastewater Treatment Plant. This area will remain vegetated pending the clarification of the development and land use potentials of this land with relevant planning authorities in accordance with Local Planning Scheme requirements.

Proponent: The University of Western Australia

Proponent Address: 39 Stirling Highway Crawley WA 6009

Assessment number: 1403

Report of the Environmental Protection Authority: Bulletin 1272

The proposal referred to in the above report of the Environmental Protection Authority may be implemented. The implementation of that proposal is subject to the following conditions and procedures:

1 Proposal Implementation

1-1 The proponent shall implement the proposal as documented and described in schedule 1 of this statement subject to the condition and procedures of this statement.

Published On:

2 Proponent Nomination and Contact Details

2-1 The proponent for the time being nominated by the Minister for the Environment under sections 38(6) or 38(7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal.

2-2 The proponent shall notify the Chief Executive Officer of the Office of the Environmental Protection Authority (CEO) and the CEO of the City of Nedlands of any change of the name and address of the proponent for the serving of a notice or other correspondence within 30 days of such change.

3 Time Limit of Authorisation

3-1 The authorisation to implement the proposal provided for in this statement shall lapse and be void within five years after the date of this statement if the proposal to which this statement relates is not substantially commenced.

3-2 The proponent shall provide the CEO with written evidence which demonstrates that the proposal has substantially commenced on or before the expiration of five years from the date of this statement.

4 Compliance Reporting

4-1 The proponent shall submit to the CEO and to the CEO of the City of Nedlands environmental compliance reports annually reporting on the previous twelve-month period, unless required by the CEO to report more frequently.

4-2 The environmental compliance reports shall address each element of an audit program approved by the CEO and shall be prepared and submitted in a format acceptable to the CEO.

4-3 The environmental compliance reports shall:

1. be endorsed by signature of the proponent's chief executive officer or a person, approved in writing by the CEOP, delegated to sign on behalf of the proponent's chief executive officer;
2. state whether the proponent has complied with each condition and procedure contained in this statement;
3. provide verifiable evidence of compliance with each condition and procedure contained in this statement;
4. state whether the proponent has complied with each key action contained in any environmental management plan or program required by this statement;
5. provide verifiable evidence of conformance with each key action contained in any environmental management plan or program required by this statement;
6. identify all non-compliances and non-conformances and describe the

corrective and preventative actions taken in relation to each non-compliance or non-conformance;

7. provide an assessment of the effectiveness of all corrective and preventative actions taken; and
8. describe the state of implementation of the proposal.

4-4 The proponent shall make the environmental compliance reports required by condition 4-1 publicly available in a manner approved by the CEO.

5 Odour Affected Land

5-1 Subject to condition 5-2 no clearing of native vegetation shall occur in the area designated “Area 1” on Figure 1.

5-2 Where:

- (a) a Land Use Plan (“the Plan”) has been prepared by the proponent;
- (b) the Minister for Environment, on advice of the Department of Environment and Conservation, is satisfied that implementation of the Plan will not subject people to unacceptable levels of odour; and
- (c) the proponent has received the prior written advice of the Minister for the Environment that clearing may occur in the whole of area designated “Area 1” on Figure 1, or such part as is specified in the Minister’s advice,

then the clearing may occur in such part of the areas designated “Area 1 on Figure 1 as is specified in the advice referred to in paragraph (c).

5-3 The Land Use Plan referred to in condition 5-2 shall be prepared to the requirements of the Minister for Environment, on advice of the Department of Environment and Conservation, the Western Australian Planning Commission, the City of Nedlands and the Water Corporation and shall include:

1. specification of the area within “Area 1” shown on Figure 1 to which the plan applies;
2. the intended land uses within the area of application;
3. an outline of the timing of proposed development including demonstrating that other necessary statutory approvals to develop land have been identified;
4. describe the sensitivity of land uses where a land use sensitive to odour emissions includes residential development, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, childcare facilities, shopping centres, and some commercial or institutional uses which require high levels of amenity or are sensitive to particular emissions.

- 5-4 Any areas in the Land Use Plan identified as land uses sensitive to odour will need to meet either:
1. the current criterion for acceptable levels of odour, which is that odour levels should be no greater than 5 Odour Units at 99.9 percentile frequency and 1 hour averaging; or
 2. future standards at the time of submission of the Plan, that are deemed acceptable by the Minister for the Environment.

6 Rehabilitation and Management Plan

- 6-1 Within six months following the formal authority issued to the decision-making authorities under section 45(7) of the *Environmental Protection Act 1986*, the proponent shall prepare a Rehabilitation and Management Plan for the area identified as “Conservation Area” on Figure 1, to the requirements of the Minister for the Environment, on the advice of the Department of Environment and Conservation and the City of Nedlands.

The objective of this Plan is to provide for rehabilitation of the existing degraded area of native vegetation and enhancement of the natural biodiversity values.

This Plan shall address the following:

1. planting and/or seeding of appropriate local native vegetation species; with an emphasis on species suitable for Carnaby's Black Cockatoo foraging and roosting;
 2. management and control of weeds;
 3. management of fire;
 4. management to maintain and enhance bush values with particular measures identified to apply to the smaller area of native vegetation in the western portion;
 5. management of public access consistent with the conservation objectives of the area;
 6. identification of the resources needed for ongoing management: and
 7. identification of the ongoing management authority and any process for timing of handing over management responsibilities if the proponent is not to be the final managing authority.
- 6-2 The proponent shall implement the Plan required by condition 6-1 and provide to the Minister for Environment within 12 months of approval a report on progress in implementing the Plan.

7 Carnaby's Black Cockatoo Conservation Area

- 7-1 The proponent shall establish a Conservation Area of 13.9ha on Lot 4 Underwood Avenue covenanted for the long-term protection of plant species suitable for foraging, and roosting for Carnaby's Black Cockatoo (as shown in Figure 1).
- 7-2 The 13.9ha Conservation Area, as required by Condition 7-1, shall consist of three contiguous parcels, being a 2.2ha western area of existing native vegetation, a 8.2ha eastern area of native vegetation, and a 3.5ha central area requiring rehabilitation (as shown in the Figure 1).
- 7-3 Rehabilitation of the central 3.5ha area, as required by Condition 7-2 shall be in accordance with the objectives established in Condition 6-1.
- 7-4 The proponent shall increase the size of the Public Open Space to 2.0ha and delete the proposed road between the POS and western Conservation Area (as shown in Figure 1).

Notes

1. The Minister for the Environment will determine any dispute between the proponent and the Office of the Environmental Protection Authority or the Department of Environment and Conservation over the fulfillment of the requirements of the conditions.

Hon Donna Faragher JP MLC
MINISTER FOR ENVIRONMENT; YOUTH

The Proposal (Assessment No. 1403)

General Description

The proposal area is approximately 33.4 hectares of Lot 4 Underwood Ave in Shenton Park. Within this area the University intends to establish a conservation area (13.9 hectares), Public Open Space (POS) (2.0 hectares) and a development area (17.5 hectares).

The development area includes approximately 13 hectares to be developed for residential purposes with the remainder of the area for “University purposes - future use and development”, as it is affected by odour from the Subiaco Wastewater Treatment Plant. The University proposes this area will remain vegetated pending the clarification of the development and land use potentials of this land with relevant planning authorities in accordance with Local Planning Scheme requirements.

Figure 1 shows Lot 4, the area of the proposal and, the conservation, Public Open Space and development areas.

The proposal is described in the following document: Section 2 of the Environmental Review, ATA Environmental, 2007.

Summary Description

A summary of the key proposal characteristics is presented in Table 1

Table 1 – Summary of Key Proposal Characteristics

Element	Description
Proposal	<ul style="list-style-type: none"> • 13 hectares residential subdivision creating single residential lots in addition to grouped housing sites. • 13.9 hectares for conservation. • 2.0 hectares for Public Open Space. • 4.5 hectares set aside for “University purposes - future use and development”.
Area (including Public Open Space and reserves)	The proposal area comprises approximately 33.4 hectares of Lot 4 Underwood Avenue, Shenton Park.
Area of disturbance	The proposal is to clear, subdivide and develop 13 hectares of the north-eastern portion of the subject land for residential development. A further 4.5 hectares for “University Purposes - future use and development” will remain vegetated pending the clarification of the development and land use potentials of this land.

Infrastructure	<ul style="list-style-type: none"> • Roads within the sub-division • Footpath on at least one side of all internal roads. • Installation of sewerage connections, soak wells and drainage swales.
Setbacks	<ul style="list-style-type: none"> • 5 metre wide landscape buffer on Underwood Avenue.
Rehabilitation	Preparation and implementation of a Rehabilitation and Management Plan for the retained bushland areas, including fencing, management of weeds, rehabilitation of degraded areas and community awareness programmes.

Figure 1: Lot 4 Proposal including residential, conservation, public open space areas and land identified as “University purposes – future use and development” which is odour affected land requiring a Land Use Plan (Area 1).



Figure 1: Lot 4 Proposal including residential, conservation, public open space areas and land identified as “University purposes – future use and development” which is odour affected land requiring a Land Use Plan (Area 1).

NOTICE OF INTERIM IMPLEMENTATION CONDITIONS

Section 46A
Environmental Protection Act 1986

Proposal: Development and Conservation Proposal, Lot 4 Underwood Avenue, Shenton Park

Proponent: THE UNIVERSITY OF WESTERN AUSTRALIA
Australian Company Number 37 882 817 280

Proponent Address: 39 Stirling Highway
CRAWLEY WA 6009

Statement to which this notice relates: Statement 835 dated 14 July 2010

Pursuant to section 46A(1) of the *Environmental Protection Act 1986*, Interim Condition 3 as set out in this Notice is to have effect in place of implementation condition 3 of Statement 835 dated 14 July 2010. Interim Implementation Condition 3 of this notice is to have effect until a further statement is published under section 45(5) as applied by section 46(8) of the *Environmental Protection Act 1986*. All other conditions of Statement 835 continue to have effect.

3. Time Limit of Authorisation

- 3-1 The proponent shall not commence implementation of the proposal after one (1) year from the date of this Statement, and any commencement, within this period, must be substantial.
- 3-2 Any commencement of implementation of the proposal, prior to one (1) year from the date of this Statement, must be demonstrated as substantial by providing the CEO* with written evidence, on or before one (1) year from the date of this Statement.

[Signed 27 September 2016]

HON ALBERT JACOB MLA
MINISTER FOR ENVIRONMENT; HERITAGE

* The Chief Executive Officer of the Department of the Public Service which is responsible for the administration of section 48 of the *Environmental Protection Act 1986*, or his delegate.