



**Minister for Environment; Disability Services  
Deputy Leader of the Legislative Council**

Your Ref: Petition No 83  
Our Ref: 62-11105

Hon Matthew Swinbourn MLC  
Chair  
Standing Committee on Environment and Public Affairs  
Parliament House  
4 Harvest Terrace  
WEST PERTH WA 6005  
env@parliament.wa.gov.au

Dear Mr Swinbourn *Matthew*

Thank you for your correspondence, received in this office on 5 November 2018, regarding Petition No. 83 – Golden Bay Dunes, which was tabled by the Member for South Metropolitan Region, Hon Pierre Yang MLC.

I appreciate the opportunity to comment on the terms of the petition and the submissions from the principal petitioner.

I am advised that Lot 3 Warnbro Sound Avenue forms part of the approved Golden Bay Structure Plan. The Structure Plan allows for urban development of 163.6 hectare of land at Part Lot 12 and Reserve 34664, Golden Bay.

The EPA completed a Public Environmental Review (PER) level of assessment and provided its report and recommendations to the then Minister for the Environment through Bulletin 648. The EPA concluded that the proposed development was environmentally acceptable and recommended that the proposal could proceed subject to its recommendations and the proponent's commitments.

In 1993, the then Minister for Environment issued MS 297 (Attachment 1) which stated that the proposal could be implemented subject to conditions, and the proponent fulfilling commitments made in the PER. Ministerial Statement 297 requires the provision of a foreshore reserve for the protection of wetlands, landscape and recreation values, and Southern Brown Bandicoot habitat. It also requires the protection of the parabolic dune ridge, and ongoing management of the Southern Brown Bandicoot at Golden Bay.

The proponent commitments on the proposal provided for the retention of open space adjacent to the coastal reserve which included a former Aboriginal camping site, the preparation of a coastal reserve management plan, provision of firebreaks and reticulated sewerage, and consultation with the former Department of Conservation

and Land Management (now the Department of Biodiversity, Conservation and Attractions - DBCA) regarding the presence and relocation of Southern Brown Bandicoots.

The environmental conditions for the creation and protection of a foreshore reserve, landscape protection for the parabolic dune ridge on the eastern side edge of Golden Bay, and potential impacts to and ongoing management of, the regional population of the Southern Brown Bandicoot have been addressed to the satisfaction of former Environment Ministers. These conditions included requirements for the proponent to work with the City of Rockingham and the Department of Planning, Lands and Heritage to ensure the creation and protection of a foreshore reserve, incorporate key elements of the dune systems within the Landscape Protection Area, and determine the potential impacts to the regional population of Southern Brown Bandicoot and ongoing management at Golden Bay.

In line with conditions, the proponent undertook a regional survey of the Southern Brown Bandicoot and this was deemed acceptable and compliant in 1996. Ongoing monitoring by the proponent has been carried out with the most recent report submitted to the former Office of the Environmental Protection Authority in 2014 and deemed compliant.

The proposal area has progressively been subdivided. The last section, Lot 3 Warnbro Sound Avenue Golden Bay remains undeveloped. Subdivision approval for part of Lot 3, known as Stage 5, was granted by the Western Australian Planning Commission (WAPC) in November 2016.

In May 2018, DBCA provided comment to the WAPC on a further subdivision application for the Golden Bay development recommending that the WAPC ensure that the proposal is consistent with the requirements of MS 297. DBCA supported a condition that: *"Prior to the commencement of subdivisional works a Fauna Management Plan including information on the relocation and protection of native fauna species is to be prepared and approved to ensure the protection and management of the site's environmental assets with satisfactory arrangements being made for the implementation of the approved plan."*

The development of an appropriate Fauna Management Plan will assist in meeting the requirements of Condition 5.2.1 of MS 297, regarding the management of the Southern Brown Bandicoot, and the management of any kangaroos found in the subdivision area that will be displaced.

Thank you for raising this matter with me.

Yours sincerely



Hon Stephen Dawson MLC  
**MINISTER FOR ENVIRONMENT**

Att.  
23 NOV 2018



Ass # 604

Bull # 648

State # 297

WESTERN AUSTRALIA  
MINISTER FOR THE ENVIRONMENT

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

**URBAN DEVELOPMENT OF PART LOT 12 & RESERVE 34664 (AFFECTING PART OF  
SYSTEM SIX RECOMMENDATION M107), GOLDEN BAY (604)**

**H & B DEVELOPMENTS 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 (which are not inconsistent with the conditions or procedures contained in this statement) made in the Consultative Environmental Review and included in Environmental Protection Authority Bulletin 648. (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 Foreshore Reserve**

- 3-1 The proponent shall provide a foreshore reserve for conservation and recreation which:

- 1 protects the Peelhurst wetlands and the Southern Brown Bandicoot (*Isodon obesulus*) population; and
- 2 includes landscape and recreation values at least equivalent to the area affected by this proposal which is within System 6 Recommendation M107 Area.

- 3-2 Prior to the lifting of Urban Deferment, the proponent shall identify the foreshore reserve as required by condition 3-1, and at subdivision the proponent shall transfer to public ownership the proposed foreshore reserve, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

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#### **4 Landscape Protection**

The landscape value of the parabolic dune ridge on the eastern edge of Golden Bay should be recognised.

- 4-1 Prior to subdivision approval, the proponent shall liaise with the Department of Planning and Urban Development and the City of Rockingham to incorporate planning measures which recognise and protect the landscape value of the parabolic dune ridge on the eastern edge of Golden Bay, to the requirements of the Minister for the Environment and the Minister for Planning on advice of the Department of Planning and Urban Development, the City of Rockingham and the Environmental Protection Authority.

#### **5 Southern Brown Bandicoot (*Isoodon obesulus*)**

The population of the Southern Brown Bandicoot (*Isoodon obesulus*) at Golden Bay requires special consideration.

- 5-1 Prior to the commencement of development and in consultation with the Department of Conservation and Land Management, the proponent shall establish the regional implications of disturbing the population of the Southern Brown Bandicoot (*Isoodon obesulus*) at Golden Bay and shall initiate management of the population, to the requirements of the Minister for the Environment on advice of the Department of Conservation and Land Management.
- 5-2 The proponent shall carry out the on-going management of the population of the Southern Brown Bandicoot (*Isoodon obesulus*) at Golden Bay to the requirements of the Department of Conservation and Land Management.

#### **6 Proponent**

These conditions legally apply to the nominated proponent.

- 6-1 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.

#### **7 Time Limit on Approval**

The environmental approval for the proposal is limited.

- 7-1 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.)

#### **8 Compliance Auditing**

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

- 8-1 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**

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.

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.

Jim McGinty, MLA  
MINISTER FOR THE ENVIRONMENT

12 JAN 1993

## **PROPONENT'S COMMITMENTS**

**URBAN DEVELOPMENT OF PART LOT 12 & RESERVE 34664  
(AFFECTING PART OF SYSTEM SIX RECOMMENDATION M107)  
GOLDEN BAY (604)**

**H & B DEVELOPMENTS PTY LTD**

**The proponent has made the following environmental commitments:**

## CONSOLIDATED LIST OF COMMITMENTS FOR GOLDEN BAY

1. The proponent will provide, in exchange for the development of the currently proposed System 6 Area M107, additional Regional and Public Open Space adjacent to the Coastal Reserve as shown in the Structure Plan, in excess to that which would normally be required by DPUD. This will be done to the satisfaction of the EPA, DPUD and the Local Authority at the rezoning stage.
2. The proponent will prepare a Management Plan for the Coastal Reserve at Golden Bay prior to development commencing. This will be done to the satisfaction of DPUD and the Local Authority.
3. The proponent will include an historic aboriginal camping site within the proposed Public Open Space for the development. This will be done to the satisfaction of the Local Authority.
4. The proponent will continue to provide and maintain a network of firebreaks and access tracks to protect against bushfire until the Local Authority takes on this responsibility. This will be done to the satisfaction of the Local Authority.
5. The proponent will provide reticulated sewerage and will design the development so that stormwater drainage is disposed of on site. This will be done during the installation of services within the development to the satisfaction of DPUD and the Local Authority.
6. The proponent will liaise with CALM regarding the presence of bandicoots at Golden Bay and if required by CALM will examine the feasibility of relocating the bandicoots to an appropriate location elsewhere. This will be done prior to any disturbance of the vegetation at Golden Bay and will be done to the satisfaction of both CALM and the EPA.