

# Appendix 2

## **Ministerial Statement No. 580**

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**MINISTER FOR THE ENVIRONMENT AND HERITAGE**

Statement No.

**000580**

**STATEMENT THAT A SCHEME MAY BE IMPLEMENTED  
(PURSUANT TO THE PROVISIONS OF DIVISION 3 OF PART IV OF THE  
ENVIRONMENTAL PROTECTION ACT 1986)**

**CITY OF ROCKINGHAM TOWN PLANNING SCHEME NO. 1 AMENDMENT NO. 300  
("DEVELOPMENT" ZONE, PT LOTS 306 & 16, AND LOTS 313 & 774, FIFTY ROAD,  
BALDIVIS)**

**Scheme Purpose:** To rezone Pt Lot 306, Pt Lot 16, and Lots 313 and 774 Fifty Road, Baldivis from "Rural" to "Development" zone.

**Responsible Authority:** City of Rockingham

**Responsible Authority Address:** PO Box 2142, Rockingham WA 6967

**Assessment Number:** 1227

**Report of the Environmental Protection Authority:** Bulletin 1018

Subject to the following conditions, there is no known environmental reason why the town planning scheme amendment to which the above report of the Environmental Protection Authority relates should not be implemented:

**CONDITIONS TO BE INCORPORATED INTO THE SCHEME BY INSERTION OF  
PROVISIONS IN SCHEME TEXT**

**1 Environmental Management Plans**

1-1 The following Environmental Management Plans shall be prepared in accordance with the specifications set out in Attachment 1 in the Minister for the Environment and Heritage's "Statement that a Scheme may be Implemented" No. [insert relevant Statement Number] published on [insert date], and shall be subsequently implemented in accordance with the provisions of the Plans:

Published on

**19 DEC 2001**

- Drainage and Nutrient Management Plan;
- Soil and Groundwater Contamination Investigation and Remediation Plan;
- Pipeline Protection Plan;
- Spray Drift Investigation and Management Plan; and
- Vegetation Management Plan.

## **2 High Pressure Natural Gas Pipeline**

2-1 The following activities, land uses and developments are prohibited within the high pressure natural gas pipeline easement:

- Ground-disturbing activities, other than for the purposes for which the easement was created, and for uses and developments that comply with condition 2-2 below;
- Temporary residence (including caravans, camping and similar);
- Storage of materials and equipment;
- Fires and barbecues;
- Explosives, inflammables and corrosives (including storage of liquefied petroleum gas and fuel oil);
- Refuse disposal and landfill;
- Service stations, fuel lines and storage of fuel;
- Vegetation with an expected growth exceeding one metre in height, and plantings within one metre of the centre of the pipeline (with the exception of lawn); and
- Large obstructions to the line of sight along the easement.

Note: For the high pressure natural gas pipeline easement, the relevant Australian Standard is AS 2885.3.

2-2 The following land uses and developments may be permitted within the high pressure natural gas pipeline easement, with the written approval of the local government on advice of the pipeline operator, subject to compliance with the Pipeline Protection Plan referred to in condition 1-1 above:

- Cycleways and footpaths;
- Road crossings and services (with minimum depth of cover over the pipeline of 1.2 metres);
- Public open space;
- Signage and other facilities that are necessary to comply with the Pipeline Protection Plan referred to in condition 1-1 above; and
- Car parking during the time that the adjoining land is being developed (with minimum depth of cover over the pipeline of 1.2 metres).

2-3 Minimum setbacks for land uses and developments from the centre of the high pressure natural gas pipeline shall be:

- 96 metres, in the case of sensitive development as determined by the local government on advice of the Department of Environmental Protection and the pipeline operator, and including aged persons' accommodation, child care centres, schools and hospitals;
- 32 metres to the boundary of each residential lot, in the case of residential development; and
- at the local government's discretion, following consultation with the Department of Environmental Protection and the pipeline operator, in the case of all other land uses and developments which facilitate the gathering of people, within 96 metres of the centre of the pipeline.

### **3 Development in Proximity to Market Gardens**

- 3-1 If the market gardens adjacent to Pt Lots 306 and 16 are continuing to operate at the time of subdivision, noise attenuation measures shall be designed and implemented so that noise impacts on the amendment area are in accordance with the *Environmental Protection (Noise) Regulations 1997*.

**CONDITIONS TO BE INCORPORATED INTO THE SCHEME BY  
MODIFICATIONS TO THE SCHEME MAP**

**4 Scheme Map**

- 4-1 The Scheme Map for the City of Rockingham Town Planning Scheme No. 1 shall be amended by inserting the symbol EC and an appropriate modification to the legend of the Scheme Map, to show that environmental conditions apply to part of Pt Lot 306, part of Lot 16, Lots 774 and 313 Fifty Road, Baldivis.

**ATTACHMENT 1 - OF STATEMENT THAT A SCHEME MAY BE IMPLEMENTED -  
CITY OF ROCKINGHAM TOWN PLANNING SCHEME NO. 1 AMENDMENT NO. 300**

**SPECIFICATIONS FOR ENVIRONMENTAL MANAGEMENT PLANS**

**1 Drainage and Nutrient Management Plan**

1-1 Prior to commencement of site works for subdivision or development, the subdivider or developer shall prepare a Drainage and Nutrient Management Plan to ensure that the rate, quantity and quality of water leaving the Amendment area will not adversely impact on Opwin and Spot Swamps, the Rockingham Groundwater Area groundwater supply, and the Peel-Harvey Estuarine System, to the requirements of the local government and on advice of the Water and Rivers Commission.

1-2 This Plan shall:

- Define the catchment of Opwin and Spot Swamps in relation to the Amendment area;
- Provide measures to facilitate the removal of pollutants and nutrients in accordance with the Water Sensitive Urban Design Best Practices;
- Incorporate Best Practice Water Sensitive Urban Design principles to maximise onsite water infiltration generally;
- Provide measures to prevent surface water runoff from entering the Opwin or Spot Swamps;
- Provide mechanisms to minimise erosion during and after the development phase;
- Provide a monitoring program, including definition of performance criteria and analysis procedures, to measure the performance of the Plan against objectives and performance criteria;
- Provide contingency plans in the event that criteria are not achieved; and
- Identify responsibilities for implementation of the Plan.

**2 Soil and Groundwater Contamination Investigation and Remediation Plan**

2-1 Prior to the commencement of site works for subdivision or development on any land that has previously been used for horticultural purposes, the subdivider or developer shall prepare and implement a Soil and Groundwater Contamination Investigation and Remediation Plan to the requirements of the local government and on advice of the Department of Environmental Protection.

2-2 This Plan shall

- Include soil and groundwater investigation procedures to define the nature and extent of any soil or groundwater contamination, and identify areas where

contamination levels exceed criteria recognised by the Department of Environmental Protection; and

- In the event that the investigation finds unacceptable soil or groundwater contamination, describe procedures for further investigation of contamination, a detailed methodology for remediation prior to development, the standards to which any contaminated soil or groundwater will be remediated, and a management plan for contaminated areas, where necessary.

### **3 Pipeline Protection Plan**

3-1 Prior to subdivision or development on any land within or abutting the high pressure natural gas pipeline easement, the subdivider or developer shall prepare a Pipeline Protection Plan to ensure protection of the pipeline during construction activities, to the requirements of local government, on advice of the Department of Mineral and Petroleum Resources and the pipeline operator.

3-2 This Plan shall

- Detail measures to ensure public safety and protection of the high pressure natural gas pipeline in accordance with the *Petroleum Pipelines Act 1969-70*, the Australian Pipeline Code AS 2885-1997, SAA HB105 and the Environmental Protection Authority guidance statement for achieving its risk criteria for development in proximity to existing and proposed high pressure gas transmission pipelines, or the most recent equivalents recognised by the Environmental Protection Authority; and
- Identify responsibilities for implementation of the Plan.

### **4 Spray Drift Investigation and Management Plan**

4-1 Prior to the approval of subdivision or development, the subdivider or developer shall prepare and implement a Spray Drift Investigation and Management Plan to the requirements of the local government, on advice of the Department of Health, the Department of Agriculture and the Department of Environmental Protection.

4-2 This Plan shall

- Require undertaking investigations of spray drift from all rural or semi-rural activities occurring within the proximity of the Amendment area, to clearly define impacts on the health and amenity of future residents; and
- In the event that the investigations find that unacceptable health or amenity impacts are likely to affect the residents within the Amendment area, provide



management strategies to ensure that impacts on the health and amenity of future residents are acceptable.

**5 Vegetation Management Plan**

- 5-1 Prior to subdivision approval, the subdivider shall prepare a Vegetation Management Plan that protects the regionally significant vegetation abutting the Amendment area, particularly *Bush Forever* Site No. 356, from direct and indirect impacts associated with the development, through the provision of a hard edge along the amendment boundary and the implementation of appropriate construction and access management measures.
- 5-2 The Vegetation Management Plan shall be prepared to the satisfaction of the local government and on advice of the Department of Conservation and Land Management and the Department of Environmental Protection.

Dr Judy Edwards MLA  
MINISTER FOR THE ENVIRONMENT AND HERITAGE

19 DEC 2001