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Published on: 21 January 2013

Statement No: 926

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(SECTION 45(5) OF THE *ENVIRONMENTAL PROTECTION ACT 1986*)**

**ARMSTRONG RESERVE, DUNSBOROUGH, URBAN AND COMMERCIAL
DEVELOPMENT**

Proposal: The proposal is to develop 1.28 ha of Armstrong Reserve, Lots 111, 115, 116, 117 and 257 Naturaliste Terrace, Dunsborough, for the purpose of an aged care facility.

Proponent: Ray Village Aged Services (Inc.) trading as CapeCare.
Australian Business Number 77 630 179 279

Proponent Address: 20 Ray Avenue
BUSSELTON WA 6280

Assessment Number: 1808

Report of the Environmental Protection Authority Number: 1459

Pursuant to section 45 of the *Environmental Protection Act 1986* (the Act) it has been agreed that the proposal described in Schedule 1 may be implemented and the proponent shall ensure that implementation of the proposal complies with the following implementation conditions:

[Note: Terms and phrases used in these implementation conditions shall have the same respective meanings as in the Act or as provided for in Schedule 2.]

1 Proposal Implementation

1-1 When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Column 3 of Table 2 in Schedule 1, unless amendments to the proposal and the authorised extent of the proposal has been approved under the Act.

2 Contact Details

- 2-1 The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within 28 days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

3 Time Limit for Proposal Implementation

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

4 Compliance Reporting

- 4-1 At least six calendar months prior to the first Statement of Compliance required pursuant to condition 4-6 or prior to implementation of the proposal, whichever is sooner, the proponent shall:
- (1) prepare a Compliance Assessment Plan in accordance with the Office of the Environmental Protection Authority's (OEPA's) *Post Assessment Guideline for Preparing a Compliance Assessment Plan*, as amended from time to time and to the approval of the CEO; and
 - (2) submit the Compliance Assessment Plan required pursuant to condition 4-1(1) to the CEO.
- 4-2 The proponent shall revise the approved Compliance Assessment Plan in accordance with the OEPA's *Post Assessment Guideline for Preparing a Compliance Assessment Plan*, as amended from time to time, and submit the revised Compliance Assessment Plan to the approval of the CEO.
- 4-3 The proponent shall assess compliance in accordance with the approved Compliance Assessment Plan.
- 4-4 The proponent shall collect and maintain information and documentation in accordance with the approved Compliance Assessment Plan.
- 4-5 The proponent shall advise the CEO of any non-compliance or potential non-compliance within seven days of such awareness.
- 4-6 The proponent shall prepare a Statement of Compliance for each consecutive 12 month period commencing on the date of this Statement and submit each Statement of Compliance to the CEO no later than three months following the end of each 12 month period it addresses.

- 4-7 The proponent shall ensure that each Statement of Compliance is made available to the public in accordance with the approved Compliance Assessment Plan and within 28 days of its submission pursuant to condition 4-6.
- 4-8 The proponent shall ensure that each Statement of Compliance:
- (1) indicates the extent to which the proponent has complied with the implementation conditions contained in this Statement in the preceding 12 month period;
 - (2) is prepared using the OEPA's *Post Assessment Form for a Statement of Compliance*, as amended from time to time;
 - (3) provides all information required by the OEPA's *Post Assessment Form for a Statement of Compliance*, as amended from time to time; and
 - (4) is signed by the proponent, if the proponent is an individual, or a person who is a director or the director's delegate, if the proponent is a public body, company or association or body of persons, corporate or unincorporated.
- 4-9 The CEO has the discretion to, by notice in writing:
- (1) require the proponent to submit a Statement of Compliance more or less frequently than annually and alter the period addressed by the Statement of Compliance;
 - (2) alter the due date of the Statements of Compliance;
 - (3) prescribe the manner in which Statements of Compliance are made available to the public, should this be necessary; and
 - (4) where a Statement of Compliance contains trade secrets or documentation that would reveal information of a commercial value, waive the requirement to make any of the Statement of Compliance, in part or wholly, publicly available, should this be requested by the proponent.

5 Residual Impacts and Risk Management Measures

- 5-1 To mitigate for significant residual impacts of the proposal on a priority ecological community Dunsborough Swamp Forest, threatened and significant fauna species *Pseudocheirus occidentalis* and *Ctenotus ora*, and declared rare flora *Caladenia viridescens*, the proponent shall, prior to the commencement of construction submit an Environmental Management Plan for the remaining portion of Armstrong Reserve outside the Development Envelope shown in Figure 1, to the satisfaction of the CEO, on the advice of the Department of Environment and Conservation (DEC).
- 5-2 The Environmental Management Plan required by condition 5-1 shall be prepared in consultation with the City of Busselton and include:
- (1) dieback management measures prepared in consultation with the DEC;

- (2) measures to ensure Banksia logs and other woody debris from the clearing in the development envelope are relocated to within the area shown as remaining portion of Armstrong Reserve in Figure 1 to enhance fauna habitat values;
- (3) weed control measures;
- (4) measures to control vehicle and pedestrian access; and
- (5) management measures to ensure impacts from the proposal are contained within the development envelope shown in Figure 1.

5-3 The proponent shall implement the Environmental Management Plan approved under condition 5-1 in consultation with the City of Busselton for a period of three (3) years from the date of its approval.

[Signed 21 January 2013]

**HON BILL MARMION MLA
MINISTER FOR ENVIRONMENT; WATER**

Table 1: Summary of the Proposal

Proposal Title	Armstrong Reserve, Dunsborough, Urban and Commercial Development
Proponent name	The proposal is to develop a 1.28 ha portion of Armstrong Reserve, lots 111, 115, 116, 117 and 257 Naturaliste Terrace, Dunsborough for the purposes of an aged care facility.

Table 2: Location and authorised extent of physical and operational elements

Element	Location	Proposed Authorised Extent
Clearing for urban and commercial development, and bushfire protection requirements	See Figure 1 and geographic coordinates in this Schedule	Up to 0.90 ha within Development Envelope.

Table 3: Abbreviations

Abbreviation	Term
m ²	square metres
ha	hectares

Figure Attached

Figure 1 Development Envelope and remaining portion of Armstrong Reserve

Armstrong Reserve, Dunsborough
Urban and Commercial Development








<p>LEGEND</p> <p> Development Envelope</p> <p> Remaining portion of Armstrong Reserve</p>	<p>SOURCE DATA Landgate: Cadastre (2011), Roads Imagery: Busseton Townsite (2008)</p> <p>File Number: 2012-10-09T12_47_54_OEPA2010/776 Map Created By, Date: B. Smith, 26/11/2012</p> <p><small>Disclaimer: This map is intended as a generalised interpretation of environmental issues. The information contained on this map is to be considered indicative only and in no event shall the Environmental Protection Authority be liable for any incident or consequential damages resulting from use of this material. Copyright: Environmental Protection Authority, 2012. All Rights Reserved. All works and information displayed are subject to Copyright. For the reproduction or publication beyond that permitted by the Commonwealth Copyright Act 1969 written permission must be sought from the Authority.</small></p>	<p> Office of the EPA</p> <p>N</p> <p></p> <p>0 25 50 100 Meters</p> <p>Projection: Map Grid of Australia Zone 50 Datum: Geocentric Datum of Australia, 1994 Scale: 1:2,000</p>	<p>LOCALITY MAP</p> 
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Figure 1 - Development Envelope and remaining portion of Armstrong Reserve

Table 4: Coordinates for Development Envelope for the Armstrong Reserve Urban and Commercial Development – coordinates in GDA 1994 MGA zone 50

Shape	Easting	Northing
Development Envelope	324220.336	6279351.644
Development Envelope	324238.300	6279321.322
Development Envelope	324229.080	6279321.148
Development Envelope	324229.100	6279321.078
Development Envelope	324228.918	6279321.067
Development Envelope	324198.083	6279320.480
Development Envelope	324123.263	6279319.057
Development Envelope	324120.010	6279298.875
Development Envelope	324102.238	6279298.541
Development Envelope	324102.048	6279298.538
Development Envelope	324074.010	6279298.012
Development Envelope	324063.522	6279315.446
Development Envelope	324048.128	6279340.997
Development Envelope	324049.048	6279341.721
Development Envelope	324051.371	6279343.551
Development Envelope	324051.509	6279343.919
Development Envelope	324052.301	6279344.627
Development Envelope	324052.708	6279346.711
Development Envelope	324052.637	6279350.461
Development Envelope	324051.410	6279352.821
Development Envelope	324050.762	6279354.504
Development Envelope	324050.073	6279355.390
Development Envelope	324049.421	6279356.643
Development Envelope	324049.348	6279360.474
Development Envelope	324051.615	6279364.148
Development Envelope	324053.556	6279365.257
Development Envelope	324055.935	6279364.544
Development Envelope	324059.890	6279361.501
Development Envelope	324067.192	6279359.067
Development Envelope	324067.929	6279359.111
Development Envelope	324068.988	6279358.645
Development Envelope	324070.802	6279358.680
Development Envelope	324073.793	6279359.706
Development Envelope	324076.738	6279361.528
Development Envelope	324081.231	6279367.041
Development Envelope	324083.310	6279374.065
Development Envelope	324083.252	6279377.116
Development Envelope	324090.118	6279382.685
Development Envelope	324117.037	6279392.344
Development Envelope	324143.957	6279402.003
Development Envelope	324154.659	6279405.539
Development Envelope	324161.767	6279407.403
Development Envelope	324162.246	6279407.529
Development Envelope	324174.662	6279410.301

Development Envelope	324179.326	6279411.577
Development Envelope	324184.144	6279413.003
Development Envelope	324213.273	6279363.618
Development Envelope	324213.456	6279363.707
Development Envelope	324220.336	6279351.644

Table 5: Definitions of terms and phrases used in the implementation conditions and procedures

Term phrase	or	Definition
CEO		The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.
DEC		Department of Environment and Conservation
EPA		Environmental Protection Authority
The Act		<i>Environmental Protection Act 1986</i>

Notes

The following notes are provided for information and do not form a part of the implementation conditions of this Statement:

- The proponent for the time being nominated by the Minister for Environment under section 38(6) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal unless and until that nomination has been revoked and another person is nominated.
- If the person nominated by the Minister, ceases to have responsibility for the proposal, that person is required to provide written notice to the Environmental Protection Authority of its intention to relinquish responsibility for the proposal and the name of the person to whom responsibility for the proposal will pass or has passed. The Minister for Environment may revoke a nomination made under section 38(6) of the *Environmental Protection Act 1986* and nominate another person.
- To initiate a change of proponent, the nominated proponent and proposed proponent are required to complete and submit *Post Assessment Form 1 – Application to Change Nominated Proponent*.
- The General Manager of the Office of the Environmental Protection Authority was the Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the *Environmental Protection Act 1986* at the time this Statement was signed by the Minister for Environment.
- Post Assessment Forms and Guidelines may be found at www.epa.wa.gov.au