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Published on: 26 November 2014

Statement No: 989

**STATEMENT TO AMEND CONDITIONS APPLYING TO A PROPOSAL
(PURSUANT TO THE PROVISIONS OF SECTION 46 OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

PORT GEOGRAPHE LAND DEVELOPMENT
CITY OF BUSSELTON

Proposal: The proposal is for the construction of an onshore canal land development at Geographe Bay, 3 kilometres east of the town of Busselton.

The key components of the Proposal are further documented in Schedule 1.

Proponent: Tallwood Nominees Pty Ltd

Proponent Address: PPB Advisory, (on behalf of Tallwood Nominees Pty Ltd) MLC Centre, Level 46, 19-29 Martin Place, SYDNEY, NSW 2000

Assessment Number: 1977

Previous Assessment Number: 936

Report of the Environmental Protection Authority: 1509

Previous Report Number: 783

Previous Ministerial Statement Number: 391

The implementation of the proposal to which the above report of the Environmental Protection Authority relate is subject to the following conditions and procedures, which replace and supersede all previous conditions and commitments of Statement 391.

1 Proposal Implementation

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

2 Proponent Nomination and 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 Compliance Reporting

- 3-1 At least six calendar months prior to the first Statement of Compliance required pursuant to Condition 3-6 the proponent shall:
- (1) prepare a 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 to the approval of the CEO; and
 - (2) submit the Compliance Assessment Plan required pursuant to Condition 3-1(1) to the CEO.
- 3-2 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.
- 3-3 The proponent shall assess compliance in accordance with the approved Compliance Assessment Plan.
- 3-4 The proponent shall collect and maintain information and documentation in accordance with the approved Compliance Assessment Plan.
- 3-5 The proponent shall advise the CEO of any non-compliance or potential non-compliance within seven days of such awareness.
- 3-6 The proponent shall prepare a Statement of Compliance for each consecutive 12 month period commencing on the date of the 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.
- 3-7 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 twenty eight days of its submission pursuant to Condition 3-6.
- 3-8 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 twelve 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.

3-9 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 Statement of Compliance;
- (3) prescribe the manner in which Statement of Compliance is 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.

4 Environmental Management and Monitoring Plan

4-1 The proponent shall ensure impacts to the environment are minimised through the implementation of Conditions 4-2 to 4-8.

4-2 Prior to further ground disturbing activities or construction of canal stages, unless otherwise approved by the CEO, the proponent shall prepare an Environmental Management and Monitoring Plan to the requirements of the CEO. The Plan shall:

- (1) when implemented, substantiate whether Condition 4-1 is being met.
- (2) detail measures to monitor groundwater within the development and along Layman Road to ensure seepage from the canal does not negatively impact on water quality within the Vasse-Wonnerup Estuary.
- (3) detail measures to monitor dewatering and disposal of dewatering effluent.
- (4) detail measures to monitor the management of sediment accumulation in relation to maintaining navigable depths in all artificial waterways.

- (5) determine trigger levels for implementation of management measures to ensure Condition 4-1 is met.
 - (6) identify management measures to be implemented in the event that criteria identified required by Condition 4-2(5) have been exceeded.
- 4-3 The proponent shall implement the approved Environmental Management and Monitoring Plan required by Conditions 4-2, unless otherwise approved by the CEO.
- 4-4 In the event that monitoring required by Condition 4-2 indicates trigger criteria have been exceeded, the proponent shall investigate to determine the likely cause(s) and provide a report that describes the investigation to the CEO within 10 days along with a description of the corrective management actions to be taken.
- 4-5 The proponent shall implement the corrective management actions identified in Condition 4-4 until the CEO determines that the remedial actions may cease.
- 4-6 The proponent shall review the Environmental Management and Monitoring Plan annually, and revise where required, or as directed by the CEO.
- 4-7 The proponent shall implement the approved revisions of the Environmental Management and Monitoring Plan required by Condition 4-6 until advised otherwise by the CEO.
- 4-8 The proponent shall make the Environmental Management and Monitoring Plan, required by 4-2 publically available in a manner approved by the CEO.

[Signed 26 November 2014]

**HON ALBERT P JACOB JP MLA
MINISTER FOR ENVIRONMENT; HERITAGE**

The Proposal

The proposal is for the continued construction of an onshore canal land development at Geographe Bay, 3 kilometres east of the town of Busselton (see Figure 1).

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

Table 1: Key Characteristics Table

Element	Description of proposal
Location	Geographe Bay, East of Busselton (see Figure 1)
Type of activity	Onshore canal land development

Table 2: Abbreviations

Abbreviation	Term
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 their delegate.

Figures (attached)

Figure 1: Port Geographe Land Development Components



Figure 1: Port Geographe Land Development Component