

MINISTER FOR ENVIRONMENT

EGLINTON BEACH PROPOSAL INQUIRY UNDER SECTION 46 OF THE ENVIRONMENTAL PROTECTION ACT 1986 TO AMEND IMPLEMENTATION CONDITIONS AND REMOVE ALL THE PROPONENT COMMITMENTS OF MINISTERIAL STATEMENT 150

On 17 May 2013 the Minister for Environment requested that the Environmental Protection Authority (EPA) inquire into and report to the Minister on Eglinton Estates Pty Ltd proposed changes to the Implementation Conditions applicable to the Eglinton Beach Proposal.

The following is the EPA's Report and Recommendations (No. 1526) to the Minister pursuant to Section 46(6) of the *Environmental Protection Act 1986* (EP Act).

BACKGROUND

Eglinton Estates Pty Ltd, obtained authorisation to implement the Eglinton Beach proposal at Lot 5000 and Part Lot 5001 Pipidiny Road and Part Lot 9005 Marmion Ave, Eglinton, under the EP Act in July 1991, following assessment of the *Public Environmental Review Eglinton Beach Resort* (LeProvost Environmental Consultants, 1990). This level of assessment was determined due to the EPA considering that while the proposal has the potential to affect the environment, it could be readily managed to meet the EPA's environmental objectives. The implementation authorisation and conditions are specified in Ministerial Statement 150 dated 8 July 1991.

The EPA considered the following key environmental factors in Report No. 500 for the proposal:

- loss of public foreshore areas;
- maintenance of public access to the foreshore and through the System Six Recommendation of M2 area;
- modification of coastal dunes to create the golf course and associated development;
- vegetation and habitat loss;
- groundwater quality and quantity;
- golf course management to minimise ongoing impacts to the coastal dunes, groundwater quality and marina water quality;
- marine impacts resulting from the marina development; and
- maintenance of marina water quality.

Under the new Environmental Assessment Guidelines for Environmental Factors and Objectives (EAG 8) these factors are now represented by:

- Coastal Processes;
- Flora and Vegetation;
- Inland Water Environmental Quality; and
- Marine Environmental Quality.

In March 2013, Eglinton Estates Pty Ltd wrote to the EPA requesting minor amendments to the existing Implementation Conditions and deletion of all of the Proponent Commitments of Ministerial Statement 150 under s46(1) of the EP Act on the basis that the current conditions and commitments are:

- outdated;
- no longer relevant; or
- can be managed by other legislation.

The EPA has taken this opportunity to review all conditions and commitments of Ministerial Statement 150.

ASSESSMENT OF THE PROPOSED CHANGES

Since approval of the original assessment changes to the marina design, configuration of conservation areas and allowable land uses have been approved under section 45C of the EP Act as reflected in Attachments 1 and 2 of Ministerial Statement 150.

The changes approved under section 45C are considered to require changes to the existing conditions. Ministerial statement 150 is considered outdated due to:

- reference to conditions and commitments which have already been fulfilled;
- reference to proposal characteristics that have changed;
- the duplication between some conditions and commitments; and
- general evolution and improvement of condition wording and statement formatting that has occurred.

The EPA has reviewed Eglinton Estates Pty Ltd.'s application and relevant Implementation Conditions and Proponent Commitments. Given that Ministerial Statement 150 was published over 20 years ago, the EPA has determined that a full review of Ministerial Statement 150 was appropriate. The EPA concluded that all of the proponent commitments can be deleted and that a new statement could be issued to ensure that the Ministerial Statement is consistent with contemporary presentation of Implementation Conditions and the current proposal characteristics.

The key changes that have been recommended include condition 5 – Terrestrial Flora and Vegetation (Conservation Areas), condition 6 – Coastal Processes and condition 7 - Marine Environmental Quality.

Management of Conservation Areas

A new condition 5 of the recommended statement is the result of changes made to the proposal under section 45C, which involved the deletion of the golf course component and an increase in, and change to the location of, the areas to be set aside for conservation purposes. Condition 5 requires the preparation of a Conservation Area Management Plan in consultation with the Department of Parks and Wildlife and the management of the conservation areas being ceded to a management authority within 10 years of approval of the management plan.

Condition 5 is an amalgamation of conditions 4 and 6 and parts of condition 7 of the existing Ministerial Statement. Whilst the long-term management and land transfer of the conservation areas remains relevant, the new condition 5 has been expressed in contemporary wording and format without changing the intent of the original conditions.

Coastal Processes

A new condition 6 of the recommended statement is a result of contemporising parts of condition 7 and relevant proponent commitments of the existing Ministerial Statement. Whilst the requirements of these conditions are still relevant, the proposed condition incorporates the proponent's commitments to manage seagrass wrack and disruptions to natural sediment transport and outlines the management requirements in a contemporary format providing more clarity for the proponent as to their management responsibilities.

Marine Environmental Quality

A new condition 7 of the recommended statement is a result of contemporising condition 8, parts of condition 7 and relevant proponent commitments of the existing Ministerial Statement. Whilst the requirements of these conditions are still relevant, the items and guidelines referred to are outdated and do not refer to the EPA's contemporary Environmental Quality Management Framework and marine environmental quality guidelines.

The proposed statement also includes new conditions 3 (compliance reporting) and 4 (public availability of data) to ensure the statement is consistent with current presentation of Implementation conditions.

The remaining conditions have been amended or deleted and a summary of the Section 46 assessment is attached to this report (Table 1 - Conditions and Table 2 - Commitments).

As part of the review process, Eglinton Estates also wrote to the EPA requesting an amendment to the authorised developable area as presented in Attachment 2 of Ministerial Statement 150. The aim of this amendment is to ensure consistency between the actual authorised extent of the development,

including terrestrial and marine components, and Ministerial Statement 150. As the approved 47 hectares (ha) to be set aside for Conservation will not change as a result of this amendment, the EPA supports the alteration to the authorised extent of clearing.

The EPA also notes that the Foreshore areas within the development envelope that form part of Bush Forever site 397 are included in the Foreshore Management Plan that is currently in preparation by Eglinton Estates in compliance with Ministerial Statement No. 722 (Alkimos-Eglinton MRS amendment 1029/33). The Section 46 assessment does not affect the consideration of the Foreshore Management Plan under Ministerial Statement No. 722.

EPA CONCLUSION AND RECOMMENDATION

Having inquired into this application to change conditions under section 46 of the EP Act by Eglinton Estates Pty Ltd, the EPA recommends to the Minister for Environment that:

1. It is appropriate to re-word implementation conditions 2, 4, and 6 - 10 and delete conditions 1, 3, 5, and 11, and all the proponent commitments (1 to 9), and introduce new standard conditions regarding compliance reporting and public availability of data.
2. After complying with Section 46(8) of the EP Act, the Minister issues a statement of decision to delete implementation conditions 1, 3, 5 and 11 and proponent commitments 1 to 9, and change conditions 2, 4 and 6 to 10 of Ministerial Statement 150 in the manner provided for in the attached recommended statement.

Table 1: Eglinton Beach Resort – Section 46 assessment of proposed changes to Implementation Conditions.

| <p align="center">Current Condition (of statement 150)</p> | <p align="center">Assessment, Recommendations and Proposed New Conditions.</p> |
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| <p><u>1. Proponent Commitments</u> 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 Public Environmental Review. A copy of the commitments is attached.</p> | <p>Condition 1 relates to proponent commitments attached to Statement 150.</p> <p>The EPA has reviewed each proponent commitment and considers that they fall into three categories: (1) duplicates of existing conditions; (2) no longer relevant; or (3) managed under other legislation. For the full details of this assessment see Table 2 of this report.</p> <p>It is recommended that all the Proponent Commitments can be deleted.</p> |
| <p><u>2. Implementation</u> 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 materials in any way that the Minister for environment determines on advice of the Environmental Protection Authority, is not substantial, those changes may be effected.</p> | <p>The requirements of this condition are still relevant and will be retained but expressed in contemporary wording and format without changing the intent. This condition is re-worded:</p> <p>1 Implementation 1-1 When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Table 2 in Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the EP Act.</p> |
| <p><u>3. Foreshore Reserve</u> The Public is to have ownership of and thereby</p> | <p>Condition 3 relates to the transfer of foreshore areas to public ownership. The areas of foreshore along the length of the Eglinton proposal were zoned Parks</p> |

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| <p>adequate access to all foreshores of the developed site.</p> <p>Prior to the commencement of any site works, the proponent shall prepare a plan indicating that all foreshores be included in a Crown reserve showing the location and dimensions of the Reserve. The plan is to be acceptable to the Minister for the Environment, the Minister for Planning, the Minister for Lands and the Minister for Transport.</p> | <p>and Recreation through a Metropolitan Region Scheme (MRS) amendment which was approved in November 2005 and therefore public ownership and access is assured.</p> <p>It is considered that the requirements of this condition have been met and the condition can be deleted.</p> |
| <p>4. <u>Environmentally significant areas</u> The environmental values of the current foreshore reserve, nearshore environment and System Six Recommendation M2 which will be lost through the development are to be replaced by areas with equivalent environmental values.</p> <p>4-1 Prior to the commencement of any site works, the proponent shall prepare a plan in consultation with the Environmental Protection Authority, indicating the location and dimensions of areas from within its private lands at the site to be transferred to the Crown. The plan shall delineate areas with equivalent environmental values to those associated with the current foreshore reserve, nearshore environment and System Six Recommendation M2 which will be lost through the development. The plan is to be acceptable to the Minister for the Environment on advice from the Environmental Protection Authority.</p> | <p>Most of the requirements of this condition are still considered relevant and will be retained but expressed in contemporary wording and format without changing the intent. The areas for conservation and eventual transfer to the Crown have recently been delineated and given effect through the changes to the proposal definition approved under s45c of the EP Act. The revised condition incorporates the remaining requirements of conditions 4 and 6 (management and transfer) and is re-worded as follows:</p> <p>5 Terrestrial Flora and Vegetation (Conservation Areas)</p> <p>5-1 The proponent shall conserve the flora, vegetation and dune systems within the Conservation areas shown in Figure 1 of Schedule 1.</p> <p>5-2 By 1 September 2015, unless agreed by the CEO, the proponent shall prepare in consultation with the Department of Parks and Wildlife and to the satisfaction of the CEO, a Conservation Area Management Plan for the Conservation areas (A, B, C & D) shown in Figure 1 of Schedule 1, and spatially defined in Schedule 3.</p> <p>5-3 The proponent shall cede the Conservation areas identified in Figure 1 of</p> |

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| <p>4-2 Subsequent to Condition 4-1 and prior to applying for the clearance of survey documents for any residential lots, the proponent shall transfer the approved areas to the Crown to the satisfaction of the Minister for the Environment on advice from the Environmental Protection Authority.</p> | <p>Schedule 1 to a management authority approved by the CEO within 10 years of approval of the plan required in condition 5-2.</p> <p>5-4 The Conservation Area Management Plan required by condition 5-2 shall include but is not limited to the following details:</p> <ol style="list-style-type: none"> (1) fencing, access and signage; (2) rehabilitation and revegetation; (3) measures to control vehicle and pedestrian access; (4) limited passive recreation; (5) weed control; (6) bushfire management; (7) feral animal control; (8) completion criteria for handover to a management authority/authorities; and (9) management measures to ensure impacts from the proposal area contained within the development envelope shown in Figure 1. <p>5-5 The proponent shall implement the approved Conservation Area Management Plan for 10 years from the date of approval of the plan or until such time as the land is ceded to a management authority/authorities approved by the CEO, whichever is sooner.</p> <p><u>Definitions</u> 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.</p> |
| <p><u>5 Public Access</u> The Public is to have adequate access to the foreshore Crown Reserve throughout the site.</p> | <p>Condition 5 relates to the transfer of foreshore areas to public ownership. The areas of foreshore along the length of the Eglinton proposal are now zoned Parks and Recreation under the MRS and therefore public ownership and access is assured. In addition, the District Structure Plan (approved by the</p> |

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| <p>5-1 Prior to the commencement of any site works, the proponent shall prepare a plan in consultation with the Environmental Protection Authority, proposing access ways to the foreshore Crown Reserve throughout the site and the means to secure them for public use in perpetuity. The plan is to be acceptable to the Minister for the Environment on advice of the Environmental Protection Authority, the Department of planning and Urban Development, the Department of Land Administration and the City of Wanneroo.</p> <p>5-2 Subsequent to Condition 5-1 and prior to applying for the clearance of survey documents for any residential lots, the proponent shall define access ways for public use as approved on diagrams or plans of survey, to the satisfaction of the Environmental Protection Authority.</p> | <p>Western Australia Planning Commission) and MRS amendment for the Alkimos-Eglinton area (MRS 1029/33), was approved by the Minister for Environment in 2006 (Ministerial Statement 722).</p> <p>The Alkimos-Eglinton DSP was advertised for public comment and subsequently approved by the WAPC and City of Wanneroo. The golf course was not shown in the District Structure Plan.</p> <p>It is considered that the requirements of this condition have been met and the EPA recommends the condition can be deleted.</p> |
| <p><u>6 Dune System</u> The dune systems within the proposed golf course are to be protected during construction.</p> <p>6-1 Prior to commencement of any site works, the proponent shall prepare a plan for protecting the dune system during the development of the golf course. The plan is to be satisfactory to the Minister for the Environment on advice from the Environmental Protection Authority and is to include but not necessarily be limited to:</p> <ol style="list-style-type: none"> 1. procedures for protecting flora and fauna; 2. details of soil stabilisation measures; | <p>While the golf course is no longer an element of the proposal, the requirements of this condition to protect the dune system and associated flora and vegetation are still relevant and will be retained but expressed in contemporary wording and format without changing the intent.</p> <p>This condition has been deleted, but elements of it have been included with condition 4 and re-worded into proposed condition 5 (Terrestrial Flora and Vegetation [Conservation Areas]) as detailed above and proposed condition 6 (Coastal Processes) as detailed below.</p> |

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| <p>3. proposals for revegetation and rehabilitation; 4. a commitment to modify development procedures to the satisfaction of the Environmental Protection Authority if impacts are detected which are deemed unacceptable by the Environmental Protection Authority.</p> <p>6-2 Subsequent to Condition 6-1, the proponent shall implement the approved plan during construction of the golf course to the satisfaction of the Environmental Protection Authority.</p> | |
| <p><u>7 Coastal Management</u> The coastal dune systems throughout the site must be maintained.</p> <p>o 7-1 Prior to the completion of construction of the golf course, the proponent shall prepare a coastal management plan which is to be satisfactory to the Environmental Protection Authority, on the advice of the Department of Planning and Urban Development, the City of Wanneroo and the Department of Marine and Harbours. This plan is to include but not necessarily be limited to:</p> <ol style="list-style-type: none"> 1. maintenance of the dune systems within the golf course and the residential precincts, and the foreshore; 2. procedures for protecting flora and fauna; 3. a programme to monitor the dune systems and the foreshore for any impacts; 4. reports on the monitoring programme; 5. a contingency plan for managing sediment | <p>Areas for conservation have been reviewed and included in the proposal definition through changes to the proposal approved under s45C (see Figure 1). Management requirements have been incorporated into proposed condition 5 (for conservation areas) and condition 6 (coastal processes).</p> <p>The remaining requirements of this condition have been reworded and incorporated into conditions 5 and 6. Condition 6 is reworded as follows:</p> <p>6 Coastal Processes</p> <p>6-1 The proponent shall manage activities associated with the marine elements of the proposal during construction and operation to ensure impacts as a result of the accumulation of seagrass wrack and the erosion or accumulation of sediment are minimised through the implementation of conditions 6-2 to 6-7.</p> <p>6-2 At least 6 months prior to construction of the marina, unless otherwise approved by the CEO, the proponent shall prepare and submit a Coastal Management Plan on advice of the Department of Transport.</p> |

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| <p>bypassing; and</p> <p>6. a commitment to modify the use of the site to the satisfaction of the Environmental Protection Authority if impacts detected which are deemed unacceptable by the Environmental Protection Authority.</p> <p>7-2 Subsequent to condition 7-1, the proponent shall implement the approved coastal management plan to the satisfaction of the Environmental Protection Authority, on advice of the Department of Planning and Urban Development, the City of Wanneroo and the Department of Marine and Harbours.</p> | <p>6-3 The Coastal Management Plan shall:</p> <ol style="list-style-type: none"> (1) specify management actions that will be implemented to ensure the management objective in condition 6-1 is achieved; (2) provide protocols or procedures for the review of the Coastal Management Plan to ensure that the Coastal Management Plan is meeting the objective specified in condition 6-1; (3) detail measures to monitor and manage seagrass wrack accumulation within the marina and on the beaches immediately adjacent to the development as shown in Schedule 1, Figure 1; and (4) detail measures to monitor and manage sediment accumulation or erosion on the beaches adjacent to the development as shown in Schedule 1, Figure 1. <p>6-4 After receiving notice in writing from the CEO that the Coastal Management Plan satisfies the requirements of condition 6-3, the proponent shall:</p> <ol style="list-style-type: none"> (1) implement the management actions and monitor in accordance with the requirements of the Coastal Management Plan; and (2) continue to implement the management actions and monitor in accordance with the requirements of the Coastal Management Plan until the CEO has confirmed by notice in writing that it has been demonstrated that the objective in condition 6-1 is being and will continue to be met and therefore the implementation of the management actions and monitoring is no longer required. <p>6-5 The proponent may review and revise the Coastal Management Plan and submit it to the CEO for approval at any time.</p> |
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| | <p>6-6 The proponent shall review and revise the Coastal Management Plan as and when directed by the CEO.</p> <p>6-7 The proponent shall implement the latest approved version of the Coastal Management Plan.</p> |
| <p><u>8 Marina Water Quality</u> The quality of water in the marina must be maintained.</p> <p>8-1 Prior to completing the construction of the marina, the proponent shall prepare a plan to manage water quality in the marina to the satisfaction of the Environmental Protection Authority, on the advice of the Department of Marine and Harbours. This plan is to include but not necessarily be limited to:</p> <ul style="list-style-type: none"> 3 monitoring of physical, biological and chemical parameters within and outside the marina to ensure that the Environmental Protection Authority's water criteria are met for Beneficial Use No. 1 for the purpose of direct contact recreation, and Beneficial Use No. 16 for the purpose of navigation and shipping (Department of Conservation and Environment, 1981); 4 management strategies developed for implementation in the event of criteria not being met, particularly in the case of accidental spillage; 5 monitoring and management of oil and fuel, | <p>The requirements of this condition are still relevant, however, the criteria and guidelines referred to are outdated and do not refer to contemporary marine environmental quality guidelines nor the need to manage the marina waters for ecosystem health objectives during operation of the proposal. Consistent with the EPA's policies (i.e. <i>State Environmental (Cockburn Sound) Policy (SEP)</i> and the <i>Perth Coastal Waters – Environmental Values and Objectives</i>) and expectations for environmental quality in other harbours and marinas, it is expected that Eglinton marina would need to meet the water quality criteria and requirements associated with a moderate level of ecological protection.</p> <p>This condition is re-worded:</p> <p>7 Marine Environmental Quality</p> <p>7-1 During the operation of the proposal, the proponent shall manage activities associated with the marine elements to meet the environmental quality objectives and levels of ecological protection as outlined in Schedule 2 and spatially defined in Figure 1, through the implementation of conditions 7-2 to 7-7.</p> <p>7-2 At least 6 months prior to the commencement of the construction of the marine elements, unless otherwise approved by the CEO, the proponent shall prepare a Marine Environmental Quality Management Plan to the satisfaction of the CEO.</p> |

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| <p>waste from boats, anti-fouling paints, rubbish, suspended solids and nutrients;</p> <p>6 reporting on the monitoring programme; and</p> <p>7 a commitment to modify use of the site to the satisfaction of the Environmental Protection Authority if impacts are detected which are deemed unacceptable by the Environmental Protection Authority.</p> <p>8-2 Subsequent to condition 8-1, the proponent shall implement the plan to the satisfaction of the Environmental Protection Authority on advice from the Department of Marine and Harbours.</p> | <p>The objective of the Marine Environmental Quality Management Plan is to ensure that the requirements of condition 7-1 are met.</p> <p>7-3 The Marine Environmental Quality Management Plan shall include:</p> <ol style="list-style-type: none"> (1) a threat assessment to determine key cause-effect pathways and indicators to be monitored; (2) baseline sediment, biota (marine benthic communities) and water quality data for indicators relevant to identified threats, collected over an annual cycle prior to the commencement of construction of the marine elements in Schedule 1; (3) the location of impact and reference monitoring sites; (4) environmental quality indicators relevant to the identified threats and associated 'trigger' levels (i.e. environmental quality guidelines and environmental quality standards) based on the guidelines and recommended approaches in the <i>Environmental Quality Criteria reference Document for Cockburn Sound (2003-2004)</i>, as amended or replaced from time to time, for assessing performance against the environmental quality objectives and associated levels of ecological protection set out in Schedule 2. (5) protocols and procedures for monitoring and evaluating the quality of sediment, biota (marine benthic communities) and marine waters, in the area specified in Schedule 1 consistent with the <i>Manual of Standard Operating Procedures for the Environmental Quality Criteria (2003-2004) and Environmental Quality Criteria Reference Document for Cockburn Sound (2003-2004)</i>, as amended or replaced from time to time; (6) the reporting procedures, including the format, timing and frequency for the assessment of monitoring data against the |
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| | <p>relevant trigger levels and environmental quality objectives; and</p> <p>(7) a framework for development of management and contingency actions to be implemented in the event that any trigger levels referred to in 7-3(4) are not met.</p> <p>7-4 In the event that monitoring required in condition 7-3 indicates that the trigger levels in condition 7-3(4), are exceeded, or likely to be exceeded, the proponent shall:</p> <p>(1) report such findings to the CEO within two days of the exceedance being identified;</p> <p>(2) investigate and submit a report to the CEO within seven days of the exceedance being reported on the likely cause(s) of the trigger levels being exceeded;</p> <p>(3) if determined by the CEO to be a result of activities undertaken in implementing the proposal, the proponent shall submit actions to be taken to address the exceedance within 21 days of the determination being made to the CEO; and</p> <p>(4) implement the actions to address the exceedance and shall continue to do so until such time the CEO determines that the actions may cease.</p> <p>7-5 The proponent may review and revise the Marine Environmental Quality Management Plan and submit it to the CEO for approval at any time;</p> <p>7-6 The proponent shall review and revise the Marine Environmental Quality Management Plan as and when directed by the CEO.</p> <p>7-7 The proponent shall implement the latest approved version of the Marine Environmental Quality Management Plan.</p> |
| <p><u>9 Environmental Management Programme</u></p> | <p>The proposed Conservation Management Plan (condition 5) incorporates the</p> |

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| <p>A comprehensive management plan for the development should be prepared to integrate the various components.</p> <p>Prior to completing the construction of the marina, the proponent shall prepare a comprehensive environmental management programme to the satisfaction of the Environmental Protection Authority. The programme shall include but not necessarily be limited to:</p> <ol style="list-style-type: none"> 1. the plan for protecting the dune system required by condition 6; 2. the plan for coastal management required by condition 7; 3. the plan to maintain marina water quality required by condition 8; 4. a plan for controlling fauna on the site especially feral and domestic animals; and 5. a plan detailing assistance to be provided to the relevant authorities in the monitoring and management of the reef system in the vicinity of the site. | <p>protection of the dune system and the plan for controlling feral and domestic animals on site.</p> <p>Condition 2 (Coastal Management – Foreshore Management Plan) of Ministerial Statement 722 incorporates the coastal management requirements.</p> <p>In addition to this, the Marine Environmental Quality Management Plan will cover the maintenance of marine water quality and details regarding the monitoring and management of the reef system.</p> <p>The relevant requirements of this condition have been reworded and incorporated into conditions 5, 6 and 7.</p> |
| <p><u>10. Proponent</u> 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</p> | <p>The requirements of this condition are still relevant and will be retained but expressed in contemporary wording and format without changing the intent. This condition is re-worded:</p> <p>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.</p> |

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| <p>replacement proponent to carry out the project in accordance with the conditions and procedures set out in the statement.</p> | |
| <p><u>11. Time Limit on approval</u> 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 expiry 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 follow a new referral to the Environmental Protection Authority.)</p> | <p>This condition is no longer considered relevant as the proposal is considered to have substantially commenced.</p> <p>It is considered that the requirements of this condition have been met and the EPA recommends that the condition can be deleted.</p> |

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Table 2: Eglinton Beach Resort – Section 46 assessment of proposed removal of Proponent Commitments from the Ministerial Statement 150.

| No. | Commitment | Assessment and Evaluation of Proposed Changes |
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| 1 | <p>Legal Agreement</p> <p>Legal agreements will be entered into between the Proponent and the City of Wanneroo and between the Proponent and the State. Said agreements will define the commitments made by each of the signatories to this project and specifically detail the Proponent’s commitment to the ongoing maintenance and management of the project.</p> | <p>Insofar as this commitment relates to environmental impacts, it is covered by conditions 5, 6 and 7.</p> <p>This commitment will be deleted.</p> |
| 2 | <p>Project Completion</p> <p>The proponent will be responsible to the completion of the golf course and clubhouse, hotel, marina complex and all associated servicing and all public facilities including foreshore areas and pocket beaches, boat ramp and car parking facilities.</p> | <p>This commitment duplicates the requirements of the proposed Condition 1.</p> <p>This commitment will be deleted.</p> |
| 3 | <p>General Construction Management</p> <ul style="list-style-type: none"> • The resort will be constructed so as to minimise disturbance to the coastal dunes and dune landforms wherever possible. • Safety – The development site will be fenced and appropriate signs posted to protect the public during the construction phase. • Noise – Vehicle movements will be restricted to times approved by the City of Wanneroo. • Dust – Water trucks will be on site throughout the earth works programme to damp down all exposed sand surfaces until temporary irrigation is installed or the surface is physically stabilised. | <p>Insofar as this commitment relates to environmental impacts, it is covered by conditions 5, 6 and 7.</p> <p>This commitment will be deleted.</p> |

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| 4 | <p>Golf Course</p> <ul style="list-style-type: none"> • Natural vegetation will be retained, and where necessary rehabilitated, throughout the golf course area. • Cleared vegetation will be used as brush covering to protect exposed surfaces or chipped and used as mulch and seed source in areas being revegetated. • A turf management plan will be designed to achieve suitable turf coverage to meet stress, appearance and low nutrient and water usage requirements. • Fertiliser application will be minimised as identified in the proposed Nutrient Input Management Plan. • Soil nutrient levels will be monitored to determine appropriate fertiliser application rates. • Groundwater bores will be established to monitor leaching of nutrients from the golf course. • Volumes of water abstracted from irrigation bores will be recorded, as will rates and distribution of irrigated water throughout the resort complex. Levels in the storage lakes will also be monitored. • An annual sample from each production bore will be collected and analysed to monitor water quality. • Pesticide use will be limited to putting greens, if required. • Herbicide use will be limited to turfed areas using approved chemicals. | <p>As per the approved section 45C the golf course component is no longer part of the proposal, therefore this commitment is no longer relevant.</p> <p>This commitment will be deleted.</p> |
| 5 | <p>Marina</p> <ul style="list-style-type: none"> • The main breakwater will be constructed to a level designed to prevent overtopping and the entrance configuration will be designed to minimise wave penetration. The submerged breakwater will be | <p>Insofar as this commitment relates to environmental impacts, this commitment duplicates the requirements of proposed condition 6 and condition 7. Relevant characteristics of the proposal (including the marina component) are now defined in Schedule 1 of the new statement.</p> |

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| <p>designed to attenuate storm wave action.</p> <ul style="list-style-type: none">• An allowance for a 30 cm rise in sea level due to the Greenhouse Effect has been made in the design and siting of all buildings and structures.• The harbour will be over natural sea-bed with a minimum water depth of approximately 2.5 m below AHD.• Harbour walling will be constructed to standards approved by the Department of Marine and Harbours (DMH).• All marina and berthing structures will be designed and licensed in accordance with the requirements of the DMH.• Navigation aids will be provided in accordance with the requirements of the DMH.• Jetty structures, designed to accommodate up to 220 boats, will be designed and licensed in accordance with the requirements of DMH.• The proponent will monitor and maintain the structural integrity of the breakwaters, groynes, internal walls and jetties.• Water depth in the harbour and entrance will be maintained at the designed navigable depth.• Sediment bypassing operations will be undertaken as required.• Water quality within the marina harbour and bay will be monitored and in the event of a decline in water quality to unacceptable levels, the proponent's Harbour Manager will take whatever steps are necessary to alleviate the problem.• Marina harbour sediments will be monitored for a | <p>This commitment will be deleted.</p> |
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| | <p>range of heavy metals associated with boating activities.</p> <ul style="list-style-type: none"> • Seagrass and algal wrack will be removed from the marina waters and breakwaters by the marina manager in the event that it is in sufficient quantity to cause odour problems. • The proponent will co-operate with the Fisheries Department in education programmes designed to assist in the management of the marine fishery. | |
| 6 | <p>Foreshore and Dune Management</p> <ul style="list-style-type: none"> • The beaches to the south of the hotel promontory will be stabilised by construction of a groyne field in the event that on-going investigations into coastal dynamics show that they are required. If required, sand buffer zones in the form of small vegetated foredunes will be constructed at the base of the primary dune south of the hotel promontory to provide protection against severe storms. • All foreshores adjacent to the proponents land will be maintained by the proponent. • Sediment accumulation or loss will be monitored and managed as required by sediment bypassing. • Stability of the coastline affecting the marina, coastal dunes, golf course and beach areas will be monitored. • The beach and foredune will be restored in the event of damage due to severe storms, where damage has been exacerbated by the presence of marine structures or where such damage puts at risk resort facilities. • Existing degraded parts of the dune system will be rehabilitated. | <p>This commitment duplicates the requirements of condition 2 of Ministerial Statement No. 722 relevant to this area, which requires that a Foreshore Management Plan be prepared as part of the approval for the Alkimos-Eglinton MRS amendment 1029/33. Proposed condition 6, which includes a program for the monitoring and management of disruptions to natural sediment transport along the foreshore addresses the remainder of this commitment.</p> <p>This commitment will be deleted.</p> |

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| | <ul style="list-style-type: none"> • Access to the dune system will be managed to prevent damage to vegetation and erosion of the dunes. | |
| 7 | <p>Resort</p> <ul style="list-style-type: none"> • Public facilities provided within the resort will include: <ul style="list-style-type: none"> • boat launching ramps; • car and trailer parking; • beach access; • board-walk around the marina; and • public recreation areas. • The management of the areas of Public Open Space provided in the marina and resort complex will be the responsibility of the proponent. | <p>This commitment is no longer relevant, as per the approved section 45C the resort complex is no longer part of the proposal.</p> <p>This commitment will be deleted.</p> |
| 8 | <p>Servicing</p> <ul style="list-style-type: none"> • All services within the resort will be underground. • All roads servicing the development will be constructed by the proponent. Major access roads will be constructed to designated City of Wanneroo standards. • Stormwater from the majority of the development (including roads) will be discharged to ground by silt and oil traps wherever possible to enhance recharge of the aquifer. • Where necessary stormwater from the lower levels of the development, i.e. roads and carparking areas of the hotel, marina harbour and condominium sites will be discharged to the marina harbour or the ocean via an outfall in the marina breakwater. • In the event that WAWA's proposed wastewater treatment plant at Alkimos is not immediately available a temporary on-site sewage treatment plant to service the resort will be constructed by the proponent and will | <p>This commitment can be managed under other Legislation, namely, the statutory planning process (<i>Planning and Development Act 2005</i>). District and Local Water Management strategies and subsequent detailed urban water management plans are also required to be prepared at subdivision stage.</p> <p>This commitment will be deleted.</p> |

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| | <p>be operated and maintained to WAWA standards.</p> <ul style="list-style-type: none"> • Should a temporary on-site sewage treatment plant be required, the effluent will be treated to Health Department's requirements for disposal, and disposed of by low pressure irrigation. • Groundwater use and quality will be monitored by a series of monitoring bores. • Annual reviews of borefield performance will be undertaken to the satisfaction of the Water Authority of Western Australia. | |
| 9 | <p>Land Transfer</p> <ul style="list-style-type: none"> • That part of the proponent's land within System 6 M2 (Pipidiny Swamp) will be transferred to the Crown as part of the proposed land exchange. | <p>The approved section 45C reviewed the areas to be set aside for conservation resulting in an improved outcome and consolidation of areas to maintain long-term viability. These new areas are now reflected in Schedule 1 of the proposed new statement.</p> <p>This commitment will be deleted.</p> |

