



Ass # 843
Bull # 734
State # 359

WESTERN AUSTRALIA

MINISTER FOR THE ENVIRONMENT

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

PROPOSAL: PORT KENNEDY REGIONAL RECREATION CENTRE -
BECHER POINT, STAGE I (167 / 843)

CURRENT PROPONENT: FLEURIS PTY LTD

CONDITIONS SET ON: 16 AUGUST 1990

Condition 1 is amended to read as follows:

1A Proponent Commitments

The proponent has made a number of environmental management commitments in order to protect the environment.

In implementing the proposal, including the modifications to the conservation areas and to the boundary between Stages I and II, reported on in Environmental Protection Authority Bulletins 398 and 734, the proponent shall fulfil the commitments made in the Environmental Review and Management Programme and in subsequent correspondence, and the additional commitments regarding the provision for conservation areas and the interim management of the Stage II area made in November 1993; provided that the commitments are not inconsistent with the conditions or procedures contained in this statement. (Copies of the Consolidated and Amended Commitments of 25 May 1990, the additional commitments of November 1993, and Figure 3 in Appendix 3 of Environmental Protection Authority Bulletin 734 showing the boundary changes are attached.)

1B Implementation

Changes to the proposal which are not substantial may be carried out with the approval of the Minister for the Environment.

Subject to the conditions in this amended statement, 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.

Published on

- 7 AUG 1994

The following condition and procedure are inserted following condition 21:

22 Compliance Auditing

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

22-1 To help verify environmental performance, the proponent shall prepare periodic Progress and Compliance Reports in consultation with the Environmental Protection Authority.

Procedure

- 1 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.
- 2 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.

KEVIN MINSON MLA
MINISTER FOR THE ENVIRONMENT

- 1 AUG 1994

**PROPONENT'S ADDITIONAL COMMITMENTS &
FIGURE 3 SHOWING THE BOUNDARY CHANGES**

NOVEMBER 1993

**PORT KENNEDY REGIONAL
RECREATION CENTRE
BECHER POINT, STAGE I (167/843)**

FLEURIS PTY LTD

**PROPONENTS COMMITMENTS ARISING FROM
CHANGE OF BOUNDARIES- PORT KENNEDY STAGE 1**

With reference to the application made under Section 46 of the *Environmental Protection Act, 1986*, to reflect changes to the boundaries resulting from compliance with Ministerial Condition M14, Fleuris Pty Ltd makes the following commitments:

24. At least 302.6ha (or 77.6% of the total area of 390ha) within Stage 2, as amended, will be set aside for conservation and be vested in CALM as part Stage 2 of the proposed "Port Kennedy Scientific Park".
25. Management Plans developed prior to the commencement of Stage 1 and subsequently implemented, shall be expanded where appropriate to include the Stage 2 area, to enable protection of the whole site.
26. The landform area referred to as the "Warnbro high dune system" will remain within the Northern Conservation Zone and will be conserved within Stage 1 of the proposed "Port Kennedy Scientific Park".
27. Substantial undisturbed transects through dune sequences of greater geomorphic development and age than existed in the original Northern Conservation Zone will be conserved within Stage 2 of the proposed "Port Kennedy Scientific Park".
28. The 18.8ha area to be added to the Southern Conservation Zone will be set aside for conservation and will be vested in CALM as part of Stage 1 of the proposed "Port Kennedy Scientific Park".
29. There will be no reduction in width of the foreshore reserve associated with the amended Northern Conservation Zone.
30. The eastern boundary of the amended Northern Conservation Zone will follow the base of the sequence of topographically higher and steeper sloping dune formations.
31. The only earthworks conducted by the proponent within the Northern Conservation Zone will be for rehabilitation purposes, if necessary, or for the development of Beach Access Paths.
32. The existing track immediately to the east of the eastern boundary of the Northern Conservation Zone will be developed into a dual use pathway to enable access further south.

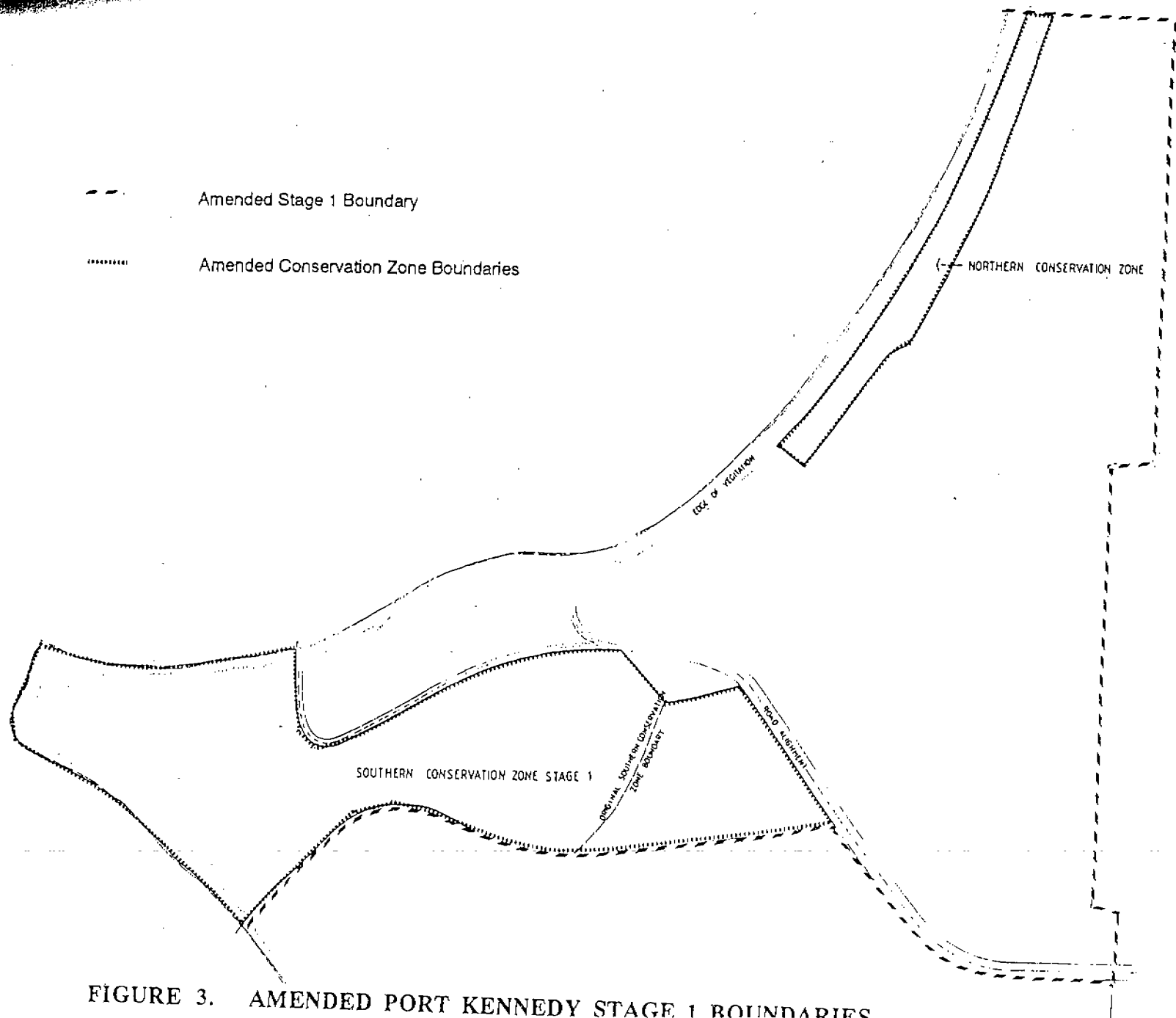


FIGURE 3. AMENDED PORT KENNEDY STAGE 1 BOUNDARIES

PORT KENNEDY REGIONAL RECREATION CENTRE

CONSOLIDATED AND AMENDED COMMITMENTS (25 MAY 1990)

1. The Proponent will pay the cost of maintenance of facilities as required by the Development Agreement. The Development Agreement will incorporate conditions of the Minister for the Environment. The Development Agreement will be conditional upon granting of environmental approvals.
2. On completion of the construction period, the Proponent guarantees that public access will be provided between gazetted roads and public beaches and other areas of public open space in accordance with the diagrammatic representation shown in Figures 5 and 8.
3. On completion of the construction period, the Proponent guarantees that public access will be provided along all beaches and in all sections of the marina between freehold land and the waterfront.
4. On completion of the construction period, the Proponent will hand over public amenities in accordance with the requirements of the Development Agreement.
5. The Proponent will construct a minimum of 100 pens for use by the public on a long and short term rental basis after the end of the construction period in accordance with the requirements of the Development Agreement.
6. The Proponent will construct an 18 hole golf course for use by the public after the end of the construction period in accordance with the requirements of the Development Agreement.
7. The Proponent will ensure that representative areas of conservation value, as shown diagrammatically in Figure 6, are marked out from the start of the construction work. These areas will be set aside and managed as described in detail in Section 12.2.3.
8. The Proponent will arrange that existing tracks, existing potential erosion zones and areas exposed during construction are sealed and rehabilitated during the construction period by inclusion of the requirements in the contract specification. The proposed methods of stabilisation and ongoing monitoring will be as described in detail in Section 12.3.
9. The Proponent will develop a fire management plan in conjunction with the Bush Fires Board and the Department of Conservation and Land Management. The fire management plan will be implemented at the inception of the construction by inclusion of the requirements in the construction contract. At the completion of the construction period, the Proponent will take over responsibility for the fire management plan. The proposed fire management plan will be as outlined in Section 12.2.4.

10. The Proponent will monitor all impacts on terrestrial habitats as described in Sections 12.2 and 12.5. The Proponent will provide the necessary labour and equipment to implement corrective measures.
11. Subject to resolution of requirements with the relevant Government Departments, the Proponent will incorporate, in the final design, a total of 30m² office space for use by an inspector or ranger from each of the Fisheries, Marine & Harbours and Education Departments and the Department of Conservation and Land Management.
12. Prior to commencing construction, the Proponent will initiate monitoring of the shoreline at the marina site. Ongoing monitoring and management of sediment transport and sand bypassing will be undertaken by the Proponent as described in Section 12.3.

In addition, the Proponent will co-ordinate the excavation of a number of trenches adjacent to the marina prior to construction in conjunction with investigations undertaken by a recognised expert in the field of geomorphology.

13. The Proponent will monitor and manage groundwater abstraction as described in Section 12.4. Field testing of the shallow aquifer will commence after environmental approval for the project is received in order to define the need or otherwise for use of supplementary sources such as the deeper Yarragadee aquifer.
14. Following completion of construction, the Proponent will monitor the marina and harbour water quality as described in Section 12.6. If monitoring reveals problems the Proponent will undertake further assessment, testing and remedial measures as resolved with the Environmental Protection Authority and the Department of Marine & Harbours.

The Proponent will provide sand buffer zones on either side of the marina to prevent localised erosion occurring during the initial construction and operation phase. The Proponent will provide as part of the detailed design calculations, the reflected wave patterns from the finalised marina breakwater to confirm that the impact on the stability of Becher Point will be minimal.

15. The Proponent will provide to the Environmental Protection Authority a sum of \$40,000 for a baseline survey of the marine environment six months prior to the commencement of construction of the groynes and marina basin.
16. The Proponent will provide to the Environmental Protection Authority a sum of \$30,000, payable in two instalments, as a contribution towards the study to develop the Environmental Management Strategy for the waters of Warnbro Sound. The first instalment of \$15,000 will be payable within three months of completion of construction of the groynes and marina basin. The second instalment of \$15,000 will be payable 12 months thereafter.

17. The Proponent will implement fertiliser management and monitoring as described in Section 12.8 after construction of the golf course. In the event that Westport canals are constructed to the east of the golf course, fairways and tees adjacent to the canals will be modified by soil amendment to reduce nutrient leakage.
18. The Proponent will arrange any additional unexploded ordnance (UXO) searching as required during the construction period.
19. The Proponent will take all necessary construction measures to mitigate impacts of dust, erosion and noise as resolved with the City of Rockingham and Department of Agriculture. Planting of trees, shrubs and grass for the development will be undertaken as soon as practical following completion of the earthworks.
20. The Proponent will include in the construction contract requirements that the contractor report any archaeological sites discovered during construction and leave undisturbed until advised by the Western Australian Museum.
21. The Proponent will construct fuel storage facilities in the marina above ground and contained within a sealed bund capable of holding the entire tank contents, with refuelling hoses having manually operated nozzle valves and automatic shut-off.
22. The discharge of sewage, hydrocarbons or litter from boats in the marina will be prohibited, and appropriate signs will be placed by the Proponent to inform all users. Waste disposal facilities, including rubbish bins, oil recycling bins and sewer public toilets will be provided around the marina. A sewage pump-out facility will be provided for boats equipped with holding tanks.
23. In addition to the studies referred to in Commitment Nos. 15 and 16, the Proponent will also undertake a study of the use of the shallow bank, in the vicinity of the proposed marina, by whitebait fish, to the satisfaction of the Minister for the Environment.

Following the initial 12 months of studies, the Proponent will, in liaison with the Fisheries Department and Department of Conservation and Land Management, and to the satisfaction of the Minister for the Environment, assess the risk, if any, that the proposed marina would impact upon whitebait fish stocks in the vicinity and on the penguins of Penguin Island respectively. Based upon this assessment and prior to construction of the groynes and marina basin, the Proponent will enter into a legal agreement with the State Government (Fisheries Department) to the satisfaction of the Minister for the Environment to implement appropriate management measures to ensure the continued protection of whitebait. As part of the legal agreement, the Proponent will contribute funds, which may include compensation of professional fishermen, to facilitate the agreed management measures. These contributions will be commensurate with the extent to which the requirement for the agreed measures is directly attributable to impact from the marina.

NB: References above are to sections in the Environmental Review and Management Programme (1988).

**PROPOSERS COMMITMENTS ARISING FROM
CHANGE OF BOUNDARIES- PORT KENNEDY STAGE 1**

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29. There will be no reduction in width of the foreshore reserve associated with the amended Northern Conservation Zone.
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31. The only earthworks conducted by the proponent within the Northern Conservation Zone will be for rehabilitation purposes, if necessary, or for the development of Beach Access Paths.
32. The existing track immediately to the east of the eastern boundary of the Northern Conservation Zone will be developed into a dual use pathway to enable access further south.

Attachment to Statements 105/359 – Change to Definition of
Proposal.

Proposal: Port Kennedy Regional Recreation Centre, Becher Point

Proponent: Western Australian Beach and Golf Resorts Pty Ltd

Change: To description of development approved in April 1995, under the *Port Kennedy Development Agreement Act, 1992*.

From:

Element	Quantities/Description
Land based development area	70ha land based accommodation, residential, commercial development
Marine based development area	13ha marina based development
Golf course area	162ha (36 golf holes)
Conservation reserve area	96ha
Coastal reserve area	12ha
Coastal setback distance	None adjacent to proposed marina
Groundwater abstraction	640,000kL per year
Area for nutrient application	162ha

To:

Element	Quantities/Description
Land based development area	Approximately 67ha of land based accommodation, residential, and commercial development
Marine based development area	deleted
Golf course area	Approximately 128ha (27 golf holes)
Conservation reserve area	122ha (includes 29ha south of the public golf course)
Coastal reserve area	23ha
Coastal setback distance	between 90m and 110m at the marina site. Minimum 63m in all other areas.
Groundwater abstraction	Approximately 480,000kL per year
Area for nutrient application	Approximately 132ha

Approval Date: 22 JUL 2005

Attachment 2 to Ministerial Statement 359

Change to proposal approved under section 45C of the *Environmental Protection Act 1986*

This Attachment replaces Attachment 1 of Ministerial Statement 359

Proposal: Port Kennedy Regional Recreation Centre – Becher Point, Stage 1 (167/843)

Proponent: Western Australia Beach and Golf Resort Pty Ltd

Changes:

- Increase in the minimum coastal setback.
- Increase in the overall extent of the residential development area.
- Decrease in the overall area of the golf course.
- Decrease in groundwater abstraction for golf course irrigation; and
- Changes to development layout and addition of roads and public open space areas.

Table 1: Summary of the Proposal

Proposal Title	Port Kennedy Regional Recreation Centre – Becher Point, Stage 1 (167/843)
Short Description	Subdivision and coastal residential development.

Table 2: Key Proposal Characteristics - Location and authorised extent of physical and operational elements

Element	Location	Previously Authorised Extent	Authorised Extent
Land based development area	Figure 1	67ha	85ha
Boat ramp, car park and public open space	Figure 1	2ha	2ha
Port Kennedy Drive and overflow carpark	Figure 1	10ha	10ha
Golf course area	Figure 1	128ha	82ha
Conservation and Recreation	Figure 1	145ha including <ul style="list-style-type: none"> • 83ha scientific park 	161ha Breakdown of

Element	Location	Previously Authorised Extent	Authorised Extent
reserve areas		<ul style="list-style-type: none"> • 13ha northern reserve • 16ha foreshore reserve • 29ha southern reserve 	conservation areas not required.
Coastal Setback distance	Figure 1	Between 90m and 110m at the marina site. Minimum 63m in all other areas.	Minimum distance of 110m outside of proposed town centre and Longbeach estate.
Groundwater abstraction for golfcourse irrigation	-	Approximately 480 000 kL/yr	Up to 320 000 kL/year
Area for nutrient application	-	Approximately 132 ha	Deleted as not a significant key characteristic

Note: Text in **bold** in Table 2 indicates a change to the proposal.

Table 3: Abbreviations

Abbreviation	Term
ha	hectare
m	metre
kL	kilolitre

Figures (attached)

Figure 1 Proposal area and indicative layout.

[Signed on 22 April 2014]

Dr Paul Vogel
CHAIRMAN
Environmental Protection Authority
under delegated authority

KENNEDY BAY - INDICATIVE CONCEPT PLAN

Legend

- Proposed Development Boundary
- A/C Class Reserve - Foreshore Reserve
- Developable Land
- Golf Course (layout indicative only - size and configuration subject to detailed design)
- POS (conservation/ recreation/ drainage)
- Wetland Conservation Area

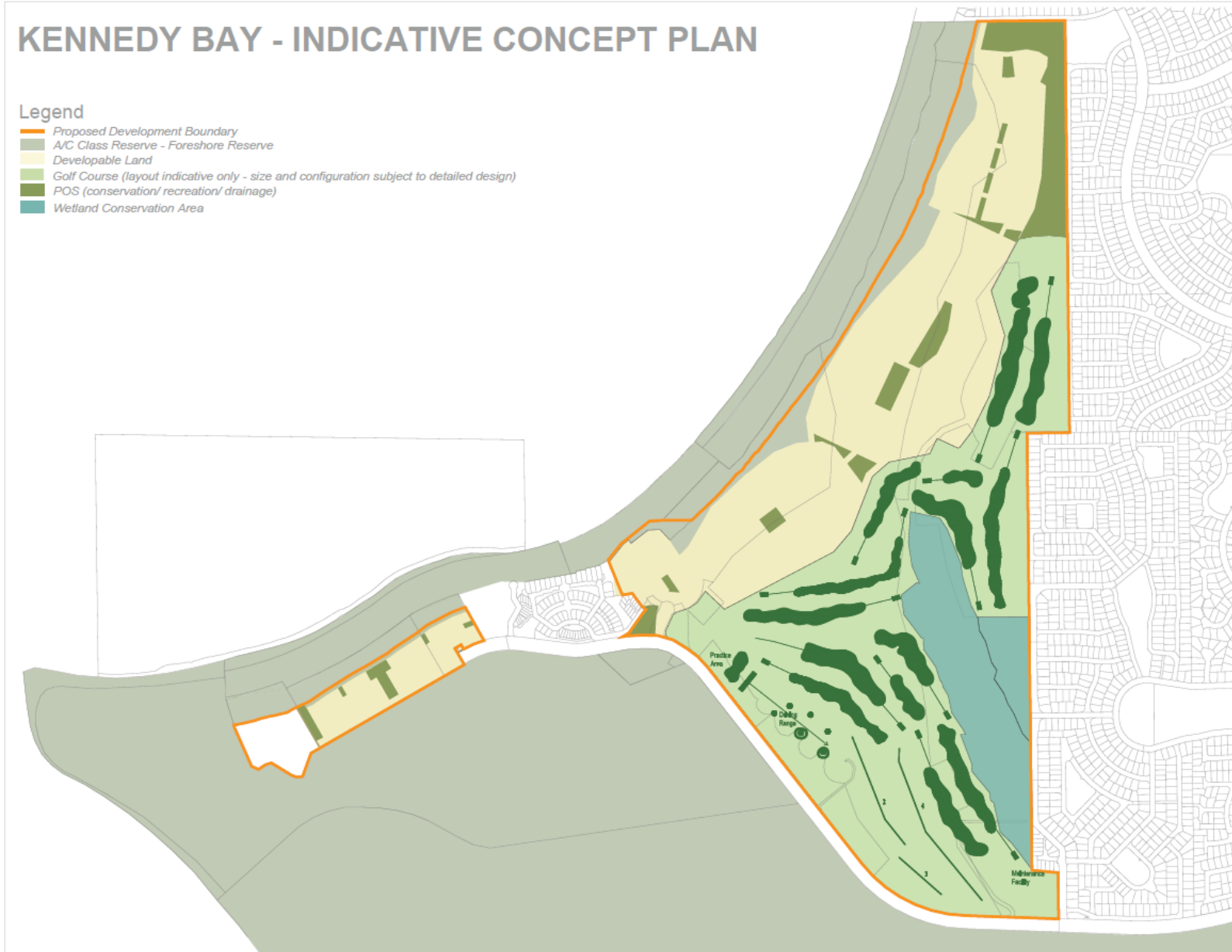


Figure 1. Proposal Area and Indicative Layout