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Published on: 19 June 2014

Statement No: 974

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(PURSUANT TO THE PROVISIONS OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

MANGLES BAY MARINA BASED TOURIST PRECINCT

Proposal: The proposal is to construct and operate a single entrance onshore marina to accommodate up to 500 boat pens and moorings and a surrounding land development comprising tourism, commercial, public open space and residential land uses.

Proponent 1: Cranford Pty Ltd
Australian Company Number 009 373 068
Level 4
66 Kings Park Road
WEST PERTH WA 6005; and

Proponent 2: Western Australian Land Authority
Australian Business Number 34 868 192 835
Level 3 Wesfarmers House
40, The Esplanade
PERTH WA 6000

Assessment Number: 1846

Report of the Environmental Protection Authority Number: 1471

Appeal Determination: Appeal numbers 002 to 009, 012 to 017 and 019 to 021 of 2013

This Statement authorises the implementation of the proposal described and documented in Columns 1 and 2 of Table 2 of Schedule 1. The implementation of the proposal is subject to the following implementation conditions and procedures and Schedule 2 details definitions of terms and phrases used in the implementation conditions and procedures.

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 EP 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 The proponent shall prepare and maintain a compliance assessment plan to the satisfaction of the CEO.
- 4-2 The proponent shall submit to the CEO the compliance assessment plan required by Condition 4-1 at least six months prior to the first compliance assessment report required by Condition 4-6, or prior to implementation, whichever is sooner.

The compliance assessment plan shall indicate:

- (1) the frequency of compliance reporting;
 - (2) the approach and timing of compliance assessments;
 - (3) the retention of compliance assessments;
 - (4) the method of reporting of potential non-compliances and corrective actions taken;
 - (5) the table of contents of compliance assessment reports; and
 - (6) public availability of compliance assessment reports.
- 4-3 The proponent shall assess compliance with conditions in accordance with the compliance assessment plan required by Condition 4-1.
- 4-4 The proponent shall retain reports of all compliance assessments described in the compliance assessment plan required by Condition 4-1 and shall make those reports available when requested by the CEO.

- 4-5 The proponent shall advise the CEO of any potential non-compliance within seven days of that non-compliance being known.
- 4-6 The proponent shall submit to the CEO the first compliance assessment report 15 months from the date of issue of this Statement addressing the 12 month period from the date of issue of this Statement and then annually from the date of submission of the first compliance assessment report.

The compliance assessment report shall:

- (1) be endorsed by the proponent's Managing Director or a person delegated to sign on the Managing Director's behalf;
- (2) include a statement as to whether the proponent has complied with the conditions;
- (3) identify all potential non-compliances and describe corrective and preventative actions taken;
- (4) be made publicly available in accordance with the approved compliance assessment plan; and
- (5) indicate any proposed changes to the compliance assessment plan required by Condition 4-1.

5 Public Availability of Data

- 5-1 Subject to Condition 5-2, within a reasonable time period approved by the CEO of the issue of this statement and for the remainder of the life of the proposal the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)) relevant to the assessment of this proposal and implementation of this Statement.

- 5-2 If any data referred to in Condition 5-1 contains particulars of:

- (1) a secret formula or process; or
- (2) confidential commercially sensitive information;

the proponent may submit a request for approval from the CEO to not make this data publically available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publically available.

6 Marine Environmental Quality (Construction Phase)

- 6-1 During Marine-Related Construction Activities the proponent shall implement measures to ensure that there is no discharge of dredge return water to the waters of Mangles Bay, including from the piping of dredge spoil direct to land-based settlement basins.

- 6-2 Prior to the commencement of Marine-Related Construction Activities, the proponent shall prepare a Marine Construction Environmental Management Plan subject to the approval of the CEO.

The purpose of this plan is to ensure that the proponent shall manage activities associated with construction of the proposal with the aim of achieving the environmental quality objectives and levels of ecological protection defined in the *State Environment (Cockburn Sound) Policy 2005*, as amended or replaced from time to time, outside the Zone of High Impact as shown in Figure 3.

- 6-3 The Marine Construction Environmental Management Plan shall include:

- (1) the location of impact and reference monitoring sites;
- (2) protocols and procedures for baseline sediment and water quality monitoring relevant to construction activities;
- (3) protocols and procedures for monitoring and evaluating the levels of tributyltin in the land-based settlement basins consistent with the *Manual of Standard Operating Procedures for the Environmental Monitoring against the Cockburn Sound Environmental Quality Criteria (2003-2004)*, as amended or replaced from time to time;
- (4) protocols and procedures for monitoring and evaluating the quality of water and sediment in marine waters consistent with the *Manual of Standard Operating Procedures for the Environmental Monitoring against the Cockburn Sound Environmental Quality Criteria (2003-2004)*, as amended or replaced from time to time;
- (5) reporting procedures, including the format, timing, and frequency for the reporting of monitoring data against the relevant trigger levels and environmental quality objectives;
- (6) a framework for the development of management and contingency actions to be implemented in the event that any trigger levels referred to in 6-3(3) and 6-3(4) are not met;
- (7) protocols and procedures for mapping turbidity plumes and reporting the realised extent of the Zone of Influence as shown in Figure 3 to the CEO.
- (8) protocols and procedures for the monitoring of water quality within the marina waterbody during construction;
- (9) management protocols for the removal of the bund which separates the marina waterbody from Mangles Bay to ensure that the environmental quality objectives and levels of ecological protection defined in the *State Environment (Cockburn Sound) Policy 2005*, as amended or replaced from time to time, are met; and

- (10) the location and design of the Lake Richmond outlet drain which meets the following requirements:
 - (a) no direct or indirect impacts to seagrass;
 - (b) the drain discharge point is within the Zone of High Impact as shown in Figure 3; and
 - (c) adequate dilution and mixing of stormwater with marine water at the discharge point.
- 6-4 Prior to the commencement of Marine-Related Construction Activities, the proponent shall implement the approved plan required by Condition 6-2, unless otherwise agreed by the CEO.
- 6-5 Prior to the commencement of Marine-Related Construction Activities the baseline sediment and water quality data collected under Condition 6-3(2) shall be submitted to the CEO.
- 6-6 In the event that monitoring required in Condition 6-3 indicates that the environmental quality objectives or levels of ecological protection in the *State Environment (Cockburn Sound) Policy 2005*, are exceeded, or likely to be exceeded, the proponent shall:
 - (1) report such findings to the CEO and the CSMC within two days of the exceedance being identified;
 - (2) investigate to determine the likely cause(s) of the trigger levels in Condition 6-3(3) and 6-3(4) not being met and report such findings to the CEO within seven days of the report in Condition 6-6(1) being submitted;
 - (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
 - (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.
- 6-7 The proponent shall provide spatial data for the constructed marine footprint and marina waterbody as set out in Column 1, Table 2 of Schedule 1 to the CEO within two months of completion of Marine-Related Construction Activities.
- 6-8 The Marine Construction Environmental Management Plan required by Condition 6-2 shall be made publicly available once approved by the CEO.

7 Marine Environmental Quality (Operation Phase)

- 7-1 During the operation of the proposal, the proponent shall manage activities associated with the operation of the proposal to meet the environmental quality objectives and levels of ecological protection as outlined in Schedule 2 and spatially defined in Figure 2 and the *State Environment (Cockburn Sound) Policy 2005*, as amended or replaced from time to time.

- 7-2 Prior to the commencement of the operation of the proposal, unless otherwise approved by the CEO, the proponent shall prepare a Marine Environmental Quality Management Plan subject to the approval of the CEO.

The objective of the Marine Environmental Quality Management Plan is to ensure that the operational activities of the proposal are managed to ensure the requirements of Condition 7-1 are met.

- 7-3 The Marine Environmental Quality Management Plan shall include:

- (1) a threat assessment to determine key cause-effect pathways and indicators to be monitored, including iron monosulfide black ooze;
- (2) baseline sediment and water quality data for indicators relevant to identified threats, collected prior to the commencement of Marine-Related Construction Activities, over a number of tidal cycles and seasons;
- (3) 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 *Environmental Quality Criteria Reference Document for Cockburn Sound (2003 - 2004)*, 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 and the *State Environment (Cockburn Sound) Policy 2005*, as amended or replaced from time to time;
- (4) the location of impact and reference monitoring sites;
- (5) protocols and procedures for monitoring and evaluating the quality of sediment and marine waters over incoming and outgoing tides, in the area specified in Schedule 2 consistent with the *Manual of Standard Operating Procedures for the Environmental Monitoring against the Cockburn Sound Environmental Quality Criteria (2003-2004)* and *Environmental Quality Criteria Reference Document for Cockburn Sound (2003 - 2004)*, as amended or replaced from time to time;
- (6) the reporting procedures, including the format, timing, and frequency for the reporting of monitoring data against the relevant trigger levels and environmental quality objectives;
- (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(3) are not met; and
- (8) protocols and procedures for the management and monitoring of maintenance dredging, including for dredge spoil and dredge return water.

- 7-4 The proponent shall implement the approved plan required by Condition 7-2.

- 7-5 In the event that monitoring required in Condition 7-3 indicates that the environmental quality objectives or levels of ecological protection established through Condition 7-1 and described in Schedule 2 and the *State Environment (Cockburn Sound) Policy 2005*, are exceeded, or likely to be exceeded, the proponent shall:

- (1) report such findings to the CEO and the CSMC within two days of the exceedance being identified;
 - (2) investigate to determine the likely cause(s) of the trigger levels in Condition 7-3(3) not being met and report such findings to the CEO within seven days of the report in Condition 7-5(1) being submitted;
 - (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
 - (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.
- 7-6 Prior to commencement of operation the proponent shall prepare an Urban Water Management Plan, to the satisfaction of the CEO on advice of the Department of Water, which aims to ensure there is no nutrient input from surface water drainage into the marina waterbody as a result of the operation of the proposal.
- 7-7 The Marine Environmental Quality Management Plan required by Condition 7-2 and the Urban Water Management Plan required under Condition 7-6 shall be made publicly available once approved by the CEO.

8 Benthic Primary Producer Habitat

- 8-1 The proponent shall ensure that the construction of the proposal does not cause mortality of, or serious damage to, seagrass, in the Mangles Bay area outside the Zone of High Impact as shown in Figure 3.
- 8-2 The proponent shall not undertake Marine-Related Construction Activities between 1 October and 31 March inclusive.
- 8-3 Prior to Marine-Related Construction Activities, the proponent shall prepare a Scope of Works for a Seagrass Baseline Survey to the satisfaction of the CEO.
- 8-4 The Scope of Works for the Seagrass Baseline Survey required pursuant to Condition 8-3 shall:
- (1) identify the sampling protocols and the location of permanent impact and reference monitoring sites within the Zone of Moderate Impact and Zone of Influence and outside the Zone of Influence as shown in Figure 3;
 - (2) determine the pre-construction baseline for at least the time of year and duration that Marine-Related Construction Activities will be undertaken for turbidity, light attenuation and seagrass health for the permanent monitoring sites required by Condition 8-4(1);
 - (3) determine the environmental quality criteria for seagrass, based on the 5th and 20th percentiles of baseline seagrass shoot density, relevant to the period(s) that Marine-Related Construction Activities will be undertaken; and
 - (4) map seagrass cover for the area which coincides with the Zones of Moderate and High Impact, and Influence as shown in Figure 3.

- 8-5 Prior to the commencement of Marine-Related Construction Activities, the proponent shall undertake the Seagrass Baseline Survey according to the approved Scope of Works required by Condition 8-3 and submit the results of that survey to the CEO.
- 8-6 Prior to Marine-Related Construction Activities, the proponent shall prepare a Seagrass Monitoring and Management Plan.
- 8-7 The Seagrass Monitoring and Management Plan required pursuant to Condition 8-6 shall include:
- (1) the parameters identified in Condition 8-4(2) to be monitored both during and after Marine-Related Construction Activities at a frequency that will be identified in this plan;
 - (2) the following criteria to apply:
 - (a) during Marine-Related Construction Activities the median seagrass shoot density for each impact monitoring site is greater than either the:
 - (i) 5th percentile of pre-dredging seagrass shoot density determined for each impact site; or
 - (ii) 5th percentile of reference sites located outside the Zone of Influence;
 - (b) five years from the completion of Marine-Related Construction Activities:
 - (i) median seagrass shoot density at each impact monitoring site measured in January is greater than the appropriate Environmental Quality Criteria for seagrass health as specified in the *State Environment (Cockburn Sound) Policy 2005* as amended or replaced from time to time; or
 - (ii) mean seagrass shoot density at each impact monitoring site measured in a month between December and March is not significantly different to the mean seagrass shoot density of the reference site(s) in Cockburn Sound measured during the same month of the year.
 - (3) mapping of seagrass cover for the area surveyed pursuant to Condition 8-4(4) and calculation of the loss of seagrass cover resulting from the construction of the proposal, within six months of the completion of Marine-Related Construction Activities;
 - (4) mapping of seagrass cover for the area surveyed pursuant to Condition 8-4(4) and determination of the loss of seagrass cover caused by the construction of the proposal to demonstrate that the proposal has not caused a loss of seagrass beyond that authorised by Schedule 1, five years after the completion of Marine-Related Construction Activities;
 - (5) management actions and strategies to be implemented should the criteria defined in Condition 8-7(2) be exceeded.
- 8-8 Prior to the commencement of Marine-Related Construction Activities, the proponent shall implement the approved Seagrass Monitoring and Management Plan and continue implementation until otherwise agreed by the CEO.

- 8-9 In the event the monitoring criteria listed in Condition 8-7(2) are not being met or the mapping required by Condition 8-7(4) indicates that the authorised loss of seagrass has been exceeded, the proponent shall:
- (1) report such findings to the CEO and the CSMC within two days of the exceedance being identified;
 - (2) investigate to determine the likely cause(s) of the exceedances in Conditions 8-7(2) and 8-7(4) and report such findings to the CEO within seven days of the report in Condition 8-9(1) being submitted;
 - (3) if determined by the CEO to be a result of activities undertaken in implementing or operating 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
 - (4) the proponent shall implement the actions to address the exceedance and shall continue to do so until such time the CEO determines that the actions may cease.
- 8-10 The Seagrass Monitoring and Management Plan required by Condition 8-6 shall be made publicly available once approved by the CEO.

9 Marine Fauna

- 9-1 The proponent shall engage dedicated Marine Fauna Observers during Marine-Related Construction Activities who shall:
- (1) demonstrate knowledge of Marine Fauna in the Perth Metropolitan region and their behaviours;
 - (2) have the capacity, subject to safety considerations, to move and make observations and other relevant records independently within the vicinity of Marine-Related Construction Activities;
 - (3) be on duty during all Marine-Related Construction Activities; and
 - (4) maintain a log of:
 - (a) observations of cetaceans in a format consistent with the National Cetacean Sightings and Strandings Database;
 - (b) observations of cetaceans, pinipeds and penguins, including injured or dead cetaceans, pinipeds and penguins, within 300 metres of any Marine-Related Construction Activities;
 - (c) observations of cetaceans, pinipeds and penguins behaviour, in particular any behaviour that could be interpreted as a display of disturbance or distress;
 - (d) management responses implemented by the proponent in relation to observation of disturbed or distressed fauna, and injured or dead fauna; and
 - (e) observation hours in relation to the duration of the Marine-Related Construction Activities.
- 9-2 Within six months of completing Marine-Related Construction Activities the proponent shall lodge marine fauna records with the DPaW.

- 9-3 A Marine Fauna Observer shall be on each vessel undertaking Marine-Related Construction Activities and will be trained in marine fauna observations and mitigation measures, including the requirements of the *Wildlife Conservation (Closed Season for Marine Mammals) Notice 1998*, as amended or replaced from time to time, and maintain a watch and a log of fauna observed during transit and construction activity consisting of: GPS coordinates; species (if known); and behaviour.
- 9-4 No Marine-Related Construction Activities shall commence until the Marine Fauna Observer (or observers) required by Condition 9-1 have verified that no cetacean(s), piniped(s) or penguin(s) have been observed within 300 metres from any Marine-Related Construction Activities during the 30 minute period immediately prior to commencement of Marine-Related Construction Activities.
- 9-5 If the Marine Fauna Observer(s) required by Condition 9-1, or any other person, observes a cetacean, piniped or penguin enter within 300 metres of Marine-Related Construction Activities, those operations are to be suspended.
- 9-6 Operations that have been suspended in accordance with Condition 9-5 shall not recommence until the cetacean, piniped or penguin has moved beyond 300 metres from the suspended marine operation and has not been observed within the exclusion zone for a period of 30 minutes.
- 9-7 The proponent shall not undertake Marine-Related Construction Activities between sunset and sunrise.

10 Terrestrial Flora and Vegetation

- 10-1 The proponent shall ensure that changes to ground and surface water quality and quantity resulting from the proposal does not cause any loss or measurable degradation of the following Threatened Ecological Communities:
- (1) SCP19 Sedgelands in Holocene Dune Swales of the southern Swan Coastal Plain as identified in Figure 4;
 - (2) Richmond-microbial – Stromatolite like microbialite community of coastal freshwater lakes as identified in Figure 4; or
 - (3) FCT 30a *Callitris preissii* (or *Melaleuca lanceolata*) forest and woodlands as identified in Figure 4.
- 10-2 To minimise impacts of the proposal on the hydrology of Lake Richmond, the proponent shall ensure that the marina waterbody referred to in Schedule 1 is constructed as a wet excavation with no dewatering to be undertaken.
- 10-3 The proponent shall prepare and submit a Scope of Works for the Baseline Threatened Ecological Communities Study two years prior to the construction of the marina waterbody to the satisfaction of the CEO on advice from the DPaW.
- 10-4 The Scope of Works for the Baseline Threatened Ecological Communities Study required by Condition 10-3 shall include:
- (1) protocols and procedures to monitor groundwater quality and levels, including seasonal variation, between the proposal area and Lake Richmond and in the vicinity of the vegetation community referenced in Condition 10-1(3);
 - (2) protocols and procedures to confirm sedimentation and stratigraphy of Safety Bay Sands in the vicinity of the proposal;

- (3) protocols and procedures to establish soil moisture levels, including seasonal variation, between the proposal area and Lake Richmond and in the vicinity of the vegetation community identified in Condition 10-1(3);
 - (4) protocols and procedures to identify water quality and water levels, including seasonal variation, within Lake Richmond;
 - (5) indicators to detect saline intrusion between the proposal area and Lake Richmond, and within Lake Richmond; and
 - (6) protocols and procedures to determine the condition, composition and occupied area of the:
 - (a) SCP19 Sedgeland in Holocene Dune Swales of the southern Swan Coastal Plain as identified in Figure 4;
 - (b) Richmond-microbial – Stromatolite like microbialite community of coastal freshwater lakes as identified in Figure 4; and
 - (c) FCT 30a *Callitris preissii* (or *Melaleuca lanceolata*) forest and woodlands as identified in Figure 4.
- 10-5 The proponent shall undertake the Baseline Threatened Ecological Communities Study in accordance with the approved Scope of Works required by Condition 10-4 two years prior to construction of the marina waterbody and prior to the clearing of FCT 30a *Callitris preissii* (or *Melaleuca lanceolata*) forest and woodlands authorised by Schedule 1, unless otherwise agreed by the CEO.
- 10-6 Prior to the construction of the marina waterbody, the proponent shall prepare a Threatened Ecological Communities Monitoring and Management Plan to the satisfaction of the CEO, on advice from DPaW.
- 10-7 The Threatened Ecological Communities Monitoring and Management Plan required pursuant to Condition 10-6 shall include:
- (1) the location of monitoring and references sites;
 - (2) indicators to quantitatively determine the health of the communities identified in Condition 10-1;
 - (3) protocols for construction and ongoing monitoring of the parameters detailed in Condition 10-4;
 - (4) protocols for comparing the construction monitoring results in Condition 10-7(3) against modelled predictions;
 - (5) protocols for re-modelling groundwater drawdown in the event that the comparison of construction monitoring results against modelled prediction required by Condition 10-7(4) show that groundwater levels during construction are reducing at scales greater than predicted;
 - (6) the criteria to trigger implementation of management and/or contingency measures to prevent any loss of Threatened Ecological Communities identified in Condition 10-1;
 - (7) management and/or contingency measures to be implemented in the event that criteria identified pursuant to Condition 10-7(6) have been triggered. Contingency measures should include but not be limited to:

- (a) water supplementation measures for Lake Richmond, which must consider the suitability of the water quality and supplementation to the appropriate geographical area of Lake Richmond; and
 - (b) adjusting the invert level of the Lake Richmond weir to a height to be approved by the CEO on advice from the DPaW and the Water Corporation.
- (8) revision of the triggers and contingency measures referred to in Conditions 10-7(6) and 10-7(7) if re-modelling of groundwater drawdown is required as per Condition 10-7(5).
- 10-8 The proponent shall implement the approved Threatened Ecological Communities Monitoring and Management Plan for a period of at least 10 years from the commencement of construction of the marina waterbody, unless otherwise agreed by the CEO.
- 10-9 In the event that the triggers and contingency measures require revision pursuant to Condition 10-7(8) the proponent shall submit the Threatened Ecological Communities Monitoring and Management Plan to the CEO within 30 days for approval.
- 10-10 In the event that the implementation of the Threatened Ecological Communities Monitoring and Management Plan as required by Condition 10-8 indicates the criteria defined pursuant to Condition 10-7(6) are triggered, the proponent shall:
 - (1) immediately implement the management and/or contingency measures identified pursuant to Condition 10-7(7) and continue implementation until criteria pursuant to Condition 10-7(6) are no longer triggered, or until advised otherwise by the CEO;
 - (2) investigate to determine the likely cause(s) of the criteria defined pursuant to Condition 10-7(6) being triggered; and
 - (3) submit the findings of the investigation to the CEO within seven days of identification of the criteria defined pursuant to Condition 10-7(6) being triggered.
- 10-11 The Threatened Ecological Communities Monitoring and Management Plan required by Condition 10-6 shall be made publicly available once approved by the CEO.

11 Residual impacts

Threatened Ecological Communities

- 11-1 In order to mitigate the significant residual impacts to the Threatened Ecological Community FCT 30a *Callitris preissii* (or *Melaleuca lanceolata*) forest and woodlands, the proponent shall develop a Threatened Ecological Community Restoration Plan in consultation with the DPaW and submit the Threatened Ecological Community Restoration Plan to the CEO for approval twelve months prior to construction. The Threatened Ecological Community Restoration Plan must identify the:
 - (1) area subject to the plan;
 - (2) objectives and targets to be achieved, including completion criteria;

- (3) composition of the FCT 30a *Callitris preissii* (or *Melaleuca lanceolata*) forest and woodlands to be restored;
 - (4) weed management measures;
 - (5) timeframes and responsibilities for implementation;
 - (6) funding schedule and financial arrangements;
 - (7) reporting procedures, including the format, timing and frequency for the reporting of monitoring data against the performance objectives and/or completion criteria; and
 - (8) management and contingency measures should completion criteria not be met.
- 11-2 Once approved, the proponent must implement the Threatened Ecological Community Restoration Plan required by Condition 11-1.
- 11-3 The Threatened Ecological Community Restoration Plan required by Condition 11-1 shall be made publicly available once approved by the CEO.

Benthic communities and habitat

- 11-4 In view of the significant residual impacts and risks as a result of implementation of the proposal to seagrass, the proponent shall prepare and submit a Seagrass Restoration Plan to the CEO prior to the commencement of construction.

The objectives of the Seagrass Restoration Plan are to re-plant at least twice the area of seagrass lost by the proposal within five years of the commencement of Marine-Related Construction Activities, in the southern end of Cockburn Sound, and ensure that 10 years after the commencement of Marine-Related Construction Activities, twice the amount seagrass lost by the proposal has been re-established to at least 75 per cent cover of *Posidonia* spp.

- 11-5 The Seagrass Restoration Plan required by Condition 11-4 shall include:
- (1) a Seagrass Transplant Pilot Study to test the suitability of selected transplant sites and seagrass from the Zone of High Impact and from other donor locations within Cockburn Sound, which shall commence at the start of construction;
 - (2) areas where seagrass will be re-planted and re-established and areas where seagrass donor material will be sourced;
 - (3) protocols and procedures to undertake a baseline seagrass survey of the areas identified in Condition 11-5(2);
 - (4) objectives of the restoration, related milestones and success criteria;
 - (5) composition of the seagrass to be restored with *Posidonia sinuosa* to be the dominant species;
 - (6) protocols, procedures and locations for harvesting donor material;
 - (7) monitoring requirements for both the restoration sites and donor seagrass beds;
 - (8) timeframes and responsibilities for implementation;
 - (9) a funding schedule and financial arrangements; and

- (10) reporting requirements in accordance with Condition 11-9.
- 11-6 The proponent shall source as much donor material as practicable from the Zone of High Impact for seagrass restoration required by Condition 11-4.
- 11-7 Prior to the commencement of Marine-Related Construction Activities, the proponent shall revise the approved Seagrass Restoration Plan required by Condition 11-4 and submit the revised plan to the CEO for approval. The revised plan shall be based on the findings of the Seagrass Transplant Pilot Study referred to in Condition 11-5(1).
- 11-8 Once approved, the proponent must implement the Seagrass Restoration Plan required by Conditions 11-5 and 11-7 until the objective stated in 11-4 is achieved.
- 11-9 The proponent shall monitor the success of implementation of the Seagrass Restoration Plan required by Conditions 11-5 and 11-7 and provide a written report, including monitoring data, to the CEO and the CSMC every two years on the progress of this project. The first report must be submitted to the CEO and the CSMC within 12 months of commencement of Marine-Related Construction Activities.
- 11-10 Should the objective of re-establishing twice the amount of seagrass lost by the proposal to at least 75 per cent cover of *Posidonia* spp. as required by Condition 11-4 not be achieved at the 10 year point, the proponent shall submit a revised Seagrass Restoration Plan to the satisfaction of the CEO, outlining management strategies to achieve the outcomes specified in Condition 11-4. This revised plan must be submitted to the CEO within three months of the 10 year period lapsing.
- 11-11 The Seagrass Restoration Plan required by Condition 11-4, including any revisions to this Plan undertaken through Condition 11-10, shall be made publicly available once approved by the CEO.

Marine Environmental Quality

- 11-12 In view of the significant residual impacts and risks as a result of the implementation of the proposal on the marine environmental quality of Mangles Bay, the proponent shall provide an initial \$250,000 to the CSMC within 12 months of commencement of construction and an ongoing operational fund of \$25,000 per year for a period of five years. The purpose of the funding is for the coordination of nutrient reduction strategies within the catchment of Mangles Bay, consistent with the *Environmental Management Plan for Cockburn Sound and its Catchment 2005* as amended or replaced from time to time, in order to improve the environmental quality of Mangles Bay.
- 11-13 The real value of contributions described in Condition 11-12 will be maintained through indexation to the Perth Consumer Price Index, with the first adjustment to be applied to the first contribution.
- 11-14 The proponent shall report annually on the provision of funding as required in Condition 11-12 as part of its compliance reporting as required by Condition 4.

Regional Parks

- 11-15 In view of the significant residual impacts and risks as a result of implementation of the proposal to native vegetation within Rockingham Lakes Regional Park, the proponent shall undertake the following requirements relating to offsets as outlined in Conditions 11-16 to 11-23.

Rehabilitation Plan

- 11-16 The proponent shall prepare and submit a Rehabilitation Plan to the satisfaction of the DPaW within 12 months of the commencement of construction. The purpose of the Rehabilitation Plan is to identify and undertake rehabilitation of 20 hectares of native vegetation within Rockingham Lakes Regional Park in the Cape Peron.
- 11-17 The Rehabilitation Plan as required by Condition 11-16 shall identify:
- (1) an area of 20 hectares within Rockingham Lakes Regional Park in the Cape Peron vicinity to be rehabilitated. The 20 hectares should include where possible, any known occurrences of Threatened Ecological Community FCT 30a *Callitris preissii* (or *Melaleuca lanceolata*) forest and woodlands within Rockingham Lakes Regional Park;
 - (2) objectives and targets to be achieved, including completion criteria;
 - (3) weed management measures;
 - (4) timeframes and responsibilities for implementation;
 - (5) a funding schedule and financial arrangements;
 - (6) reporting procedures, including the format, timing and frequency for the reporting of monitoring data against the performance objectives and/or completion criteria.
 - (7) management and contingency measures should completion criteria not be met.
- 11-18 The proponent shall implement the Rehabilitation Plan as required by Condition 11-16.
- 11-19 The Rehabilitation Plan required by Condition 11-16 shall be made publicly available once approved by the CEO.

Land Acquisition and Management Plan

- 11-20 Prior to the commencement of construction, the proponent shall prepare and submit a Land Acquisition and Management Plan to the satisfaction of the CEO.
- 11-21 The Land Acquisition and Management Plan required by Condition 11-20 shall:
- (1) identify at least 56 hectares of land to be acquired within the Swan Coastal Plain Interim Biogeographic Regionalisation of Australia region;
 - (2) identify the environmental attributes of the land to be acquired, which must contain an assemblage of fauna and flora species similar to those being impacted; and
 - (3) detail the arrangements and funding for the ongoing management of the land acquired on advice from the DPaW.

- 11-22 Prior to the commencement of construction or as otherwise agreed by the CEO, the proponent shall implement the Land Acquisition and Management Plan and acquire, or fully fund the acquisition of, the land identified in the approved Land Acquisition and Management Plan for the purpose of conservation.
- 11-23 The Land Acquisition and Management Plan required by Condition 11-20 shall be made publicly available once approved by the CEO and the land acquired.

[Signed 19 June 2014]

Albert Jacob MLA
MINISTER FOR ENVIRONMENT; HERITAGE

Table 1: Summary of the Proposal

Proposal Title	Mangles Bay Marina-Based Tourist Precinct
Short Description	<p>The proposal is to construct and operate a single entrance onshore marina to accommodate up to 500 boat pens and moorings and a surrounding land development comprising tourism, commercial, public open space and residential land uses. Construction activities to include clearing, wet excavation of the marina, breakwater construction and dredging of the access channel. Supporting infrastructure includes:</p> <ul style="list-style-type: none"> • Improvement works to the area west of Garden Island Causeway, including an upgrade to the car park, boat ramp and jetty platforms; • Service corridor of up to 45 m in width for re-routing of the Water Corporation Sepia Depression Ocean Outfall Landline; • Pump station for the Water Corporation for the Sepia Depression Ocean Outfall Landline; • Re-routing of Memorial Drive along the southern boundary of the proposal footprint as a dual-lane road; • Relocation of the Lake Richmond Outlet Drain.

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

Column 1	Column 2	Column 3
Element	Location	Authorised Extent
Terrestrial Elements	Refer Figure 1	Terrestrial Development Envelope of not more than 77 ha
	Refer Figure 4 - Clearing Area	Vegetation clearing of not more than 40 ha
	Refer Figure 4 - FCT 30a within Clearing Area	Loss of not more than 1.95 ha of FCT 30a <i>Callitris preissii</i> (or <i>Melaleuca lanceolata</i>) forest and woodlands
Marina waterbody	Refer Figure 1	Marina waterbody area of not more than 12 ha Deepest depth -3.5 m AHD Shallowest depth -2.7 m AHD
Marine Elements	Refer Figure 1 – Channel, Breakwaters and New Beach Profile – must be located in the Zone of High Impact	Marine Disturbance Footprint of not more than 5.36 ha Deepest depth of channel -3.5 m AHD
	Refer Figure 3 – Zone of High Impact	Loss of seagrass of not more than 5.24 ha

Table 3: Abbreviations

Abbreviation	Term	Abbreviation	Term
AHD	Australian Height Datum	ha	hectare
FCT	Floristic Community Type	m	metres

Figure 1: Location of the Proposal

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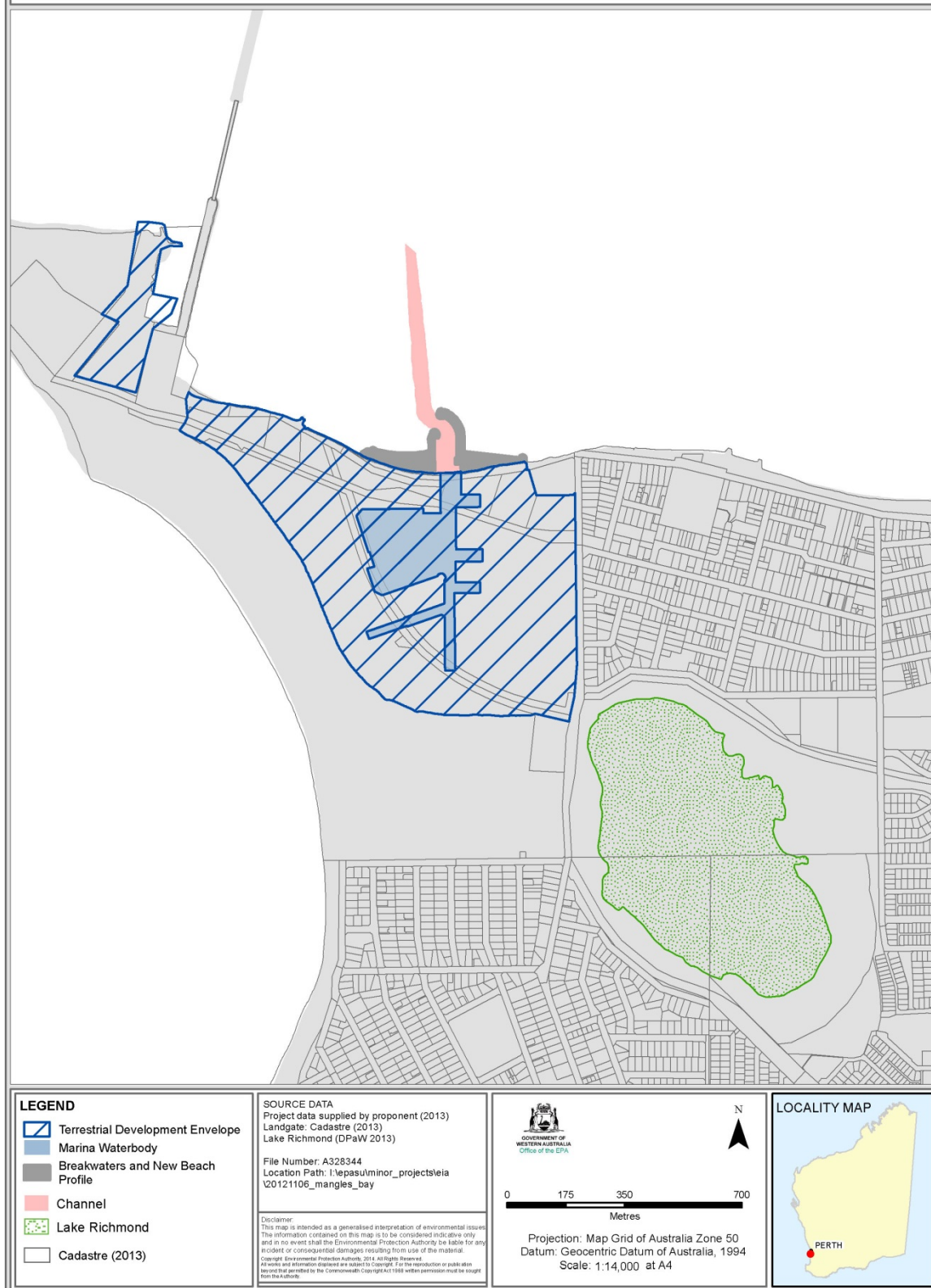


Figure 2: High and Moderate Ecological Protection Areas

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OEPA GIS Section

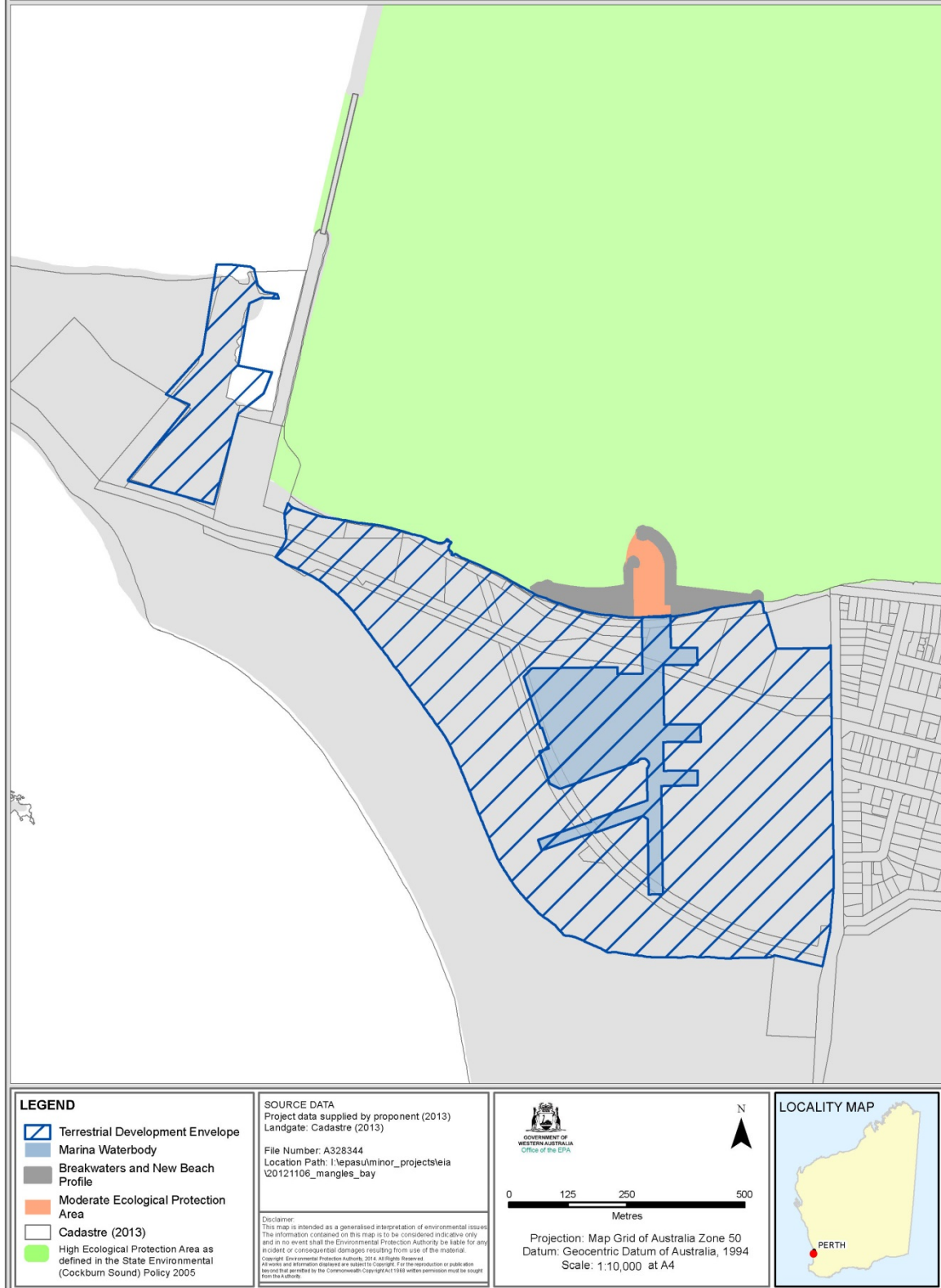


Figure 3: Zones of High and Moderate Impact and Zones of Influence

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OEPA GIS Section

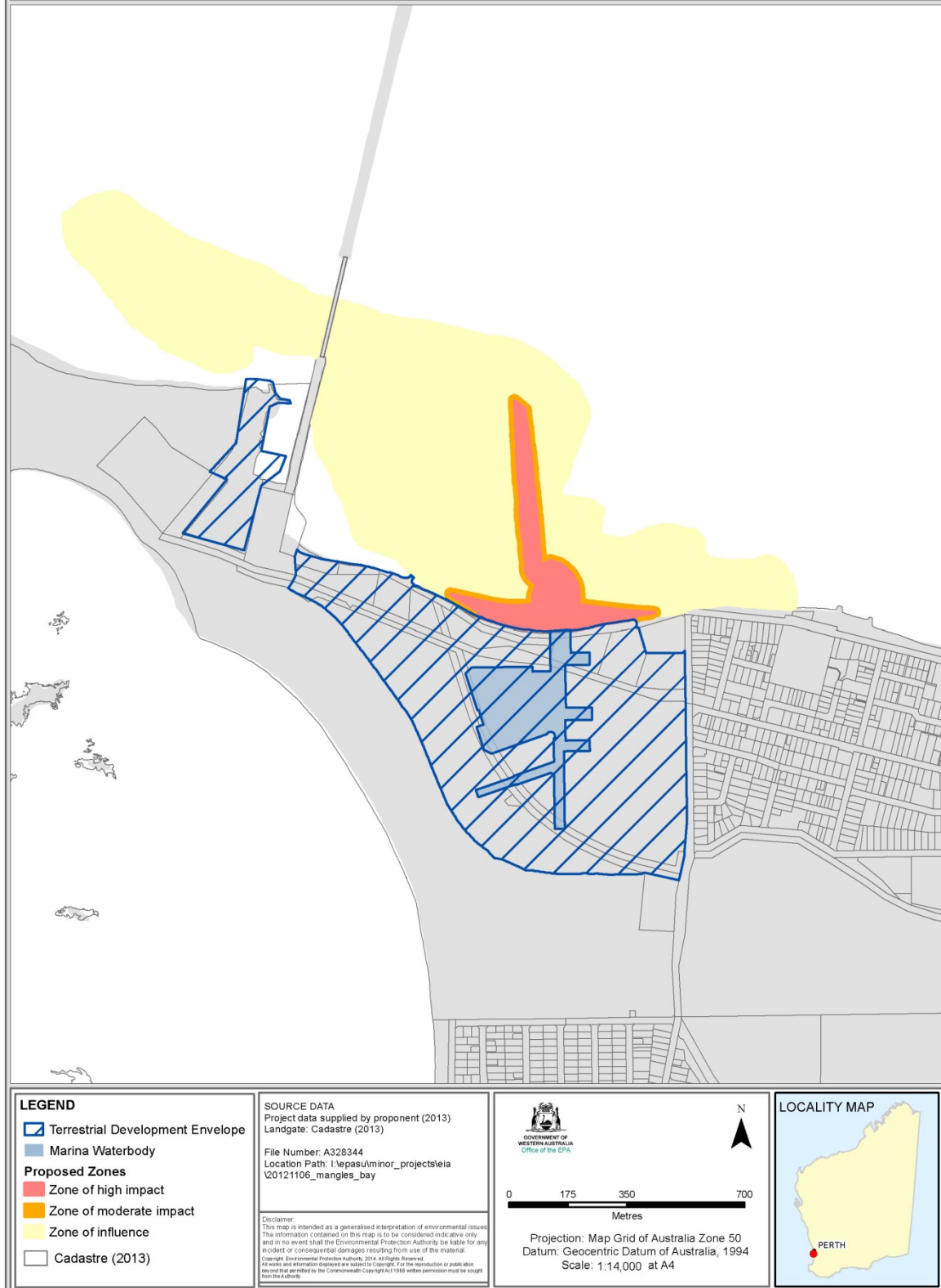
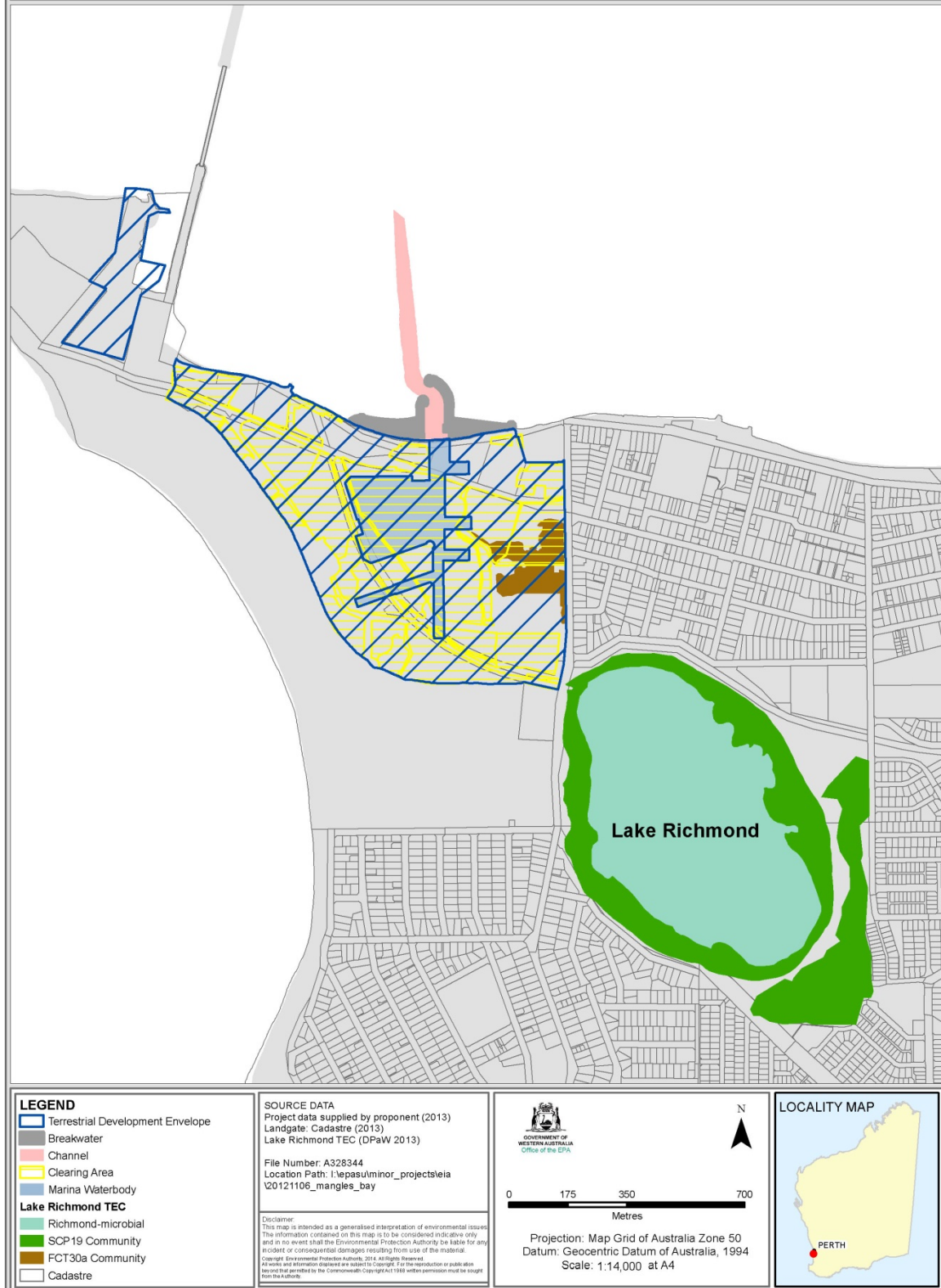


Figure 4: Threatened Ecological Communities

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Term or Phrase	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.
DPaW	Department of Parks and Wildlife
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986</i>
CSMC	Cockburn Sound Management Council
Marine Related Construction Activities	Those construction activities that take place in the marine environment that include: <ul style="list-style-type: none"> • dredging; • rock dumping for breakwater construction. Construction of the marina waterbody is not considered part of Marine Related Construction Activities.
Operation of the proposal	The proposal will be considered operational from the time the land or bunding that separates the marina waterbody from the marine waters of Mangles Bay is removed. At this point water will be able to be exchanged between the marina waterbody and the marine waters of Mangles Bay.
Zone of High Impact	Is that area depicted in Figure 3 and defined by Coordinates in Schedule 3.
Zone of Moderate Impact	Is that area depicted in Figure 3 and defined by Coordinates in Schedule 3.
Zone of Influence	Is that area depicted in Figure 3.
Southern end of Cockburn Sound	Is an area with Cockburn Sound to the south of James Point and Carine Bay.

The Environmental Quality Objective and Level of Ecological Protection to be achieved in marine waters for the Proposal (Condition 7)

Area	Environmental Quality Objectives	Level of Ecological Protection for Maintenance of Ecosystem Integrity
Marine waters between the breakwaters (Figure 2)	<ul style="list-style-type: none"> • Maintenance of ecosystem integrity. • Maintenance of seafood for human consumption. • Maintenance of aquaculture. • Maintenance of primary contact recreation. • Maintenance of secondary contact recreation. • Maintenance of aesthetic values. • Maintenance of cultural and spiritual values. • Maintenance of industrial water supply. 	<p>Moderate – To allow moderate changes in the quality of water, sediment and biota (i.e. moderate changes in contaminant concentrations that could cause small changes, beyond natural variation in ecosystem processes and abundance/biomass of marine life, but no detectable changes from the natural diversity of species and biological communities).</p> <p>For this protection level the criteria for a Moderate Level of Ecological Protection as specified <i>Environmental Quality Criteria Reference Document for Cockburn Sound</i> as amended or replaced from time to time, shall apply.</p>

Mangles Bay Marina
Co-ordinates that define the Zone of High Impact and Zone of Moderate Impact.

Reference "Mangles Bay Marina Tourist Based Precinct - *Zone of High Impact and Zone of Moderate Impact*" Document No 20121106_Mangles_Bay_A328344 zone-prop-influence, Revision 1.2, Dated 20130118.

Notes

The following notes are provided for information and do not form a part of the implementation Conditions of the 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 the Statement was signed by the Minister for Environment.
- The implementation of this Statement will result in changes to the Ecological Protection Areas listed in Schedules 2 and 3 of the *State Environmental (Cockburn Sound) Policy 2005*. Schedules 2 and 3 will be updated to reflect the implementation of this statement.