



WESTERN AUSTRALIA  
MINISTER FOR THE ENVIRONMENT

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

**PORT KENNEDY REGIONAL RECREATION CENTRE - BECHER POINT, STAGE I**

This proposal may be implemented subject to the following conditions:

1. The proponent shall adhere to the proposal as assessed by the Environmental Protection Authority and shall fulfil the commitments (which are not inconsistent with the conditions or procedures contained in this statement) made in the Environmental Review and Management Programme and in subsequent correspondence (copy of consolidated and amended commitments attached).
2. The proponent shall not commence development until the following have been undertaken, to the satisfaction of the Minister for the Environment, on advice of the Environmental Protection Authority and the Department of Conservation and Land Management:
  - (1) Initiation of a management planning study for the proposed M101 Marine Park (Cape Peron, Shoalwater Bay and Warnbro Sound);
  - (2) In respect of the System 6 recommendations for Port Kennedy (M106), provision of plans by the proponent confirming the location and extent of all conservation zones and natural vegetation areas;
  - (3) Initiation of the mechanisms necessary to secure conservation zones under appropriate Crown Reserve vestings, subject to condition 14 being satisfied beforehand, and
  - (4) Provision of plans by the proponent confirming the location and extent of all public access areas to be secured under appropriate Crown Reserve vestings.
3. The proponent shall retain the services of an expert coastal geomorphologist, for the duration of the construction and commencing at least six months prior to construction, with terms of reference to include, amongst other things:
  - (1) To report further on the impact of the proposed development on the scientific values of the coastal geomorphology of the Bridport Point area;
  - (2) To report further on the changes to the coastal processes associated with the cusped foreland caused by the proposed marina development;
  - (3) To provide detailed advice on the geomorphological features in the Stage II areas for incorporation into the land use plan (see Condition 17(1));

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- (4) To determine monthly variation in the configuration of the vegetation line, mean higher high water level position and the location of the one metre isobath in the vicinity of the marina;
- (5) To retrieve data from areas and to investigate major scientific questions in areas to be significantly modified by construction; and
- (6) To make available to the public all data collected.

The proponent shall employ terms of reference and shall conduct and report this research to the satisfaction of the Environmental Protection Authority.

4. Prior to construction, the proponent shall prepare, and subsequently implement a geomorphological site management plan, to the satisfaction of the Minister for the Environment on advice of the Environmental Protection Authority.

This plan shall provide for the protection of the international scientific value of the site (eg. Holocene dune assemblage and its accumulated scientific knowledge; potential for yielding information and predicting effects on coastal processes) and shall provide for access (through planning and design of facilities) to the majority of the site for scientific research purposes, in perpetuity.

5. Prior to construction of the groynes and marina basin, the proponent shall undertake a study of not less than 12 months' duration and report on the likely impacts of the proposed development on the fishery resource in the vicinity of the proposed marina, to the satisfaction of the Minister for the Environment on advice of the Fisheries Department.

In the event that adverse impacts on the fishery resource are predicted, the proponent shall undertake action, including possible modification of the design of the marina, to ensure that such impacts are minimised to the satisfaction of the Minister for the Environment on advice of the Environmental Protection Authority and the Fisheries Department.

Additionally, the proponent shall monitor this fishery resource, including quantitative data of the available resource, for at least 12 months prior to and during construction of the marina and for a period of not less than five years following the completion of construction, during which time the proponent shall prepare and submit annual reports, to the satisfaction of the Environmental Protection Authority on advice of the Fisheries Department.

In the event that adverse impacts on the fishery resource occur, the proponent shall undertake remedial action to the satisfaction of the Environmental Protection Authority on advice of the Fisheries Department.

The proponent shall fund this study and monitoring programme separately, over and above the provision of funds already committed (in commitments 15 and 16), to the satisfaction of the Minister for the Environment.

6. Prior to construction of the groynes and marina basin, the proponent shall provide details of a sediment plume monitoring and management programme, which the proponent shall undertake at the time of construction and during subsequent dredging programmes, and which shall provide for remedial action should a potential problem be detected, to the satisfaction of the Minister for the Environment on advice of the Environmental Protection Authority, the Department of Marine and Harbours, the Department of Conservation and Land Management and the Fisheries Department.
7. Prior to construction of the groynes and marina basin, the proponent shall provide, to the satisfaction of the Minister for the Environment, on advice of the Environmental Protection Authority and the Departments of Marine and Harbours and Conservation and Land Management :

- (1) Final design details with adequate supporting data;
  - (2) A plan detailing the extent of the entrance channel and bathymetry of the entrance;
  - (3) Details of the volume of sand to be by-passed for the depth of entrance channel determined; and
  - (4) Details of the sand by-pass system, timing of the operation, an estimate of costs (capital and maintenance) and details of funding.
8. Prior to construction of the groynes and marina basin, the proponent shall undertake a study of not less than 12 months' duration to obtain baseline data and to provide a detailed assessment of the likely impact of the proposed marina on the penguin population of Penguin Island, and to determine the interrelationship with, and dependence of the penguin population on the fishery resource, to the satisfaction of the Minister for the Environment on advice of the Department of Conservation and Land Management (See condition 5).

Additionally, the proponent shall monitor the penguin population during construction of the marina and for a period of not less than five years following the completion of construction, during which time the proponent shall prepare and submit annual reports including an assessment of the impact of the marina on the population, to the satisfaction of the Environmental Protection Authority on advice of the Department of Conservation and Land Management.

In the event that adverse impacts on the penguin population occur as a result of the development, the proponent shall undertake remedial action to the satisfaction of the Environmental Protection Authority on advice of the Department of Conservation and Land Management.

The proponent shall fund this study and monitoring programme separately, over and above the provision of funds already committed (in commitments 15 and 16), to the satisfaction of the Minister for the Environment.

9. At least six months prior to the commencement of the construction of the groynes and marina basin, the proponent shall prepare and subsequently implement a comprehensive monitoring and management programme for the water, sediments and biota for a range of parameters, including heavy metals and tri-butyl tin oxide (TBTO), to the satisfaction of the Minister for the Environment on advice of the Environmental Protection Authority.

The proponent shall include in the proposed marina water quality monitoring programme monitoring of the concentration of pollutants during critical environmental conditions and shall draw up a contingency plan for improvement of water quality, to the satisfaction of the Environmental Protection Authority.

10. Within two years of the completion of the construction of the groynes and marina basin, the proponent shall prepare and undertake field investigations of the flushing characteristics of the marina in order to support previously predicted flushing times, to the satisfaction of the Environmental Protection Authority.
11. Prior to construction, the proponent shall prepare and subsequently implement a sand dune stabilisation and management programme, to the satisfaction of the Minister for the Environment on advice of the Environmental Protection Authority and the Departments of Marine and Harbours, Agriculture and Planning and Urban Development.
12. Prior to construction, the proponent shall prepare and implement a groundwater monitoring and management programme for the site and its environs to the satisfaction of the Minister for the Environment on advice of the Water Authority of Western Australia. In the event that adverse impacts occur to groundwater on or adjacent to the site as a result of the development, the proponent shall undertake remedial action, to the satisfaction of the Environmental Protection Authority on advice of the Water Authority of Western Australia and the Department of Conservation and Land Management.

13. To facilitate the application of water conservation measures throughout the project, during the design phase and prior to construction of either golf course, the proponent shall prepare a preliminary landscape contingency plan which provides for a reduction in water usage for irrigation purposes to the satisfaction of the Environmental Protection Authority, on advice of the Water Authority of Western Australia and the Department of Agriculture. The proponent shall implement this plan, which shall be updated within five years of the completion of construction of the above-mentioned golf course, as directed by and to the satisfaction of the Environmental Protection Authority.
14. Prior to construction, the proponent shall review the conservation value of the proposed "Northern Conservation Zone" (ie. in the northern part of the site, but excluding the foredune zone) in consultation with the Department of Conservation and Land Management.

If in the opinion of the Minister for the Environment it would be environmentally preferable to exchange the northern area for an equivalent area to be added to the "Southern Conservation Zone", then the proponent shall adjust accordingly the proposed conservation zones and areas available for development, to the satisfaction of the Minister for the Environment.

15. Prior to construction commencing, the proponent shall prepare a management plan for the proposed terrestrial and wetland conservation areas in consultation with the Department of Conservation and Land Management, to be implemented by the management body responsible for Port Kennedy, to the satisfaction of the Minister for the Environment on advice of the Environmental Protection Authority and the Department of Conservation and Land Management.
16. The management body responsible for Port Kennedy shall include a representative from the Department of Conservation and Land Management, a representative from the Fisheries Department, and such other representatives as deemed appropriate by the Minister for the Environment.
17. Prior to any development of Stage II (which the proponent shall refer to the Environmental Protection Authority for assessment), the following shall be undertaken to the satisfaction of the Minister for the Environment on advice of the Environmental Protection Authority and the Department of Conservation and Land Management:
  - (1) Preparation of a land use plan for Stage II (with particular consideration being given to conservation of the wetlands of the Quindalup dune system), by the proponent in conjunction with the Department of Conservation and Land Management, which allows for not less than 75 per cent of the Stage II area to be set aside for conservation purposes and which includes the important wetlands within the conservation area, and
  - (2) Provision for the vesting of lands, identified according to sub-part (1) above, as "regional park" as an addition to the land in the Southern Conservation Zone of Stage I.
18. The proponent shall not commence construction prior to the finalisation of a suitable legal agreement between the proponent and the State Government (the Department of Marine and Harbours and other relevant government agencies) to cover but not limited to the following:
  - (1) Provision for any possible shoreline restoration;
  - (2) On-going funding and management (including restoration) responsibilities;
  - (3) Appropriate management of the fishery in the vicinity of the proposed marina in the event that the development has adverse impacts upon it; and
  - (4) An undertaking that not less than 75 per cent of the Stage II area will be set aside for conservation purposes and on related matters.

to the satisfaction of the Minister for the Environment on advice of relevant government agencies.

19. The proponent shall be responsible for decommissioning redundant structures or facilities constructed during Stage I, and rehabilitating the site and its environs, to the satisfaction of the Environmental Protection Authority. At least six months prior to decommissioning any redundant structures or facilities, the proponent shall prepare a decommissioning and rehabilitation plan to the satisfaction of the Environmental Protection Authority.
20. 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 replacement proponent to carry out the project in accordance with the conditions and procedures set out in the statement.
21. 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 expiration 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 occur following a new referral to the Environmental Protection Authority.)

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Bob Pearce, MLA  
MINISTER FOR THE ENVIRONMENT

[16 AUG 1990

# 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 30m<sup>2</sup> 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).



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 105

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

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This Attachment replaces Attachment 1 of Ministerial Statement 105

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

**Proponent:** Western Australia Beach and Golf Resort Pty Ltd

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**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"><li>• 83ha scientific park</li></ul>	161ha <b>Breakdown of</b>

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

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 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

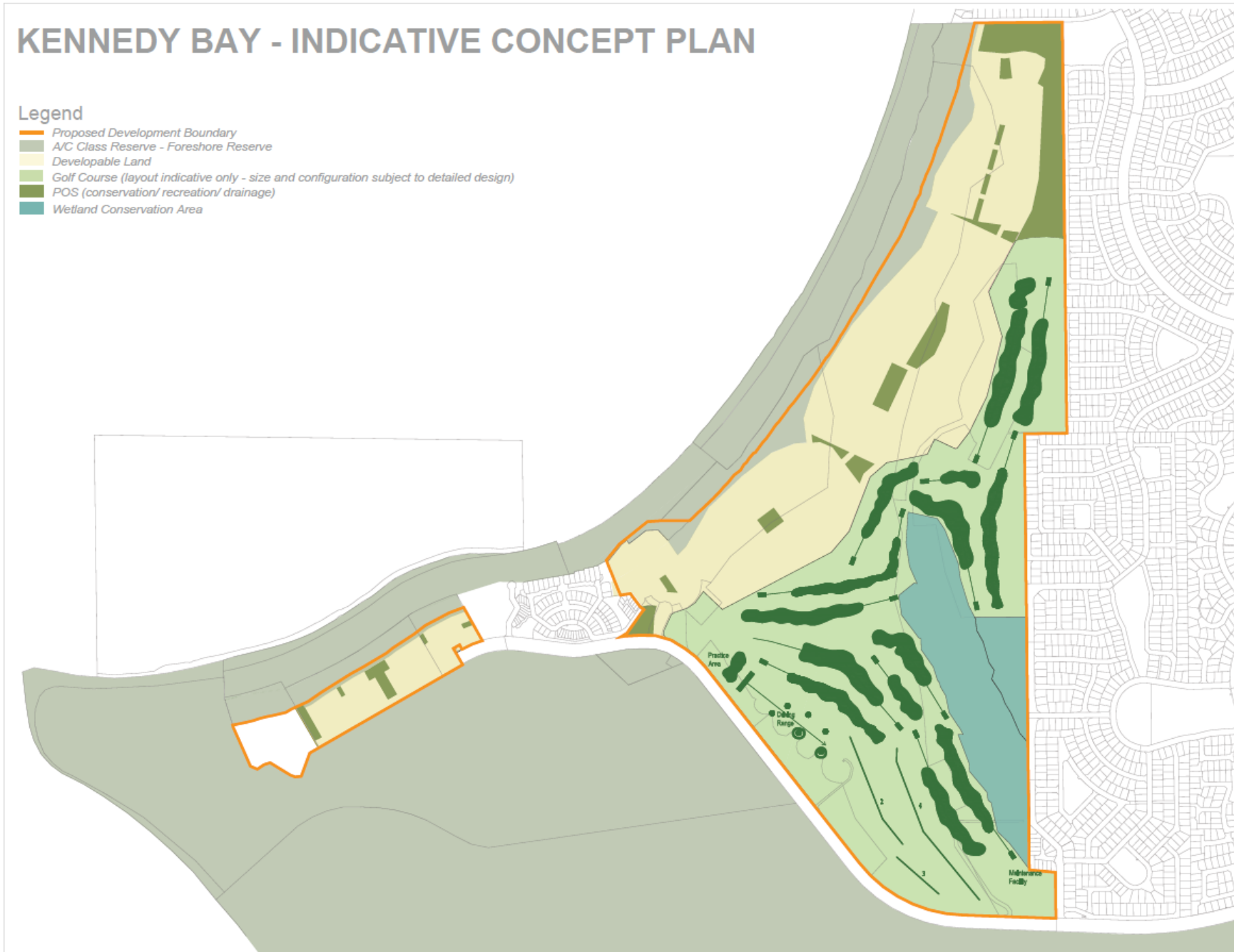


Figure 1. Proposal Area and Indicative Layout