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Published on: 1 August 2012

Statement No. 906

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

**POINT GREY MARINA**

**Proposal:** The proposal is for the construction of an onshore marina (and associated boating infrastructure e.g. boat pens, jetties, navigational aids, entrance channel, protective groynes, public boat ramps and car parks) on the western side of the Point Grey peninsula (Figure 1 and Figure 2). The proposal also includes the construction of a 2.5 kilometre navigation channel across the Harvey Estuary from the marina to the Dawesville Channel.

The proposal is further documented in schedule 1 of this statement.

**Proponent:** Point Grey Development Company Pty Ltd

**Proponent Address:** Level 2  
129 Melville Parade  
Como WA 6152

**Assessment Number:** 1751

**Report of the Environmental Protection Authority:** 1420

The proposal referred to in the above report of the Environmental Protection Authority may be implemented. The implementation of that proposal is subject to the following conditions and procedures:

**1 Proposal Implementation**

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

## **2 Proponent Nomination and Contact Details**

- 2-1 The proponent for the time being nominated by the Minister for Environment under sections 38(6) or 38(7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal.
- 2-2 The proponent shall notify the Chief Executive Officer of the Office of the Environmental Protection Authority (CEO) of any change of the name and address of the proponent for the serving of notices or other correspondence within 30 days of such change.

## **3 Time Limit of Authorisation**

- 3-1 The authorisation to implement the proposal provided for in this statement shall lapse and be void five years after the date of this statement if the proposal to which this statement relates is not substantially commenced.
- 3-2 The proponent shall provide the CEO with written evidence which demonstrates that the proposal has substantially commenced 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 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 fifteen months from the date of issue of this statement addressing the twelve 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 Chief Executive Officer or a person delegated to sign on the Chief Executive Officer'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:

- i. a secret formula or process; or
- ii. 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 Protection of Vegetation**

- 6-1 The proponent shall implement the proposal so that it does not adversely affect vegetation outside the disturbance area as shown in Figure 2 of this statement and described in schedule 1.
- 6-2 The proponent shall ensure that the implementation of the proposal does not result in (through either direct or indirect impacts) a loss of more than 7.1 hectares of vegetation.
- 6-3 To verify that the requirements of conditions 6-1 and 6-2 are met the proponent shall:
1. monitor groundwater levels and quality;
  2. monitor soil moisture levels;
  3. monitor the health, diversity and cover of vegetation; and
  4. develop management trigger levels for these parameters to the satisfaction of the CEO.
- 6-4 Monitoring is to be carried out in accordance with the Marina Dewatering Vegetation Impact Monitoring Program (Rev 1, July 2011).
- 6-5 In the event that monitoring required by condition 6-4 indicates an exceedence of trigger levels determined by condition 6-3:
1. the proponent shall report such findings to CEO within 21 days of the exceedence being identified;
  2. the proponent shall provide evidence which allows determination of the cause of the exceedence;
  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 exceedence within 21 days of the determination being made to the CEO; and
  4. the proponent shall implement actions to address the exceedence and shall continue until such time the CEO determines that the actions may cease.
- 6-6 Monitoring is to continue until such time as the CEO determines that monitoring and management actions may cease.
- 6-7 The proponent shall submit annually the results of monitoring required by condition 6-4 to the CEO as part of the compliance assessment report required by condition 4-6.

## **7 Environmental Offsets**

- 7-1 In order to mitigate for residual impacts to priority ecological communities, foreshore areas of a Ramsar listed site and specially protected or Priority fauna species, the Proponent shall implement the Environmental Offset Strategy Point Grey Marina (RPS, July 2011).
- 7-2 In implementing the Environmental Offset Strategy Point Grey Marina (RPS, July 2011) required by condition 7-1, the proponent shall:
1. Prior to commencement of any ground disturbing activities, transfer 10.6 hectares of rural zoned remnant foreshore vegetation (as shown in Figure 4) in private ownership to the Crown for the purposes of conservation and recreation.
  2. Within three years of completion of construction, rehabilitate and revegetate at least 4.7 hectares of Point Grey foreshore across three sites:
    - 3.5 hectares at Site 1 including 2.1 hectares of FCT 21C (as shown in Figure 5);
    - 0.2 hectares of FCT 24 at Site 2 (as shown in Figure 5); and
    - one hectare of FCT 25 at Site 3 (as shown in Figure 5).

The rehabilitation methodology, monitoring and maintenance will be as described in the Vegetation Management Plan (Tranen Revegetation Systems, July 2011).

3. Prior to any subdivision or the commencement of ground disturbing activities, whichever is sooner, develop and submit a land purchase offset strategy to the CEO for approval on advice from the Department of Environment and Conservation. The strategy will comprise a land acquisition component of not less than 22 hectares.
4. Implement the approved land purchase offset strategy referred to in condition 7-2-3.

## **8 Estuarine Water and Sediment Quality (Operational Phase)**

- 8-1 The proponent shall ensure that the operation of the proposal does not cause an unacceptable decline in estuary water and sediment quality compared to reference sites as described in condition 8-2.
- 8-2 To verify that the requirements of condition 8-1 have been met, the proponent shall prepare a Channel and Marina Management Monitoring Plan for estuary water and sediment quality to the satisfaction of the CEO prior to the commencement of construction.

The management plan shall include:

1. a) monitoring of the rate of accumulation of sulfidic silty sediments within the access channel;

- b) development of a management plan for the long-term onshore treatment and disposal of sulfidic sediments dredged from the access channel and marina development. The sulfidic dredge spoil should be managed as acid sulphate soils in accordance with the requirements of the Department of Environment and Conservation;
    - c) one water quality impact monitoring site 50 to 150 metres from the marina entrance;
    - d) two sediment impact monitoring sites - one 150 metres from the marina entrance in the navigation channel (this site can be the same as water quality impact monitoring site as described in 1a) and the other approximately halfway along the navigation channel; and
    - e) reference monitoring sites (one per impact monitoring site) at locations 200 to 400 metres south of the marina channel. The sites should be chosen to avoid locations where other activities may affect water and sediment quality;
  - 2. the protocols and procedures for monitoring water and sediment quality at the impact and reference monitoring sites referred to in condition 8-2-1;
  - 3. monthly monitoring of water and sediment quality;
  - 4. a risk-based tiered monitoring and management program which includes monitoring against:
    - i. primary investigation and management trigger levels for relevant water and sediment quality indicators; and
    - ii. secondary contingency action trigger levels for relevant water and sediment quality indicators in the event the primary management trigger levels in i., are exceeded,
  - 5. a framework for the development of further investigations, management and contingency actions in the event that the trigger levels referred to in condition 8-2-4 i. and ii. are exceeded; and
  - 6. the reporting procedures, including the format, timing and frequency for the reporting of monitoring data against the trigger levels in 8-2-4.
- 8-3 The Proponent shall implement the Channel and Marina Management and Monitoring Plan required by condition 8-2 to the satisfaction of the CEO.
- 8-4 In the event that monitoring required by condition 8-3 indicates an exceedence of contingency action trigger levels referred to in condition 8-2-4 ii.:
- 1. the proponent shall report such findings to the CEO within 7 days of the exceedence being identified;

2. the proponent shall provide evidence which allows determination of the cause of the exceedence;
  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 exceedence within 21 days of the determination being made to the CEO; and
  4. the proponent shall implement actions to address the exceedence and shall continue until such time the CEO determines that the actions may cease.
- 8-5 Monitoring is to continue until such time as the CEO determines that monitoring and management actions may cease or monitoring can be reduced in frequency.
- 8-6 The proponent shall submit annually the results of monitoring required by condition 8-2, exceedance of any water and sediment quality management trigger levels and effectiveness of the contingency management measures to the CEO as part of the compliance assessment report required by condition 4-6.

## **9 Dredge Timing**

- 9-1 The proponent shall not undertake dredging of the navigation and entrance channel as described in Schedule 1 of this statement between 1 November and 30 April in any year.

[Signed 1 August 2012]

**HON BILL MARMION MLA  
MINISTER FOR ENVIRONMENT; WATER**

## Schedule 1

### The Proposal (Assessment No. 1751)

The proposal is for the construction of a 300 boat onshore marina (and associated boating infrastructure e.g. boat pens, jetties, navigational aids, entrance channel, protective groynes, public boat ramps and car parks) on the western side of the Point Grey peninsula which is located between the Harvey Estuary and the Peel Inlet. The proposal also includes the dredging of a 2.5 km navigation channel across the Harvey Estuary from the marina to the Dawesville Channel, in effect linking the marina to the Indian Ocean.

Construction of the marina will involve a two staged excavation program, with limited dewatering. It is proposed to construct the majority of the onshore marina as a “wet” excavation which does not require dewatering. Dewatering will be limited to the construction of the marina wall treatments e.g. vertical block walls or to facilitate a “dry” removal of a large limestone rock. Localised dewatering will be limited to the months between April and October of any year.

The location of the entire development area of the proposal is shown in Figure 1. The marina boundary is shown in more detail in Figure 2.

The key characteristics of the proposal are shown in Table 1 below.

**Table 1 - Key Proposal Characteristics**

Key Aspect	Description
<b>Onshore marina</b>	
Marina water body area	Not more than 9.8 hectares
Excavation works	Approximately 660,000 cubic metres of spoil. The maximum depth of marina will be -3 m AHD.
Internal jetties	4-6
Area of foreshore disturbance for Marina Entrance.	Not more than 1.8 hectares
Northern construction disturbance area	Not more than 0.2 hectares
<b>Marina entrance channel</b>	
Channel dimensions	Approximately 100 m long and 120 m wide.
Excavation works	Approximately 15,000 cubic metres of spoil. The maximum depth of the marina entrance channel will be -3.5 m AHD.
<b>Public Beach, Public Car Parking and Boat Ramps</b>	
Area of foreshore disturbance	Not more than 4.3 hectares
Number of public boat ramps (inside the marina)	4
<b>Navigation Channel and Groynes</b>	
Navigation channel dimensions	Approximately 2.5 km long (Point Grey to

	Dawesville Channel) and 50 m wide (approximately 10 m wide sloping batters and a 30 m base).
Volume of material to be dredged	Approximately 120,000 cubic metres of dredge spoil will be removed (95,000 m <sup>3</sup> removed via dredging and 25,000 cubic metres via a land based excavator). The navigation channel will be dredged to a maximum depth of -3.5 m AHD.
Area of disturbance to Harvey Estuary bed (including groynes)	Not more than 15.8 hectares

### **Figures:**

*Figure 1 – Design of Point Grey Marina Proposal (RPS)*

*Figure 2 – Marina impact boundary, Stage 1 dewatering (RPS)*

*Figure 3 – Marina impact boundary, Stage 2 dewatering (RPS)*

*Figure 4 – Point Grey land transferred back to State (RPS)*

*Figure 5 – Point Grey rehabilitation sites (RPS)*



Figure 1 – Design of Point Grey Marina Proposal (RPS)

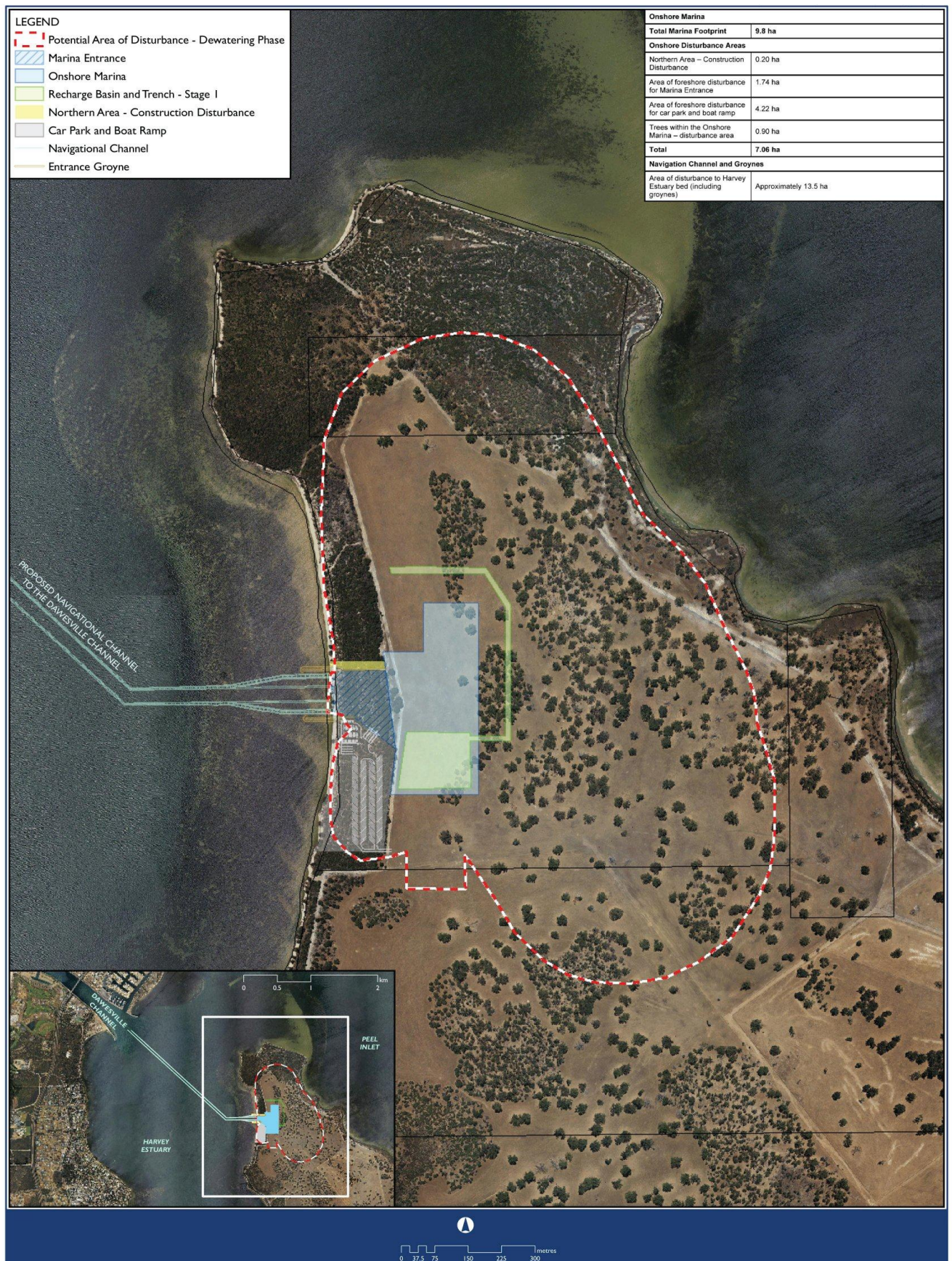


Figure 2 – Marina impact boundary, Stage 1 dewatering (RPS)

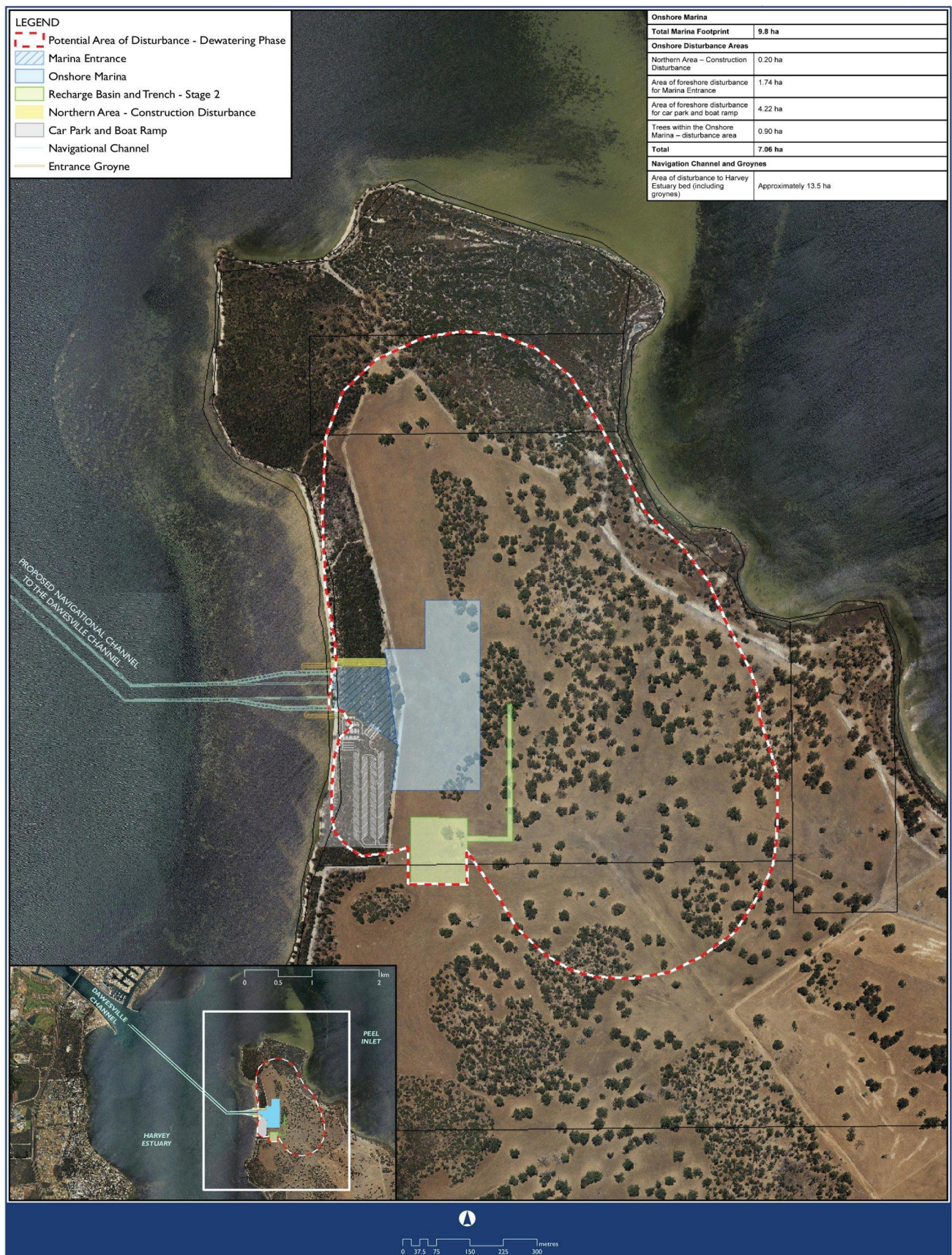


Figure 3 – Marina impact boundary, Stage 2 dewatering (RPS)



Figure 4 – Point Grey land transferred back to State (RPS)



Figure 5 – Point Grey rehabilitation sites (RPS)