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Published on 18 February 2010

Statement No. 826

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

**PORT ROCKINGHAM MARINA
COCKBURN SOUND**

Proposal: The proposal is to construct and operate a new marina facility located at the intersection of Wanliss Street and Rockingham Beach Road, Rockingham, within Cockburn Sound.

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

Proponent: Rosewood Grove Pty Ltd

Proponent Address: Unit 3, 8 Day Road
ROCKINGHAM WA 6168

Assessment Number: 1681

Appeal Determination: Appeal 301 of 2009

Report of the Environmental Protection Authority: Report 1339

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 Department of Environment and Conservation (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 6 months prior to the first compliance report required by condition 4-6 or prior to ground-disturbing activity, 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. 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 as soon as practicable.
- 4-6 The Proponent shall submit a Compliance Assessment Report annually addressing the previous twelve month period or other period as agreed by the CEO. The date of the first Compliance Assessment Report shall be 15 months from the date of this

Statement, with each subsequent report 12 months from the date of the previous Report. The Compliance Assessment Report shall:

1. be endorsed by the Proponent's Managing Director or a person, approved in writing by the Department of Environment and Conservation, 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 Performance Review and Reporting

- 5-1 The Proponent shall submit to the CEO a Performance Review Report at the conclusion of the first, second, fourth, sixth, eighth and tenth years after the start of implementation and then at five yearly intervals, which addresses:
1. the major environmental risks and impacts; the performance objectives, standards and criteria related to these; the success of risk reduction/impact mitigation measures and results of monitoring related to management of the major risks and impacts;
 2. the level of progress in the achievement of best practice environmental performance, including industry benchmarking, and the use of best available technology where practicable; and
 3. significant improvements gained in environmental management which could be applied to this and other similar projects.

6 Long Term Protection of the Environmental Values for Cockburn Sound

- 6-1 Through a Marina Waterways Monitoring and Management Plan, the Proponent shall implement the proposal to achieve the Environmental Quality Objectives (EQOs) and associated Levels of Ecological Protection (LEP), including their spatial allocation (specified in Schedule 2), identified in the *State Environmental (Cockburn Sound) Policy 2005* (SEP, Version issued January 2005) such that the Environmental Values prescribed in Clause No. 6 (1) of the SEP are protected.

7 Construction of Marina

- 7-1 The proponent is required to their best endeavours to apply the following pile driving management protocol for minimising impacts on cetaceans:

1. soft start-up procedures for a period of 15 minutes at the commencement of each pile driving event;
 2. a cetacean observation zone consisting of a one kilometre radius from the noise emitting source whereby an observer must undertake cetacean observation for a minimum of 15 minutes prior to the commencement of pile driving and during pile driving activities; and
 3. a shutdown zone consisting of a 500 metre radius from the noise emitting source whereby (1) pile driving cannot commence should a cetacean be within the 500 metre exclusion zone; and (2) pile driving activities to cease should a cetacean enter the 500 metre exclusion zone during pile driving and are not to recommence until the animal(s) have moved outside the 500 metre exclusion zone.
 4. Pile driving activities to take place during daylight hours only.
- 7-2 The Proponent shall manage construction of the proposal to achieve the EQOs and associated LEP outside of the 'zone of effect' shown in Figure 2.
- 7-3 The Proponent shall, prior to ground-disturbing activities, prepare a Construction Environmental Monitoring Plan that will apply in the zone of effect and outside the zone of effect for the purposes of demonstrating:
- the requirements of 7-2 are being met; and
 - when EQOs have been re-established to meet High Level of Ecological Protection within the zone of effect shown in Figure 2, to the satisfaction of the CEO.
- 7-4 The Proponent shall implement the Construction Environmental Monitoring Plan required by condition 7-3 to the satisfaction of the CEO.
- 7-5 Monitoring shall be conducted for the duration of the construction of the marina and for six months following completion of the facility, or until it has been demonstrated that the High Level of Ecological Protection values have re-established within the 'zone of effect'. The Proponent shall submit monitoring reports that contain the results of monitoring required by Condition 7-4 to the CEO and Cockburn Sound Management Council. The monitoring reports shall include the initial predictions of environmental impacts as described in the Public Environmental Review Port Rockingham Marina, prepared for Rosewood Grove Pty Ltd by RPS, Subiaco, Western Australia (March, 2009) and proponent's response to submissions, and an analysis of if, or how, and to what extent the results of monitoring varied from the initial predictions of environmental impacts.

8 Coastal Processes

- 8-1 Through an Adaptive Management Strategy, the Proponent shall ensure that construction and operation of the proposal does not cause changes to shoreline

movements, width of beach and beach profiles, in excess of that predicted shown in Figure 3 and listed in Table 1 of this statement.

Procedures

1. Where a condition states “on advice of the Environmental Protection Authority”, the Environmental Protection Authority will provide that advice to the Department of Environment and Conservation for the preparation of written notice to the proponent.
2. The Environmental Protection Authority may seek advice from other agencies or organisations, as required, in order to provide its advice to the Department of Environment and Conservation.
3. The Minister for Environment will determine any dispute between the proponent and the Environmental Protection Authority or the Department of Environment and Conservation over the fulfilment of the requirements of the conditions.
4. In order to provide comments, the DEC shall provide the City of Rockingham with the reports submitted as per conditions 4, 5, 6, 7-4 and 8.

Donna Faragher JP MLC
MINISTER FOR ENVIRONMENT; YOUTH

Schedule 1

The Proposal (Assessment No. 1681)

The Port Rockingham Marina proposal consists of:

- A new marina facility located at the intersection of Wanliss Street and Rockingham Beach Road, Rockingham, within Cockburn Sound that has been designed to accommodate 500 vessels.
- An area of approximately 9 ha of near shore marine environment to be occupied by the facility.
- Construction of a breakwater that will extend along edge of sand-sheet from the end of the pier to the north-east for 770 m.
- Construction of an open pile pier that extends from Wanliss Street car park for 200 m into near shore marine environment to meet breakwater.
- Expansion of Wanliss Street car park from 80 bays to 137 bays and incorporation of fuel storage and marina service facility and provision of 230 angle car parking bays along north-western side of Rockingham Beach Road between Wanliss and Victoria Streets.

The location of the various project components is shown in Figures 1, 2 and 3.

The main characteristics of the proposal are summarised in Table 1 below. A detailed description of the proposal is provided in sections 2.0 to 2.8 of the project referral document, Public Environmental Review Port Rockingham Marina, prepared for Rosewood Grove Pty Ltd by RPS, Subiaco, Western Australia (March, 2009).

Table 1: Summary of Key Proposal Characteristics

Element	Description
Marine	<ul style="list-style-type: none">• A loss of 9.1 ha of Benthic Primary Producer Habitat that is considered to be potential seagrass habitat (note – no direct or indirect loss of seagrass is anticipated as part of this proposal).• Construction of a breakwater that will extend along edge of sand- sheet from the end of the pier to the north-east for 770 m (Figure 1).• Construction of an open pile pier that extends from Wanliss Street car park for 200 m into near shore marine environment to meet breakwater.• Temporary bund in location for approximately twelve months to facilitate the construction of the breakwater.

Element	Description
Terrestrial	<ul style="list-style-type: none"> • Occupies approximately 0.8 ha of foreshore reserve. • Approximately 0.2 ha of vegetation will require removal to facilitate expansion of Wanliss Street car park from 80 bays to 137 bays and incorporation of fuel storage and marina service facility. • Provision of 230 angle car parking bays along north-western side of Rockingham Beach Road between Wanliss and Victoria Streets. • Stormwater drain (ROC-03) and Victoria Street upgraded.
Terrestrial Fauna and Shorebirds	<ul style="list-style-type: none"> • The clearing of 0.2 ha of faunal habitat
Coastal Processes	<ul style="list-style-type: none"> • Minor changes to the shoreline and sand-sheet morphology may occur. The predicted amount of sand bypassing that may be required is 5,000 to 6,000 m³ per annum.
Marina Facility	<ul style="list-style-type: none"> • Occupies approximately 9 ha of near shore marine environment. • Capacity to harbour a maximum of 500 boats using floating pens inside of marina resulting in shading of seafloor. • Refueling, sullage and water supply facilities for both commercial and public boats. • Retail precinct incorporating restaurants and shop contained within pier location. • Dedicated charter boat/commercial ferry/commercial fishing boat jetty.

Figures (attached)

Figure 1: Design and Location of Port Rockingham Marina.

Figure 2: Zone of effect.

Figure 3: Proponent predicted shoreline movements resulting from proposal construction.



Figure 1: Design and Location of Port Rockingham Marina (RPS, 2009)



Figure 2 - Zone of Effect (RPS, 2009)

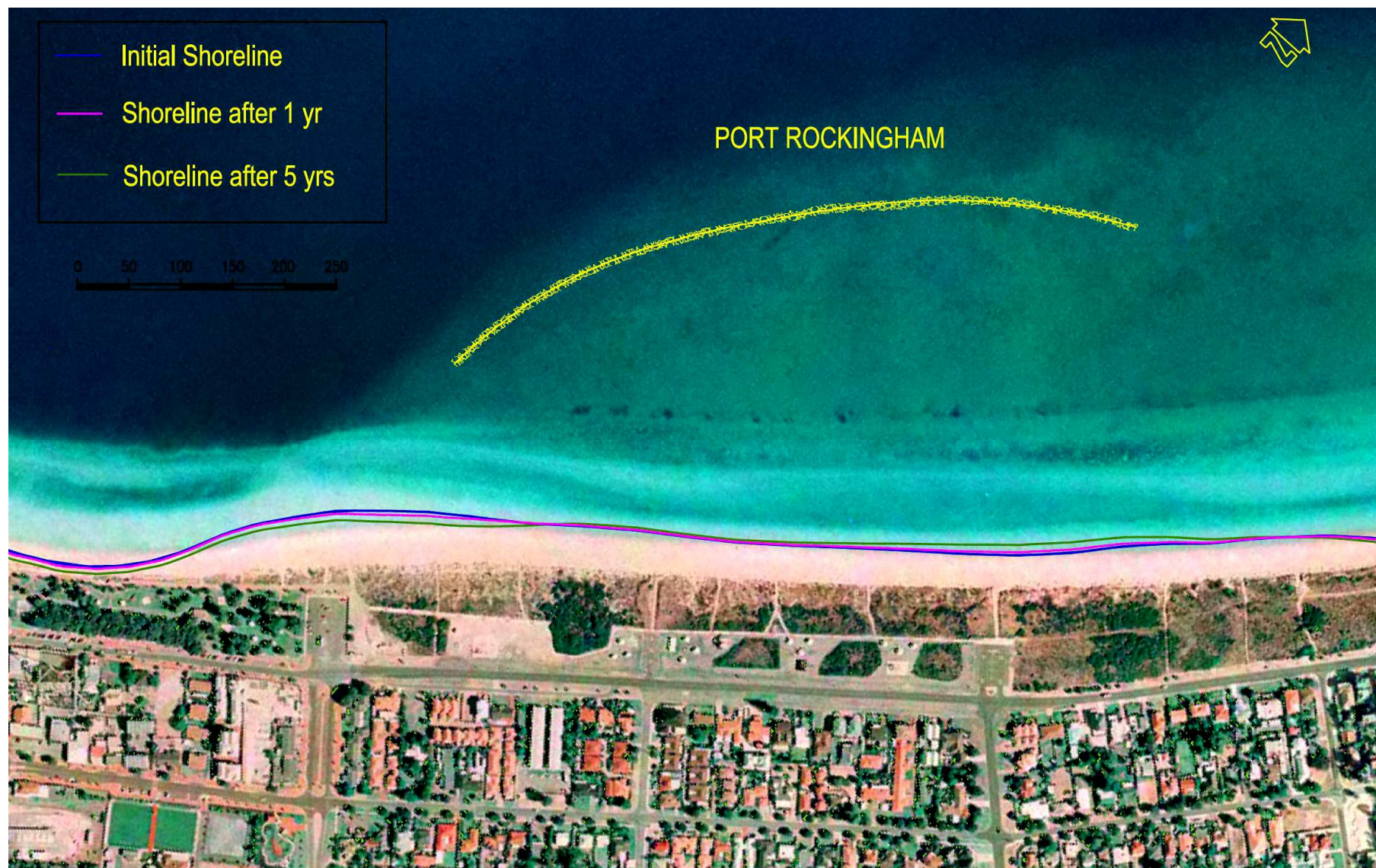


Figure 3 - Proponent Predicted Shoreline Movements Resulting from Proposal Construction (RPS, 2009)