

THIS DOCUMENT

This document has been produced by the Office of the Appeals Convenor as an electronic version of the original Statement for the proposal listed below as signed by the Minister and held by this Office. Whilst every effort is made to ensure its accuracy, no warranty is given as to the accuracy or completeness of this document.

The State of Western Australia and its agents and employees disclaim liability, whether in negligence or otherwise, for any loss or damage resulting from reliance on the accuracy or completeness of this document.

Copyright in this document is reserved to the Crown in right of the State of Western Australia.

Reproduction except in accordance with copyright law is prohibited.

Published on: 2 February 2022

Statement No. 1185

**STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS
APPLYING TO A PROPOSAL
(Section 46 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, within Cockburn Sound. The proposal is further documented in Ministerial Statement 826.

Proponent: Aureus Commercial Pty Ltd
Australian Company Number 146 479 218

Proponent Address: 15 Crompton Road
Rockingham WA 6168

Report of the Environmental Protection Authority: 1711

Preceding Statement/s Relating to this Proposal: 826 and 1041

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by section 46(8), it has been agreed that the implementation conditions set out in Ministerial Statement No. 826, be changed as specified in this Statement and that this Statement supersedes Ministerial Statement No. 1041.

Condition 3 of Ministerial Statement 1041 is deleted and replaced with:

3 Time Limit for Proposal Implementation

3-1 The proponent shall not commence implementation of the proposal after 11 October 2026, and any commencement, prior to this date, must be substantial.

3-2 Any commencement of implementation of the proposal, on or before 11 October 2026, must be demonstrated as substantial by providing the CEO with written evidence, on or before 11 October 2026.

Condition 6 of Ministerial Statement 1041 is deleted and replaced with:

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 as specified in Schedule 2 of the *State Environmental (Cockburn Sound) Policy 2015* (SEP, Version issued 2015) and its updates, such that the Environmental Values prescribed in Section 4 of the SEP are protected.

Condition 7-1 of Ministerial Statement 826 is deleted and replaced with:

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 and little penguins:

- (1) soft start-up procedures for a period of 30 minutes at the commencement of each pile driving event;
- (2) Pile driving activities to take place during daylight hours only.

Cetaceans

- (3) 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 30 minutes prior to the commencement of pile driving and during pile driving activities;
- (4) 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.

Little penguins

- (5) a little penguin observation zone consisting of a 300 metre radius from the noise emitting source whereby an observer must undertake little penguins observation for a minimum of 30 minutes prior to the commencement of pile driving and during pile driving activities;
- (6) a shutdown zone consisting of a 300 metre radius from the noise emitting source whereby (1) pile driving cannot commence should a little penguin

be within the 300 metre exclusion zone; and (2) pile driving activities to cease should a little penguin enter the 300 metre exclusion zone during pile driving and are not to recommence until the animal(s) have moved outside the 300 metre exclusion zone.

“CEO” means the Chief Executive Officer of the Department of the Public Service which is responsible for the administration of section 48 of the *Environmental Protection Act 1986*, or the CEO’s delegate.

[signed on 2 February 2022]

Hon Reece Whitby MLA
MINISTER FOR ENVIRONMENT; CLIMATE ACTION

Key decision-making authorities consulted under section 46(8A):
--

Minister for Water Minister for Transport
--