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Published on: 26 November 2014

Statement No: 990

**STATEMENT TO AMEND CONDITIONS APPLYING TO A PROPOSAL
(PURSUANT TO THE PROVISIONS OF SECTION 46 OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

**PORT GEOGRAPHE DEVELOPMENT COASTAL STRUCTURES
CITY OF BUSSELTON**

Proposal: The proposal is for the construction of coastal structures to establish a harbour entrance to the Port Geographe Development with reduced trapping of seagrass wrack, 3 kilometres east of the town of Busselton.

The key components of the Proposal are further documented in Schedule 1.

Proponent: Minister for Transport

Proponent Address: 13th Floor, Dumas House, 2 Havelock Street, WEST PERTH WA 6005

Assessment Number: 1977

Previous Assessment Number: 936

Report of the Environmental Protection Authority: 1509

Previous Report Number: 783

Previous Ministerial Statement Number: 391

The implementation of the proposal to which the above report of the Environmental Protection Authority relate is subject to the following conditions and procedures, which replace and supersede all previous conditions and commitments of Statement 391.

1 Proposal Implementation

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

2 Proponent Nomination and 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 Compliance Reporting

- 3-1 At least six calendar months prior to the first Statement of Compliance required pursuant to Condition 3-6 the proponent shall:
- (1) prepare a Compliance Assessment Plan in accordance with the OEPA's Post Assessment Guideline for Preparing a Compliance Assessment Plan, as amended from time to time and to the approval of the CEO; and
 - (2) submit the Compliance Assessment Plan required pursuant to Condition 3-1(1) to the CEO.
- 3-2 The proponent shall revise the approved Compliance Assessment Plan in accordance with the OEPA's Post Assessment Guideline for Preparing a Compliance Assessment Plan, as amended from time to time, and submit the revised Compliance Assessment Plan to the approval of the CEO.
- 3-3 The proponent shall assess compliance in accordance with the approved Compliance Assessment Plan.
- 3-4 The proponent shall collect and maintain information and documentation in accordance with the approved Compliance Assessment Plan.
- 3-5 The proponent shall advise the CEO of any non-compliance or potential non-compliance within seven days of such awareness.
- 3-6 The proponent shall prepare a Statement of Compliance for each consecutive 12 month period commencing on the date of the Statement and submit each Statement of Compliance to the CEO no later than three months following the end of each 12 month period it addresses.
- 3-7 The proponent shall ensure that each Statement of Compliance is made available to the public in accordance with the approved Compliance Assessment Plan and within twenty eight days of its submission pursuant to Condition 3-6.

3-8 The proponent shall ensure that each Statement of Compliance:

- (1) indicates the extent to which the proponent has complied with the implementation conditions contained in this Statement in the preceding twelve month period;
- (2) is prepared using the OEPA's Post Assessment Form for a Statement of Compliance, as amended from time to time;
- (3) provides all information required by the OEPA's Post Assessment Form for a Statement of Compliance, as amended from time to time; and
- (4) is signed by the proponent, if the proponent is an individual, or a person who is a director or the director's delegate, if the proponent is a public body, company or association or body of persons, corporate or unincorporated.

3-9 The CEO has the discretion to, by notice in writing:

- (1) require the proponent to submit a Statement of Compliance more or less frequently than annually and alter the period addressed by the Statement of Compliance;
- (2) alter the due date of the Statement of Compliance;
- (3) prescribe the manner in which Statement of Compliance is made available to the public, should this be necessary; and
- (4) where a Statement of Compliance contains trade secrets or documentation that would reveal information of a commercial value, waive the requirement to make any of the Statement of Compliance, in part or wholly, publicly available, should this be requested by the proponent.

4 Foreshore

4-1 Where determined to be project attributable, the proponent shall maintain beach profiles on beaches east and west of the development, within the project area shown in Schedule 1, Figure 1, to the requirements of the CEO.

5 Sand Trap, Harbour Entrance Channel and Sand Bypass

5-1 The proponent shall, unless otherwise approved by the CEO, annually bypass, dredge or remove trapped seagrass wrack and or sediment accumulated west of or within the harbour entrance, to the requirements of the CEO.

5-2 The proponent shall transfer sufficient sand to Wonnerup Beach for coastal protection, to the requirements of the CEO.

6 Flushing of Artificial Waterways

- 6-1 The proponent is to maintain the harbour entrance channel as per Schedule 1, to ensure adequate flushing and water circulation of the artificial waterways within the Port Geographe development, to the requirements of the CEO.

7 Environmental Management and Monitoring Plan

- 7-1 The proponent shall ensure impacts to the environment are minimised through the implementation of Conditions 7-2 to 7-8.
- 7-2 Within three calendar months following the issue of the Ministerial Statement, unless otherwise approved by the CEO, the proponent shall prepare an Environmental Management and Monitoring Plan to the requirements of the CEO. The Plan shall:
- (1) when implemented, substantiate whether Condition 7-1 is being met.
 - (2) detail measures to manage water and sediment quality impacts to Geographe Bay associated with coastal management activities including dredging and bypassing.
 - (3) detail measures to manage trapped seagrass wrack accumulation on the beaches adjacent to the development, as shown in Schedule 1, Figure 1.
 - (4) detail measures to manage significant environmental impacts with regard to coastal processes and sediment movement as a result of the development.
 - (5) determine trigger levels for implementation of management measures to ensure Condition 7-1 is met.
 - (6) identify management measures to be implemented in the event that criteria identified required by Condition 7-2(5) have been exceeded.
- 7-3 The proponent shall implement the approved Environmental Management and Monitoring Plan required by Conditions 7-2, unless otherwise approved by the CEO.
- 7-4 In the event that monitoring required by Condition 7-2 indicates trigger criteria have been exceeded, the proponent shall investigate to determine the likely cause(s) and provide a report that describes the investigation to the CEO within 10 days along with a description of the corrective management actions to be taken.
- 7-5 The proponent shall implement the management actions identified in Condition 7-4 until the CEO determines that the remedial actions may cease
- 7-6 The proponent shall review the Environmental Management and Monitoring Plan annually, and revise where required, or as directed by the CEO.

- 7-7 The proponent shall implement the approved revisions of the Environmental Management and Monitoring Plan required by Condition 7-6 until advised otherwise by the CEO.
- 7-8 The Proponent shall make the Environmental Management and Monitoring Plan, required by 7-2 publically available in a manner approved by the CEO.

[Signed 26 November 2014]

**HON ALBERT P JACOB JP MLA
MINISTER FOR ENVIRONMENT; HERITAGE**

The proposal is for the construction of coastal structures to establish a harbour entrance to the Port Geographe Development with reduced trapping of seagrass wrack, 3 kilometres east of the town of Busselton. (see Figure 1). The main characteristics of the proposal are summarised in Table 1 below.

Table 1: Key Characteristics Table

Element	Description of proposal
Location	Geographe Bay, East of Busselton (see Figure 1)
Infrastructure	Coastal structures including: - Western training wall, and - Eastern seawall.
Channel dimensions	Channel detailed in Figure 1. Design depth: -2.8m Chart Datum (to a maximum -3.3m Chart Datum with over dredge).
Excavation works	Capital dredge material transferred to beach and/or offshore disposal area.
Area of seabed disturbance	Channel area detailed in Figure 1.

Table 2: Abbreviations

Abbreviation	Term
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 their delegate.
m	metres

Figures (attached)

Figure 1: Port Geographe Coastal Structures and Management Zone

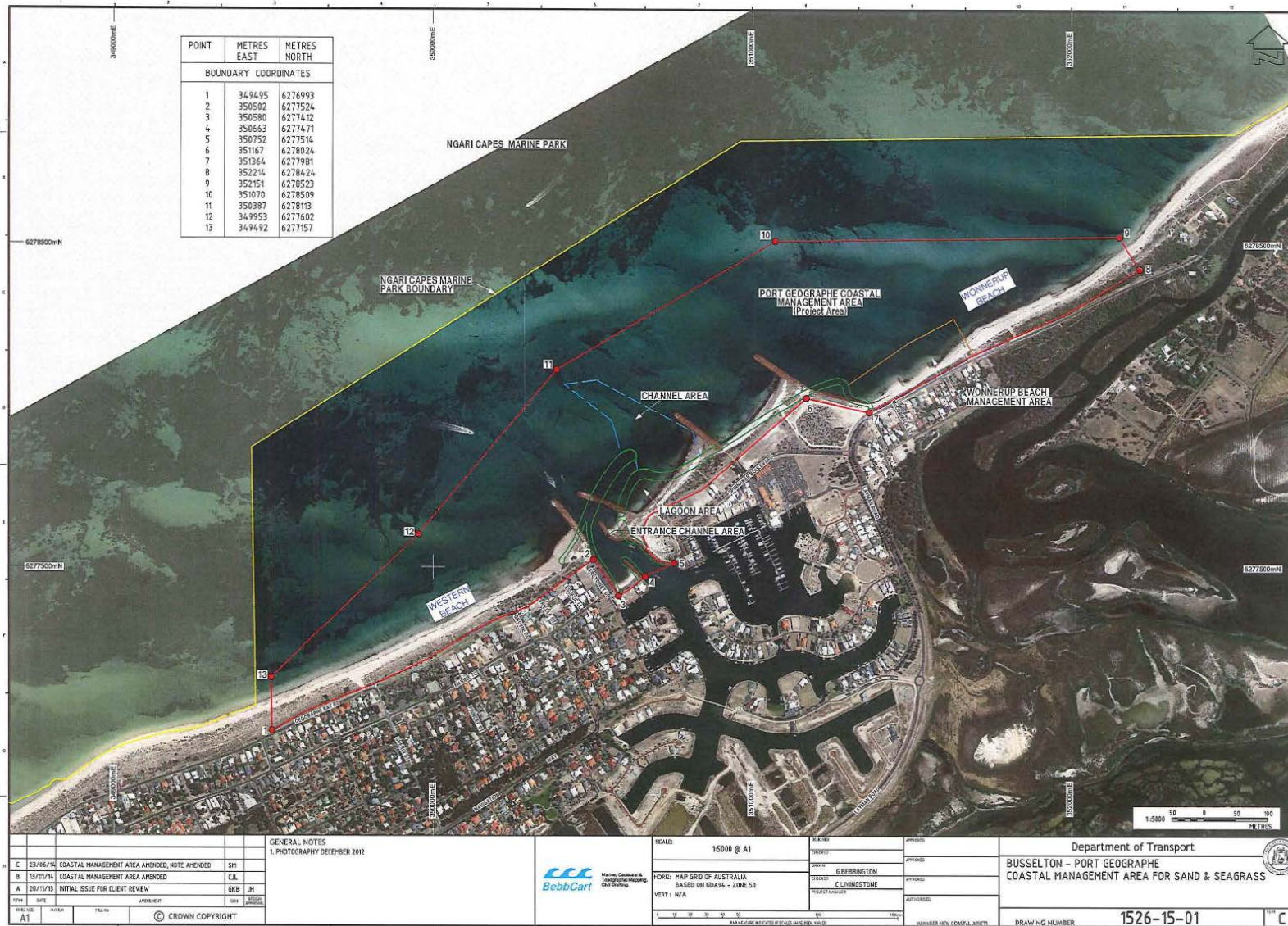


Figure 1: Port Geographe Coastal Structures and Management Zone