



Statement No.

MINISTER FOR THE ENVIRONMENT;
EMPLOYMENT AND TRAINING

000474

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

MARINA, RESORT AND RESIDENTIAL DEVELOPMENT
- EXTENSION TO EXMOUTH BOAT HARBOUR
EXMOUTH (1070)

LANDCORP

This proposal may be implemented subject to the following conditions:

1 Proponent Commitments

The proponent has made a number of environmental management commitments in order to protect the environment.

- 1-1 In implementing the proposal, the proponent shall fulfil the commitments made in the Public Environmental Review (Bowman Bishaw Gorham, 1997), as subsequently modified during the environmental assessment process conducted by the Environmental Protection Authority and those made as part of the fulfilment of the requirements of conditions in this statement requiring the preparation of environmental management plans; provided that the commitments are not inconsistent with the conditions or procedures contained in this statement.

In the event of any inconsistency, the conditions and procedures shall prevail to the extent of the inconsistency.

The attached consolidated environmental management commitments (March 1998) form the basis for consideration by the Chief Executive Officer of the Department of Environmental Protection for auditing of this proposal in conjunction with the conditions and procedures contained in this statement.

2 Implementation

Changes to the proposal which are not substantial may be carried out with the approval of the Minister for the Environment.

- 2-1 Subject to these conditions, the manner of detailed implementation of the proposal shall conform in substance with that set out in any designs, specifications, plans or other technical material submitted by the proponent to the Environmental Protection Authority with the proposal.

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30 APR 1998

30 APR 1998

- 2-2 Where, in the course of the detailed implementation referred to in condition 2-1, the proponent seeks to change the designs, specifications, plans or other technical material submitted to the Environmental Protection Authority in any way that the Minister for the Environment determines, on the advice of the Environmental Protection Authority, is not substantial, those changes may be effected.

3 Proponent

These conditions legally apply to the nominated proponent.

- 3-1 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.

4 Environmental Management System

- 4-1 In order to manage the environmental impacts of the project, and to fulfil the requirements of the conditions and procedures in this statement, prior to construction, the proponent shall prepare Environmental Management System documentation with components such as those adopted in Australian Standards AS/NZS ISO 14000 series, to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection.
- 4-2 The proponent shall implement the Environmental Management System referred to in condition 4-1.

5 Environmental Management Plans

- 5-1 Prior to commencement of construction, the proponent shall prepare Environmental Management Plans, to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection, the Department of Conservation and Land Management, the Water and Rivers Commission and the Ministry for Planning, as appropriate.

These Plans shall address the following:

- 1 Protection of foreshore reserve and coastal dunes;
 - 2 Dewatering of groundwater - prevention of turbid water discharge;
 - 3 Disposal of dredge spoil and excess excavation material;
 - 4 Water and sediment quality in the Inner Harbour Marina and canal waterways; and
 - 5 Site and groundwater contamination.
- 5-2 The proponent shall implement the Environmental Management Plans required by condition 5-1.

6 Subterranean Fauna

The proponent should design and construct the marina and canal development in a manner which ensures that there is no significant risk to subterranean fauna.

- 6-1 Prior to finalisation of marina and canal design, the proponent shall carry out an adequate stratified sampling programme and/or other work to target the habitats and formations that are likely to be most prospective for stygofauna, within and in the proximity to the development site, to determine the array and distribution of stygofauna species inhabiting the area, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority and the Department of Conservation and Land Management.
- 6-2 The proponent shall make the sampling programme required by condition 6-1 available for public comment for a period of two weeks, prior to implementation of the sampling programme.
- 6-3 Based on the findings of the sampling referred to in conditions 6-1 and 6-2, and prior to commencement of construction of the marina and canals, the proponent shall prepare a marina and canal design and construction plan to ensure that stygofauna are protected in accordance with the Wildlife Conservation Act 1950, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority and the Department of Conservation and Land Management.

The plan shall include the following:

- 1 the dewatering strategy;
 - 2 the predicted impacts on groundwater levels and salinity;
 - 3 groundwater monitoring; and
 - 4 contingency measures in the event that monitoring indicates that excessive drawdown may occur (including the feasibility of constructing the marina and canals without dewatering).
- 6-4 The proponent shall make the marina and canal design and construction plan required by condition 6-3 available for public comment for a period of two weeks, prior to the Environmental Protection Authority finalising its consideration of the plan.
 - 6-5 The proponent shall implement the marina and canal design and construction plan required by condition 6-3 to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection and the Department of Conservation and Land Management.

Note:

“Stratified sampling” is a structured sampling programme which requires sampling to target the habitats and formations that are likely to be most prospective for stygofauna.

“Array” of stygofauna relates to the homogeneity and heterogeneity of stygofauna species inhabiting the area.

7 Commencement

The environmental approval for the substantial commencement of the proposal is limited.

- 7-1 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.

Where the proponent demonstrates to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority that the environmental parameters of the proposal have not changed significantly, then the Minister may grant an extension not exceeding five years for the substantial commencement of the proposal.

8 Compliance Auditing

To help determine environmental performance and compliance with the conditions, periodic reports on the implementation of the proposal are required.

- 8-1 The proponent shall submit periodic Performance and Compliance Reports, in accordance with an audit programme prepared in consultation between the proponent and the Department of Environmental Protection.

Procedure

- 1 Unless otherwise specified, the Department of Environmental Protection is responsible for assessing compliance with the conditions contained in this statement and for issuing formal clearance of conditions.
- 2 Where compliance with any condition is in dispute, the matter will be determined by the Minister for the Environment.

Note

- 1 The Environmental Protection Authority reported on the proposal in Environmental Protection Authority Bulletin 868 (November 1997).

CHERYL EDWARDES (Mrs) MLA
MINISTER FOR THE ENVIRONMENT

20 APR 1998

**Proponent's Consolidated Environmental Management
Commitments**

March 1998

**MARINA, RESORT AND RESIDENTIAL
DEVELOPMENT
- EXTENSION TO EXMOUTH BOAT HARBOUR
EXMOUTH (1070)**

LANDCORP

The principal project design and environmental management commitments given by the proponent are as follows:

1. Prior to finalisation of the canal design, the proponent will undertake detailed flushing studies to ensure that water quality in the waterways will be maintained to the standard as outlined in Section 7.5.2 of the PER and demonstrate that the canal design meets the requirements of SPC Policy DC 1.8, where appropriate:

This commitment will be undertaken in consultation with the Ministry for Planning, the Water and Rivers Commission and the Department of Transport.

2. Prior to construction, the proponent will prepare and implement a detailed Drainage Design and Management Plan (to include the necessary sizings of the major dissipation basins and other flood and stormwater control measures), and meeting the objectives outlined in Section 7.2 of the PER, to the requirements of the Department of Environmental Protection, in consultation with the Water and Rivers Commission, the Ministry for Planning and the Shire of Exmouth.

The objectives stated within Section 7.2 of the PER are as follows:

- 1 to divert internal stormwater runoff away from the proposed development area;
 - 2 to maintain the role of the flood plain and prevent flooding of adjacent low lying areas;
 - 3 to minimize the nutrient and contaminant input into the waterways; and
 - 4 to ensure minimum building levels allow for episodic high storm surge events.
3. Prior to construction, the proponent will prepare a Foreshore Reserve Management Plan meeting the objectives and specifications outlined in Section 7.3 of the PER and State Planning Commission Policy DC No 6.1, the Country Coastal Planning Policy in regard to Foreshore Management, in consultation with the Ministry for Planning, the Department of Conservation and Land Management and the Shire of Exmouth.

The proponent will implement the plan during the construction phase (including demarcation of the sand dunes with temporary fencing to prevent encroachment into the dune areas) and conduct regular monitoring and maintenance of the foreshore reserve for an agreed period to be specified in the plan, prior to management by the Shire of Exmouth.

The Foreshore Reserve Management Plan will include:

- 1 methods and design of foreshore protection (ie fencing);
- 2 landscape and rehabilitation design and implementation;
- 3 location of public access ways and paths;
- 4 public access and signage; and
- 5 management responsibility.

The Plan will be integrated with the Sand Dune Management Plan already prepared for the outer Exmouth Boat Harbour Project.

4. Prior to construction, the proponent will prepare a Dewatering Management Plan meeting the objectives and specifications outlined in Section 7.5.2 of the PER to ensure minimal turbid water discharge, in consultation with the Department of Transport and the Water and Rivers Commission.

The plan will be implemented during the construction phase.

5. Should disposal of dredge spoil or excess excavation material outside the project area be required, the proponent will prepare and implement a dredge spoil management plan in accordance with Water and Rivers Commission guidelines, in consultation with the Department of Transport and the Water and Rivers Commission.
6. Prior to construction, the proponent will prepare a Water and Sediment Quality Monitoring Program (WSQMP) for the inner marina and canal waterways, meeting the objectives and specifications outlined in Section 7.5.2 of the PER, in consultation with the Department of Transport and the Shire of Exmouth.

The WSQMP will be implemented by a waterways manager, to be agreed with the Shire of Exmouth, during the preparation of the program.

7. Prior to construction, the proponent will conduct a contaminated site assessment of the two disused rubbish tip sites and the racecourse, in accordance with the ANZECC and NH&MRC guidelines for the assessment and management of contaminated sites, in consultation with the Department of Environmental Protection.

During construction, the proponent will implement any recommendations of the Department of Environmental Protection arising from the contaminated site assessment to ensure that the proposal site and groundwater are not contaminated.

8. During construction, dust emissions from the project area during construction activities will be managed and monitored in compliance with the Environmental Protection Authority's "Guidelines for Assessment and Control of Dust and Windborne Material from Land Development Sites", upon advice from the Shire of Exmouth.

9. Prior to completion of construction of the marina and waterways, the proponent will enter into an agreement with the Shire of Exmouth and the Department of Transport which clearly delineates responsibilities for the physical maintenance and management of the waterways.

10. For an initial agreed period following construction, then subject to the agreement with the Shire of Exmouth, the proponent will annually monitor the depths of the canals and the entrance channel to ensure safe navigable depths, upon advice from the Department of Transport and the Shire of Exmouth.

If and when required, the proponent (or the Shire of Exmouth subject to agreement) will submit plans for dredging and disposal of dredged material to the Department of Environmental Protection for approval prior to their implementation.

11. The effects of dewatering upon nearby domestic bores will be monitored by the proponent and, in the event that the bores become unsuitable for existing use, the proponent will pay the affected bore owner to use scheme water for the period of effect, or other arrangements as negotiated with the owner.

This commitment will be fulfilled on advice of the Water and Rivers Commission.

12. Prior to construction, the proponent will consult with any Aboriginal groups making Native Title Claim over the project area to establish the relationships between the environment and the Aboriginal group(s).

The proponent will also consult with relevant Aboriginal groups with respect to Aboriginal Heritage, to establish the relationships between the environment and Aboriginal Heritage values.

The proponent will ensure that those elements of the environment which are related to these Claims or Heritage values are protected, to the satisfaction of the Department of Environmental Protection on advice of the Department of Aboriginal Affairs.



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Managing Director
Bowman Bishaw Gorham
for Landcorp
PO Box 946
WEST PERTH WA 6872
Attn: Mr R Gorham

Your ref: R18297
Our ref: 372/96
Enq: Dr R Holmes 9222 70476

Dear Sir

**PROPOSED CHANGED TO DESIGN OF EXMOUTH MARINA
DEVELOPMENT (STATEMENT 474)**

I refer to your letters dated 4 November 1998 and 28 January 1998, requesting permission for a design change to the above proposal on behalf of the proponent Landcorp.

I note that full compliance with conditions and commitments of Statement 474, signed by the Minister for the Environment on 30 April 1998, will manage any possible environmental impacts of the changes which you have proposed. The following management plans will be required to take into account any changes to the proposal as assessed by the EPA:

- Environmental Management Plan (Condition 5);
- Flushing Study (Commitment 1);
- Drainage Design and Management Plan (Commitment 2);
- Foreshore Reserve Management Plan (Commitment 3); and
- Dewatering Management Plan (Commitments 4 and 11).

Accordingly, under delegation from the EPA,

- I consider the changes to the design of the proposal, as outlined in letters from Bowman Bishaw Gorham dated 4 November 1998 and 28 January 1998, to be non-substantial and can be managed by the existing conditions applying to the proposal.



The audit table has been updated in accordance with this letter. Please note that the above information refers to environmental issues for the construction phase in the Statement 474 of 30 April 1998, and does not replace any responsibilities you may have for seeking other approvals from other government agencies.

Yours faithfully

(Dr) Bryan Jenkins
CHIEF EXECUTIVE OFFICER

date: 22.4.99

cc Shire of Exmouth,
Department of Conservation and Land Management
Waters and Rivers Commission
Ministry for Planning
DEP Pilbara Regional Office

Attachment to Statement 474 – Change to Description
of part of Proposal, Superlot B.

Proposal: Marina, Resort and Residential Development – Extension to Exmouth Boat Harbour, Exmouth.

Proponent: Landcorp.

Change: To approved Outline Development Plan, July 2003, for Superlot B.
New design is shown in Figure 1 – Precinct B.

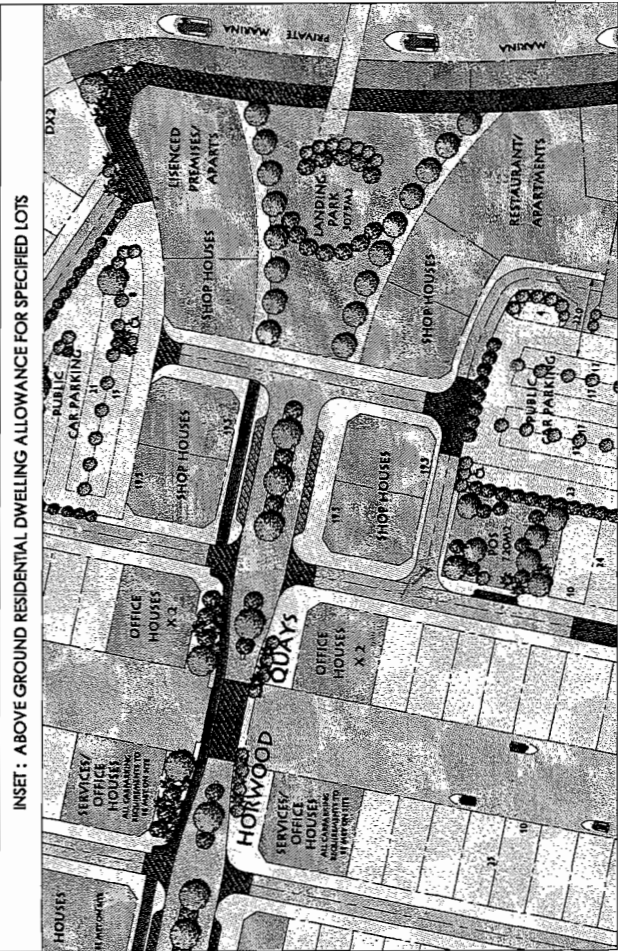
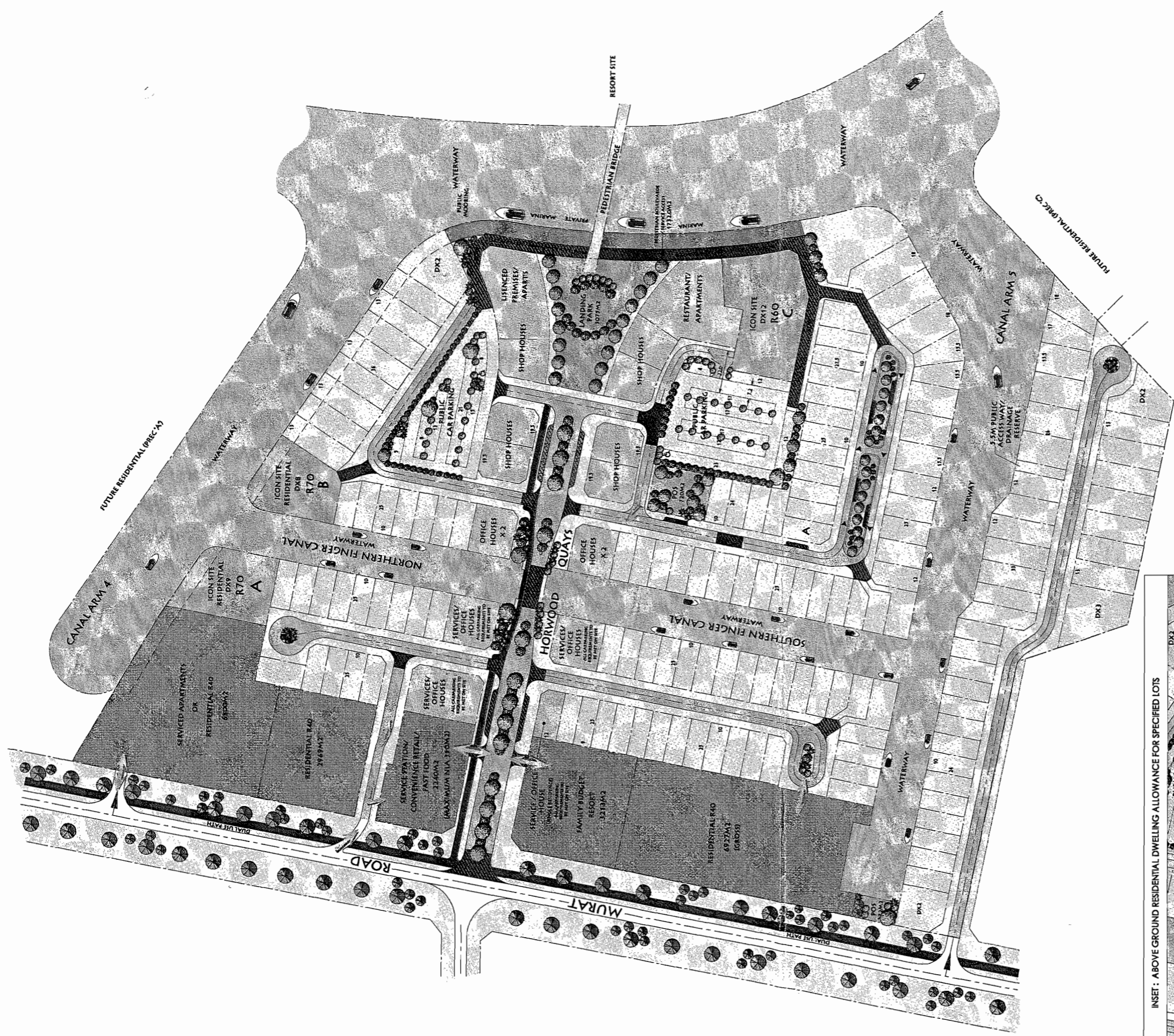
From:

Element	Quantities/Description
Canal arm 4	Earth batter for Superlot B
Main canal connecting canal arm 4 to canal arm 6	Earth batter for Superlot B
Canal arm 5	Separates Superlot B from Superlot D; 60m in width at western end, 112m at eastern end.
North-south finger canal	Not proposed

To:

Element	Quantities/Description
Canal arm 4	Concrete tilt-slab wall for Superlot B
Main canal connecting canal arm 4 to canal arm 6	Concrete tilt-slab wall for Superlot B extending for 132m
Canal arm 5	Totally within Superlot B; 23m in width at western end, 40m at eastern end.
North-south finger canal	23m in width; bridge across near the middle.

Approval Date: 8/7/05



RESIDENTIAL DWELLINGS PER SITE - MIXED USE SITES

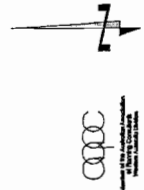
RESTAURANT SITE	8
LICENSED PREMISES SITE	10
INDIVIDUAL SHOP HOUSES	4
INDIVIDUAL OFFICE HOUSES	2
INDIVIDUAL SERVICES/ OFFICE HOUSES (UNLESS OTHERWISE STATED)	3

LEGEND

[Pattern]	RESIDENTIAL LOTS
[Pattern]	MIXED USE SITES
[Pattern]	MULTIPLE DWELLING UNITS
[Pattern]	PUBLIC OPEN SPACE
[Pattern]	LANDING PARK

NOTES

These plans are prepared by the City of Exmouth and are subject to the provisions of the Planning Act 2009 and the Exmouth Planning Scheme 2009. All dimensions shown are subject to field survey. All dimensions are shown in metres unless otherwise stated. The developer is responsible for obtaining all necessary permits and approvals from the relevant authorities. The developer is responsible for obtaining all necessary permits and approvals from the relevant authorities.



CITY & SUBURBAN GROUP
 CLIENT: CITY OF EXMOUTH
 SCALE: 1:1000
 DATE: 10 JUNE 2009
 PLAN NO: 2724-2-016
 REVISION: L SMITH
 PLANNER: A. DOBBS
 DRAWN: A. DOBBS

**EXMOUTH MARINA VILLAGE : PRECINCT "B"
 MODIFIED OUTLINE DEVELOPMENT PLAN**

