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Published on: 8 March 2019

Statement No. 1094

**STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS APPLYING TO  
A PROPOSAL**

**(Section 46 of the *Environmental Protection Act 1986*)**

**ARMSTRONG RESERVE DUNSBOROUGH,  
URBAN AND COMMERCIAL DEVELOPMENT**

**Proposal:** The proposal is to develop Lot 600 Armstrong Place, Dunsborough, (formally a 1.28 ha portion of Armstrong Reserve), for the purposes of an aged care facility.

**Proponent:** Ray Village Aged Services (Inc.) trading as CapeCare  
Australian Business Number: 77 630 179 279

**Proponent Address:** 20 Ray Avenue, BUSSELTON WA 6280

**Report of the Environmental Protection Authority:** 1628

**Previous Assessment Number:** 1808

**Previous Report Number:** 1459

**Preceding Statement Relating to this Proposal:** 926

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. 926, be changed as specified in this Statement.

**Condition 3 is deleted and replaced with:****3 Time Limit for Proposal Implementation**

3-1 The proponent shall not commence implementation of the proposal after 21 January 2023, and any commencement prior to this date, must be substantial.

3-2 Any commencement of implementation of the proposal, on or before 21 January 2023, must be demonstrated as substantial by providing the CEO with written evidence, on or before 21 January 2023.

**Condition 4 is deleted and replaced with:**

**4 Compliance Reporting**

- 4-1 The proponent shall prepare, submit and maintain a Compliance Assessment Plan to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation, whichever is sooner.
- 4-2 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 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 4-2, 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 (7) days of that non-compliance being known.
- 4-6 The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as agreed in writing by the CEO.

The Compliance Assessment Report shall:

- (1) be endorsed by the proponent's CEO or a person delegated to sign on the CEO'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.

**Condition 5 is deleted and replaced with:**

**5 Public Availability 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)), management plans and reports relevant to the assessment of this proposal and implementation of this Statement.

5-2 If any parts of the plans and reports referred to in condition 5-1 contains particulars of:

- (1) a secret formula or process; or
- (2) confidential commercially sensitive information;

the proponent may submit a request for approval from the CEO to not make those parts of the plans and reports publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.

**Condition 6 is added:**

**6 Residual Impacts and Risk Management Measures**

6-1 To mitigate for significant residual impacts of the proposal on a priority ecological community Dunsborough Swamp Forest, threatened and significant fauna species *Pseudocheirus occidentalis* and *Ctenotus ora*, and declared rare flora *Caladenia viridescens*, the proponent shall, prior to the commencement of construction prepare and revise the Environmental Management Plan for the remaining portion of Armstrong Reserve outside the Development Envelope shown in Figure 1, to the satisfaction of the CEO, on the advice of the Department of Biodiversity, Conservation and Attractions (DBCA).

6-2 The Environmental Management Plan required by condition 6-1 shall be prepared in consultation with the City of Busselton and include:

- (1) dieback management measures prepared in consultation with the DBCA;

- (2) measures to ensure Banksia logs and other woody debris from the clearing in the development envelope are relocated to within the area shown as remaining portion of Armstrong Reserve in Figure 1 to enhance fauna habitat values;
- (3) weed control measures;
- (4) measures to control vehicle and pedestrian access; and
- (5) management measures to ensure impacts from the proposal are contained within the development envelope shown in Figure 1.

6-3 After receiving notice in writing from the CEO that the Environmental Management Plan satisfies the requirements of condition 6-1, prior to the commencement of construction, unless otherwise agreed by the CEO, the proponent shall implement the revised Environmental Management Plan in consultation with the City of Busselton for a period of three (3) years from the commencement of construction.

[signed on 8 March 2019]

Hon Stephen Dawson MLC  
**MINISTER FOR ENVIRONMENT**

**Table 1: Summary of the Proposal**

<b>Proposal Title</b>	Armstrong Reserve, Dunsborough, Urban and Commercial Development
<b>Short Description</b>	The proposal is to develop Lot 600 Armstrong Place, Dunsborough (formally a 1.28 ha portion of Armstrong Reserve), for the purposes of an aged care facility.

**Table 2: Location and authorised extent of physical and operational elements**

<b>Element</b>	<b>Location</b>	<b>Authorised Extent</b>
Vegetation Clearing	Figure 1	Clearing of up to 0.90 ha within the development envelope for urban and commercial development and bushfire protection requirements.

**Table 3: Abbreviations and Definitions**

<b>Acronym or Abbreviation</b>	<b>Definition or Term</b>
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 his delegate.
DBCA	Department of Biodiversity, Conservation and Attractions
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986</i>
ha	Hectare

**Figure (attached)**

Figure 1 Development envelope and remaining portion of Armstrong Reserve.  
This figure is a representation of the coordinates described in Schedule 2.

Armstrong Reserve, Dunsborough  
Urban and Commercial Development



<p><b>LEGEND</b></p> <p> Development Envelope</p> <p> Remaining portion of Armstrong Reserve</p>	<p><b>SOURCE DATA</b> Landgate: Cadastre (2011), Roads Imagery: Busseton Townsite (2008)</p> <p>File Number: 2012-10-09T12_47_54, OEPA2010/776 Map Created By, Date: B. Smith, 26/11/2012</p> <p><small>Disclaimer: This map is intended as a generalised interpretation of environmental issues. The information contained on this map is to be considered indicative only and in no event shall the Environmental Protection Authority be liable for any incident or consequential damages resulting from use of the material. Copyright: Environmental Protection Authority, 2012. All Rights Reserved. All works and information displayed are subject to Copyright. For the reproduction or publication beyond that permitted by the Commonwealth Copyright Act 1968 written permission must be sought from the Authority.</small></p>	<p> OFFICE OF THE EPA</p> <p>N</p> <p>0 25 50 100 Meters</p> <p>Projection: Map Grid of Australia Zone 50 Datum: Geocentric Datum of Australia, 1994 Scale: 1:2,000</p>	<p><b>LOCALITY MAP</b></p> 
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**Figure 1 - Development Envelope and Remaining Portion of Armstrong Reserve**

## **Schedule 2**

Coordinates defining the development envelope location in Figure 1 are held by the Department of Water and Environmental Regulation, Document Reference Number 2018 – 1530170499215.