



Coastal Infrastructure

Ms Rochelle Tomkins
Assistant Director, Post Approvals Section
Department of the Environment
GPO Box 787
Canberra ACT 2601

19 October 2015

Dear Ms Tomkins

AUGUSTA BOAT HARBOUR EPBC 2008/4506 – STATEMENT OF COMPLIANCE AND VARIATION TO CONDITION 3

Thank you for your comments on our previous correspondence (EPBC 2008/4506 dated 15 July 2015). As requested via your email dated 25 August 2015, the Department of Transport (DoT) submits the following statement of compliance to the Department of the Environment (the Department) for the Flat Rock Boating Facility (Augusta Boat Harbour) EPBC 2008/4506.

The Conditions in EPBC 2008/4506 were relative to construction of the Augusta Boat Harbour. During the operations phase, we consider one condition is relative to the project, this being Condition 3 (annual reporting). However, only one item for annual reporting remains during the operation phase, which is reporting on the rehabilitation of the declared rare flora (DRF) Augusta Kennedia (*Kennedia lateritia*) as outlined in Condition 7. It is proposed that Condition 7 has been fulfilled in that an approved Site Rehabilitation and Environmental Management Plan (SREMP) to mitigate the impacts to Augusta Kennedia (*Kennedia lateritia*) was been successfully implemented during construction (refer to Condition 7 in Table 1). Ongoing assessment and reporting of rehabilitation success during operations is proposed via the Department of Environment Regulation (DER) annual reports.

We seek a variation to Condition 3 in regards to ceasing the requirement to provide annual reports within three months of every 12 month anniversary. We propose that Condition 3 reporting requirements be streamlined and incorporated into the Western Australian (WA) DER annual reports for rehabilitation monitoring including DRF (refer to Condition 3 in Table 1).

Compliance against each condition of EPBC 2008/4506 is summarised in Table 1 below.

Thank you for considering this additional information in regards to notification of fulfilment of conditions. We look forward to your favourable response to monitor and report results to the State regulators and no longer requiring to report under the EPBC 2008/4506 as these conditions have been fulfilled.



Government of **Western Australia**
Department of **Transport**

Yours sincerely

A handwritten signature in blue ink, appearing to read "Steve Jenkins".

Steve Jenkins
Coastal Infrastructure General Manager

Enclosed: Table 1 Statement of Compliance
Copy: Tanya Carpenter, URS Australia Pty Ltd



Table 1: Statement of Compliance for Augusta Boat Harbour (EPBC 2008/4506)

Condition Number	Condition	Statement of Compliance and Comments	Applicable for Operations
1	Within 30 days after commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement	<p>DoT is compliant with this condition.</p> <p>A letter from Oceanica on behalf of DoT dated 14 October 2011 was sent to the Department advising that works to implement the Augusta Boat Harbour commenced on 27 September 2011 at which time temporary fencing was installed around the designated site access road area.</p> <p>Condition 1 is not applicable for ongoing operations.</p>	No
2	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plan(s) required by this approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.	<p>DoT is compliant with this condition.</p> <p>Accurate records have been maintained by DoT and activities have been substantiated including evidence provided in the 2012 to 2014 Compliance Assessment Reports and annual reports for the Department of Environment and Conservation (now DER) clearing permits.</p> <p>No requests were made by the Department during the construction phase for an independent auditor to verify compliance with the conditions of approval.</p> <p>DoT proposes this condition is no longer applicable during operations and that reporting to the DER will continue and reporting to the Department is no longer required (refer to Condition 3).</p>	No
3	Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published.	<p>DoT is compliant with this condition.</p> <p>Compliance reports are required to be submitted annually by 27 December. A one month extension was granted by the Department (email from Sam Wagstaff from the Department dated 21 December 2012) advising the initial report could be submitted no later than 27 January 2013.</p> <p>Reports were available on the website in:</p> <ul style="list-style-type: none"> • January 2013 • December 2013 • December 2014 <p>DoT proposes that no further reporting is required during the operations phase of the project. DoT requests a variation to this condition where ongoing reporting during operations in regards to rehabilitation and DRF monitoring will be via the State reporting requirements to the DER and that reporting will no longer be required under the Commonwealth EPBC 2008/4506.</p>	No (if variation approved)
4	If the person taking the action wishes to carry out any activity	<p>DoT is compliant with this condition.</p> <p>A summary of amendments to management</p>	No



Condition Number	Condition	Statement of Compliance and Comments	Applicable for Operations
	<p>otherwise than in accordance with the management plan(s) as specified in the Conditions, the person taking the action must submit to the Department for the Minister's written approval a revised version of that management plan(s). The varied activity shall not commence until the Minister has approved the varied management plan(s) in writing. The Minister will not approve a varied management plan(s) unless the revised management plan(s) would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised plan(s), that management plan(s) must be implemented in place of the management plan(s) originally approved.</p>	<p>plans are below:</p> <ul style="list-style-type: none"> • 2012 Annual Compliance Report - DoT submitted a revised version of SREMP, which included the extension to the quarry, to the Minister (DSEWPaC) for approval on 7 September 2012. DoT was issued a notification of approval for the extension to the quarry on 17 October 2012. The amendments required for the Marine Noise Management Plan (MNMP) were minor and therefore the plan did not require another revision. The SREMP has undergone two revisions since its original approval, including Version 11 which was approved by DSEWPaC on 23 November 2011, and Version 12, approved on 17 October 2012. • 2013 Annual Compliance Report – No activities other than those described in management plans were undertaken within this reporting period and no revisions were made to management plans. • 2014 Annual Compliance Report – DoT provided the Department with an environmental impact assessment for a minor underwater blasting campaign within the harbour. The findings of the assessment and the Department's view were that the proposed blasting was unlikely to have a significant impact to matters of national environmental significance (MNES). <p>No new activities will be undertaken during operations. Condition 4 is not applicable for ongoing operations.</p>	
5	<p>If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, the Minister may request that the person taking the action make specified revisions to the management plan(s) specified in the Conditions and submit the revised management plan(s) for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plan(s) must be implemented. Unless the Minister has approved the revised management plan(s), then the person taking the action must continue to implement the management plan(s) originally approved, as specified in the conditions.</p>	<p>DoT is compliant with this condition.</p> <p>No requests were received by DoT from the Minister to revise any of the management plans during the construction phase of the project.</p> <p>No requests are perceived during operations as there are no significant threats to protected or listed threatened species.</p> <p>Condition 5 is not applicable for ongoing operations.</p>	No



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6	If, at any time after five years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.	DoT is compliant with this condition. The action was undertaken within the five year time frame. EPBC 2008/4506 approval was received on 22 August 2011 and the activity commenced on 27 September 2011 (refer to Condition 1). Condition 6 is not applicable for ongoing operations.	No
7	The person taking the action must develop a Site Rehabilitation and Environmental Management Plan to mitigate the impacts to Augusta Kennedia (<i>Kennedia lateritia</i>). The Site Rehabilitation and Environmental Management Plan must include but not be limited to: <ul style="list-style-type: none"> • Overview of existing environment • Objectives • Clearing protocols • Perimeter fencing/security of rehabilitation areas and existing locations of Augusta Kennedia • Rehabilitation activities/program, including figures showing rehabilitation sites • Maintenance of site including: vermin control, fire management, pest management and weed control • Timing and implementation of the above measures • Monitoring and reporting. The Site Rehabilitation and Environmental Management Plan must be submitted to and approved by the Minister prior to construction commencing.	2012 rehabilitation block - DoT is compliant with this condition 2014 rehabilitation block - Ongoing assessment and reporting is required DoT, in consultation with Onshore Environmental Consultants, developed the SREMP to address the criteria specified within the approval conditions. The original SREMP was submitted to DSEWPaC and approved on 20 September 2011, the most recent revision (Version 12), was approved by DSEWPaC on 17 October 2012. The SREMP was approved by the Minister prior to construction commencing. The original SREMP was approved by DSEWPaC on 20 September 2011 and the first ground works commenced on 27 September 2011. Compliance with the requirements of the SREMP were addressed in the Annual Compliance Assessment Reports located on the DoT website: http://www.transport.wa.gov.au/amarine/augusta-boat-harbour-facility.asp . Compliance with the requirements of the SREMP is summarised below: <ul style="list-style-type: none"> • 2012 – five partial non-compliances • 2013 – four compliances and one not applicable • 2014 – not applicable The Threatened <i>Kennedia lateritia</i> was originally recorded as a series of disjunct sub-populations separated by highly disturbed and 'weedy' ground. All of the sub-populations of <i>Kennedia lateritia</i> were retained with the boat harbour development re-designed to ensure that no plants were disturbed. The SREMP aimed to rehabilitate the larger area surrounding the sub-populations to form one consolidated population of <i>Kennedia lateritia</i> , significantly increasing the number of plants, area of occurrence, vegetation	No – propose to report 2015 rehabilitation success to the WA DER.



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		<p>condition, and long term resilience.</p> <p>At three years of age the 2012 rehabilitation block has been an outstanding success meeting all targets for completion criteria associated with the planning, pre-clearing, pre-rehabilitation and establishment stages. The 2012 rehabilitation cannot be distinguished from surrounding vegetation adjoining into the surrounding reserve. Current maintenance activities are restricted to low intensity spot spraying of woody weeds in season, and selective spraying of remnant introduced grasses.</p> <p>The 2014 rehabilitation block covers either side of the entry road along with the construction office laydown. At 15 months of age this area remains in the establishment phase and requires ongoing management in the short term. <u>Importantly the 2014 rehabilitation block does not contain any of the original sub-populations of <i>Kennedia lateritia</i></u>; however, rehabilitation will provide an important buffer to these sub-populations and in time provide consolidate the larger population with established plants.</p> <p>Revegetation in the 2014 rehabilitation block was quantitatively assessed in October 2015 and the results shall be reported to the WA DER by DoT. Therefore, DoT proposes that Condition 7 is not applicable for ongoing operations and that the monitoring and reporting on the rehabilitation of the DRF during operations will form part of the compliance with the WA state-based clearing permits and reported annually to the DER (refer to Condition 3).</p>	
8	The person taking the action must ensure that no Peppermint Trees greater than 1.5 m in height are cleared from the site, apart from twelve Peppermint Trees located within the proposed access road at the southern area of the site as shown in Attachment A (of the Conditions).	<p>DoT is compliant with this condition.</p> <p>Clearing of vegetation occurred on 5 October 2011. DEC Clearing procedures were complied with. A letter report from Green Iguana confirms clearing of 12 peppermint trees (Report dated 26 October 2011). No further removal of trees is required during operations.</p> <p>Condition 8 is not applicable for ongoing operations.</p>	No
9	The person taking the action must develop a Marine Noise Management Plan to mitigate impacts to Cetaceans during quarry blasting and marine drilling operations. The Marine Noise Management Plan must include but not be limited to: <ul style="list-style-type: none"> Exclusion zones and mitigation 	<p>DoT is compliant with this condition.</p> <p>DoT, in consultation with Oceanica, developed a MNMP to address the criteria specified within the approval conditions. The MNMP was submitted to DSEWPaC and approved on 20 September 2011. The most recent revision was approved by the Department on 7 September 2012.</p> <p>The MNMP was approved by the Minister</p>	No



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	<p>measures during the months of April - November during blasting activities</p> <ul style="list-style-type: none"> • Blasting time restrictions • Exclusion zones and mitigation measures during drilling, if the breakwater has not been constructed prior to drilling commencing • Drilling methodology • Post blast/drill fauna inspection • Timing and implementation of the above measures <p>The Marine Noise Management Plan must be submitted to and approved by the Minister prior to construction commencing.</p>	<p>prior to construction commencing. The MNMP was approved by DSEWPaC on 20 September 2011 and the first ground works commenced on 27 September 2011.</p> <p>No further drilling or blasting is required during Operations.</p> <p>Condition 9 is not applicable for ongoing operations.</p>	
10	<p>Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans referred to in these conditions of approval on their website. Each Management Plan must be published on the website within 1 month of being approved.</p>	<p>DoT is compliant with this condition.</p> <p>All management plans are available on the DoT website at: http://www.transport.wa.gov.au/imate/auqusta-boat-harbour-facility.asp.</p> <p>Each management plan was published within one month of being approved:</p> <ul style="list-style-type: none"> • the original SREMP was approved by the Minister on 20 September 2011 and published on the website in September 2011. • the recent version (v12) of the SREMP was approved by the Minister on 17 October 2012 and published on the website in October 2012. • the original MNMP was approved by the Minister on 20 September 2011 and published on the website in September 2011. <p>Condition 10 is not applicable for ongoing operations.</p>	No

