

Port Geographe Coastal Structures Compliance Assessment Plan – Ministerial Statement 990

924_08_002/1_Rev1

January 2016



Port Geographe Coastal Structures
Compliance Assessment Plan – Ministerial Statement 990

Prepared for

Department of Transport

Prepared by

BMT Oceanica Pty Ltd

January 2016

Report No. 924_08_002/1_Rev1

Client: Department of Transport

Document history

Distribution

Revision	Author	Recipients	Organisation	No. copies & format	Date
A	S Marshman	K Hoefhamer	BMT Oceanica Pty Ltd	1 x docm	12/11/15
B	S Marshman	J Holder M Davin	Department of Transport	1 x docm 1 x pdf	13/11/15
C	S Marshman	J Holder	Department of Transport	1 x docm	16/11/15
0	S Marshman	General Manager	Office of the Environmental Protection Authority	1 x docm 1 x pdf 1 x hard copy	16/11/15
1	S Marshman	General Manager	Office of the Environmental Protection Authority	1 x docm 1 x pdf 1 x hard copy	29/01/16

Review

Revision	Reviewer	Intent	Date
A	K Hoefhamer	Technical/editorial review	12/11/15
B	M Davin	Client review	13/11/15
C	J Holder M Maslin J Todd	Department of Transport	16/11/15

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Approved for final release:

Sarah Marshman
Date: 22/01/16

Mark Bailey
Date: 22/01/16

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1. Introduction

1.1 Background

The Port Geographe development is located ~3 km east of Busselton, Western Australia. Developed in the 1990s, the original project saw the construction of breakwaters and groynes extending into Geographe Bay, together with a series of residential canals and a private marina.

In 1991, Ministerial Statement 391 was issued to Tallwood Nominees Pty Ltd (Tallwood Nominees) for the construction of Port Geographe. The development has been progressively developed since the early 1990s. However, before completion, Tallwood Nominees experienced financial difficulties and the development ceased in mid-2009.

The original design of the breakwater impeded the natural eastward littoral drift of sediment and wrack at the shoreline, causing large amounts of material to accumulate on the beach to the west of the harbour entrance channel (hereafter referred to as the 'Western Beach'). Decomposition of the accumulated wrack reduced the public amenity of this beach and resulted in reduced air and water quality in the surrounding area. The interrupted eastward littoral drift also led to erosion at Wonnerup Beach to the east of the development, threatening public and private infrastructure backing onto the beach. In 2013, the DoT became a joint proponent for Ministerial Statement 391. The DoT was responsible for the coastal structures component of the development, and responsibility for the land development and canal structures component was with Tallwood Nominees, until the land was purchased by Aigle Royal Developments in March 2015.

In 2013 and 2014, the DoT completed construction and capital dredging campaigns to re-align the breakwaters in order to facilitate natural eastward littoral drift, thereby reducing the social and environmental impacts caused by the previous design. In 2013, Ministerial Statement 391 was amended to clarify the conditions within the statement; confirm the modifications to the coastal structures; and allow greater flexibility around the dredging volumes required for the reconfiguration.

In November 2014, the Office of the Environmental Protection Authority (OEPA) finalised the Ministerial Statement and split it into two separate Ministerial Statements: 989, for the management of the canal developments by the land owner; and 990, for the management of the shoreline by the DoT. The proponent for Ministerial Statement 990 is the Minister for Transport and the DoT completes environmental management on the Minister's behalf. To ensure the conditions of Ministerial Statement 990 are met, the DoT intends to maintain the area within the Port Geographe Coastal Management Area (PGCMA; Figure 1.1) that extends east and west of the reconfigured entrance channel, through periodic maintenance dredging, wrack removal and beach nourishment campaigns.

The reconfigured Port Geographe coast has two breakwaters (eastern and western) forming the entrance channel, a revetment along the eastern shoreline to Wonnerup and a small lagoon formed at the junction of the eastern breakwater and revetment. The key characteristics of the Port Geographe coastal structures project are provided in Table 1.1.

Table 1.1 Key characteristics of proposal, Schedule 1 of Ministerial Statement 990

Element	Description of proposal
Location	Geographe Bay, East of Busselton (see Figure 1.1)
Infrastructure	Coastal structures including: <ul style="list-style-type: none">• Western training wall, and• Eastern seawall
Channel dimensions	Channel detailed in Figure 1.1 Design depth: -2.8 m chart datum (to a maximum -3.3 m 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 1.1



Figure 1.1 Port Geographe Coastal Management Area and reconfigured breakwaters

1.2 Purpose and scope

This Compliance Assessment Plan (CAP) is submitted to fulfil Condition 3-1 (Condition 3-1) of Ministerial Statement 990 (Appendix A) as outlined below. This CAP has been prepared in accordance with the Office of the Environmental Protection Authority's (OEPA) Post Assessment Guideline for Preparing a Compliance Assessment Plan (PAG 2; EPA 2012a). The CAP will be revised in accordance with updates to PAG 2 (EPA 2012a) and submitted to the Chief Executive Officer (CEO) of the OEPA for approval within 12 months of the updates to the guidelines to fulfil Condition 3-2, as outlined below.

Minister's Condition 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.*

Minister's Condition 3-2

The proponent shall revise the approved Compliance Assessment Plan in accordance with the OEPA's Post Assessment Guidelines 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.

2. Assessment and Reporting

2.1 Audit table

An audit table has been prepared for Ministerial Statement 990 (Table 2.1). The audit table was partially populated by the OEPA, with the DoT completing the table and preparing the audit program in accordance with OEPA PAG for Preparing an Audit Table (PAG 1; EPA 2012b).

The audit table contains each condition, separated into audit elements for auditing purposes, and includes the following attributes:

- Audit Code: Ministerial Statement reference number
- Subject: The environmental subject/issue
- Requirement: Wording of the relevant implementation condition, procedure or commitment
- How: The way the proponent intends to achieve the requirement
- Evidence: Information or data collected to verify compliance, i.e. report/letter/site inspection requirements
- Phase: Project phase
- Timeframe: Specific timing and/or location
- Status: Notes about the fulfilment of compliance
- Further Information: Additional details and supporting information to verify compliance status.

It should be noted that the audit table is only a summary of conditions in Ministerial Statement 990 and that the Statement should be referred to directly for matters requiring additional clarification or information on procedural matters.

Table 2.1 Ministerial Statement 990 Audit Table

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
990:M1.1	Proposal Implementation	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.	Implement project in accordance with Schedule 1 outlined in Ministerial Statement 990	Written correspondence confirming capital works/construction completed as per Schedule 1 Statement of Compliance (SoC)	Overall	Life of the project		
990:M2.1	Proponent Nomination and Contact Details	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.	Notify the CEO of any change in proponent details in writing	Copy of written notification to the CEO of any change in proponent details	Overall	Within 28 days of change		
990:M3.1	Compliance Reporting	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.	Prepare & submit a Compliance Assessment Plan (CAP) in accordance with OEPA guidelines and to the requirements of the CEO	CAP	Overall	By 16 November 2015		
990:M3.2	Compliance Reporting	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.	Revise the CAP in accordance with updated OEPA guidelines and submit to the CEO	Revised CAP	Overall	Within 12 months of release of revised EPA guidelines		
990:M3.3	Compliance Reporting	The proponent shall assess compliance in accordance with the approved Compliance Assessment Plan.	Complete compliance assessment in accordance with the approved CAP	SoC (and supporting evidence)	Overall	Statement issued 26 November 2014. Statement of Compliance due annually prior to 26 February.		
990:M3.4	Compliance Reporting	The proponent shall collect and maintain information and documentation in accordance with the approved Compliance Assessment Plan.	Documents supporting compliance status (for example, technical reports, data, written correspondence) will be retained electronically and used to inform the SoC	SoC (and supporting evidence)	Overall	Annually, for the life of the project		
990:M3.5	Compliance Reporting	The proponent shall advise the CEO of any non-compliance or potential non-compliance within seven days of such awareness.	Provide details of non-compliance or potential non-compliance in writing to the CEO	Copy of written correspondence to the CEO advising of non-compliance or potential non-compliance	Overall	Within 7 days of the non-compliance being known		
990:M3.6	Compliance Reporting	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.	Complete compliance assessment against Ministerial Statement 990 in accordance with the approved CAP Prepare and submit SoC to the CEO	SoC (and supporting evidence)	Overall	Statement issued 26 November 2014. SoC due annually prior to 26 February.		
990:M3.7	Compliance Reporting	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.	SoC to be made publicly available on DoT website	DoT website	Overall	Within 28 days of submission		

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
990:M3.8	Compliance Reporting	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.	SoC to be prepared and will: (1) contain information on extent to which the proponent has complied with the implementation conditions contained in Ministerial Statement 990 in the preceding twelve month period; (2) be prepared using the OEPA's Post Assessment Form for a Statement of Compliance, as amended from time to time; (3) provide all information required by the OEPA's Post Assessment Form for a Statement of Compliance, as amended from time to time; and (4) be 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.	SoC (and supporting evidence)	Overall	SoC due annually prior to 26 February		
990:M3.9	Compliance Reporting	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.	Prepare and submit SoC to the requirements of the CEO Update CAP (if necessary) and submit to the CEO	SoC (and supporting evidence) Revised CAP	Overall	At the discretion of the CEO		
990:M4.1	Foreshore	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.	Maintain beach profiles in accordance with Schedule 1, Figure 1 and the risk-based management actions in the Environmental Monitoring and Management Plan (EMMP), to the requirements of the CEO	SoC (and supporting evidence) Copy of written notification to the CEO	Overall	When determined to be project attributable, to the requirements of the CEO		
990:M5.1	Sand Trap, Harbour Entrance Channel and Sand Bypass	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.	Bypass, dredge or remove trapped seagrass wrack or sediment in accordance with the risk-based management actions in the EMMP, to the requirements of the CEO	SoC (and supporting evidence) Copy of written notification to the CEO	Overall	Annually, unless otherwise approved by the CEO		
990:M5.2	Sand Trap, Harbour Entrance Channel and Sand Bypass	The proponent shall transfer sufficient sand to Wonnerup Beach for coastal protection, to the requirements of the CEO.	Transfer sand to Wonnerup Beach in accordance with the risk-based management actions in the EMMP, to the requirements of the CEO	SoC (and supporting evidence) Copy of written notification to the CEO	Overall	When deemed necessary from monitoring results, to the requirements of the CEO		
990:M6.1	Flushing of Artificial Waterways	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.	Maintain harbour entrance channel in accordance with Schedule 1 and risk-based management actions in the EMMP, to the requirements of the CEO	SoC (and supporting evidence) Copy of written notification to the CEO	Overall	When deemed necessary from monitoring results, to the requirements of the CEO		
990:M7.1	Environmental Management and Monitoring Plan	The proponent shall ensure impacts to the environment are minimised through the implementation of Conditions 7-2 to 7-8.	Implement EMMP and complete risk-based management actions Demonstrate compliance with Conditions 7-2 to 7-8	SoC (and supporting evidence)	Overall	Annually		

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
990:M7.2	Environmental Management and Monitoring Plan	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.	Preparation of EMMP to the requirements of the CEO, and to: (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.	EMMP Copy of written notification of EMMP submission to the CEO Copy of written notification of approval of EMMP by the CEO	Overall	Approval in progress. Temporary management in place.		
990:M7.3	Environmental Management and Monitoring Plan	The proponent shall implement the approved Environmental Management and Monitoring Plan required by Conditions 7-2, unless otherwise approved by the CEO.	Implement approved EMMP and complete risk-based management actions	SoC (and supporting evidence)	Overall	Life of the project, unless otherwise approved by the CEO		
990:M7.4	Environmental Management and Monitoring Plan	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.	Implement EMMP Complete investigation into likely cause(s) of exceedance Identify corrective management actions in accordance with EMMP Prepare investigation report on exceedance and submit to the CEO within ten days of exceedance being known	Investigation report	Overall	Submission to the CEO within 10 days of exceedance being known		
990:M7.5	Environmental Management and Monitoring Plan	The proponent shall implement the management actions identified in Condition 7-4 until the CEO determines that the remedial actions may cease	Implement corrective management actions in accordance with the EMMP, to the requirements of the CEO	Copy of written notification documenting implementation of management actions	Overall	From within 10 days of exceedance being known until CEO determines that actions may cease		
990:M7.6	Environmental Management and Monitoring Plan	The proponent shall review the Environmental Management and Monitoring Plan annually, and revise where required, or as directed by the CEO.	Review the EMMP annually and revise, where required, with consideration of legislation, guidelines, compliance status, CAP updates and CEO advice	Revised EMMP	Overall	Annually, or as directed by the CEO		
990:M7.7	Environmental Management and Monitoring Plan	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.	Implement revised EMMP and complete risk-based management actions	SoC (and supporting evidence)	Overall	Life of the project, until advised otherwise by the CEO		
990:M7.8	Environmental Management and Monitoring Plan	The Proponent shall make the Environmental Management and Monitoring Plan, required by 7-2 publically available in a manner approved by the CEO.	EMMP to be made publicly available on DoT website	DoT website	Overall	Within 28 days of approval of EMMP by the CEO		

Notes:

1. This audit table is a summary and timetable of conditions and commitments applying to this project. Refer to the Minister's Statement for full detail/precise wording of individual elements
2. CAP = Compliance Assessment Plan; CEO = Chief Executive Officer of OEPA; EMMP = Environmental Monitoring and Management Plan; EPA = Environmental Protection Authority; M = Minister's Condition; OEPA = Office of the Environmental Protection Authority; SoC = Statement of Compliance, DoT = Western Australian Department of Transport
3. Compliance status: C = Compliant, CLD = Completed, NR = Not required at this stage, PNC = Potentially Non-compliant, NC = Non-compliant, IP = In Process. Please note the terms NA = Not Audited and VR = Verification Required are for OEPA use only

2.2 Approach and timing of compliance assessments

The DoT shall, on an annual basis, assess compliance with all conditions of Ministerial Statement 990 as outlined in the audit table (Table 2.1) and as required by Condition 3-3. Compliance with the conditions set out in Ministerial Statement 990 will be assessed as outlined in the approach and timing table (Table 2.2).

The DoT will prepare a Statement of Compliance (SoC) for each consecutive 12-month period commencing on the date of the Ministerial Statement (26 November 2014) and submit each SoC to the CEO no later than three months (26 February) following the end of each 12-month period it addresses, in accordance with Condition 3-6.

An Environmental Monitoring and Management Plan (EMMP) is required under Condition 7 of Ministerial Statement 990 and the assessment of compliance status in the SoC shall also:

- detail whether the requirements specified in the EMMP have been, are being, have not, or are not being fulfilled
- review the performance of the EMMP in achieving the required environmental objectives
- review the effectiveness of the EMMP in verifying if objectives are met or if the relevant environmental factors are being adequately monitored.

Table 2.2 Approach and timing of compliance assessments

Audit Code (refer to Audit Table)	Compliance Assessment	Timing
990:M1.1	To be summarised in Statement of Compliance	Annually
990:M2.1	Correspondence with OEPA	Within 28 days of change
990:M3.1	Correspondence with OEPA Compliance Assessment Plan	On or before 16 November 2015, or to the requirements of the OEPA
990: M3.2	Correspondence with OEPA Revised Compliance Assessment Plan	Within 12 months of release of revised OEPA guidelines
990:M3.3	Statement of Compliance	Annually, on or before 26 February
990:M3.4	Statements of Compliance and supporting documents retained electronically	Annually, ongoing
990:M3.5	Correspondence with OEPA	Within 7 days of non-compliance being known
990:M3.6, M3.8, M3.9	Statement of Compliance	Annually, on or before 26 February, at the discretion of the CEO
990:M3.7	DoT records itemising provision of Statement of Compliance	Within 28 days of submission
990:M4.1	Details of EMMP monitoring and management actions in Statement of Compliance	When deemed necessary
990:M5.1	Details of EMMP monitoring and management actions in Statement of Compliance	Annually, when deemed necessary
990:M5.2	Details of EMMP monitoring and management actions in Statement of Compliance	When deemed necessary
990:M6.1	Details of EMMP monitoring and management actions in Statement of Compliance	When deemed necessary
990:M7.1	Details of EMMP monitoring and management actions in Statement of Compliance	Annually
990:M7.2	Approval of EMMP document	Extension of submission date to 26 May 2015 approved by OEPA in letter dated 9 February 2015. EMMP approval is ongoing
990:M7.3	Details of EMMP monitoring and management actions in Statement of Compliance	Annually, ongoing
990:M7.4	Investigation report Correspondence with OEPA	Within 10 days of exceedance being known
	Statement of Compliance	Annually
990:M7.5	Correspondence with OEPA	Until CEO determines remedial actions may cease
	Statement of Compliance	Annually
990:M7.6	Revised EMMP	Annually, as required
990:M7.7	Details of revised EMMP monitoring and management actions in Statement of Compliance	Annually, ongoing
990:M7.8	DoT records itemising provision of EMMP	Within 28 days of approval of EMMP

Note:

1. 990 = Ministerial Statement 990, M = Minister's Condition, OEPA = Office of the Environmental Protection Authority, CEO = Chief Executive Officer of the OEPA, EMMP = Environmental Monitoring and Management Plan, DoT = Western Australian Department of Transport

2.3 Retention of compliance assessments

As required by Condition 3-4 of Ministerial Statement 990, the DoT will collect and maintain information and documentation used to support/verify the stated compliance status in accordance with the approved CAP (this document) and PAG 2 (EPA 2012a). Accurate records verifying compliance status in the SoC (for example, written correspondence, technical reports, monitoring records) will be maintained and available for a period of seven years following the end of the life of the proposal.

The life of the proposal is considered to continue until all implementation conditions of the proposal have been met and all decommissioning and/or closure has been completed (where relevant; EPA 2012a). For the Port Geographe project, the coastal structures are intended to remain in place for the long-term with no decommissioning or closure anticipated. In addition, several implementation conditions in Statement 990 are phrased such that no end date is clearly identified. In accordance with PAG2 (EPA 2012a), the DoT has considered the circumstances that constitute termination of the life of the proposal. The DoT proposes the termination date be set at 2020, subject to demonstration that natural coastal processes have been reinstated at Port Geographe with minimal project attributable impacts. In this case, all CAP and SoC documents and associated supporting documentation will be retained by the DoT until 2027.

2.4 Reporting of non-compliance or potential non-compliance and corrective actions

The DoT will provide written notification to the CEO of the OEPA of any non-compliance or potential non-compliance within seven days of that non-compliance being identified, in accordance with Condition 3-5 of Ministerial Statement 990.

The notification will be accompanied by a report that will detail the following information:

- the implementation condition that was non-compliant or potentially noncompliant
- the date(s) on which the non-compliance or potential non-compliance occurred.
- if the non-compliance or potential non-compliance was reported and if so, how and on what date
- a description of the non-compliance or potential non-compliance accounting for the location, extent of, impacts associated with and cause of the occurrence (if available at the time).

If the non-compliance or potential non-compliance requires additional investigation or details of the non-compliance remain unknown after the 7-day period, a further report will be provided to the OEPA once investigations are complete.

All non-compliances or potential non-compliances will be identified and reported in the associated annual SoC. The SoC will include a detailed description of what corrective actions were taken once an investigation into the non-compliance has been completed. It will also include a detailed description of what measures (if any) were in place to prevent non-compliance and what amendments have been made to those measures to prevent re-occurrence.

All details and reports of any non-compliances or potential non-compliances will be retained on record by the DoT. This includes correspondence between the DoT and the OEPA Compliance Branch, annual SoC and any relevant monitoring results and/or data.

2.5 Public availability

The DoT will ensure that the CAP (this document) and each SoC is made available to the public via the DoT website within 28 days of its submission to the CEO in accordance with Condition 3-7 of Ministerial Statement 990. The DoT will also ensure that the EMMP is made publicly available via the DoT website within 28 days of its approval by the CEO to fulfil Condition 7-8.

When information and/or documents are required to be submitted to the OEPA, they will be submitted to the General Manager, OEPA, and marked to the attention of the Manager, Compliance Branch as:

- 1 x electronic copy (provided on CD or USB)
- 1 x hard copy.

3. Updates and Reviews of the Compliance Assessment Plan

The changes that have been made to the current updated version of the CAP (this document) are outlined in Table 3.1.

Table 3.1 Content changes made since submitted Rev0 of the Port Geographe Coastal Structures Compliance Assessment Plan

Document section	Change made	Reason for change
2.1. Audit table	Audit Code 990:M3.7 updated to state that each SoC is to be made publicly available on the DoT website Audit Code 990:M7.8 updated to state that the EMMP is to be made publicly available on the DoT website	To ensure ease of availability of the various documents to the public, and to minimise DoT record keeping
2.5. Public availability	Updated wording to reflect that the CAP, each SoC and the EMMP would be made publicly available via the DoT website	To ensure ease of availability of the various documents to the public, and to minimise DoT record keeping

Note:

1. M = Minister's Condition, SoC = Statement of Compliance, DoT = Department of Transport, EMMP = Environmental Monitoring and Management Plan, CAP = Compliance Assessment Plan

4. References

- EPA (2012a) Post Assessment Guideline for Preparing a Compliance Assessment Plan. Office of the Environmental Protection Authority, Report No PAG 2, Perth, Western Australia, August 2012
- EPA (2012b) Post Assessment Guideline for Preparing an Audit Table. Office of the Environmental Protection Authority, Report No PAG 1, Perth, Western Australia, August 2012
- EPA (2012c) Post Assessment Guideline for Making Information Publicly Available. Office of the Environmental Protection Authority, Report No PAG 4, Perth, Western Australia, August 2012

Appendix A

Ministerial Statement 990



Hon Albert Jacob MLA
Minister for Environment; Heritage

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.

Published on:

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.

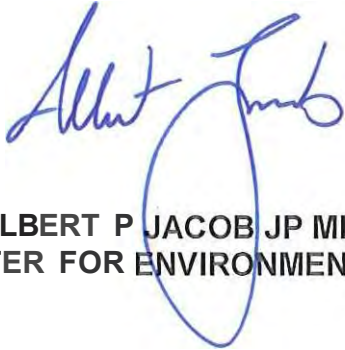
6 Flushing of Artificial Waterways

- 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.



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

26 NOV 2014

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

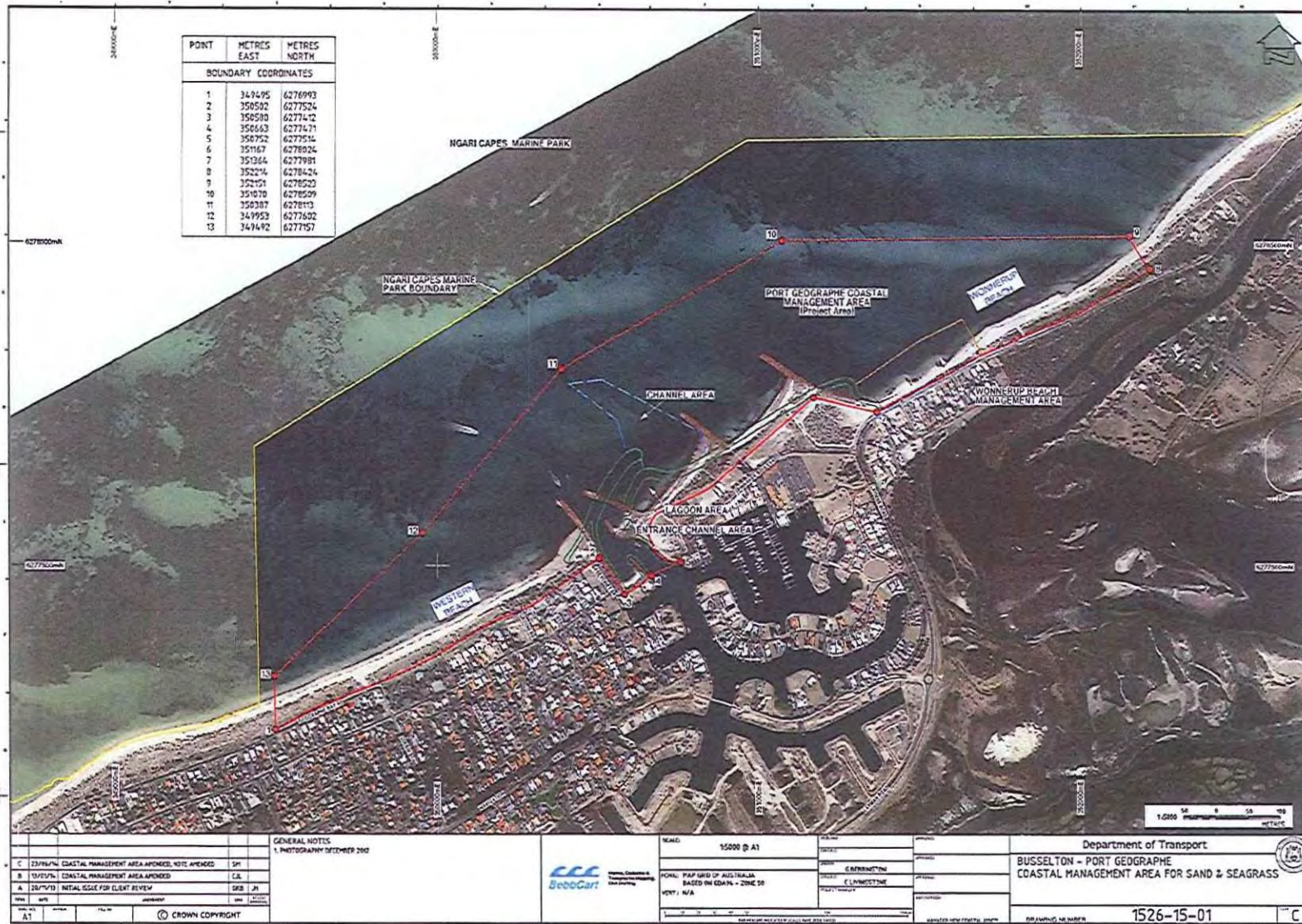


Figure 1: Port Geographe Coastal Structures and Management Zone



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