



Koombana Bay Marine Structures

Compliance Assessment Report



Prepared by DTMI Maritime Environmental Services

Version control

Version No.	Date	Prepared by	Revision or issue descriptions	Issued to
1	21/09/2026	DTMI, Maritime Environmental Services	Draft Compliance Assessment Report	DTMI, Director of Facilities
2	29/09/2026	DTMI, Maritime Environmental Services	Approved Compliance Assessment Report	DWER Compliance

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Introduction

The South West Development Commission (SWDC) is the proponent for the Koombana Bay Marine Structures (KBMS) strategic proposal approved under Ministerial Statement 1226 (MS 1226).

On 31 July 2024, via a Section 45B notice, the Department of Transport (now Department of Transport and Major Infrastructure (DTMI)) was approved to implement the Casuarina Boat Harbour (CBH) Derived Proposal.

Condition D2-2 of MS 1226 requires the first Compliance Assessment Report (CAR) to be submitted within 15 months from the issue date of MS 1226 (issued 28/6/2024). The first CAR was submitted on the 30/9/2025. Condition D2-1 of MS 1226 requires the CAR to be submitted annually thereafter.

Both DTMI and SWDC submitted Compliance Assessment Plans (CAP) that were approved by the Department of Water and Environmental Regulation (DWER) on 9 December 2024 and 29 July 2025 respectively. This CAR incorporates and reports against the requirements from both CAPs.

There are four environmental management plans referenced within the MS 1226 that are relevant to the status of the proposal:

- Marine Construction Monitoring and Management Plan Rev 4, March 2024 (updated from Rev 2, 2023 in MS 1226) – construction phase monitoring and management.
- Marine Environmental Quality Management Plan (Only Casuarina Boat Harbour Development) Rev 4, January 2024 – operational phase monitoring and management. Note that Rev 5B was approved as of 21 July 2026 and will be implemented for subsequent CARs.
- Coastal Processes Management Plan (Only Casuarina Boat Harbour Development) Rev 1, October 2023 – operational phase monitoring and management.
- Marine Fauna Management Plan Rev 3, January 2024 - construction and operational monitoring and management.

Status of Implementation of the Proposal

Construction works associated with the CBH Derived Proposal started on 15 August 2024, with capital dredging occurring until 12 November 2024. Construction of the northern breakwater at CBH was completed in December 2025.

No construction has taken place for the Koombana Bay Sailing Club (KBSC) Marina or the Dolphin Discovery Centre (DDC) Finger Jetty.

Statement of Compliance with MS 1226

The compliance status for each condition has been summarised in Table 1 for the current reporting period from the 18 September 2025 to 18 September 2026.

Table 1: Audit Table MS 1226

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
1226: A1	Proposal Implementation	When implementing the proposal, the proponent must not exceed the authorised extent of the proposal as defined in Table 1 of Part A of MS 1226, unless amendments to the proposal and the authorised extent of the proposal have been approved under the EP Act.	Implement project in accordance with Table 1 of Part A of Ministerial Statement (MS) 1226	Compliance Assessment Report (CAR)	Overall	Ongoing	C	Appendix A shows the infrastructure footprint, dredging bathymetry and the development envelope overlaid.
1226: B1-1	Marine Environmental Quality	The proponent must ensure implementation of the proposal achieves the following environmental protection outcomes: (1) no adverse impacts on the marine environmental values of Ecosystem Health, Fishing and Aquaculture, Recreation and Aesthetics, Industrial Water Supply, and Cultural and Spiritual outside the Moderate Ecological Protection Area; (2) the levels of ecological protection to be achieved inside of the: a. Moderate Ecological Protection Area; and b. High Ecological Protection Area; are consistent with the corresponding levels of ecological protection described in Appendix 1, Table 1 of the Marine Water Quality Technical Guidance, including the method used to derive Environmental Quality Guidelines and Environmental Quality Standards; and (3) within one (1) month following cessation of marine construction activities required for proposals in Tables 1 or 2, water quality will return to a level of High Ecological Protection and at least Moderate Ecological Protection as spatially defined in Figure 2 in the MS 1226.	Implement all activities required under: Marine Environmental Quality Management Plan (Only Casuarina Boat Harbour Development) (Revision 4, GHD 2024), and Marine Construction Monitoring and Management Plan (Revision 4, RPS 2024) to achieve environmental protection outcomes (EPO) for conditions B1-1 (1), (2) and (3) of Ministerial Statement 1226	CAR	Overall	Annual report, by 28 September each year.	C	A summary and example of construction water quality monitoring results is presented in appendices B1 & B2. A summary and example of operational water quality monitoring results is presented in appendices D1 & D2.

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
1226: B1-2		The proponent must not conduct (1) dredging; or (2) reclamation, during the period of 1 December and 31 March (inclusive) or conduct these activities on separate proposals at the same time.					C	Dredging for phase 1 was completed in November 2024, prior to this reporting period. No dredging undertaken during this period.
1226: B1-3		The proponent must implement the environmental management plan Marine Environmental Quality Management Plan (Only Casuarina Boat Harbour Development) (Revision 4, GHD,2024), and the environmental management plan Marine Construction Monitoring and Management Plan (Revision 4, RPS 2024) with the purpose of ensuring the marine environmental quality of environmental outcomes in condition B1-1 are achieved, monitored and substantiated.					C	During construction and continuing until April 2026, MCMMP water quality monitoring took place with a summary and example of results presented in appendices B1 & B2. Commencing in July 2026 during operations, MEQMP water quality monitoring took place with a summary and example of results presented in appendices D1 & D2.
1226: B1-4		The proponent of the Koombana Bay Sailing Club Marina proposal in Table 2 must ensure the implementation of the derived proposal achieves the environmental outcome of maintaining the current flushing regime of Leschenault Inlet, or an alternate flushing time which the CEO confirms in writing on the basis of the information provided in condition B1-5 will not have adverse impacts on the marine environmental values in B1-1(1).	Flushing model results.	Presentation of flushing model outputs during the derived proposal submission.	Design	Prior to construction of the KBSC Marina.	NR	To be provided in the future by KBSC proponent.
1226: B1-5		The proponent of the Koombana Bay Sailing Club Marina proposal in Table 2 must submit an Infrastructure Design and Footprint Report at the time of the referral of the proposal. The Infrastructure Design and Footprint Report must demonstrate how the marine environmental quality environmental	Design drawings and flushing model results.	Presentation of design drawings and flushing model outputs during the derived proposal submission.	Design	Prior to construction of the KBSC Marina.	NR	To be provided in the future by KBSC proponent.

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
		outcomes in condition B1-1 will be met during implementation, and is required to include: (1) a final infrastructure design and footprint that achieves an annual median flushing time of less than 8 days in Leschenault Inlet (or an alternate timeframe if it can be demonstrated that the alternate flushing time will not have adverse impacts on the marine environmental values in B1- 1(1)) The final design and footprint report must show the locations, disturbance footprints and configuration of marine infrastructure required for the Koombana Bay Sailing Club Marina and demonstrate it is consistent with the maximum extents in Table 2 of Part A and will meet the outcomes in conditions B1-1 and B1-4, condition B2-3, condition B3- 1; and (2) hydrodynamic modelling and an evaluation of the effects of the final design required by condition B1-5(1) which demonstrates that the flushing time of the Leschenault Inlet and maximum extents in Table 2 of Part A will be achieved, using the latest information on the health and condition of the inlet.						
1226: B1-6		The proponent of the Koombana Bay Sailing Club Marina proposal in Table 2 must review and revise the Marine Construction Monitoring and Management Plan (Revision 4, RPS 2024) and Marine Environmental Quality Management Plan (Revision 4, GHD 2024), that satisfies the requirements of condition C4 and demonstrates how the achievement of the marine environmental quality environmental outcomes in condition B1-1 and condition B1-4 will be achieved, monitored and substantiated, and submit to the CEO.	Updated management plans.	Management plans submitted and approved by CEO.	Overall	Prior to construction of the KBSC Marina.	NR	To be provided in the future by KBSC proponent.
1226: B2-1	Benthic Communities and Habitats	The proponent must ensure the implementation of the proposal achieves the following environmental outcome: (1) no irreversible loss of benthic communities and habitats outside the Casuarina Boat Harbour Development disturbance footprint	Implement all activities required under: Marine Environmental	CAR	Overall	Annual report, by 28 September each year.	C	A pre-construction tow survey was completed. No surveys were required during construction as trigger criteria were not exceeded.

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
1226: B2-2		shown in Figure 1 within the MS 1226.	Quality Management Plan (Only Casuarina Boat Harbour Development) (Revision 4, GHD 2024), and					A post-construction survey is planned to be completed within next reporting period as per the MCMMP.
		The proponent must implement the Marine Environmental Quality Management Plan (Only Casuarina Boat Harbour Development) (Revision 4, GHD 2024), and the Marine Construction Monitoring and Management Plan (Revision 4, RPS 2023) with the purpose of ensuring the marine environmental quality environmental outcomes in condition B2-1 are achieved, monitored and substantiated.	Marine Construction Monitoring and Management Plan (Revision 4, RPS 2024) to achieve environmental protection outcomes (EPO) for conditions B1-1 (1), (2) and (3) of MS 1226.				C	A summary and example of construction water quality monitoring results is presented in appendices B1 & B2. A summary and example of operational water quality monitoring results is presented in appendices D1 & D2.
1226: B2-3		The proponent of the Koombana Bay Sailing Club Marina proposal in Table 2 must ensure the implementation of the proposal achieves the following environmental outcomes: (1) no irreversible loss of benthic communities and habitats outside the final disturbance footprint of the proposal; and (2) no adverse impacts on the health and extent of the Leschenault Inlet mangrove community.	Develop and implement updated management plans to be provided as part of the derived proposal submission.	Management plans submitted by and approved by CEO.	Overall	Ongoing	NR	To be provided in the future by KBSC proponent.
1226: B2-4		The proponent of the Koombana Bay Sailing Club Marina proposal in Table 2 must, review and revise the Marine Construction Monitoring and Management Plan (Revision 4, RPS 2024) and Marine Environmental Quality Management Plan (Revision 4, GHD 2024), to include the final design, modelling and evaluation in condition B1-5 and that satisfies the requirements of condition C4 and demonstrate how the achievement of the benthic communities and habitats environmental outcomes in condition B2-3 will be achieved, monitored and substantiated, and submit it to the CEO.	Develop and implement updated management plans and design modelling to be provided as part of the derived proposal submission.	Management plans submitted by and approved by CEO.	Overall	Ongoing	NR	To be provided in the future by KBSC proponent.

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
1226: B3-1	Coastal processes	The proponent must implement the proposal to meet the following environmental outcome; (1) no material wrack, sediment accumulation or beach erosion, within the development envelope and surrounding beaches compared to baseline and which is substantially contributed by the implementation of the future proposals, separately or together, which adversely affects public recreation or amenity values.	Implement the environmental management plan: Coastal Processes Management Plan (Only Casuarina Boat Harbour Development) (Revision 1, 30 October 2023)	CAR	Overall	Annual report, by 28 September each year.	C	A summary of coastal processes monitoring outputs is presented in Appendix E.
		The proponent must implement the Coastal Processes Management Plan (Only Casuarina Boat Harbour Development) (Revision 1, 30 October 2023) with the purpose of ensuring the coastal processes environmental outcome in condition B3-1 is achieved, monitored and substantiated.						
1226: B3-2							C	A summary of coastal processes monitoring outputs is presented in Appendix E.
1226: B3-3		The proponent of the Koombana Bay Sailing Club Marina proposal in Table 2 must review and revise the Coastal Processes Management Plan (Revision 1, 30 October 2023) to include the final design, modelling and evaluation in condition B1-5 that satisfies the requirements of condition C4, and demonstrates how achievement of the coastal processes environmental outcome in condition B3-1 will be monitored and substantiated, and submit it to the CEO.	Updated design and flushing model results in the management plan to be provided as part of the derived proposal submission.	Management plan submitted and approved by CEO.	Design	Prior to construction	NR	To be provided in the future by KBSC proponent.
1226: B4-1	Marine Fauna	The proponent shall implement the proposal to achieve the following environmental objectives from the derived proposals, separately or together: (1) minimise the risk of physical injury or mortality from vessel strike on significant marine fauna; (2) minimise the risk of behavioural changes, health impacts (including temporary or permanent hearing loss), physical injury or mortality from	Implement the environmental management plan: Marine Fauna Management Plan (Revision 3, January 2024)	CAR	Overall	Annual report, by 28 September each year.	C	Appendix C includes a summary of monitoring and management actions undertaken per the requirements of the MFMP.

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
		underwater noise emissions from construction to significant marine fauna; and (3) minimise the risk of construction displacing dolphins that sustain the dolphin tours and education in Koombana Bay.						
1226: B4-2		The proponent must implement the Marine Fauna Management Plan (Revision 3, January 2024) with the purpose of ensuring the environmental factor environmental objectives in condition B4-1 are achieved.					C	Appendix C includes a summary of monitoring and management actions undertaken per the requirements of the MFMP.
1226: B4-3		The proponent must implement the proposal to meet the following environmental outcome: (1) no displacement of actively nesting Australian fairy terns (<i>Sterna nereis nereis</i>) from within the Casuarina Boat Harbour Development envelope.	Implement the environmental management plan: Marine Fauna Management Plan (Revision 3, January 2024) Avifauna Management Plan (Rev 0) (RPS 2024)		Construction		C	Note that the MFMP is supported by the Avifauna Management Plan (Rev 0) (RPS 2024) developed and implemented by the SWDC. No fairy terns were observed to nest within or adjacent to the CBH development envelope in the reporting period
1226: B4-4		Prior to the completion of the construction of the northern breakwater, the proponent shall not conduct piling during the period of 1 December and 31 March (inclusive).			Construction		C and now CLD	No piling has occurred for the project and the northern breakwater was completed in December 2025 which closes this condition.
1226: B4-5		The proponent of the Koombana Bay Sailing Club Marina and Dolphin Discovery Centre finger jetty shall not conduct piling during the period of 1 December and 31 March (inclusive).	No piling between these dates is detailed in the current EMP, but this plan will be updated during the derived proposal referral.	Management plan submitted and approved by CEO.	Construction	Annual report, by 28 September each year.	NR	Proposals not yet implemented
1226: B5-1	Environmental Performance	The proponent of the Strategic Proposal must within one, two and five years of the completion of construction of each proposal in	Prepare and submit an Environmental	EPR	Post-Construction	Within one, two and five years	NR	SWDC to prepare when required.

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	e Report – Conditions and Procedure	Tables 1 and 2, report on the direct and indirect impacts, including cumulative impacts of the proposals on: (1) Marine environmental quality outcomes in condition B1-1; (2) Benthic communities and habitats outcomes in conditions B2-1 and B2-3; (3) Coastal processes outcomes in condition B3-1; (4) Marine fauna objectives in condition B4-1 and B4-3	Performance Report (EPR).			of the completion of construction of each proposal in Tables 1 and 2 of MS 1226 B5-1.		
1226: B5-2		In the event that the environmental performance reports show the environmental outcomes are not achieved by any or all of the derived proposals, the proponent of the Strategic Proposal will implement contingency actions with the proponents of derived proposals to ensure the environmental outcomes are achieved as soon as practicable. These may include staging of the later derived proposals until the environmental outcomes of the existing derived proposals have been achieved.	Develop and implement contingency actions with the proponents of derived proposals to ensure the environmental outcomes are achieved as soon as practicable.	Compliance monitoring report that reports any actions taken by the proponent(s) to remediate any potential non-compliance.	Overall	To be completed when required.	NR	SWDC to prepare when required.
1226: B5-3		The proponent of the Strategic Proposal must co-ordinate the communication, information and data sharing between, and cooperation on environmental management approaches of the proponents of the derived proposals to ensure the requirements of condition B5-1 and B5-2 can be achieved.	The (Transforming Bunbury's Waterfront — TBW) Technical Group – Stage 3 Environment coordinates and facilitates the communication, information and data sharing between, and cooperation on environmental management approaches of the proponents of the KBMS strategic and future/derived proposal proponents and associated key stakeholders.	Technical Group minutes and agenda papers; KBMS Governance Framework.	Overall	Ongoing	C	See Appendix F1, SWDC memo summarising their coordination role.

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1226: B5-4	Procedure	The proponent of the Strategic Proposal must ensure there are communication and complaints procedures in place in relation to impacts from the derived proposals.	Prepare and submit the TBW Contact and Complaints Process. This document outlines the process for customer contacts and complaints in relation to the TBW project to ensure all are handled efficiently and effectively. This process will help address community concerns relating to adverse impacts on the environment, whether actual or perceived, during Stage 3.	Contact and Complaints Register available from TBW Stakeholder Engagement Project Officer, SWDC. DTMI also keeps a record of complaints with the information shared with SWDC.	Overall	Annual report, by 28 September each year.	C	Information on individual complaints is maintained by SWDC. A summary of the register of community issues is provided in Appendix F2. All complaints were resolved and most did not directly relate to the implementation of the KBMS proposals. No complaints were received after 22 July 2026.
1226: C1-1	Environmental Management Plans: Conditions Related to Commencement of Implementation of the Proposal	The proponent of the Koombana Bay Sailing Club Marina proposal in Table 2 must not undertake marine construction activities until the CEO has confirmed in writing that the environmental management plans required by condition B1-6 meets the requirements of that condition and condition C4.	Updated management plans to be submitted during the referral of the derived proposal	Management plan submitted and approved by CEO.	Pre-Construction	Prior to the construction of the KBSC Marina.	NR	To be provided in the future by KBSC proponent.
1226: C1-2		The proponent of the Koombana Bay Sailing Club Marina proposal in Table 2 must not undertake marine construction activities until the CEO has confirmed in writing that the environmental management plan required by condition B2-4 meets the requirements of that condition and condition C4.	Updated management plans to be submitted during the referral of the derived proposal	Management plan submitted and approved by CEO.	Pre-Construction	Prior to the construction of the KBSC Marina.	NR	To be provided in the future by KBSC proponent.
1226: C1-3		The proponent of the Koombana Bay Sailing Club Marina proposal in Table 2 must not undertake marine construction activities until the CEO has confirmed in writing that the environmental management plan required by condition B3-3 meets the requirements of that condition and condition C4.	Updated management plans to be submitted during the referral of the derived proposal.	Management plan submitted and approved by CEO.	Pre-Construction	Prior to the construction of the KBSC Marina.	NR	To be provided in the future by KBSC proponent.

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1226: C2-1	Environmental Management Plans: Conditions Relating to Approval, Implementation, Review and Publication	Upon being required to implement an environmental management plan under Part B, the proponent must: (1) implement the most recent version of the confirmed environmental management plan; and (2) continue to implement the confirmed environmental management plan referred to in condition C2-1(1), other than for any period which the CEO confirms by notice in writing that it has been demonstrated that the relevant requirements for the environmental management plan have been met, or are able to be met under another statutory decision-making process, in which case the implementation of the environmental management plan is no longer required for that period.	Implement all confirmed environmental management plans.	CAR	Overall	Annual report, by 28 September each year.	C	Environmental management plans are being implemented. MEQMP Rev 5B was approved as of 21 July 2026 and will be implemented for subsequent CARs.
1226: C2-2		The proponent: (1) may review and revise a confirmed environmental management plan provided it meets the relevant requirements of that environmental management plan, including any consultation that may be required when preparing the environmental management plan; (2) must review and revise a confirmed environmental management plan and ensure it meets the relevant requirements of that environmental management plan, including any consultation that may be required when preparing the environmental management plan, as and when directed by the CEO; and (3) must revise and submit to the CEO the confirmed environmental management plan if there is a material risk that the outcomes or	Review and revised the environmental management plans: Marine Environmental Quality Management Plan (Only Casuarina Boat harbour Development) (Rev 4, GHD 2024), Marine Construction Monitoring and Management Plan (Rev 4, RPS 2024), Coastal Processes Management Plan (Only Casuarina Boat Harbour.	CAR	Overall	At least twenty (20) business days before it implements the revisions.	C	An update to the MEQMP (Rev 5B) was approved by DWER on 21 July 2026 and will be implemented in the next reporting period. The other management plans remain unchanged.

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		objectives it is required to achieve will not be complied with, including but not limited to as a result of a change to the proposal.	Development) (Rev 1, 30 October 2023), and Marine Fauna Management Plan (Rev 3, January 2024).					
1226: C2-3		Despite condition C2-1, but subject to conditions C2-4 and C2-5, the proponent may implement minor revisions to an environmental management plan if the revisions will not result in new or increased adverse impacts to the environment or result in a risk to the achievement of the limits, outcomes or objectives which the environmental management plan is required to achieve.		Copy of written notification to CEO of any change in EMPs.	Overall	At least twenty (20) business days before it implements the revisions.	NR	-
1226: C2-4		If the proponent is to implement minor revisions to an environmental management plan under condition C2-3, the proponent must provide the CEO with the following at least twenty (20) business days before it implements the revisions: (1) the revised environmental management plan clearly showing the minor revisions; (2) an explanation of and justification for the minor revisions; and (3) an explanation of why the minor revisions will not result in new or increased adverse impacts to the environment or result in a risk to the achievement of the limits, outcomes or objectives which the environmental management plan is required to achieve.			Overall	At least twenty (20) business days before it implements the revisions.	NR	-
1226: C2-5		The proponent must cease to implement any revisions which the CEO notifies the proponent (at any time) in writing may not be implemented.			Overall	After receiving written approval from CEO.	NR	-
1226: C2-6		Confirmed environmental management plans, and any revised environmental management	All confirmed environmental	CAR	Overall	Published on the	C	Published on DTMI website: Casuarina

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		plans under condition C2-4(1), must be published on the proponent's website and provided to the CEO in electronic form suitable for online publication by the Department of Water and Environmental Regulation within twenty (20) business days of being implemented, or being required to be implemented (whichever is earlier).	management plans, and any revised environmental management to be made publicly available.			proponent's website within twenty (20) business days of being implemented.		<u>Boat Harbour - Transforming Bunbury's Waterfront Stage 3 Phase 1</u> <u>Transport WA</u>
1226: C3-1	Conditions Related to Monitoring	The proponent must undertake monitoring capable of: (1) substantiating whether the proposal limitations and extents in Part A are exceeded; and (2) detecting and substantiating whether the environmental outcomes identified in Part B are achieved (excluding any environmental outcomes in Part B where an environmental management plan is expressly required to monitor achievement of that outcome).	Implement project in accordance with Table 1 of Schedule 1 of Ministerial Statement MS 1226, and all confirmed environmental management plans.	CAR	Overall	Ongoing	C	Appendix A shows the footprint within the Development Envelope. Environmental outcomes have been assessed on an ongoing basis through implementation of environmental management plans.
1226: C3-2		The proponent must submit as part of the Compliance Assessment Report required by condition D2-1, a compliance monitoring report that: (1) outlines the monitoring that was undertaken during the implementation of the proposal; (2) identifies why the monitoring was capable of substantiating whether the proposal limitation and extents in Part A are exceeded; (3) for any environmental outcomes to which condition C3-1(2) applies, identifies why the monitoring was scientifically robust and capable of detecting whether the environmental outcomes in Part B are met; (4) outlines the results of the monitoring; (5) reports whether the proposal limitations and extents in Part A were	Complete compliance assessment reports in accordance with the approved CAP.	CAR	Overall	After receiving written approval from CEO and submitting annual report by 28 September of each year.	C	This report and associated appendices.

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
		exceeded and (for any environmental outcomes to which condition C3-1(2) applies) whether the environmental outcomes in Part B were achieved, based on analysis of the results of the monitoring; and (6) reports any actions taken by the proponent to remediate any potential non-compliance.						
1226: C4-1	Environmental Management Plans: Conditions Relating to Monitoring and Adaptive Management for Outcome Based Conditions	The environmental management plans required under conditions B1-6, B2-4, and B3-3 must contain provisions which enable the substantiation of whether the relevant outcomes of those conditions are met, and must include: (1) threshold criteria that provide a limit beyond which the environmental outcomes are not achieved; (2) trigger criteria that will provide an early warning that the environmental outcomes are not likely to be met; (3) monitoring parameters, sites, control/reference sites, methodology, timing and frequencies which will be used to measure threshold criteria and trigger criteria. Include methodology for determining alternate monitoring sites as a contingency if proposed sites are not suitable in the future; (4) baseline data; (5) data collection and analysis methodologies; (6) adaptive management methodology; (7) contingency measures which will be implemented if threshold criteria or trigger criteria are not met; and (8) reporting requirements.	Implement confirmed environmental management plans.	CAR	Pre-Construction of the KBSC Marina	Annual report, by 28 September each year.	NR	To be provided in the future by KBSC proponent.
1226: C4-2		The environmental management plan required under condition B1-6 (marine environmental quality) is also required to include: (1) map(s) spatially representing any improvements in the High Ecological Protection Areas and/or Moderate Ecological Protection Areas to apply to proposal in Table	Implement confirmed environmental management plans.	CAR	Pre-Construction of the KBSC Marina	Annual report, by 28 September each year.	NR	To be provided in the future by KBSC proponent.

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		2, to the extent that improvements have been achieved as a result of the with revised design submitted in condition B1- 5; (2) revised monitoring program that incorporates any improvements in the High Ecological Protection Areas or Moderate Ecological Protection Area in condition C4-2 (1); (3) specific measures to monitor environmental indicators of reduced flushing and determine whether there are adverse impacts on the marine environmental values in the Leschenault Inlet; (4) proven and technically feasible contingency measures and remediation actions that can be readily implemented in a timely manner to ensure the environmental outcomes in condition B1-1 and B1-4 are achieved; and (5) consultation with City of Bunbury on the implementation of the plan.						
1226: C4-3		The environmental management plans required under condition B2-4 are also required to include: (1) procedures to monitor the cover and extent of perennial seagrass in Koombana Bay, prior to and following the completion of marine construction activities; (2) monitoring at impact and reference sites; (3) monitoring capable of detecting whether there has been a statistically significant irreversible impact (loss) on the cover or extent of perennial seagrass in Koombana Bay; (4) procedures for monitoring results of (3) above to be reported at two years following the completion of marine construction activities; and (5) if impact is still evident after two years, then a further three years of monitoring is required with a report submitted five years following the completion of marine construction activities.	Implement confirmed environmental management plans.	CAR	Pre-Construction of the KBSC Marina.	Annual report, by 28 September each year.	NR	To be provided in the future by KBSC proponent.

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1226: C4-4		The environmental management plan required under condition B3-3 is also required to include: (1) shoreline mapping and beach profiles on Ski Beach and Koombana Beach using on-ground surveys which monitor beach width and slope; (2) procedures to track cumulative changes in sediment distribution; (3) management actions to maintain beach profiles and minimise wrack accumulation at Ski Beach and Koombana Beach during and following construction; (4) specific measures for wrack disposal locations and procedures for undertaking sediment and wrack management so that impacts to seagrass and macroalgal communities are avoided; (5) outline of community engagement to be undertaken prior to and during implementation of the contingency measures and wrack disposal processes to ensure impacts on amenity are minimised; (6) detail the agreed arrangements with the City of Bunbury and roles of the proponent and the City of Bunbury in the maintenance of beach profiles and wrack at Ski Beach and Koombana Beach.	Implement confirmed environmental management plans.	CAR	Pre-construction of the KBSC Marina.	Annual report, by 28 September each year.	NR	To be provided in the future by KBSC proponent.
1226: C4-5		Without limiting condition C4-1, failure to achieve an environmental outcome, or the exceedance of a threshold criteria, regardless of whether threshold contingency measures have been or are being implemented, represents a non-compliance with these conditions.	Implement confirmed environmental management plans.	CAR	Overall	Ongoing	NR	To be provided in the future by KBSC proponent.
1226: C5-1	Environmental Management Plans: Conditions Related to Management Actions	The environmental management plan required under condition B4-2 must contain provisions which enable the achievement of the relevant objectives of those conditions and substantiation of whether the objectives are reasonably likely to be met, and must include: (1) management actions; (2) management targets;	Implement the environmental management plan: Marine Fauna Management Plan	CAR	Overall	Annual report, by 28 September each year.	C	A summary of marine fauna monitoring outputs is presented in Appendix C.

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
	and Targets for Objective Based Conditions	(3) contingency measures if management targets are not met; (4) reporting requirements.	(Revision 3, January 2024)					
1226: C5-2		Without limiting condition C5-1, the failure to achieve an environmental objective, or implement a management action, regardless of whether contingency measures have been or are being implemented, represents a non-compliance with these conditions.	Implement all confirmed environmental management plans.	CAR	Overall	Annual report, by 28 September each year.	C	All environmental objectives have been achieved and management actions implemented as per the plan. See Appendices for further details.
1226: D1-1	Non-Compliance Reporting	If the proponent becomes aware of a potential non-compliance, the proponent must: (1) report this to the CEO within ten (10) days; (2) implement contingency measures; (3) investigate the cause; (4) investigate environmental impacts; (5) advise rectification measures to be implemented; (6) advise any other measures to be implemented to ensure no further impact; (7) advise timeframe in which contingency, rectification and other measures have and/or will be implemented; and (8) provide a report to the CEO within twenty-one (21) days of being aware of the potential non-compliance, detailing the measures required in conditions D1-1(1) to D1-1(7) above.	Notify CEO in writing of any potential non-compliance.	Copy of written notification	Overall	Notify within 10 days and report within 21 days of the potential non-compliance being known.	NR	DTMI and SWDC are unaware of any potential or actual non-compliance.
1226: D1-2		Failure to comply with the requirements of a condition, or with the content of an environmental management plan required under a condition, constitutes a non-compliance with these conditions, regardless of whether the contingency measures, rectification or other measures in condition D1-1 above have been or are being implemented.			Overall		NR	-

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
1226: D2-1	Compliance Reporting	The proponent must provide an annual Compliance Assessment Report to the CEO for the purpose of determining whether the implementation conditions are being complied with.	CAR	Written correspondence showing provision of CAR to the CEO.	Overall	Annual report, by 28 September each year.	C	This report
1226: D2-2		Unless a different date or frequency is approved by the CEO, the first annual Compliance Assessment Report must be submitted within fifteen (15) months of the date of this Statement, and subsequent reports must be submitted annually from that date.	CAR	Written correspondence showing provision of CAR to the CEO.	Overall	Annual report, by 28 September each year.	C	This report
1226: D2-3		Each annual Compliance Assessment Report must be endorsed by the proponent's Chief Executive Officer, or a person approved by proponent's Chief Executive Officer to be delegated to sign on the Chief Executive Officer's behalf.	Complete compliance assessment reports in accordance with the approved CAP.	CAR	Overall	Annual report, by 28 September each year.	C	See compliance declarations in appendices G1 and G2.
1226: D2-4		Each annual Compliance Assessment Report must: (1) state whether each condition of this Statement has been complied with, including: a. exceedance of any proposal limits and extents; b. achievement of environmental outcomes; c. achievement of environmental objectives; d. requirements to implement the content of environmental management plans; e. monitoring requirements; f. implement contingency measures; g. requirements to implement adaptive management; and h. reporting requirements; (2) include the results of any monitoring (inclusive of any raw data) that has been required in order to demonstrate that any outcomes or any objectives are being met;	CAR	Written correspondence showing provision of CAR to the CEO.	Overall	Annual report, by 28 September each year.	C	This report

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
		(3) provide evidence to substantiate statements of compliance, or details of where there has been a non-compliance; (4) include the corrective, remedial and preventative actions taken in response to any potential non-compliance; (5) be provided in a form suitable for publication on the proponent's website and online by the Department of Water and Environmental Regulation; (6) be prepared and published consistent with the latest version of the Compliance Assessment Plan required by condition D2-5 which the CEO has confirmed by notice in writing satisfies the relevant requirements.						
1226: D2-5		The proponent must prepare a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition D2-2, or prior to implementation of the proposal, whichever is sooner.	CAP	Written correspondence showing provision of CAP to the CEO.	Pre-construction	At least six (6) months prior to the first Compliance Assessment Report required by condition D2-2, or prior to implementation of the proposal, whichever is sooner.	CLD	DTMI and SWDC submitted CAPs that were approved by DWER on 9 December 2024 and 29 July 2025 respectively.
1226: D2-6		The Compliance Assessment Plan must include: (1) what, when and how information will be collected and recorded to assess compliance;	CAP	CAPs	Pre-construction	At least six (6) months prior to the first Compliance	CLD	-

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
		(2) the methods which will be used to assess compliance; (3) the methods which will be used to validate the adequacy of the compliance assessment to determine whether the implementation conditions are being complied with; (4) the retention of compliance assessments; (5) the table of contents of Compliance Assessment Reports, including audit tables; and (6) how and when Compliance Assessment Reports will be made publicly available, usually being published on the proponent's website within sixty (60) days of being provided to the CEO.				Assessment Report required by condition D2-2, or prior to implementation of the proposal, whichever is sooner.		
1226: D3-1	Contact details	The proponent must notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (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 in writing of any change to the proponent details.	Copy of written notification to CEO of any change in proponent details.	Overall	Within twenty eight (28) days of such change.	C	SWDC is the proponent. DTMI as the nominated proponent of the derived proposal. DTMI emailed DWER compliance on the 28/8/25 to note the change from DoT to DTMI.
1226: D4-1	Time Limit for Proposal Implementation	The proposal must be substantially commenced within five (5) years from the date of the Section 45B Notice.	Provide evidence to the CEO in writing to demonstrate the proposal has substantially commenced.	Written notification/ correspondence to CEO.	Construction	Within fourteen (14) days after the expiration of period of specified in condition D4- 1.	CLD	Construction works associated with the CBH derived proposal started on 15 August 2024.
1226: D4-2		The proponent must provide to the CEO documentary evidence demonstrating that they have complied with condition D4-1 no later than fourteen (14) days after the expiration of period specified in condition D4-1.					CLD	See 2024/25 CAR
1226: D4-3		If the proposal has not been substantially commenced within the period specified in					NR	-

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
1226: D5-1	Public Availability of Data	condition D4-1, implementation of the proposal must not be commenced or continued after the expiration of that period. Subject to condition D5-2, 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) relevant to the assessment of this proposal and implementation of this Statement.	All validated environmental data relevant to proposal to be made publicly available.	Attachments to the CAR	Overall	Reports published within 60 days of being provided to the CEO. Data provided within 10 days of the request being received.	C	On the DTMI website
1226: D5-2		If any data 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 these data publicly available.	Provide request in writing to CEO why such information is secret or sensitive.	Written request	Overall	As required	NR	-
1226: D5-3		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.					NR	-
1226: D6-1		The proponent must arrange for an independent audit of compliance with the conditions of this statement, including achievement of the environmental outcomes and/or the environmental objectives and/ or environmental performance with the conditions of this statement, as and when directed by the CEO.	Submit the independent audit report in accordance with MS 1226 D6-3.	Independent audit report.	Overall	When directed by the CEO.	NR	-
1226: D6-2	Independent Audit	The independent audit must be carried out by a person with appropriate qualifications who is					NR	-

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
		nominated or approved by the CEO to undertake the audit under condition D6-1.						
1226: D6-3		The proponent must submit the independent audit report with the Compliance Assessment Report required by condition D2, or at any time as and when directed in writing by the CEO. The audit report is to be supported by credible evidence to substantiate its findings.					NR	-
1226: D6-4		The independent audit report required by condition D6-1 is to be made publicly available in the same timeframe, manner and form as a Compliance Assessment Report, or as otherwise directed by the CEO.					NR	-

Compliance Status: C = Compliant, CLD = Completed, NR = Not Required at this Stage, PNC = Potentially Non-Compliant, NC = Non-Compliant, IP = In Process.

Declared Compliance

The compliance status for each condition and commitment for the KBMS strategic proposal approved under MS 1226 is listed in the Audit Table (Table 1) with supporting documentation provided in the appendices.

Appendix G1 and G2 has the Declarations of Compliance signed by SWDC and DTMI.