

The Manager  
Compliance Branch  
Office of the Environmental Protection Authority  
Locked Bag 10  
EAST PERTH WA 6850

14 April 2014

Dear Sir

**RE: ARMSTRONG RESERVE, DUNSBOROUGH, URBAN AND COMMERCIAL DEVELOPMENT  
(MINISTERIAL STATEMENT 926) ANNUAL COMPLIANCE ASSESSMENT REPORT  
(21 JANUARY 2013 – 20 JANUARY 2014)**

Please find attached the Compliance Assessment Report (CAR) for Armstrong Reserve, Dunsborough, Urban and Commercial Development prepared by EndPlan Environmental on behalf of the Ray Village Aged Services (Inc.) trading as Capecare.

The CAR and associated Statement of Compliance has been prepared for the purpose of meeting the requirements of Conditions 4-3 and 4-6 of Ministerial Statement 926. The report addresses the status and compliance of the proposal to develop a portion of Armstrong Reserve with the Ministerial conditions for pre-construction activities carried out during the CAR reporting period of 21<sup>st</sup> January 2013 to the 20<sup>th</sup> January 2014.

Yours sincerely



Mark Sheldon-Stemm  
Chief Executive Officer

Capecare                      Ph: 08 9750 2000  
20 Ray Avenue              Fax: 08 9750 4890  
Bussellton WA 6250        info@capecare.com.au  
ARM 77 030 179 279

[www.capecare.com.au](http://www.capecare.com.au)

Ray Village Aged Care Services Inc trading as Capecare

## Statement of Compliance

## PROPOSAL AND PROPONENT DETAILS

Proposal Title	<i>Armstrong Reserve, Dunsborough, Urban and Commercial Development</i>
Statement Number	926
Proponent Name	<i>Ray Village Aged Care Services (Inc.) trading as CapeCare</i>
Proponent's Australian Company Number (where relevant)	ABN: 77 630 179 279

## STATEMENT OF COMPLIANCE DETAILS

Reporting Period	21/01/13 to 20/01/14
------------------	----------------------

Implementation phase(s) during reporting period (please tick ✓ relevant phase(s))					
Pre-construction	<input checked="" type="checkbox"/>	Construction	<input type="checkbox"/>	Operation	<input type="checkbox"/>
				Decommissioning	<input type="checkbox"/>

Audit Table for Statement addressed in this Statement of Compliance is provided at Attachment:	2
An audit table for the Statement addressed in this Statement of Compliance must be provided as Attachment 2 to this Statement of Compliance. The audit table must be prepared and maintained in accordance with the Office of the Environmental Protection Authority's (OEPA) <i>Post Assessment Guideline for Preparing an Audit Table</i> , as amended from time to time. The 'Status Column' of the audit table must accurately describe the compliance status of each implementation condition and/or procedure for the reporting period of this Statement of Compliance. The terms that may be used by the proponent in the 'Status Column' of the audit table are limited to the Compliance Status Terms listed and defined in Table 1 of Attachment 1.	

Were all implementation conditions and/or procedures of the Statement complied with within the reporting period? (please tick ✓ the appropriate box)			
No (please proceed to Section 3)	<input type="checkbox"/>	Yes (please proceed to Section 4)	<input checked="" type="checkbox"/>

Each page (including Attachment 2) must be initialled by the person who signs Section 4 of this Statement of Compliance. INITIALS: AB

POST ASSESSMENT FORM 2

**DETAILS OF NON-COMPLIANCE(S) AND/OR POTENTIAL NON-COMPLIANCE(S)**

The information required Section 3 must be provided for each non-compliance or potential non-compliance identified during the reporting period covered by this Statement of Compliance.

Non-compliance/potential non-compliance 0-1

<b>Which implementation condition or procedure was non-compliant or potentially non-compliant?</b>	
Was the implementation condition or procedure non-compliant or potentially non-compliant?	
On what date(s) did the non-compliance or potential non-compliance occur (if applicable)?	
<b>Was this non-compliance or potential non-compliance reported to the General Manager, OEPA?</b>	
<input type="checkbox"/> Yes <input type="checkbox"/> Reported to OEPA verbally      Date _____ <input type="checkbox"/> Reported to OEPA in writing      Date _____	<input type="checkbox"/> No

Each page (including Attachment 2) must be initialled by the person who signs Section 4 of this Statement of Compliance. INITIALS:   *AS*

## POST ASSESSMENT FORM 2

What are the details of the non-compliance or potential non-compliance and where relevant, the extent of and impacts associated with the non-compliance or potential non-compliance?
What is the precise location where the non-compliance or potential non-compliance occurred (if applicable)? (please provide this information as a map or GIS co-ordinates)
What was the cause(s) of the non-compliance or potential non-compliance?
What remedial and/or corrective action(s), if any, were taken or are proposed to be taken in response to the non-compliance or potential non-compliance?
What measures, if any, were in place to prevent the non-compliance or potential non-compliance before it occurred? What, if any, amendments have been made to those measures to prevent re-occurrence?
<p>Please provide information/documentation collected and recorded in relation to this implementation condition or procedure:</p> <ul style="list-style-type: none"> <li>in the reporting period addressed in this Statement of Compliance; and</li> <li>as outlined in the approved Compliance Assessment Plan for the Statement addressed in this Statement of Compliance.</li> </ul> <p>(the above information may be provided as an attachment to this Statement of Compliance)</p>

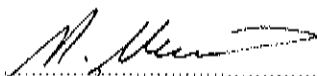
For additional non-compliance or potential non-compliance, please duplicate this page as required.

Each page (including Attachment 2) must be initialled by the person who signs Section 4 of this Statement of Compliance. INITIALS:    *AK*

## POST ASSESSMENT FORM 2

### PROPONENT DECLARATION

I, **MARK SHELDON-STEMM, CHIEF EXECUTIVE OFFICER**, (*full name and position title*) declare that I am authorised on behalf of **RAY VILLAGE AGED SERVICES (INC.) trading as CAPECARE** (being the person responsible for the proposal) to submit this form and that the information contained in this form is true and not misleading.

Signature: 

Date: 14/4/14

Please note that:

- it is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give or cause to be given information that to his knowledge is false or misleading in a material particular; and
- the General Manager of the OEPA has powers under section 47(2) of the *Environmental Protection Act 1986* to require reports and information about implementation of the proposal to which the statement relates and compliance with the implementation conditions.

### SUBMISSION OF STATEMENT OF COMPLIANCE

One hard copy and one electronic copy (preferably PDF on CD or thumb drive) of the Statement of Compliance are required to be submitted to the General Manager, OEPA, marked to the attention of Manager, Compliance Branch.

Please note, the OEPA has adopted a procedure of providing written acknowledgment of receipt of all Statements of Compliance submitted by the proponent, however, the OEPA does not approve Statements of Compliance.

### CONTACT INFORMATION

Queries regarding Statements of Compliance, or other issues of compliance relevant to a Statement may be directed to Compliance Branch, OEPA:

**Manager, Compliance Branch**  
**Office of the Environmental Protection Authority**

Postal Address: Locked Bag 10  
EAST PERTH WA 6892

Phone: (08) 6145 0800

Email: [compliance@epa.wa.gov.au](mailto:compliance@epa.wa.gov.au)

### POST ASSESSMENT GUIDELINES AND FORMS

Post assessment documents can be found at [www.epa.wa.gov.au](http://www.epa.wa.gov.au) in the following locations:

- Post Assessment Guidelines: Home>Policies and Guidelines>Post Assessment Guidelines;
- Post Assessment Forms: Home>Post Assessment Forms.


Each page (including Attachment 2) must be initialled by the person who signs Section 4 of this Statement of Compliance. INITIALS: M

# POST ASSESSMENT FORM 2

## ATTACHMENT 1

**Table 1 Compliance Status Terms**

Compliance Status Terms	Abbrev	Definition	Notes
Compliant	C	Implementation of the proposal has been carried out in accordance with the requirements of the audit element.	This term applies to audit elements with: <ul style="list-style-type: none"> <li>ongoing requirements that have been met during the reporting period; and</li> <li>requirements with a finite period of application that have been met during the reporting period, but whose status has not yet been classified as 'completed'.</li> </ul>
Completed	CLD	A requirement with a finite period of application has been satisfactorily completed.	This term may only be used where: <ul style="list-style-type: none"> <li>audit elements have a finite period of application (e.g. construction activities, development of a document);</li> <li>the action has been satisfactorily completed; and</li> <li>the Office of the Environmental Protection Authority (OEPA) has provided written acceptance of 'completed' status for the audit element.</li> </ul>
Not required at this stage	NR	The requirements of the audit element were not triggered during the reporting period.	This should be consistent with the 'Phase' column of the audit table.
Potentially Non-compliant	PNC	Possible or likely failure to meet the requirements of the audit element.	This term may apply where during the reporting period the proponent has identified a potential non-compliance and has not yet finalized its investigations to determine whether non-compliance has occurred.
Non-compliant	NC	Implementation of the proposal has not been carried out in accordance with the requirements of the audit element.	This term applies where the requirements of the audit element are not "complete" have not been met during the reporting period.
In Process	IP	Where an audit element requires a management or monitoring plan be submitted to the OEPA or another government agency for approval, that submission has been made and no further information or changes have been requested by the OEPA or the other government agency and assessment by the OEPA or other government agency for approval is still pending.	<p><b>The term 'In Process' may not be used for any purpose other than that stated in the Definition Column.</b></p> <p>The term 'In Process' may not be used to describe the compliance status of an implementation condition and/or procedure that requires implementation throughout the life of the project (e.g. implementation of a management plan).</p>

Each page (including Attachment 2) must be initialled by the person who signs Section 4 of this Statement of Compliance. INITIALS: 

**ARMSTRONG RESERVE, DUNSBOROUGH - URBAN  
AND COMMERCIAL DEVELOPMENT  
(MINISTERIAL STATEMENT 926)**

**ANNUAL COMPLIANCE ASSESSMENT REPORT  
(21 JANUARY 2013 – 20 JANUARY 2014)**

Prepared for:

**RAY VILLAGE AGED CARE FACILITY T/A CAPECARE  
20 RAY AVENUE  
BUSSELTON WA 6280**

Report Date: 14 April 2014  
Document No. RVA292\_08\_V1

**ARMSTRONG RESERVE, DUNSBOROUGH - URBAN AND COMMERCIAL DEVELOPMENT (MINISTERIAL STATEMENT 926) ANNUAL COMPLIANCE ASSESSMENT REPORT (21 JANUARY 2013 – 20 JANUARY 2014)**

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**STATEMENT OF LIMITATIONS**

**Scope of Services**

This report has been prepared in accordance with the scope of work set out in the contract, or as otherwise agreed, between the Client and EndPlan Environmental\* (EndPlan).

**Reliance on Data**

In preparing the report, EndPlan has relied upon data, surveys, analyses, designs, plans and other information provided by the Client and other individuals and organisations, most of which are referred to in the report ("the data"). Except as otherwise stated in the report, EndPlan has not verified the accuracy or completeness of the data. To the extent that the statements, opinions, facts, information, conclusions and/or recommendations in the report ("conclusions") are based in whole or part on the data, those conclusions are contingent upon the accuracy and completeness of the data. EndPlan will not be liable in relation to incorrect conclusions should any data, information or condition be incorrect or have been concealed, withheld, misrepresented or otherwise not fully disclosed to EndPlan.

**Environmental Conclusions**

Within the limitations imposed by the scope of work, the preparation of this report has been undertaken and performed in a professional manner, in accordance with generally accepted practices and using a degree of skill and care ordinarily exercised by reputable environmental consultants under similar circumstances. No other warranty, expressed or implied, is made.

**Report for Benefit of Client**

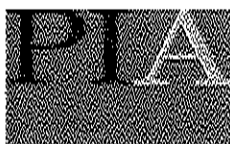
The report has been prepared for the benefit of the Client and no other party. EndPlan assumes no responsibility and will not be liable to any other person or organisation for or in relation to any matter dealt with or conclusions expressed in the report, or for any loss or damage suffered by any other person or organisation arising from matters dealt with or conclusions expressed in the report (including without limitation matters arising from any negligent act or omission of EndPlan or for any loss or damage suffered by any other party relying upon the matters dealt with or conclusions expressed in the report). Other parties should not rely upon the report or the accuracy or completeness of any conclusions and should make their own enquiries and obtain independent advice in relation to such matters. Copying of this report or parts of the report is not permitted without the authorisation of the Client or EndPlan.

**Other Limitations**

The scope of work did not include any assessment of the title to or ownership of the properties, buildings and structures referred to in the report nor the application or interpretation of laws in the jurisdiction in which those properties, buildings and structures are located.

[\*Wiske Pty Ltd as Trustee for Esk Family Trust trading as "EndPlan Environmental" ABN: 23 684 573 524]

EndPlan Environmental is an Associate Member of the



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Institute  
Australia

REVISION CONTROL			
<b>Document Title:</b> ARMSTRONG RESERVE, DUNSBOROUGH - URBAN AND COMMERCIAL DEVELOPMENT (MINISTERIAL STATEMENT 926) ANNUAL COMPLIANCE ASSESSMENT REPORT (21 JANUARY 2013 – 20 JANUARY 2014)			
<b>Document No.:</b> RVA292_08_V1			
<b>Report Date:</b> 14 April 2014			
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draft	10/04/2014	Issued to client	
V1	14/04/2014	Issued to client	Issued to the OEPA



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#### LIST OF ABBREVIATIONS

<b>ANZECC</b>	Australian and New Zealand Environment Conservation Council
<b>ARMCANZ</b>	Agriculture and Resource Management Council of Australia and New Zealand
<b>ASS</b>	Acid Sulfate Soil
<b>ASSMP</b>	Acid Sulfate Soils Management Plan
<b>CAP</b>	Compliance Assessment Plan
<b>CoB</b>	City of Busselton
<b>CAR</b>	Compliance Assessment Report
<b>CWA</b>	Country Women's Association
<b>DEC</b>	Department of Environment and Conservation
<b>DER</b>	Department of Environment Regulation
<b>DPaW</b>	Department of Parks and Wildlife
<b>EPA</b>	Environmental Protection Authority
<b>ha</b>	hectare
<b>LGA</b>	Local government authority
<b>km</b>	kilometre
<b>m<sup>3</sup></b>	cubic metre
<b>OEPA</b>	Office of the Environmental Protection Authority
<b>PER</b>	Public Environmental Review
<b>SoC</b>	Statement of Compliance

## EXECUTIVE SUMMARY

This Compliance Assessment Report and associated Statement of Compliance has been prepared for the purpose of meeting the requirements of **Conditions M4.3 and M4.6** of Ministerial Statement No. 926 and addresses the status and compliance of the Armstrong Reserve, Dunsborough, Urban and Commercial Development project with the conditions referred to in Ministerial Statement 926 for works/activities carried out during the reporting period 21 January 2013 – 20 January 2014.

**Attachment 2** (refer to **Table 3** commencing on page 10) comprises the audit table prepared in accordance with the *Post Assessment Guideline for Preparing an Audit Table* (PAG1) (Office of the Environmental Protection Authority, 2012b). The audit table has been updated to clearly identify the compliance status of implementation of conditions and procedures of the Statement 926 during the reporting period.

During the reporting period, *EndPlan Environmental* conducted an audit (desktop, informal interviews and site inspections) of the approval conditions of Statement 926.

No non-compliances were observed by *EndPlan Environmental* during the reporting period.

*EndPlan Environmental* considers that all pre-construction activities undertaken in relation to the proposal during the reporting period have complied with the Ministerial conditions as set out in Statement 926.

## 1. INTRODUCTION

This Compliance Assessment Report (CAR2014) and associated Statement of Compliance (SoC) has been prepared for the purpose of meeting the requirements of **Conditions M4.3 and M4.6** of Ministerial Statement No. 926 (Statement 926). As such, CAR2014 addresses the status and compliance of the Armstrong Reserve, Dunsborough, Urban and Commercial Development with the Conditions referred to in Statement 926 for pre-construction activities undertaken during the reporting period: 21 January 2013 - 20 January 2014.

A copy of Statement 926 is included as **Appendix 1**.

### 1.1 Scope of the Report

**Condition M4.1** of Statement 926 required that prior to the implementation of the proposal that the proponent prepare a Compliance Assessment Plan (CAP) in accordance with the Office of the Environmental Protection Authority's (OEPA's) *Post Assessment Guideline for Preparing a Compliance Assessment Plan* Post Assessment Guideline No. 2 (PAG2) (2012a) and submit the CAP to the CEO for approval.

The draft Audit Table was prepared by an OEPA data management officer and provided to EndPlan Environmental on the 22 May 2013 for inclusion in the draft CAP (Mark Rust, Environmental Officer, OEPA pers. comm.). Version 1 of the CAP was issued to the OEPA on the 27<sup>th</sup> May 2013 and minor amendments were requested. Version 2 of the CAP was issued to the OEPA on the 31<sup>st</sup> May 2013.

In June 2013, the CEO of the OEPA deemed **Condition M4.1** to have been satisfactorily prepared (refer to **Appendix 2**).

**Condition M4.3** of Statement 926 requires the proponent to assess compliance in accordance with the approved CAP and to submit an annual Compliance Assessment Report (CAR) for the previous 12-month period.

CAR2014 assesses the development's compliance with all pre-construction phase audit elements and any relevant overall phase audit elements that were implemented during the reporting period 21 January 2014 to 20 January 2014. The report has been prepared in accordance with the following OEPA documents:

- *Post Assessment Guideline for Preparing an Audit Table*, Post Assessment Guideline No. 1 (PAG1), (Office of the Environmental Protection Authority, 2012b); and
- *Post Assessment Guideline for Preparing a Compliance Assessment Report*, Post Assessment Guideline No. 3 (PAG3), (Office of the Environmental Protection Authority, 2012c).

This report addresses the following:

- 1) The status of implementation of the proposal as defined in Schedule 1 of the Statement;
- 2) Evidence of compliance with the conditions and proponent commitments; and
- 3) The status of any environmental management plans and/or programs prepared in relation to the proposal.

## 1.2 Proponent

The proponent for the proposal remains Ray Village Aged Services (Inc.) trading as Capecare.

## 1.3 Development Description

Ray Village Aged Services (Inc.) trading as Capecare (the proponent), is to develop a 1.28 ha portion of Armstrong Reserve, Naturaliste Terrace, Dunsborough (the site), for the purpose of an aged care facility.

The site is situated in the Dunsborough Townsite within the municipal boundary of the City of Busselton and is located approximately 500 m north of the business centre of the town of Dunsborough and is bounded by Armstrong Place to the south, Gifford Road to the east and Naturaliste Terrace to the west (refer to **Figure 1**).

The development area comprises Lots 111, 115, 116, 117 Naturaliste Terrace and a 9994 m<sup>2</sup> portion of Lot 257 Naturaliste Terrace. The lots are currently vested in either the State of Western Australia, City of Busselton or the Country Women's Association of Western Australia (CWA) and are currently zoned either 'Recreation' or 'Drainage' under the City of Busselton's Town Planning Scheme No. 20 (**Figure 2**).

The aged care facility will consist of the following operational elements:

- A number of independent and supported living accommodation units (buildings will be 3-4 storeys in height);
- Administration offices and community facilities (including meeting rooms for the CWA);
- Internal road network; and
- Two-way road access between the proposed development footprint and Naturaliste Terrace and Gifford Road.

The indicative location of each of the elements as identified in the PER (EndPlan Environmental, 2012) is identified on **Figure 3**.

In accordance with the *Western Australian Town Planning and Development Act 2005*, prior to development commencing, rezoning of the proposed development footprint is required in order to create a new Certificate of Title for the development area. This land will become the legal responsibility of the proponent and will be retained as one Title in perpetuity. Concurrently, a new Certificate of Title will also be created for the remainder of Armstrong Reserve that is located outside of the proposed development area. The City of Busselton will be retaining the vesting of the remainder of the site and manage it as Conservation POS (P. Malavisi pers. comm.). The City of Busselton has indicated that with respect to the area of Lot 257 that is outside of the proposed development footprint, the City will recommend to the Department of Lands that the legal use be changed from 'Recreation' to 'Landscape Protection' (P. Malavisi pers. comm.). Furthermore, the City has advised that it has no objection to the amalgamation of the lots south of Lot 258 and that this process will be dealt with by the Department of Lands. The proposed development area will continue to be identified on the Scheme map as 'Recreation' until such time that the City has an omnibus amendment which will then likely change the identification in the Scheme to 'Special Purpose Zone – Aged Persons' (P. Malavisi, pers. comm.).

#### 1.4 Environmental Approval to Implement the Project

In 2006, the Environmental Protection Authority (EPA) received a third party referral regarding the proposal by the proponent to develop the site for the purposes of an aged care facility. On the 17 December 2008 the EPA notified the proponent of its intention to set the level of assessment as a 'Proposal Unlikely to be Environmentally Acceptable (PUEA)' due to the presence of *Pseudocheirus occidentalis* (Western Ringtail Possum) and the regional significance of the vegetation and issued their statement of reasons for level of assessment.

Following the proponent's successful appeal against the decision (Appeal No. 001/09), on the 27 August 2009 the Minister for the Environment remitted the proposal to the EPA under Section 43 of the *Environmental Protection Act 1986* (EP Act) to assess it more fully and more publicly.

In making this determination, the Minister provided the proponent with the opportunity to:

- (i) Establish the environmental significance of the vegetation on Armstrong Reserve and demonstrate whether the proposal can be managed in an environmentally acceptable manner to protect these flora values;
- (ii) Determine the environmental significance of Armstrong Reserve as habitat for the Western Ringtail Possum and demonstrate whether the proposal could be managed in an environmentally acceptable manner to protect the local populations of this species;
- (iii) Demonstrate that the proposal can be developed to be consistent with EPA policy, specifically Position Statement No. 2 *Environmental Protection of Native Vegetation in Western Australia*; and Position Statement No. 9 *Environmental Offsets*; and
- (iv) Address the EPA's concern about the long-term viability of the remaining bushland on Armstrong Reserve.

As a result of the Minister's determination, on the 21 September 2009 the EPA set the level of assessment for the proposal as a Public Environmental Review (PER) with a six-week public review period (EPA Assessment No. 1808). The Environmental Scoping Document (ESD) was approved on the 7 November 2011 and the PER document (EndPlan Environmental, 2012) was approved for public review on the 17 September 2012.

The PER was released for a six-week public review from the 17 September 2012 to the 29 October 2012. Seventy-eight submissions were received during the public review period: of these, nine were unsupportive of the proposal; however, four of these were supportive of a modified proposal on the site (Environmental Protection Authority, 2012).

The EPA's report providing advice and recommendations to the Minister for the Environment on the key environmental factors and principles for the proposal by Capecare to develop an aged care facility on a 1.28 ha portion of Armstrong Reserve in Dunsborough (Report No. 1459) was released on the 24 December 2012 (Environmental Protection Authority, 2012).

Statement 926 was published on the 21 January 2013 (**Appendix 1**).

## 2. CURRENT STATUS OF IMPLEMENTATION

During the CAR2014 reporting period, pre-construction activities have been undertaken by the proponent (or the proponent's consultants). These include:

1. The proponent's architectural consultant has prepared preliminary design drawings and images for the various operational elements identified in **Section 1.3**. The drawings and images have been used by the proponent to conduct market research regarding the most appropriate design and configuration of the layout for prospective clients.
2. The proponent has liaised with the officers from the Department of Lands and the City of Busselton's (CoB) planning officers regarding the rezoning requirements associated with the City's proposed Town Planning Scheme Amendment Omnibus. This process will include the rezoning of Armstrong Reserve (refer to **Appendix 4**).
3. In October 2013, a re-survey of the location of the *Caladenia viridescens* population within Armstrong Reserve was undertaken by Dr Paul van der Moezel (PGV Environmental) (refer to **Appendix 5**).

### 3. REPORTING METHODOLOGY

#### 3.1 Audit Methodology

During the CAR2014 reporting period, *EndPlan Environmental* conducted an audit of the pre-construction activities. The audit included both a desktop assessment of correspondence regarding the project and informal interviews with the proponent's representatives including a review of project documentation held by the proponent.

Compliance was assessed against the approval conditions contained within Statement 926 (Appendix 1).

#### 3.2 Status Terminology

This report has adopted the action implementation status terminology taken from the OEPA document *Post Assessment Guideline for Preparing an Audit Table* (PAG1) (Office of the Environmental Protection Authority, 2012a) as shown on **Table 1** (below) and **Table 2** (over the page).

The phase column indicates the project phase applicable to the audit element as shown in **Table 1**.

**TABLE 1**  
**PROJECT PHASES AND DESCRIPTIONS**

Project Phase	Description
Pre-construction	No ground disturbance has commenced. Plans may be in development or approvals are being sought prior to ground disturbance.
Construction	Ground disturbance may have commenced, no waste emission from operations has commenced, limited waste emissions may have occurred during 'commissioning' under a works approval issued under the <i>Environmental Protection Act 1986</i> , proposal has substantially commenced.
Operation	The following may have occurred or may be occurring; ground disturbance; operations are producing waste emissions; 'commissioning' under a licence issued under the EP Act; development of a site; remediation activity prior to development of site; mining activity; subdivision of site.
Decommissioning	The following may occur during this phase: ground disturbance for rehabilitation purposes; post-remediation; post-reclamation; development following remediation where the main objective of the proposal was remediation; decommissioning.
Overall	This phase is used where an audit element applies during multiple phases of the project.

Source: Office of the Environmental Protection Authority (2012a)



**TABLE 2  
COMPLIANCE STATUS DESCRIPTIONS**

COMPLIANCE STATUS TERMS	ACRONYM	DEFINITION	NOTES
Compliant	C	Implementation of the proposal has been carried out in accordance with the requirements of the audit element.	This term applies to audit elements with: <ul style="list-style-type: none"> <li>- Ongoing requirements that have been met during the reporting period; and</li> <li>- Requirements with a finite period of application that have been met during the reporting period, but whose status has not yet been classified as 'Completed'.</li> </ul>
Completed	CLD	A requirement with a finite period of application has been satisfactorily completed.	This term may only be used where: <ul style="list-style-type: none"> <li>- Audit elements have a finite period of application (e.g. construction activities, development of a document);</li> <li>- The requirement has been satisfactorily completed; and</li> <li>- The OEPA has provided written acceptance of 'Completed' status for the audit element.</li> </ul>
Not Required at this Stage	NR	The requirements of the audit element were not triggered during the reporting period.	This should be consistent with the 'Phase' column of the audit table.
Potentially Non-compliant	PNC	Possible or likely failure to meet the requirements of the audit element.	This term may only be used where during the reporting period the proponent has identified a potential non-compliance and has not yet finalized its investigations to determine whether non-compliance has occurred. Where this term is used, the proponent should advise when investigations will be finalized and provide follow-up advice of the outcome.
Non-Compliant	NC	Implementation of the proposal has not been carried out in accordance with the requirements of the audit element.	This term applies where the requirements of the audit element have not been met during the reporting period and its status is not 'Completed'.
In Process	IP	Where an audit element requires a management or monitoring plan be submitted to the OEPA or another government agency for approval, that submission has been made and no further information or changes have been requested by the OEPA or the other government agency and assessment by the OEPA or other government agency for approval is still pending.	The term 'In process' must only be used for the purpose stated in the definition column. 'In process' may not be used to describe the compliance status of an implementation condition and/or procedure that requires ongoing implementation throughout the life of the project (e.g. implementation of a management plan).

Source: Office of the Environmental Protection Authority (2012a)

### 3.3 Reporting Non-compliances and Corrective and Preventative Actions

In accordance with **Condition M4.5** of Statement 692, non-compliances with respect to all of the pre-construction and construction phase audit elements and any relevant overall phase audit elements identified within the Audit Table are to be reported to the CEO within seven days of such awareness.

The OEPA document *Post Assessment Guideline for Preparing a Compliance Assessment Report* (PAG3) (2012b) notes that any non-compliance identified during the reporting period is to be reported in the annual Compliance Assessment Report (CAR) and any corrective and preventative actions are to be described.

No non-compliances were identified by *EndPlan Environmental* during the current reporting period of CAR2014.

### 3.4 Public Availability of the Report

In accordance with **Condition M4.7** of Statement 926, there is a requirement to make this first annual CAR available to the public via the proponent's website by the 19<sup>th</sup> May 2014.

### 3.5 Changes to the Compliance Assessment Plan

There have been no changes to the CAP since it was approved by the CEO of the OEPA in June 2013.

#### 4. COMPLIANCE FINDINGS

CAR2014 has been prepared to address the annual environmental compliance reporting requirements contained within **Condition M4** of Statement 926 and applies specifically to pre-construction activities undertaken by the proponent with respect to progressing the approvals that will enable the development of the site.

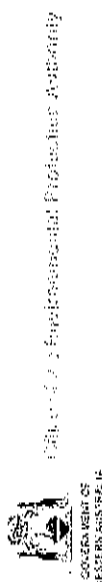
The term pre-construction is defined as:

*No ground disturbance has commenced. Plans may be in development or approvals are being sought prior to ground disturbance.*  
(Office of the Environmental Protection Authority, 2012a)

The completed Audit Table for the reporting period is included as **Table 3** (over the page).

No non-compliances were observed during the CAR2013 reporting period.

*EndPlan Environmental* considers that all pre-construction activities undertaken within the reporting period in relation to the Armstrong Reserve development site, have complied with the conditions as set out in Statement 926.



**TABLE 3: AUDIT TABLE**

Statement Compliance Section

**PROJECT: ARMSTRONG RESERVE, DUNSBOROUGH - URBAN AND COMMERCIAL DEVELOPMENT**

**Statement 926**

Notes:

- Phrases that apply in this table = Pre Construction, Construction, Operation, Decommissioning, Overall (several phrases).
- 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/practice wording of individual elements.
- Code prefixes: M = Minister's condition, P = Proponent's commitment.
- Acronyms list: CEO = Chief Executive Officer of OEPA; DEC = Department of Environment and Conservation; DER = Department of Environment Regulation; DPAW = Department of Parks and Wildlife; EPA = Environmental Protection Authority; DoW = Department of Water, Minister for Env = Minister for the Environment; OEPA = Office of the Environmental Protection Authority; CoS = City of Subiaco; CAR = Compliance Assessment Report; Soc = Statement of Compliance.
- Compliance Status: C = Compliant, QLD = Completed, RA = Not Audited, NC = Non-compliant, NR = Not Required at this stage. Please note the terms NR = Verification Required and P = In Process are only for OEPA use.

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeline	Status	Further Information
926/M1.1	Proposal Implementation	When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Column 3 of Table 2 in Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the Act.	As per Schedule 1, Statement 926	1. Annual Assessment Report (CAR)	Overall	Ongoing	Compliant	During the CAR2014 reporting period, the proponent has been using the authorised extent of the proposal as defined in Column 3 of Table 2 in Schedule 1 of Statement 926 for planning and building design purposes.  No request for an amendment to the proposal has been submitted during the CAR2014 reporting period.
926/M2.1	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 in writing	Record of notification of change of contact name, physical address or postal address addressed to the OEPA	Overall	Ongoing	Compliant	The proponent for the proposal remains Ray Village Aged Services Inc (trading as Capetare Village Aged Services). The proponent's postal address remains the same as previously advised:  Ray Village Aged Services (inc.)/t/a Capetare 20 Ray Avenue Souderton WA 5280  In December 2013, Mr Max Sheldon-Stem was appointed the new Chief Executive Officer of Capetare. Correspondence to the proponent should be directed to Mr Sheldon-Stem in the first instance.
926/M3.1	Time Limit for Proposal Implementation	The proponent shall not commence implementation of the proposal after the expiration of five years from the date of this Statement, and any commencement, within this five year period, must be substantial.				On or before 21 January 2018	Not Required at this Stage	During the CAR2014 reporting period, the proponent has been undertaking pre-construction activities relating building design and associated architectural drawings, undertaking market research, liaising with planning departments (State and LGAs) to further resourcing of the site.

# ATTACHMENT 2

ARMSTRONG RESERVE, DUNSBOROUGH - URBAN AND COMMERCIAL DEVELOPMENT [MINISTERIAL STATEMENT 926]  
ANNUAL COMPLIANCE ASSESSMENT REPORT (21 JANUARY 2013 - 20 JANUARY 2014)

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
926/M4.2	Time Limit for Implementation	Any commencement of implementation of the proposal, within five years from the date of this Statement, must be demonstrated to be substantially in compliance with the Statement, on or before the expiration of five years from the date of this Statement.	Not in writing	Record of application of substantial commencement addressed to the OSPA	Overall	On or before 21 January 2013	Not Required at this Stage	It is anticipated that should all planning approvals be in place by mid-2014, and environmental approvals by late 2014, that clearing and ground disturbing activities followed by construction activities will commence in April 2015. (Mark Swales-Baron, CEO Capcare pers. comm. 10 April 2014).
926/M4.1	Compliance Reporting	At least 1x calendar month prior to the first Statement of Compliance required pursuant to condition 4-5 or prior to implementation of the proposal, whichever is sooner, the proponent shall: 1. prepare a Compliance Assessment Plan in accordance with the Office of the Environmental Protection Authority's (OEP) Post Assessment Guideline for Reporting 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 4-5(1) to the CEO.	Please and submit a Compliance Assessment Plan	Approved Compliance Assessment Plan (CAP) Correspondence with OSPA	Pre-construction	Submission of CAP before 21 October 2013 or before ground-disturbing activities	Compliant	A CAP was prepared by the proponent's environmental consultant and submitted to the OSPA's Statement Compliance Branch in May 2013 (refer to Appendix 2).  On 16 June 2013 correspondence from the CEO of the OSPA was issued to the proponent stating that the CAP had been prepared satisfactory (refer to Appendix 3).
926/M4.2	Compliance Reporting	The proponent shall revise the approved Compliance Assessment Plan in accordance with the OSPA's Post Assessment Guideline for Reporting a Compliance Assessment Plan, as amended from time to time, and submit the revised Compliance Assessment Plan to the approval of the CEO.	Revised CAP	Revised CAP Correspondence with OSPA	Overall	Submission of revised CAP on an 'as needs basis'	Compliant	To date, there has been no request from the OSPA to the proponent requesting that the proponent revise the approved CAP.
926/M4.3	Compliance Reporting	The proponent shall show compliance in accordance with the approved Compliance Assessment Plan.	As specified in CAP	CAR	Overall	CAR submission annually before 11 April for each 12 month period.	Compliant	CAR2014 is the first annual CAR to be submitted to the OSPA and OSPA with pre-construction activities undertaken by the proponent and the proponent's consultants during the reporting period.
926/M4.4	Compliance Reporting	The proponent shall collect and maintain information and documentation in accordance with the approved Compliance Assessment Plan.	Information and documentation available upon request	Overview provided in CAP	Overall	The first SoC is due to be submitted by the 21 April 2014 then annually by the 21 April.	Compliant	The annual compliance assessment report will be prepared electronically by the proponent for the first SoC of the proposal plus an additional seven years. The annual reports will be made publicly available via the proponent's website: <a href="http://www.capcare.co.nz">www.capcare.co.nz</a>
926/M4.5	Compliance Reporting	The proponent shall advise the CEO of any non-compliance or potential non-compliance within seven days of such awareness.	Not in writing	Correspondence with the CEO and statement of non-compliance or potential non-compliance	Overall	Within 7 days of non-compliance or potential non-compliance being known.	Compliant	No non-compliance or potential non-compliance were observed during the CAR2014 reporting period.
926/M4.6	Compliance Reporting	The proponent shall prepare a Statement of Compliance for each consecutive 12 month period commencing on the date of this Statement and submit each Statement of Compliance to the CEO no later than three months following the end of each 12 month period addressed.	Not in writing	Correspondence with the CEO	Overall	The first SoC is due to be submitted by the 21 April 2014, then annually by the 21 April.	Compliant	The Statement of Compliance (SoC) has been completed and duly signed by the CEO of Capcare and is included at the front of this document.
926/M4.7	Compliance Reporting	The proponent shall ensure that each Statement of Compliance is made available to the public in accordance with the approved Post Assessment Guideline.	In accordance with the OSPA Post Assessment Guideline	SoC and CAP uploaded onto the proponent's website	Overall	The first SoC is to be made	Compliant	The annual SoC will be retained electronically by the proponent for the life of the proposal plus an

# ATTACHMENT 2

ARMSTRONG RESERVE, DUNSBOROUGH - URBAN AND COMMERCIAL DEVELOPMENT (MINISTERIAL STATEMENT 926)  
ANNUAL COMPLIANCE ASSESSMENT REPORT [21 JANUARY 2013 - 20 JANUARY 2014]

Audit Code	Subject	Requirement	How compliance is being achieved	Evidence available	Phase	Timeframe available to the public by the 19 May 2014, then annually by the 19 May	Status	Further Information
926M4.8	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 12 month period; 2. Is prepared using the OPA's Post Assessment Form for a Statement of Compliance, as amended from time to time; 3. Provides all information required by the OPA'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 chief executive officer, if the proponent is a public body, company or association or body of persons, corporate or unincorporated.	in accordance with the Approved CUP	Endorsement by the OPA Compliance Branch	Overall	The first SOC is due to be submitted by the 21 April 2014, then annually by the 21 April.	Compliant	The first SOC is included at the front of this CUP 2014 and has been prepared using the OPA's Post Assessment Form for a Statement of Compliance (downloadable from <a href="http://www.opa.gov.au">www.opa.gov.au</a> ) on the 9 April 2014.
926M4.9	Compliance Reporting	The CEO has the discretion to, by notice in writing: 1. Require the proponent to submit a Statement of Compliance more often than annually and enter the period addressed by the Statement of Compliance; 2. Alter the due date of the Statements of Compliance; 3. Prescribe the manner in which Statements of Compliance are made available to the public should this be necessary; and 4. Where a Statement of Compliance contains trade secrets or confidential information 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.	Notice in writing	Correspondence with the CEO	Overall	When requested by the CEO	Not Required at this Stage	To date, there has been no request issued by the CEO to the proponent requiring the proponent to submit a SOC more or less frequently, and the due date of the SOC or change the prescribed manner in which the SOC is made available to the public.
926M5.1	Residual Impacts and Risk Management Measures	To mitigate for significant residual impacts of the proposal on a priority ecological community Dunsborough Swamp Forest, threatened and significant fauna species <i>Paroedura gracilis</i> and <i>Chrysomela</i> , and to the commencement of construction, the proponent shall prior to the commencement of construction submit an Environmental Management Plan for the remaining portion of Armstrong Reserve outside the Development Envelope shown in Figure 1, to the satisfaction of the CEO, on the advice of the Department of Environment and Conservation (DEC).	Preparation of an EMP including management measures 1-5 identified in MS 2	Approved Environmental Management Plan (EMP)	Prior to construction commencing	Prior to construction commencing	In Process	The proponent has been taking with planning officers from the CEO to progress the remaining approval for the EMP (refer to Appendix 4).  The proponent engaged Dr Paul van der Meer (PCV Environmental) to undertake a re-survey of the Dunsborough Swamp Forest. A survey report has been prepared by Dr van der Meer (refer to Appendix 5) and on the basis of his findings, further liaison with officers from the DPW (Mr Peter Hanly and Dr Andrew Webb) has been undertaken in February 2014 with a view to translocating those individuals identified as being located within the development area.
926M5.2	Residual Impacts and Risk Management Measures	The Environmental Management Plan required by condition 5-1 shall be prepared in consultation with the City of Bussell and include: 1. Dispersal management measures prepared in consultation with the DEC; 2. Measures to ensure Barndora dogs and other woody debris from the clearing in the development envelope are relocated to within the area shown as remaining portion of Armstrong Reserve in Figure 1 to enhance fauna habitat values; 3. Weed control measures.	Preparation of an EMP including management measures 1-5 in consultation with the City of Bussell	Approved EMP Letters of Endorsement from the City of Bussell and the DEC	Prior to construction commencing	Prior to construction commencing	In Process	The proponent has been liaising with planning officers from the CEO and the Department of Environment and Conservation to progress the remaining approval for the EMP (refer to Appendix 4).  On behalf of the proponent, EndoPlan Environmental has liaised with environmental officers from the CEO regarding the key management measures required to be included

# ATTACHMENT 2

ARMSTRONG RESERVE, DUNSBOROUGH - URBAN AND COMMERCIAL DEVELOPMENT (MINISTERIAL STATEMENT 926)  
ANNUAL COMPLIANCE ASSESSMENT REPORT (21 JANUARY 2013 - 20 JANUARY 2014)

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information in the EMP
926/M5.3	Residual Impacts and Risk Management Measures	<p>4. Measures to terminate vehicle and pedestrian access and</p> <p>5. Management measures to ensure impacts from the proposal are contained within the development envelope shown in Figure 1.</p> <p>The proponent shall implement the Environmental Management Plan approved under condition 5.1 in consultation with the City of Suburban for a period of three (3) years from the date of its approval.</p>	<p>Implementation and internal audit of the EMP and results included in the annual CA3 provided to the CEO, City of Suburban and made publicly available on the proponent's website.</p>	<p>Annual CAR including internal audit of EMP management measures 1-5 identified in M5.2.</p>	Overall	Implement the approved EMP for 3 years from the approval date	Not Required at this Stage	Not applicable during this phase.

## 5. REFERENCES

**Environmental Protection Authority (2012)**, *Report and recommendations of the Environmental Protection Authority, Armstrong Reserve Dunsborough, urban and commercial development*, Ray Village Aged Services (Inc.) trading as CapeCare. Report 1459, December 2012.

**EndPlan Environmental (2012)**, *Public Environmental Review – Armstrong Reserve, Dunsborough – Aged Care Facility Development*. EndPlan Environmental, North Fremantle.

**Office of the Environmental Protection Authority (2012a)**, *Post Assessment Guideline for Preparing a Compliance Assessment Plan*, Post Assessment Guideline No. 2. Office of the Environmental Protection Authority, August 2012. Version date 25 October 2012.

**Office of the Environmental Protection Authority (2012b)**, *Post Assessment Guideline for Preparing an Audit Table*, Post Assessment Guideline No. 2. Office of the Environmental Protection Authority, August 2012. Version date 25 October 2012.

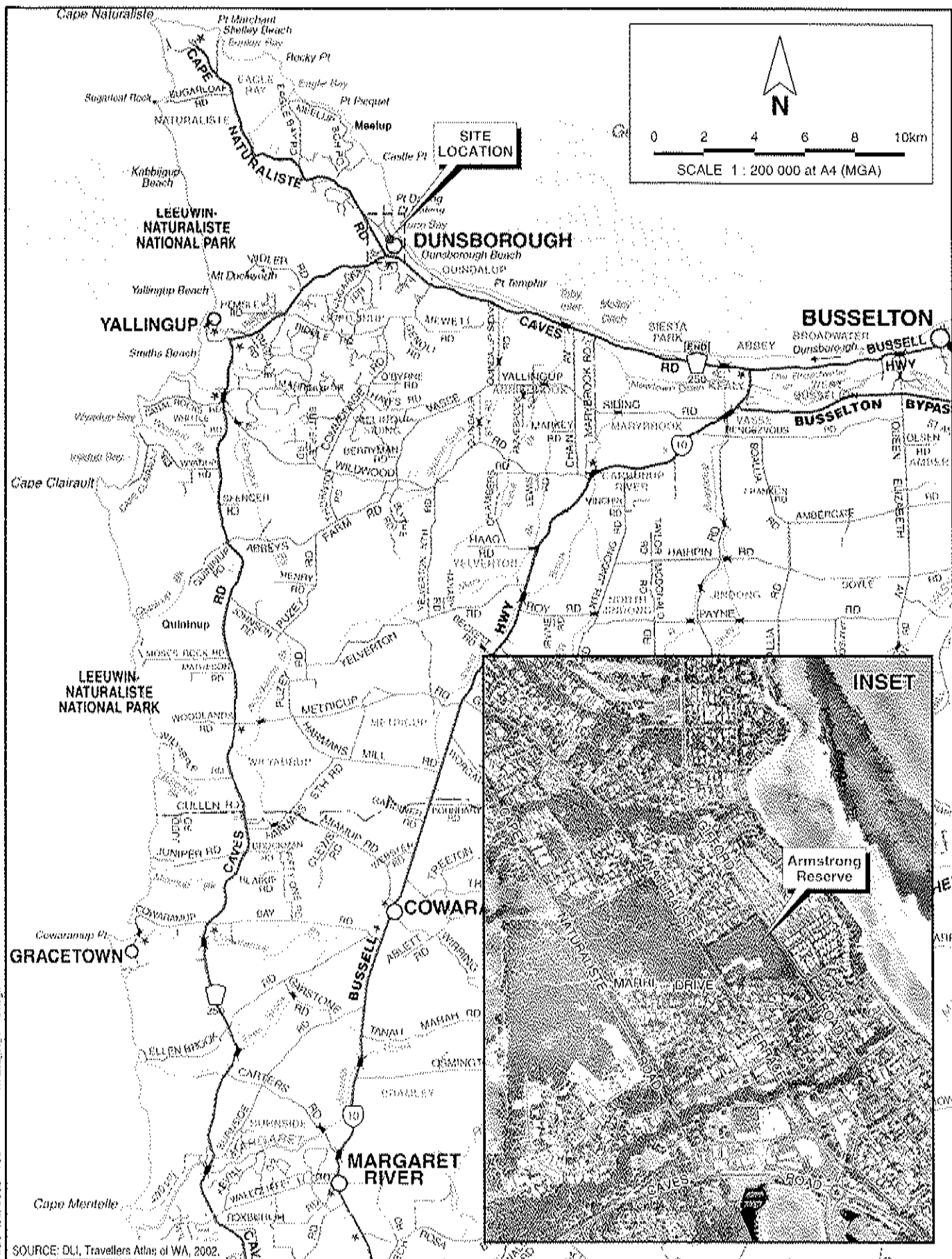
**Office of the Environmental Protection Authority (2012c)**, *Post Assessment Guideline for Preparing a Compliance Assessment Report*, Post Assessment Guideline No. 3, Office of the Environmental Protection Authority, August 2012. Version date 25 October 2012.



## **FIGURES**

**Armstrong Reserve, Dunsborough – Urban and Commercial  
Development (Ministerial Statement 692)**

**Annual Compliance Assessment Report  
(21 January 2013 – 20 January 2014)**



**EndPlan**  
Environmental

Ray Village Aged Care Facility t/a CapeCare  
ARMSTRONG RESERVE, DUNSBOROUGH, URBAN AND COMMERCIAL DEVELOPMENT (MINISTERIAL  
STATEMENT 926) ANNUAL COMPLIANCE ASSESSMENT REPORT (21 JANUARY 2013 - 20 JANUARY 2014)

Date: 7 Apr 2014

Drawn: B. Van der Wiele

**Figure 1**

Report No. RVA292\_08\_V1



RVA292\_08\_V1-F02.cpt

PINKPOINT CARTOGRAPH CS 1081 9562 7136

**EndPlan**  
Environmental

Ray Village Aged Care Facility t/a CapeCare  
ARMSTRONG RESERVE, DUNSBOROUGH, URBAN AND COMMERCIAL DEVELOPMENT (MINISTERIAL  
STATEMENT 926) ANNUAL COMPLIANCE ASSESSMENT REPORT (21 JANUARY 2013 - 20 JANUARY 2014)

Date: 7 Apr 2014

Drawn: B. Van der Wiele

**EXISTING ENVIRONMENT WITH CADASTRE**

**Figure 2**

Report No. RVA292\_08\_V1





## **APPENDICES**

**Armstrong Reserve, Dunsborough – Urban and Commercial  
Development (Ministerial Statement 692)**

**Annual Compliance Assessment Report  
(21 January 2013 – 20 January 2014)**

## **APPENDIX 1**

### **MINISTERIAL STATEMENT 692**

**THIS DOCUMENT**

This document has been produced by the Office of the Appeals Convenor as an electronic version of the original Statement for the proposal listed below as signed by the Minister and held by this Office. Whilst every effort is made to ensure its accuracy, no warranty is given as to the accuracy or completeness of this document.

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Published on: 21 January 2013

Statement No: 926

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED  
(SECTION 45(5) OF THE *ENVIRONMENTAL PROTECTION ACT 1986*)**

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

**Proposal:** The proposal is to develop 1.28 ha of Armstrong Reserve, Lots 111, 115, 116, 117 and 257 Naturaliste Terrace, Dunsborough, for the purpose of an aged care facility.

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

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

**Assessment Number:** 1808

**Report of the Environmental Protection Authority Number:** 1459

Pursuant to section 45 of the *Environmental Protection Act 1986* (the Act) it has been agreed that the proposal described in Schedule 1 may be implemented and the proponent shall ensure that implementation of the proposal complies with the following implementation conditions:

[Note: Terms and phrases used in these implementation conditions shall have the same respective meanings as in the Act or as provided for in Schedule 2.]

**1 Proposal Implementation**

1-1 When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Column 3 of Table 2 in Schedule 1, unless amendments to the proposal and the authorised extent of the proposal has been approved under the Act.

## **2 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 Time Limit for Proposal Implementation**

- 3-1 The proponent shall not commence implementation of the proposal after the expiration of five years from the date of this Statement, and any commencement, within this five year period, must be substantial.
- 3-2 Any commencement of implementation of the proposal, within five years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five years from the date of this Statement.

## **4 Compliance Reporting**

- 4-1 At least six calendar months prior to the first Statement of Compliance required pursuant to condition 4-6 or prior to implementation of the proposal, whichever is sooner, the proponent shall:
  - (1) prepare a Compliance Assessment Plan in accordance with the Office of the Environmental Protection Authority's (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 4-1(1) to the CEO.
- 4-2 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.
- 4-3 The proponent shall assess compliance in accordance with the approved Compliance Assessment Plan.
- 4-4 The proponent shall collect and maintain information and documentation in accordance with the approved Compliance Assessment Plan.
- 4-5 The proponent shall advise the CEO of any non-compliance or potential non-compliance within seven days of such awareness.
- 4-6 The proponent shall prepare a Statement of Compliance for each consecutive 12 month period commencing on the date of this 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.



- 4-7 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 28 days of its submission pursuant to condition 4-6.
- 4-8 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 12 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.
- 4-9 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 Statements of Compliance;
  - (3) prescribe the manner in which Statements of Compliance are 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.

## **5 Residual Impacts and Risk Management Measures**

- 5-1 To mitigate for significant residual impacts of the proposal on a priority ecological community Dunsborough Swamp Forest, threatened and significant fauna species *Pseudocheirus occidentalis* and *Ctenotus ora*, and declared rare flora *Caladenia viridescens*, the proponent shall, prior to the commencement of construction submit an Environmental Management Plan for the remaining portion of Armstrong Reserve outside the Development Envelope shown in Figure 1, to the satisfaction of the CEO, on the advice of the Department of Environment and Conservation (DEC).
- 5-2 The Environmental Management Plan required by condition 5-1 shall be prepared in consultation with the City of Busselton and include:
- (1) dieback management measures prepared in consultation with the DEC;

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

5-3 The proponent shall implement the Environmental Management Plan approved under condition 5-1 in consultation with the City of Busselton for a period of three (3) years from the date of its approval.

[Signed 21 January 2013]

**HON BILL MARMION MLA**  
**MINISTER FOR ENVIRONMENT; WATER**

## Schedule 1

**Table 1: Summary of the Proposal**

<b>Proposal Title</b>	Armstrong Reserve, Dunsborough, Urban and Commercial Development
<b>Proponent name</b>	The proposal is to develop a 1.28 ha portion of Armstrong Reserve, lots 111, 115, 116, 117 and 257 Naturaliste Terrace, Dunsborough for the purposes of an aged care facility.

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

<b>Element</b>	<b>Location</b>	<b>Proposed Authorised</b>	<b>Extent</b>
Clearing for urban and commercial development, and bushfire protection requirements	See Figure 1 and geographic coordinates in this Schedule	Up to 0.90 ha within Development Envelope.	

**Table 3: Abbreviations**

<b>Abbreviation</b>	<b>Term</b>
m <sup>2</sup>	square metres
ha	hectares

### Figure Attached

Figure 1 Development Envelope and remaining portion of Armstrong Reserve



**Figure 1 - Development Envelope and remaining portion of Armstrong Reserve**

**Table 4: Coordinates for Development Envelope for the Armstrong Reserve  
Urban and Commercial Development – coordinates in GDA 1994 MGA zone 50**

Shape	Easting	Northing
Development Envelope	324220.336	6279351.644
Development Envelope	324238.300	6279321.322
Development Envelope	324229.080	6279321.148
Development Envelope	324229.100	6279321.078
Development Envelope	324228.918	6279321.067
Development Envelope	324198.083	6279320.480
Development Envelope	324123.263	6279319.057
Development Envelope	324120.010	6279298.875
Development Envelope	324102.238	6279298.541
Development Envelope	324102.048	6279298.538
Development Envelope	324074.010	6279298.012
Development Envelope	324063.522	6279315.446
Development Envelope	324048.128	6279340.997
Development Envelope	324049.048	6279341.721
Development Envelope	324051.371	6279343.551
Development Envelope	324051.509	6279343.919
Development Envelope	324052.301	6279344.627
Development Envelope	324052.708	6279346.711
Development Envelope	324052.637	6279350.461
Development Envelope	324051.410	6279352.821
Development Envelope	324050.762	6279354.504
Development Envelope	324050.073	6279355.390
Development Envelope	324049.421	6279356.643
Development Envelope	324049.348	6279360.474
Development Envelope	324051.615	6279364.148
Development Envelope	324053.556	6279365.257
Development Envelope	324055.935	6279364.544
Development Envelope	324059.890	6279361.501
Development Envelope	324067.192	6279359.067
Development Envelope	324067.929	6279359.111
Development Envelope	324068.988	6279358.645
Development Envelope	324070.802	6279358.680
Development Envelope	324073.793	6279359.706
Development Envelope	324076.738	6279361.528
Development Envelope	324081.231	6279367.041
Development Envelope	324083.310	6279374.065
Development Envelope	324083.252	6279377.116
Development Envelope	324090.118	6279382.685
Development Envelope	324117.037	6279392.344
Development Envelope	324143.957	6279402.003
Development Envelope	324154.659	6279405.539
Development Envelope	324161.767	6279407.403
Development Envelope	324162.246	6279407.529
Development Envelope	324174.662	6279410.301

Development Envelope	324179.326	6279411.577
Development Envelope	324184.144	6279413.003
Development Envelope	324213.273	6279363.618
Development Envelope	324213.456	6279363.707
Development Envelope	324220.336	6279351.644

## Schedule 2

**Table 5: Definitions of terms and phrases used in the implementation conditions and procedures**

Term phrase	or	Definition
CEO		The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.
DEC		Department of Environment and Conservation
EPA		Environmental Protection Authority
The Act		<i>Environmental Protection Act 1986</i>

## Notes

The following notes are provided for information and do not form a part of the implementation conditions of this Statement:

- The proponent for the time being nominated by the Minister for Environment under section 38(6) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal unless and until that nomination has been revoked and another person is nominated.
- If the person nominated by the Minister, ceases to have responsibility for the proposal, that person is required to provide written notice to the Environmental Protection Authority of its intention to relinquish responsibility for the proposal and the name of the person to whom responsibility for the proposal will pass or has passed. The Minister for Environment may revoke a nomination made under section 38(6) of the *Environmental Protection Act 1986* and nominate another person.
- To initiate a change of proponent, the nominated proponent and proposed proponent are required to complete and submit *Post Assessment Form 1 – Application to Change Nominated Proponent*.
- The General Manager of the Office of the Environmental Protection Authority was the Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the *Environmental Protection Act 1986* at the time this Statement was signed by the Minister for Environment.
- Post Assessment Forms and Guidelines may be found at [www.epa.wa.gov.au](http://www.epa.wa.gov.au)



## **APPENDIX 2**

### **COMPLIANCE ASSESSMENT PLAN**

## **COMPLIANCE ASSESSMENT PLAN**

### **ARMSTRONG RESERVE, DUNSBOROUGH, URBAN AND COMMERCIAL DEVELOPMENT (MINISTERIAL STATEMENT 926)**

Prepared for:

**Ray Village Aged Care Facility t/a Capecare  
20 Ray Avenue  
BUSSELTON WA 6280**

**Report Date: 31 May 2013  
Document No. RVA292\_07\_V2**

**COMPLIANCE ASSESSMENT PLAN  
ARMSTRONG RESERVE, DUNSBOROUGH, URBAN AND COMMERCIAL DEVELOPMENT  
(MINISTERIAL STATEMENT 926)**

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**STATEMENT OF LIMITATIONS**

**Scope of Services**

This report has been prepared in accordance with the scope of work set out in the contract, or as otherwise agreed, between the Client and EndPlan Environmental\* (**EndPlan**).

**Reliance on Data**

In preparing the report, **EndPlan** has relied upon data, surveys, analyses, designs, plans and other information provided by the Client and other individuals and organisations, most of which are referred to in the report ("the data"). Except as otherwise stated in the report, **EndPlan** has not verified the accuracy or completeness of the data. To the extent that the statements, opinions, facts, information, conclusions and/or recommendations in the report ("conclusions") are based in whole or part on the data, those conclusions are contingent upon the accuracy and completeness of the data. **EndPlan** will not be liable in relation to incorrect conclusions should any data, information or condition be incorrect or have been concealed, withheld, misrepresented or otherwise not fully disclosed to **EndPlan**.

**Environmental Conclusions**

Within the limitations imposed by the scope of work, the preparation of this report has been undertaken and performed in a professional manner, in accordance with generally accepted practices and using a degree of skill and care ordinarily exercised by reputable environmental consultants under similar circumstances. No other warranty, expressed or implied, is made.

**Report for Benefit of Client**

The report has been prepared for the benefit of the Client and no other party. **EndPlan** assumes no responsibility and will not be liable to any other person or organisation for or in relation to any matter dealt with or conclusions expressed in the report, or for any loss or damage suffered by any other person or organisation arising from matters dealt with or conclusions expressed in the report (including without limitation matters arising from any negligent act or omission of **EndPlan** or for any loss or damage suffered by any other party relying upon the matters dealt with or conclusions expressed in the report). Other parties should not rely upon the report or the accuracy or completeness of any conclusions and should make their own enquiries and obtain independent advice in relation to such matters. Copying of this report or parts of the report is not permitted without the authorisation of the Client or **EndPlan**.

**Other Limitations**

The scope of work did not include any assessment of the title to or ownership of the properties, buildings and structures referred to in the report nor the application or interpretation of laws in the jurisdiction in which those properties, buildings and structures are located.

\*Wiske Pty Ltd (CAN: 080497892) ITF the Esk Family Trust trading as "EndPlan Environmental" (ABN: 23 684 573 524)

**DOCUMENT STATUS**

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## 1. INTRODUCTION

### 1.1 Background

Ray Village Aged Services (Inc.) trading as Capecare (the proponent), proposes to develop a 1.28 ha portion of Armstrong Reserve, Naturaliste Terrace, Dunsborough (the site), for the purpose of an aged care facility (the project).

The site is situated in the Dunsborough Townsite within the municipal boundary of the City of Busselton and is located approximately 500 m north of the business centre of the town of Dunsborough and is bounded by Armstrong Place to the south, Gifford Road to the east and Naturaliste Terrace to the west (refer to **Figure 1**).

Comprising Lots 111, 115, 116, 117 and 257 Naturaliste Terrace, the lots are currently vested in either the State of Western Australia, City of Busselton or the Country Women's Association of Western Australia (CWA) and are currently zoned either 'Recreation' or 'Drainage' under the City of Busselton's Town Planning Scheme No. 20 (refer to **Figure 2**).

In 2006, the Environmental Protection Authority (EPA) received a third party referral regarding the proposal by the proponent to develop the site for the purposes of an aged care facility. On the 17 December 2008 the EPA notified the proponent of its intention to set the level of assessment as a 'Proposal Unlikely to be Environmentally Acceptable (PUEA)' due to the presence of *Pseudocheirus occidentalis* (Western Ringtail Possum) and the regional significance of the vegetation and issued their statement of reasons for level of assessment.

Following the proponent's successful appeal against the decision (Appeal No. 001/09), on the 27 August 2009 the Minister for the Environment remitted the proposal to the EPA under Section 43 of the *Environmental Protection Act 1986* (EP Act) to assess it more fully and more publicly.

In making this determination, the Minister provided the proponent with the opportunity to:

- (i) Establish the environmental significance of the vegetation on Armstrong Reserve and demonstrate whether the proposal can be managed in an environmentally acceptable manner to protect these flora values;
- (ii) Determine the environmental significance of Armstrong Reserve as habitat for the Western Ringtail Possum and demonstrate whether the proposal could be managed in an environmentally acceptable manner to protect the local populations of this species;
- (iii) Demonstrate that the proposal can be developed to be consistent with EPA policy, specifically Position Statement No. 2 *Environmental Protection of Native Vegetation in Western Australia*; and Position Statement No. 9 *Environmental Offsets*; and
- (iv) Address the EPA's concern about the long-term viability of the remaining bushland on Armstrong Reserve.

As a result of the Minister's determination, on the 21 September 2009 the EPA set the level of assessment for the proposal as a Public Environmental Review (PER) with a six week public review period (Assessment No. 1808). The Environmental Scoping Document (ESD) was approved on the 7 November 2011 and the PER document (EndPlan Environmental, 2012) was approved for public review on the 17 September 2012.

The PER was released for public review from the 17 September 2012 to the 29 October 2012. Seventy-eight submissions were received during the public review period: of these, nine were

unsupportive of the proposal; however, four of these were supportive of a modified proposal on the site (Environmental Protection Authority, 2012).

The EPA's report providing advice and recommendations to the Minister for Environment on the key environmental factors and principles for the proposal by Capecare to develop an aged care facility on a 1.28 ha portion of Armstrong Reserve in Dunsborough (Report No. 1459) was released on the 24 December 2012.

Ministerial Statement 926 was published on the 21 January 2013 (**Appendix 1**).

## 1.2 Purpose of the Compliance Assessment Plan

This Compliance Assessment Plan (CAP) has been prepared to satisfy Statement 926. **Condition 4-1** states that:

*At least six calendar months prior to the first Statement of Compliance required pursuant to condition 4-6 or prior to implementation of the proposal, whichever is sooner, the proponent shall:*

- (1) Prepare a Compliance Assessment Plan in accordance with the Office of the Environmental Protection Authority's (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 4-1(1) to the CEO.*

Table 5 of Statement 926 defines the term CEO as 'The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the Environmental Protection Act 1986, or his delegate'<sup>1</sup>.

This CAP has been prepared in accordance with the Office of the Environmental Protection Authority's (OEPA's) *Post Assessment Guideline for Preparing a Compliance Assessment Plan*, Post Assessment Guideline No. 2 (PAG2), as amended from time to time (Office of the Environmental Protection Authority, 2012a).

The CAP addresses the following elements as prescribed by PAG2:

- Approach and timing of compliance assessments;
- Retention of compliance assessments;
- The reporting of any non-compliance or potential non-compliance including any corrective actions;
- Method of making the approved CAP and any Compliance Assessment Reports (CAR) or Statements of Compliance (SoC) publicly available; and
- An audit table.

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<sup>1</sup> The General Manager of the Office of the Environmental Protection Authority was the Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the *Environmental Protection Act 1986* at the time the *Post Assessment Guideline for Preparing a Compliance Assessment Plan*, Post Assessment Guideline No. 2 (2012a) was written.

## 2. ELEMENTS OF THE COMPLIANCE ASSESSMENT PLAN

### 2.1 Approach, Timing and Frequency of Compliance Assessments

#### 2.1.1 Approach

Compliance with the conditions of Statement 926 will be assessed as set out in the approach shown on **Table 1**.

**TABLE 1**  
**APPROACH AND TIMING SCHEDULE**

Audit Code	Subject	How Compliance will be Assessed	Timing
M1-1	Proposal Implementation	Summarised in the 'Current Status' section of the CAR.	Annually
M2-1	Contact Details	Correspondence with the CEO.	Within 28 days of any change
M3-1	Time Limit for Proposal Implementation	Correspondence with the CEO.	On or before the 20 January 2018
M3-2			
M4-1	Compliance Reporting	Correspondence with the CEO and CAP.	Submission of CAP before the 21 October 2013
M4-2		Correspondence with the CEO and revised CAP.	Submission of revised CAP on an 'as needs basis'
M4-3		Correspondence with the CEO and SoC.	Annually
M4-4		Internal audit available upon request by the OEPA.	Ongoing
M4-5		Correspondence with the CEO and statement of non-compliance or potential non-compliance with the Environmental Management Plan (EMP).	Within 7 days of non-compliance or potential non-compliance being known.
M4-6		SoC is uploaded onto the proponent's website.	The first SoC is due to be submitted by the 21 April 2014, then annually by the 21 April.
M4-7		SoC is uploaded onto the proponent's website.	The first SoC is to be made available to the public by the 19 May 2014, then annually by the 19 May.
M4-8		Correspondence with the CEO and SoC.	The first SoC is due to be submitted by the 21 April 2014, then annually by the 21 April.
M4-9		Correspondence received from the CEO.	As requested by the CEO
M5-1	Residual Impacts and Risk Management Measures	Preparation of EMP to the satisfaction of the CEO on the advice of the DEC.	Prior to construction commencing
M5-2		Preparation of EMP in consultation with the DEC and City of Busselton to the satisfaction of the CEO on the advice of the DEC.	Prior to construction commencing
M5-3		Internal audit of the EMP and results included in the annual SoC provided to the CEO and made publicly available on the proponent's website.	Implement the approved EMP for 3 years from the approval date

The Environmental Management Plan (EMP) referred to in **Table 1** contains a series of management measures that are designed to mitigate for significant residual impacts of the proposal on the remaining portion of Armstrong Reserve that is located outside of the approved Development Envelope (refer to **Figure 3**).



### 2.1.2 Frequency and Timing

The frequency and timing for preparation of the SoC is specified in **Condition 4-6** which states that:

*The proponent shall prepare a Statement of Compliance for each consecutive 12 month period commencing on the date of this 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.*

Statement 926 was issued on the 21 January 2013. The first annual compliance report is therefore due to be submitted to the CEO on or before the 20 April 2014.

Each subsequent annual compliance report is required to be submitted within three (3) months of the 21 January for each subsequent year of the life of the proposal.

In addition to the above, **Condition 4-9** states that:

*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 Statements of Compliance;*
- (3) Prescribe the manner in which Statements of Compliance are 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.*

In the absence of any alternative direction received in writing from the CEO, the proponent will conform to the frequency and timing of the reporting requirements specified in **Condition 4-6**.

### 2.2 Retention of Compliance Assessments

All compliance assessments must be retained for the life of the proposal and for a minimum of seven years following the end of the life of the proposal (Office of the Environmental Protection Authority, 2012a).

With respect to this proposal, the life of the proposal is considered to continue until all implementation conditions of Statement 926 have been met. In determining the length of time that compliance assessments will therefore be retained, the proponent considers that the timeframe for the life of the proposal is predicated by **Condition 5-3** which states that:

*The proponent shall implement the Environmental Management Plan approved under condition 5-1 in consultation with the City of Busselton for a period of three (3) years from the date of its approval.*

Retention of compliance assessments is considered to include retention of:

- Sufficient information/documentation to support/verify the compliance status of the implementation conditions and/or procedures of the Statement as determined by compliance assessments; and
- Records of any analysis undertaken to determine the compliance status of the implementation conditions and/or procedures as reported in the relevant CAR or SoC.

The compliance assessments will be retained electronically by the proponent for the life of the proposal plus an additional seven years, with annual reports being made publicly available via the proponent's website: [www.capecare.com.au/](http://www.capecare.com.au/)

## **2.3 Reporting Non-compliances and Corrective Measures**

### **2.3.1 Non-compliances**

The reporting of non-compliances and potential non-compliances is regulated by **Condition 4-5** which states that:

*The proponent shall advise the CEO of any non-compliance or potential non-compliance within seven days of such awareness.*

The CEO will be advised in writing of any non-compliance/s and/or potential non-compliances that may occur within the specified timeframe.

### **2.3.2 Corrective Measures**

Where corrective and/or preventative actions have been taken to mitigate non-compliances or potential non-compliances, the CEO will be advised in writing. The correspondence will record the following:

- The date(s) any non-compliance or potential non-compliance occurred, where applicable;
- Details of any non-compliance or potential non-compliance;
- An assessment of the extent of and impacts associated with any non-compliance or potential non-compliance, where applicable;
- The precise location of any non-compliance or potential non-compliance, where applicable;
- A determination of the cause(s) of any non-compliance or potential non-compliance;
- A description of the remedial and/or corrective action(s), if any, taken or proposed to be taken in response to any non-compliance or potential non-compliance; and
- What measures, if any, were in place to prevent the non-compliance or potential non-compliance before it occurred and what, if any, amendments have been made to those measures to prevent re-occurrence.

In addition, for each non-compliance or potential non-compliance that was identified and the associated corrective/remedial or preventative action taken, the information required in

Section 3 of *Post Assessment Form 2 for Statement of Compliance* will be included in the SoC for that reporting period.

(<http://www.epa.wa.gov.au/peia/forms/Pages/default.aspx?cat=Post%20assessment%20forms&url=peia/forms>)

## 2.4 Public Availability of Reports

With respect to making the annual SoC publicly available, **Condition 4-7** states that:

*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 28 days of its submission pursuant to condition 4-6.*

Compliance reports will be placed on the proponent's website for the life of the project. The website is available through the following link: <http://www.capecare.com.au/>.

A URL link to each report uploaded will be sent to the OEPA's Compliance Branch through the [compliance@epa.wa.gov.au](mailto:compliance@epa.wa.gov.au) email address, and one (1) hard copy and one (1) CD of the compliance report will also be sent to:

The Chief Executive Officer  
c/- The Manager  
OEPA Compliance Branch  
Locked Bag 33 Cloisters Square  
PERTH WA 6850

## 2.5 Audit Table

An audit table breaks a Statement down into audit elements, and assist proponents in managing the environmental impacts of the proposal as they clearly outline the requirements, timeframes and details of how and to what standard implementation shall occur and provides a framework for tracking implementation of the requirements of the Statement (Office of the Environmental Protection Authority, 2012b).

An audit table prepared in accordance with the *Post Assessment Guideline for Preparing an Audit Table* (PAG1) as amended from time to time (Office of the Environmental Protection Authority, 2012b), is included as **Appendix 2**.

**Condition 5-2** identified a series of management measures that are required to be implemented to achieve the objective stated in **Condition 5-1** of the Statement. When the EMP is prepared, it is anticipated that each of the management measures identified will include actions to be taken and related completion criteria. Assessment of compliance with the management measures will occur annually via internal audits. The audits will be undertaken by a Senior Environmental Specialist (or appropriately qualified delegate) and audit plans for each of the management measures will be developed during the preparation of the EMP.

The audit table (**Appendix 2**) will be updated to clearly identify the compliance status of implementation conditions and procedures of the Statement and included in all CARs and associated SoCs prepared annually for the project.

## **2.6 Table of Contents**

While some implementation conditions detail requirements for CAPs to provide an outline of the table of contents that will be included in annual CARs, this is not the case for this project.

The proponent acknowledges the requirement to prepare an annual compliance report and that the reports submitted will be conform with the reporting requirements identified in the *Post Assessment Guideline for Preparing a Compliance Assessment Report*, Post Assessment Guideline No. 3 (PAG3) (Office of the Environmental Protection Authority, 2012c).

## **2.7 Revision of Compliance Assessment Plan**

The PAG2 guidelines (Office of the Environmental Protection Authority, 2012a) identify that a CAP must be revised to reflect any changes made to the relevant proposal, Statement or EMPs required by the implementation conditions of the Statement, however that CAPs do not need to be revised and updated where the change does not impact on any actions or requirements of the CAP.

In relation to this project, **Condition 4-2** states that:

*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.*

In the event that a revision to the CAP is proposed or is required to be made in line with amendments to PAG2, the amended CAP will be submitted to the CEO for approval prior to the revised CAP being implemented.

Changes made to the CAP will also be outlined within the compliance report for that reporting timeframe.

### 3. REFERENCES

**Environmental Protection Authority (2012)**, *Report and recommendations of the Environmental Protection Authority, Armstrong Reserve Dunsborough, urban and commercial development*, Ray Village Aged Services (Inc.) trading as CapeCare. Report 1459, December 2012.

**EndPlan Environmental (2012)**, *Public Environmental Review – Armstrong Reserve, Dunsborough – Aged Care Facility Development*. EndPlan Environmental, North Fremantle.

**Office of the Environmental Protection Authority (2012a)**, *Post Assessment Guideline for Preparing a Compliance Assessment Plan*, Post Assessment Guideline No. 2. Office of the Environmental Protection Authority, August 2012. Version date 25 October 2012.

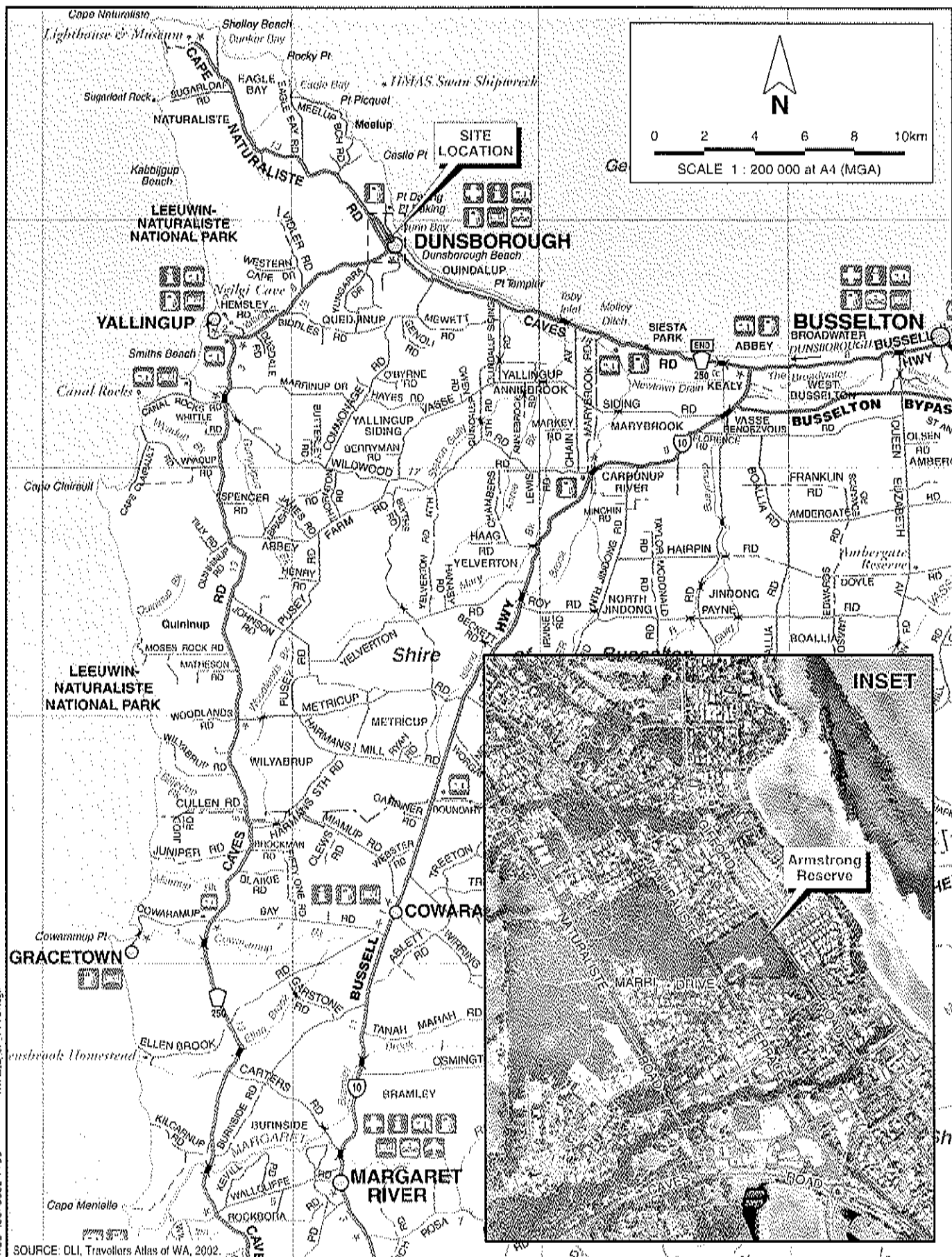
**Office of the Environmental Protection Authority (2012b)**, *Post Assessment Guideline for Preparing an Audit Table*, Post Assessment Guideline No. 2. Office of the Environmental Protection Authority, August 2012. Version date 25 October 2012.

**Office of the Environmental Protection Authority (2012c)**, *Post Assessment Guideline for Preparing a Compliance Assessment Report*, Post Assessment Guideline No. 3, Office of the Environmental Protection Authority, August 2012. Version date 25 October 2012.

## **FIGURES**

### **COMPLIANCE ASSESSMENT PLAN**

**ARMSTRONG RESERVE, DUNSBOROUGH, URBAN AND  
COMMERCIAL DEVELOPMENT  
(MINISTERIAL STATEMENT 926)**



**EndPlan**  
Environmental

Ray Village Aged Services (Inc.) trading as Capecare  
COMPLIANCE ASSESSMENT PLAN - ARMSTRONG RESERVE, DUNSBOROUGH  
URBAN AND COMMERCIAL DEVELOPMENT - (MINISTERIAL STATEMENT NO. 926)

## REGIONAL LOCATION

Date: 22 May 2013  
Drawn: B. Van der Wiele

**Figure 1**

Report No. RVA292\_07\_V1





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Ray Village Aged Services (Inc.) trading as Capecare  
COMPLIANCE ASSESSMENT PLAN - ARMSTRONG RESERVE, DUNSBOROUGH  
URBAN AND COMMERCIAL DEVELOPMENT - (MINISTERIAL STATEMENT NO. 926)

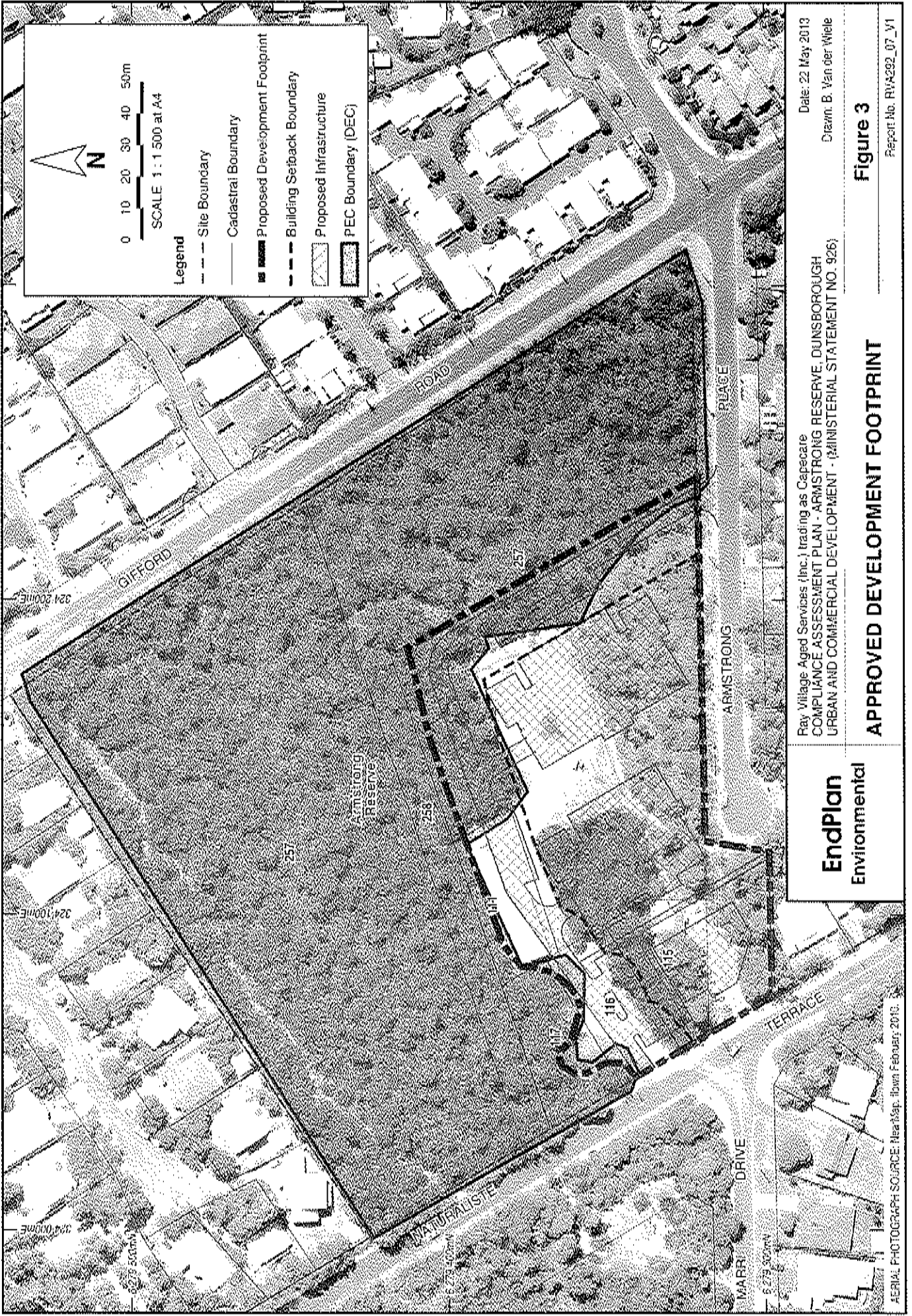
**EXISTING ENVIRONMENT WITH CADASTRE**

Date: 22 May 2013  
Drawn: B. Van der Wiele

**Figure 2**

Report No. RVA292\_07\_V1





Date: 22 May 2013  
Drawn: B. Van der Wiele

Ray Village Aged Services (Inc.) trading as CapeCare  
COMPLIANCE ASSESSMENT PLAN - ARMSTRONG RESERVE, DUNSBOROUGH  
URBAN AND COMMERCIAL DEVELOPMENT - (MINISTERIAL STATEMENT NO. 926)

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# APPROVED DEVELOPMENT FOOTPRINT

Figure 3

## **APPENDICES**

### **COMPLIANCE ASSESSMENT PLAN**

**ARMSTRONG RESERVE, DUNSBOROUGH, URBAN AND  
COMMERCIAL DEVELOPMENT  
(MINISTERIAL STATEMENT 926)**

## **APPENDIX 1**

### **MINISTERIAL STATEMENT 926**

**THIS DOCUMENT**

This document has been produced by the Office of the Appeals Convenor as an electronic version of the original Statement for the proposal listed below as signed by the Minister and held by this Office. Whilst every effort is made to ensure its accuracy, no warranty is given as to the accuracy or completeness of this document.

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Published on: 21 January 2013

Statement No: 926

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED  
(SECTION 45(5) OF THE *ENVIRONMENTAL PROTECTION ACT 1986*)**

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

**Proposal:** The proposal is to develop 1.28 ha of Armstrong Reserve, Lots 111, 115, 116, 117 and 257 Naturaliste Terrace, Dunsborough, for the purpose of an aged care facility.

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

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

**Assessment Number:** 1808

**Report of the Environmental Protection Authority Number:** 1459

Pursuant to section 45 of the *Environmental Protection Act 1986* (the Act) it has been agreed that the proposal described in Schedule 1 may be implemented and the proponent shall ensure that implementation of the proposal complies with the following implementation conditions:

[Note: Terms and phrases used in these implementation conditions shall have the same respective meanings as in the Act or as provided for in Schedule 2.]

**1 Proposal Implementation**

1-1 When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Column 3 of Table 2 in Schedule 1, unless amendments to the proposal and the authorised extent of the proposal has been approved under the Act.

## **2 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 Time Limit for Proposal Implementation**

- 3-1 The proponent shall not commence implementation of the proposal after the expiration of five years from the date of this Statement, and any commencement, within this five year period, must be substantial.
- 3-2 Any commencement of implementation of the proposal, within five years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five years from the date of this Statement.

## **4 Compliance Reporting**

- 4-1 At least six calendar months prior to the first Statement of Compliance required pursuant to condition 4-6 or prior to implementation of the proposal, whichever is sooner, the proponent shall:
- (1) prepare a Compliance Assessment Plan in accordance with the Office of the Environmental Protection Authority's (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 4-1(1) to the CEO.
- 4-2 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.
- 4-3 The proponent shall assess compliance in accordance with the approved Compliance Assessment Plan.
- 4-4 The proponent shall collect and maintain information and documentation in accordance with the approved Compliance Assessment Plan.
- 4-5 The proponent shall advise the CEO of any non-compliance or potential non-compliance within seven days of such awareness.
- 4-6 The proponent shall prepare a Statement of Compliance for each consecutive 12 month period commencing on the date of this 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.

- 4-7 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 28 days of its submission pursuant to condition 4-6.
- 4-8 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 12 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.
- 4-9 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 Statements of Compliance;
  - (3) prescribe the manner in which Statements of Compliance are 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.

## **5 Residual Impacts and Risk Management Measures**

- 5-1 To mitigate for significant residual impacts of the proposal on a priority ecological community Dunsborough Swamp Forest, threatened and significant fauna species *Pseudocheirus occidentalis* and *Ctenotus ora*, and declared rare flora *Caladenia viridescens*, the proponent shall, prior to the commencement of construction submit an Environmental Management Plan for the remaining portion of Armstrong Reserve outside the Development Envelope shown in Figure 1, to the satisfaction of the CEO, on the advice of the Department of Environment and Conservation (DEC).
- 5-2 The Environmental Management Plan required by condition 5-1 shall be prepared in consultation with the City of Busselton and include:
- (1) dieback management measures prepared in consultation with the DEC;

- (2) measures to ensure Banksia logs and other woody debris from the clearing in the development envelope are relocated to within the area shown as remaining portion of Armstrong Reserve in Figure 1 to enhance fauna habitat values;
  - (3) weed control measures;
  - (4) measures to control vehicle and pedestrian access; and
  - (5) management measures to ensure impacts from the proposal are contained within the development envelope shown in Figure 1.
- 5-3 The proponent shall implement the Environmental Management Plan approved under condition 5-1 in consultation with the City of Busselton for a period of three (3) years from the date of its approval.

[Signed 21 January 2013]

**HON BILL MARMION MLA**  
**MINISTER FOR ENVIRONMENT; WATER**

## Schedule 1

**Table 1: Summary of the Proposal**

<b>Proposal Title</b>	Armstrong Reserve, Dunsborough, Urban and Commercial Development
<b>Proponent name</b>	The proposal is to develop a 1.28 ha portion of Armstrong Reserve, lots 111, 115, 116, 117 and 257 Naturaliste Terrace, Dunsborough for the purposes of an aged care facility.

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

<b>Element</b>	<b>Location</b>	<b>Proposed Authorised</b>	<b>Extent</b>
Clearing for urban and commercial development, and bushfire protection requirements	See Figure 1 and geographic coordinates in this Schedule	Up to 0.90 ha within Development Envelope.	

**Table 3: Abbreviations**

<b>Abbreviation</b>	<b>Term</b>
m <sup>2</sup>	square metres
ha	hectares

### Figure Attached

Figure 1 Development Envelope and remaining portion of Armstrong Reserve





**Figure 1 - Development Envelope and remaining portion of Armstrong Reserve**

**Table 4: Coordinates for Development Envelope for the Armstrong Reserve Urban and Commercial Development – coordinates in GDA 1994 MGA zone 50**

Shape	Easting	Northing
Development Envelope	324220.336	6279351.644
Development Envelope	324238.300	6279321.322
Development Envelope	324229.080	6279321.148
Development Envelope	324229.100	6279321.078
Development Envelope	324228.918	6279321.067
Development Envelope	324198.083	6279320.480
Development Envelope	324123.263	6279319.057
Development Envelope	324120.010	6279298.875
Development Envelope	324102.238	6279298.541
Development Envelope	324102.048	6279298.538
Development Envelope	324074.010	6279298.012
Development Envelope	324063.522	6279315.446
Development Envelope	324048.128	6279340.997
Development Envelope	324049.048	6279341.721
Development Envelope	324051.371	6279343.551
Development Envelope	324051.509	6279343.919
Development Envelope	324052.301	6279344.627
Development Envelope	324052.708	6279346.711
Development Envelope	324052.637	6279350.461
Development Envelope	324051.410	6279352.821
Development Envelope	324050.762	6279354.504
Development Envelope	324050.073	6279355.390
Development Envelope	324049.421	6279356.643
Development Envelope	324049.348	6279360.474
Development Envelope	324051.615	6279364.148
Development Envelope	324053.556	6279365.257
Development Envelope	324055.935	6279364.544
Development Envelope	324059.890	6279361.501
Development Envelope	324067.192	6279359.067
Development Envelope	324067.929	6279359.111
Development Envelope	324068.988	6279358.645
Development Envelope	324070.802	6279358.680
Development Envelope	324073.793	6279359.706
Development Envelope	324076.738	6279361.528
Development Envelope	324081.231	6279367.041
Development Envelope	324083.310	6279374.065
Development Envelope	324083.252	6279377.116
Development Envelope	324090.118	6279382.685
Development Envelope	324117.037	6279392.344
Development Envelope	324143.957	6279402.003
Development Envelope	324154.659	6279405.539
Development Envelope	324161.767	6279407.403
Development Envelope	324162.246	6279407.529
Development Envelope	324174.662	6279410.301

Development Envelope	324179.326	6279411.577
Development Envelope	324184.144	6279413.003
Development Envelope	324213.273	6279363.618
Development Envelope	324213.456	6279363.707
Development Envelope	324220.336	6279351.644

## Schedule 2

**Table 5: Definitions of terms and phrases used in the implementation conditions and procedures**

Term or phrase	Definition
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.
DEC	Department of Environment and Conservation
EPA	Environmental Protection Authority
The Act	<i>Environmental Protection Act 1986</i>

## Notes

The following notes are provided for information and do not form a part of the implementation conditions of this Statement:

- The proponent for the time being nominated by the Minister for Environment under section 38(6) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal unless and until that nomination has been revoked and another person is nominated.
- If the person nominated by the Minister, ceases to have responsibility for the proposal, that person is required to provide written notice to the Environmental Protection Authority of its intention to relinquish responsibility for the proposal and the name of the person to whom responsibility for the proposal will pass or has passed. The Minister for Environment may revoke a nomination made under section 38(6) of the *Environmental Protection Act 1986* and nominate another person.
- To initiate a change of proponent, the nominated proponent and proposed proponent are required to complete and submit *Post Assessment Form 1 – Application to Change Nominated Proponent*.
- The General Manager of the Office of the Environmental Protection Authority was the Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the *Environmental Protection Act 1986* at the time this Statement was signed by the Minister for Environment.
- Post Assessment Forms and Guidelines may be found at [www.epa.wa.gov.au](http://www.epa.wa.gov.au)

## **APPENDIX 2**

### **AUDIT TABLE**



# AUDIT TABLE

## Statement Compliance Section

PROJECT: ARMSTRONG RESERVE, DUNSBOROUGH, URBAN AND COMMERCIAL DEVELOPMENT  
Statement 926

**Note:**

- Phases that apply in this table = Pre-Construction, Construction, Operation, Decommissioning, Ongoing (several phases).
- 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.
- Code prefixes: M = Minister's condition, P = Proponent's commitment.
- Acronyms list: CEO = Chief Executive Officer of OEPA; DEC = Department of Environment and Conservation; EPA = Environmental Protection Authority; DoW = Minister for the Environment; OEPA = Office of the Environmental Protection Authority.
- Compliance Status: C = Compliant, CLD = Not Audited, NC = Not Required at this stage. Please note the terms V2 = Verification Required and IP = In Process are only for OEPA use.

CoB = City of Bussellton; CAR = Compliance Assessment Report; SOC = Statement of Compliance.

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
926-M3.1	Proposal Implementation	When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Column 3 of Table 2 in Schedule 1, unless amendments to the proposal and the authorised extent of the proposal has been approved under the Act.	As per Schedule 1, Statement 926	Annual Compliance Assessment Report (CAR)	Overall	Ongoing		
926-M2.1	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 in writing	Record of notification of change of contact name, physical address or postal address addressed to the OEPA	Overall	Ongoing		
926-M3.1	Time Limit for Proposal Implementation	The proponent shall not commence implementation of the proposal after the expiration of five years from the date of this Statement, and any commencement, within this five year period, must be substantial.				On or before 21 January 2018		
926-M3.2	Time Limit for Proposal Implementation	Any commencement of implementation of the proposal, within five years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five years from the date of this Statement.	Notify in writing	Records of notification of substantial commencement addressed to the OEPA	Overall	On or before 21 January 2018		
926-M4.1	Compliance Reporting	At least six calendar months prior to the first Statement of Compliance required pursuant to condition 4-6 or prior to implementation of the proposal, whichever is sooner, the proponent shall: 1. prepare a Compliance Assessment Plan in accordance with the Office of the Environmental Protection Authority's (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 4-1(1) to the CEO.	Prepare and Submit a Compliance Assessment Plan	Approved Compliance Assessment Plan (CAP) Correspondence with OEPA	Pre-construction	Submission of CAP before the 21 October 2013 or before ground-disturbing activities		
926-M4.2	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 and submit CAP	Revised CAP Correspondence with OEPA	Overall	Submission of revised CAP on an 'as needs basis'		
926-M4.3	Compliance Reporting	The proponent shall assess compliance in accordance with the approved Compliance Assessment Plan.	As specified in CAP	CAR	Overall	CAR submission annually before 21 April for each 12		

**AUDIT TABLE****Statement Compliance Section****PROJECT: ARMSTRONG RESERVE, DUNSBOROUGH, URBAN AND COMMERCIAL DEVELOPMENT**  
Statement 926

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
926-M4.4	Compliance Reporting	The proponent shall collect and maintain information and documentation in accordance with the approved Compliance Assessment Plan.	Information and documentation available upon request	Overview provided in CAR	Overall	month period The first SoC is due to be submitted by the 21 April 2014 then annually by the 21 April		
926-M4.5	Compliance Reporting	The proponent shall advise the CEO of any non-compliance or potential non-compliance within seven days of such awareness.	Notify in writing	Correspondence with the CEO and statement of non-compliance or potential non-compliance	Overall	Within 7 days of non-compliance or potential non-compliance being known.		
926-M4.6	Compliance Reporting	The proponent shall prepare a Statement of Compliance for each consecutive 12 month period commencing on the date of this 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. 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 28 days of its submission pursuant to condition 4-6.	Notify in writing	Correspondence with the CEO	Overall	The first SoC is due to be submitted by the 21 April 2014, then annually by the 21 April.		
926-M4.7	Compliance Reporting		In accordance with the OEP's Post Assessment Guideline for Making Information Publicly Available	SoC and CAR uploaded onto the proponent's website annually	Overall	The first SoC is to be made available to the public by the 19 May 2014, then annually by the 19 May.		
926-M4.8	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 12 month period; 2. is prepared using the OEP's Post Assessment Form for a Statement of Compliance, as amended from time to time; 3. provides all information required by the OEP'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. 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 Statements of Compliance are 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.	In accordance with the approved CAP	Endorsement by the DEPA Compliance Branch	Overall	The first SoC is due to be submitted by the 21 April 2014, then annually by the 21 April.		
926-M4.9	Compliance Reporting		Notify in writing	Correspondence with the CEO	Overall	When requested by the CEO		





Office of the Environmental Protection Authority

# AUDIT TABLE

## Statement Compliance Section

PROJECT: ARMSTRONG RESERVE, DUNSBOROUGH, URBAN AND COMMERCIAL DEVELOPMENT  
Statement 926

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
926-MS.1	Residual Impacts and Risk Management Measures	To mitigate for significant residual impacts of the proposal on a priority ecological community Dunsborough Swamp Forest, threatened and significant fauna species <i>Pseudochelonus occidentalis</i> and <i>Ctenodactylus</i> , and declared rare flora <i>Coladenia viridescens</i> , the proponent shall, prior to the commencement of construction submit an Environmental Management Plan for the remaining portion of Armstrong Reserve outside the Development Envelope shown in Figure 1, to the satisfaction of the CEO, on the advice of the Department of Environment and Conservation (DEC).	Preparation of an EMP including management measures 1-5 identified in MS.2.	Approved Environmental Management Plan (EMP)	Pre-construction	Prior to construction commencing		
926-MS.2	Residual Impacts and Risk Management Measures	The Environmental Management Plan required by condition 5-1 shall be prepared in consultation with the City of Busselton and include: 1. diabolic management measures prepared in consultation with the DEC; 2. measures to ensure Banasia logs and other woody debris from the clearing in the development envelope are relocated to within the area shown as remaining portion of Armstrong Reserve in Figure 1 to enhance faunal habitat values; 3. weed control measures; 4. measures to control vehicle and pedestrian access; and 5. management measures to ensure impacts from the proposal are contained within the development envelope shown in Figure 1.	Preparation of an EMP including management measures 1-5 in consultation with the City of Busselton	Approved EMP Letters of Endorsement from the City of Busselton and the DEC	Pre-construction	Prior to construction commencing		
926-MS.3	Residual Impacts and Risk Management Measures	The proponent shall implement the Environmental Management Plan approved under condition 5-1 in consultation with the City of Busselton for a period of three (3) years from the date of its approval.	Implementation and internal audit of the EMP and results included in the annual CAR provided to the CEO, City of Busselton and made publicly available on the proponent's website.	Annual CAR including internal audit of EMP management measures 1-5 identified in MS.2.	Overall	Implement the approved EMP for 3 years from the approval date		

## **APPENDIX 3**

### **COMPLIANCE ASSESSMENT PLAN APPROVAL NOTIFICATION**



Mr Greg Holland  
Chief Executive Officer  
Ray Village Aged Services (Inc.)  
20 Ray Avenue  
BUSSELTON WA 6280

Your Ref:  
Our Ref: CA02-2013-0021; 2013 -0000215472  
Enquiries: Rowan Inglis, 6145 0849  
Email: [rowan.inglis@epa.wa.gov.au](mailto:rowan.inglis@epa.wa.gov.au)

Dear Mr Holland

**STATEMENT 926 - COMPLIANCE ASSESSMENT PLAN**

I refer to the submission of the Compliance Assessment Plan: Armstrong Reserve, Dunsborough, Urban and Commercial Development on 31 May 2013 from End Plan Environmental to the Office of the Environmental Protection Authority (OEPA).

The OEPA has reviewed the Compliance Assessment Plan and determined that it meets the requirements of Condition 4-1 of Statement 926.

Yours sincerely

  
Mr Kim Taylor  
GENERAL MANAGER

16 June 2013

cc: Bernadette Van der Wiele, Director EndPlan Environmental

## **APPENDIX 4**

### **REZONING CORRESPONDENCE**

## Bernadette Van der Wiele

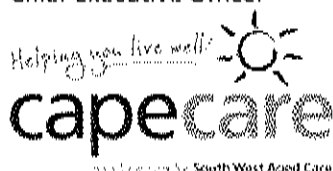
---

**From:** Mark Sheldon-Stemm <markss@capecare.com.au>  
**Sent:** Friday, 11 April 2014 12:06 PM  
**To:** Bernadette Van der Wiele  
**Subject:** FW: File 01178-1992 RE: Capecare Dunsborough development  
**Attachments:** Kevin Harrison RDL Duns April 2013.pdf

And under the same email follow up.

Kind Regards

**Mark Sheldon-Stemm**  
Chief Executive Officer



**Phone:** 08 9750 2000 **Fax:** 08 9755 4696

**Mobile:** 0458 342 438

**Website:** [www.capecare.com.au](http://www.capecare.com.au)

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**From:** Greg Holland  
**Sent:** Saturday, 13 April 2013 2:53 PM  
**To:** 'Harrison, Kevin'  
**Cc:** Pam Byles; Pumphrey, Ron  
**Subject:** RE: File 01178-1992 RE: Capecare Dunsborough development

Hi Kevin

Please find attached a letter from Capecare with regard to Dunsborough. If you require anything else to get this process underway at your end please let me know.

The original is in the mail.

Kind regards  
Greg

*Greg Holland*

**Chief Executive Officer**

**Capecare** Your One Link for South West Aged Care

Email: [greg@capecare.com.au](mailto:greg@capecare.com.au)

Mob: 0418 953 569

## Bernadette Van der Wiele

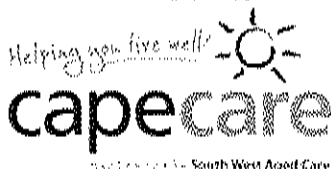
---

**From:** Mark Sheldon-Stemm <markss@capecare.com.au>  
**Sent:** Friday, 11 April 2014 12:05 PM  
**To:** Bernadette Van der Wiele  
**Subject:** FW: File 01178-1992 RE: Capecare Dunsborough development

Hi, I think this might be the one.

Kind Regards

**Mark Sheldon-Stemm**  
Chief Executive Officer



**Phone:** 08 9750 2000 **Fax:** 08 9755 4696

**Mobile:** 0458 342 438

**Website:** [www.capecare.com.au](http://www.capecare.com.au)

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**From:** Greg Holland  
**Sent:** Friday, 1 March 2013 12:55 PM  
**To:** 'Harrison, Kevin'; Pumphrey, Ron  
**Cc:** Pam Byles  
**Subject:** RE: File 01178-1992 RE: Capecare Dunsborough development

Thanks Kevin , see you and Ron then.

Regards  
Greg

*Greg Holland*

**Chief Executive Officer**

**Capecare** Your One Link for South West Aged Care

Email: [greg@capecare.com.au](mailto:greg@capecare.com.au)

Mob: 0418 953 569

Phone: +61 8 9750 2000

Website: [www.capecare.com.au](http://www.capecare.com.au)

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**From:** Harrison, Kevin [<mailto:Kevin.Harrison@rdl.wa.gov.au>]  
**Sent:** Friday, 1 March 2013 12:50 PM  
**To:** Greg Holland; Pumphrey, Ron  
**Cc:** Pam Byles  
**Subject:** File 01178-1992 RE: Capecare Dunsborough development

Hi Greg.

Following our discussion I have arranged the meeting for 11 am on Wednesday 6<sup>th</sup> March.

**Kevin Harrison**  
Senior State Land Officer  
South West

Department of Regional Development and Lands  
Level 10 Austmark Bunbury Tower, 61 Victoria Street  
Bunbury WA 6230  
Tel: (08) 9791 0860  
Fax: (08) 6552 4417

Email: [Kevin.Harrison@rdl.wa.gov.au](mailto:Kevin.Harrison@rdl.wa.gov.au)  
Web: [www.rdl.wa.gov.au](http://www.rdl.wa.gov.au)



Government of Western Australia  
Department of Regional Development and Lands

---

**From:** Greg Holland [<mailto:greg@capecare.com.au>]  
**Sent:** Friday, 1 March 2013 11:52 AM  
**To:** Pumphrey, Ron  
**Cc:** Harrison, Kevin; Pam Byles  
**Subject:** Capecare Dunsborough development

Hi Ron

You may be aware that Ministerial approvals have been received for the Dunsborough development, I would like to meet sometime soon with you and/or your team to progress the next stages of this work.

I believe you come to Bunbury from time to time , which may suit better or I probably could catch up in Perth?

Kind regards  
Greg

*Greg Holland*

**Chief Executive Officer**

**Capecare** Your One Link for South West Aged Care

Email: [greg@capecare.com.au](mailto:greg@capecare.com.au)

Mob: 0418 953 569

Phone: +61 8 9750 2000

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**From:** Pumphrey, Ron [<mailto:Ron.Pumphrey@rdl.wa.gov.au>]  
**Sent:** Tuesday, 13 November 2012 5:11 PM  
**To:** Greg Holland  
**Cc:** Harrison, Kevin; [Pete.Malavisi@busselton.wa.gov.au](mailto:Pete.Malavisi@busselton.wa.gov.au)  
**Subject:** RE: Information for the OEPA

Good afternoon Greg

I provide the following comment in relation to the issue raised by OEPA and trust the information will be sufficient.

"The OEPA requests further information regarding the roles of the Department of Regional Development and Lands and the City of Busselton in the proposed change of land use of the remainder of the reserve from 'Recreation' to 'Landscape Protection' and also the likely timing and steps for this process to occur".

All the land the subject of the proposal (including Reserve 31645 proposed for rehabilitation) is either Crown land or other land under the *Land Administration Act 1997 (LAA)*. Any dealing in the land is subject to the approval of the Minister for Lands (or delegate). The LAA is administered by the Department of Regional Development and Lands (RDL).

The Minister for Lands has previously provided conditional support for the development of an aged care facility within the area the subject of this proposal. The conditional approval required Capecare to seek environmental approval and rezoning of the land to enable the proposed development of aged care facilities. The Minister's conditional approval supports the transfer of title required for development under section 75 of the LAA. Final approval of the Minister to the transfer will be required. In this respect given the City of Busselton (City) supports the rezoning and has committed to achieve this through an omnibus amendment to its TPS 20, RDL will (following environmental approval being in place) seek the Ministers approval to proceed with the transfer.

RDL notes the intention that the development area be limited to 1.28 hectares with the balance of the area being retained as a reserve under City management to protect the remnant vegetation. I, as a delegated officer of the Minister, will support the necessary changes to the balance of the land so that it can be reserved for the purpose of "Landscape Protection" with a management order under the LAA being granted to the City.

RDL will also support the use of Reserve 31645 as part of the Environmental Offset Strategy.

The transfer of land to Capecare and creation of the new "Landscape Protection" reserve will require the following actions:

- Formal submission and advice from Capecare of environmental approval together with its response to the Ministers conditional 2004 approval and request to proceed;
- Formal confirmation from the City as to its position with respect to the changes in tenure arrangements;



- RDL will seek Ministers approval to the transfer of the identified site for development. Note: this will require agreement between Capecare and RDL on the conditions that will be placed on the title and also for RDL to seek valuation advice prior to seeking the Ministers approval. Approvals for other changes in the affected land tenure will also be processed in this stage. Note: the CWA has previously agreed to surrender its current title for the changes to occur;
- In parallel RDL will arrange through Capecare the cadastral survey of the site to provide a deposited plan to enable the land tenure changes to be implemented;
- When a deposited plan is available final transfer documentation for the aged acre site will be prepared by RDL for execution by Capecare and the Minister. RDL will prepare all other documentation to effect land tenure changes;
- The transfer of land to Capecare and creation of the new "Landscape Protection" reserve will happen concurrently through lodgement of all documentation with Landgate for registration. One will not occur without the other.

There is considerable work to be completed and given that early in the new year we will proceed to 'caretaker government' some final approvals maybe delayed. However, other actions can progress. The transfer of titles should be finalised by the middle of 2013 if not earlier.

**Ron Pumphrey**  
Manager, South West

Department of Regional Development and Lands  
Level 2 140 William Street  
Perth WA 6000  
Tel: 6552 4647  
Fax: 6552 4417  
Mob: 0438 851 230  
[Ron.Pumphrey@rdl.wa.gov.au](mailto:Ron.Pumphrey@rdl.wa.gov.au)  
[www.rdl.wa.gov.au](http://www.rdl.wa.gov.au)

**From:** Greg Holland [<mailto:greg@capecare.com.au>]  
**Sent:** Tuesday, 13 November 2012 11:22 AM  
**To:** Pumphrey, Ron  
**Subject:** RE: Information for the OEPA

Hi Ron

I met with the OEPA in town yesterday and they are wanting to get our proposal to the EPA Board scheduled for Thurs 22 Nov, which means that all papers need to be finalised and too OEPA by cob Thurs 15 Nov.

Would you be able to get this information to me before then so I can forward to OEPA?

Kind regards  
Greg

*Greg Holland*

**CEO Capecare**

Your One Link for South West Aged Care

Email: [greg@capecare.com.au](mailto:greg@capecare.com.au)

Mob: 0418 953 569

Phone: +61 8 9750 2000

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**From:** Greg Holland

**Sent:** Thursday, 8 November 2012 4:32 PM

**To:** Ron Pumphrey ([ron.pumphrey@rdl.wa.gov.au](mailto:ron.pumphrey@rdl.wa.gov.au))

**Subject:** Information for the OEPA

Hi Ron

Further to our discussion this afternoon could you provide me some information for us to answer the following request from the OEPA.

"The OEPA requests further information regarding the roles of the Department of Regional Development and Lands and the City of Busselton in the proposed change of land use of the remainder of the reserve from 'Recreation' to 'Landscape Protection' and also the likely timing and steps for this process to occur".

Kind regards

Greg

*Greg Holland*

**CEO Capecare**

Your One Link for South West Aged Care

Email: [greg@capecare.com.au](mailto:greg@capecare.com.au)

Mob: 0418 953 569

Phone: +61 8 9750 2000

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**From:** Harrison, Kevin [<mailto:Kevin.Harrison@rdl.wa.gov.au>]  
**Sent:** Friday, 1 March 2013 12:50 PM  
**To:** Greg Holland; Pumphrey, Ron  
**Cc:** Pam Byles  
**Subject:** File 01178-1992 RE: Capecare Dunsborough development

Hi Greg,

Following our discussion I have arranged the meeting for 11 am on Wednesday 6<sup>th</sup> March.

**Kevin Harrison**  
Senior State Land Officer  
South West

Department of Regional Development and Lands  
Level 10 Austmark Bunbury Tower, 61 Victoria Street  
Bunbury WA 6230  
Tel: (08) 9791 0860  
Fax: (08) 6552 4417

Email: [Kevin.Harrison@rdl.wa.gov.au](mailto:Kevin.Harrison@rdl.wa.gov.au)  
Web: [www.rdl.wa.gov.au](http://www.rdl.wa.gov.au)



Government of Western Australia  
Department of Regional Development and Lands

---

**From:** Greg Holland [<mailto:greg@capecare.com.au>]  
**Sent:** Friday, 1 March 2013 11:52 AM  
**To:** Pumphrey, Ron  
**Cc:** Harrison, Kevin; Pam Byles  
**Subject:** Capecare Dunsborough development

Hi Ron

You may be aware that Ministerial approvals have been received for the Dunsborough development, I would like to meet sometime soon with you and/or your team to progress the next stages of this work.

I believe you come to Bunbury from time to time, which may suit better or I probably could catch up in Perth?

Kind regards  
Greg

*Greg Holland*

**Chief Executive Officer**

**Capecare** Your One Link for South West Aged Care

Email: [greg@capecare.com.au](mailto:greg@capecare.com.au)

Mob: 0418 953 569

Phone: +61 8 9750 2000

Website: [www.capecare.com.au](http://www.capecare.com.au)

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**From:** Pumphrey, Ron [<mailto:Ron.Pumphrey@rdl.wa.gov.au>]  
**Sent:** Tuesday, 13 November 2012 5:11 PM  
**To:** Greg Holland  
**Cc:** Harrison, Kevin; [Pete.Malavisi@busselton.wa.gov.au](mailto:Pete.Malavisi@busselton.wa.gov.au)  
**Subject:** RE: Information for the OEPA

Good afternoon Greg

I provide the following comment in relation to the issue raised by OEPA and trust the information will be sufficient.

"The OEPA requests further information regarding the roles of the Department of Regional Development and Lands and the City of Busselton in the proposed change of land use of the remainder of the reserve from 'Recreation' to 'Landscape Protection' and also the likely timing and steps for this process to occur".

All the land the subject of the proposal (including Reserve 31645 proposed for rehabilitation) is either Crown land or other land under the *Land Administration Act 1997 (LAA)*. Any dealing in the land is subject to the approval of the Minister for Lands (or delegate). The LAA is administered by the Department of Regional Development and Lands (RDL).

The Minister for Lands has previously provided conditional support for the development of an aged care facility within the area the subject of this proposal. The conditional approval required Capecare to seek environmental approval and rezoning of the land to enable the proposed development of aged care facilities. The Minister's conditional approval supports the transfer of title required for development under section 75 of the LAA. Final approval of the Minister to the transfer will be required. In this respect given the City of Busselton (City) supports the rezoning and has committed to achieve this through an omnibus amendment to its TPS 20, RDL will (following environmental approval being in place) seek the Ministers approval to proceed with the transfer.

RDL notes the intention that the development area be limited to 1.28 hectares with the balance of the area being retained as a reserve under City management to protect the remnant vegetation. I, as a delegated officer of the Minister, will support the necessary changes to the balance of the land so that it can be reserved for the purpose of "Landscape Protection" with a management order under the LAA being granted to the City.

RDL will also support the use of Reserve 31645 as part of the Environmental Offset Strategy.

The transfer of land to Capecare and creation of the new "Landscape Protection" reserve will require the following actions:

- Formal submission and advice from Capecare of environmental approval together with its response to the Ministers conditional 2004 approval and request to proceed;
- Formal confirmation from the City as to its position with respect to the changes in tenure arrangements;
- RDL will seek Ministers approval to the transfer of the identified site for development. Note: this will require agreement between Capecare and RDL on the conditions that will be placed on the title and also for RDL to seek valuation advice prior to seeking the Ministers approval. Approvals for other changes in the affected land tenure will also be processed in this stage. Note: the CWA has previously agreed to surrender its current title for the changes to occur;
- In parallel RDL will arrange through Capecare the cadastral survey of the site to provide a deposited plan to enable the land tenure changes to be implemented;
- When a deposited plan is available final transfer documentation for the aged acre site will be prepared by RDL for execution by Capecare and the Minister. RDL will prepare all other documentation to effect land tenure changes;
- The transfer of land to Capecare and creation of the new "Landscape Protection" reserve will happen concurrently through lodgement of all documentation with Landgate for registration. One will not occur without the other.

There is considerable work to be completed and given that early in the new year we will proceed to 'caretaker government' some final approvals maybe delayed. However, other actions can progress. The transfer of titles should be finalised by the middle of 2013 if not earlier.

**Ron Pumphrey**  
Manager, South West

Department of Regional Development and Lands  
Level 2 140 William Street  
Perth WA 6000  
Tel: 6552 4647  
Fax: 6552 4417  
Mob: 0438 851 230  
[Ron.Pumphrey@rdl.wa.gov.au](mailto:Ron.Pumphrey@rdl.wa.gov.au)  
[www.rdl.wa.gov.au](http://www.rdl.wa.gov.au)

**From:** Greg Holland [<mailto:greg@capecare.com.au>]  
**Sent:** Tuesday, 13 November 2012 11:22 AM  
**To:** Pumphrey, Ron  
**Subject:** RE: Information for the OEPA

Hi Ron

I met with the OEPA in town yesterday and they are wanting to get our proposal to the EPA Board scheduled for Thurs 22 Nov, which means that all papers need to be finalised and too OEPA by cob Thurs 15 Nov.

Would you be able to get this information to me before then so I can forward to OEPA?

Kind regards  
Greg

*Greg Holland*

**CEO Capecare**

Your One Link for South West Aged Care

Email: [greg@capecare.com.au](mailto:greg@capecare.com.au)

Mob: 0418 953 569

Phone: +61 8 9750 2000

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**From:** Greg Holland  
**Sent:** Thursday, 8 November 2012 4:32 PM  
**To:** Ron Pumphrey ([ron.pumphrey@rdl.wa.gov.au](mailto:ron.pumphrey@rdl.wa.gov.au))  
**Subject:** Information for the OEPA

Hi Ron

Further to our discussion this afternoon could you provide me some information for us to answer the following request from the OEPA.

"The OEPA requests further information regarding the roles of the Department of Regional Development and Lands and the City of Busselton in the proposed change of land use of the remainder of the reserve from 'Recreation' to 'Landscape Protection' and also the likely timing and steps for this process to occur".

Kind regards  
Greg

*Greg Holland*

**CEO Capecare**

Your One Link for South West Aged Care

Email: [greg@capecare.com.au](mailto:greg@capecare.com.au)

Mob: 0418 953 569

Phone: +61 8 9750 2000

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## Bernadette Van der Wiele

---

**From:** Mark Sheldon-Stemm <markss@capecare.com.au>  
**Sent:** Friday, 11 April 2014 12:03 PM  
**To:** Bernadette Van der Wiele  
**Subject:** FW: Job 060791 File 01178-1992 Capecare Dunsborough

Kind Regards

Mark Sheldon-Stemm  
Chief Executive Officer



Phone: 08 9750 2000 Fax: 08 9755 4696

Mobile: 0458 342 438

Website: [www.capecare.com.au](http://www.capecare.com.au)

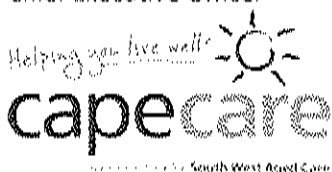
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**From:** Mark Sheldon-Stemm  
**Sent:** Friday, 28 February 2014 8:56 AM  
**To:** Pamela McKenzie  
**Subject:** RE: Job 060791 File 01178-1992 Capecare Dunsborough

Thanks Pam, well done.

Kind Regards

Mark Sheldon-Stemm  
Chief Executive Officer



Phone: 08 9750 2000 Fax: 08 9755 4696

Mobile: 0458 342 438

Website: [www.capecare.com.au](http://www.capecare.com.au)

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**From:** Pamela McKenzie  
**Sent:** Friday, 28 February 2014 8:33 AM

**To:** Mark Sheldon-Stemm  
**Subject:** FW: Job 060791 File 01178-1992 Capecare Dunsborough

**From:** Harrison, Kevin [<mailto:Kevin.Harrison@lands.wa.gov.au>]  
**Sent:** Thursday, 27 February 2014 4:01 PM  
**To:** Pamela McKenzie  
**Subject:** Job 060791 File 01178-1992 Capecare Dunsborough

Hi Pamela,

In relation to the re-zoning it appears the City of Busselton will resolve this issue as the development progress.

In relation to the surrender of the reserves I have requested a formal response from City requesting the surrender of the Portion of Reserve 25229 and the cancellation of Reserves 36468 and 34732. The City has supported this proposal I need their formal response before seeking the final approval from the Minister for Land.

Reserve 25229 is for the purpose of Recreation. The City will need to supply a Council resolution to surrender portion of this reserve and change the purpose to Landscape Protection.

Reserve 36468 is for the purpose of Depot Site. The City will need to supply a Council resolution to surrender and cancel this reserve.

Reserve 34732 is for the purpose of Bush Fire Brigade. This reserve will also need to be cancelled.

When I have their formal response we can commence the survey work and the final approval from the Minister for Lands.

**Kevin Harrison**  
Senior State Land Officer  
South West Great Southern

Department of Lands  
Level 10 Bunbury Tower, 61 Victoria Street  
Bunbury WA 6230

Tel: (08) 9791 0860  
Fax: (08) 9791 0835

Email: [Kevin.Harrison@lands.wa.gov.au](mailto:Kevin.Harrison@lands.wa.gov.au)  
Web: [www.lands.wa.gov.au](http://www.lands.wa.gov.au)



**Government of Western Australia**  
**Department of Lands**

**From:** Pamela McKenzie [<mailto:pam@capecare.com.au>]  
**Sent:** Friday, 21 February 2014 3:09 PM  
**To:** Harrison, Kevin  
**Subject:** RE: Job 060791 File 01178-1992 Capecare Dunsborough

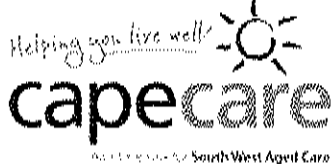
Good afternoon Kevin,

Mark (CEO) has just queried whether the land can be rezoned before we get the title?

Kind regards,



**Pamela McKenzie**  
Executive Assistant



Phone: 08 9750 2055 Fax: 08 9755 4696

Website: [www.capecare.com.au](http://www.capecare.com.au)

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**From:** Harrison, Kevin [<mailto:Kevin.Harrison@lands.wa.gov.au>]  
**Sent:** Friday, 21 February 2014 3:03 PM  
**To:** Pamela McKenzie  
**Subject:** FW: Job 060791 File 01178-1992 Capecare Dunsborough

Hi Pamela,

In relation to the zoning of the proposed site the City has supplied the following comment.

"The land has not been rezoned but this should not necessarily hold up the process. The City's has previously provided advice that the development could be approved via a development application with the existing zoning as such and then the zoning would be modified on a subsequent omnibus amendment."

Is Capecare prepared to deal with the zoning in the manner suggested by the City of Busselton?  
I am also waiting for their comment on the surrender of the reserves.

**Kevin Harrison**  
Senior State Land Officer  
South West Great Southern

Department of Lands  
Level 10 Bunbury Tower, 61 Victoria Street  
Bunbury WA 6230

Tel: (08) 9791 0860  
Fax: (08) 9791 0835

Email: [Kevin.Harrison@lands.wa.gov.au](mailto:Kevin.Harrison@lands.wa.gov.au)  
Web: [www.lands.wa.gov.au](http://www.lands.wa.gov.au)



**Government of Western Australia**  
**Department of Lands**

**From:** Harrison, Kevin  
**Sent:** Tuesday, 18 February 2014 10:13 AM  
**To:** 'Pamela McKenzie'  
**Subject:** RE: Job 060791 File 01178-1992 Capecare Dunsborough

Good morning Pamela.

While I had prepared the Briefing Note it was returned to me to consider two issues.

The original in principal approval for the transfer of land included some issues that need to be addressed.

These issues included formal support from the City of Busselton for the surrender of their reserves and the rezoning of Armstrong Reserve

I have requested a comment from the City on these items.

I need clarification if the land can be transferred before it is rezoned.

**Kevin Harrison**  
Senior State Land Officer  
South West Great Southern

Department of Lands  
Level 10 Bunbury Tower, 61 Victoria Street  
Bunbury WA 6230

Tel: (08) 9791 0860

Fax: (08) 9791 0835

Email: [Kevin.Harrison@lands.wa.gov.au](mailto:Kevin.Harrison@lands.wa.gov.au)

Web: [www.lands.wa.gov.au](http://www.lands.wa.gov.au)



**Government of Western Australia**  
**Department of Lands**

**From:** Pamela McKenzie [<mailto:pam@capecare.com.au>]

**Sent:** Tuesday, 18 February 2014 8:50 AM

**To:** Harrison, Kevin

**Subject:** RE: Job 060791 File 01178-1992 Capecare Dunsborough

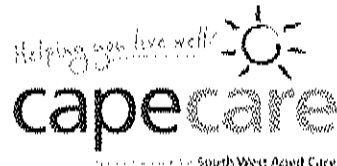
Good morning Kevin,

Thank you for the update.

Just wondering if you could let me know what these issues are that you are currently investigating?

Kind regards,

**Pamela McKenzie**  
Executive Assistant



**Phone:** 08 9750 2055 **Fax:** 08 9755 4696

**Website:** [www.capecare.com.au](http://www.capecare.com.au)

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**From:** Harrison, Kevin [<mailto:Kevin.Harrison@lands.wa.gov.au>]

**Sent:** Tuesday, 18 February 2014 8:08 AM

**To:** Pamela McKenzie  
**Subject:** RE: Job 060791 File 01178-1992 Capecare Dunsborough

Good morning Pamela.

I am currently investigating some zoning issues that need to be resolved.

**Kevin Harrison**  
Senior State Land Officer  
South West Great Southern

Department of Lands  
Level 10 Bunbury Tower, 61 Victoria Street  
Bunbury WA 6230

Tel: (08) 9791 0860  
Fax: (08) 9791 0835

Email: [Kevin.Harrison@lands.wa.gov.au](mailto:Kevin.Harrison@lands.wa.gov.au)  
Web: [www.lands.wa.gov.au](http://www.lands.wa.gov.au)



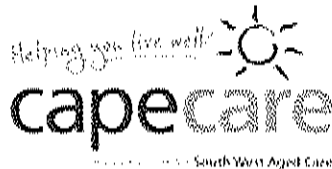
**Government of Western Australia**  
**Department of Lands**

**From:** Pamela McKenzie [<mailto:pam@capecare.com.au>]  
**Sent:** Wednesday, 12 February 2014 3:08 PM  
**To:** Harrison, Kevin  
**Cc:** Mark Sheldon-Stemm  
**Subject:** RE: Job 060791 File 01178-1992 Capecare Dunsborough

Good afternoon Kevin,

Just a quick follow up to see where we are up to with this?

Kind regards,  
**Pamela McKenzie**  
Executive Assistant



**Phone:** 08 9750 2055 **Fax:** 08 9755 4696  
**Website:** [www.capecare.com.au](http://www.capecare.com.au)

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**From:** Harrison, Kevin [<mailto:Kevin.Harrison@lands.wa.gov.au>]  
**Sent:** Wednesday, 22 January 2014 10:50 AM  
**To:** Pamela McKenzie  
**Subject:** Job 060791 File 01178-1992 Capecare Dunsborough

Hi Pamela,

In relation to the proposed development in Dunsborough I am currently working on submission to the Minister for Lands.

The submission to the Minister is to request the transfer of the Land to Capecare under section 75 of the Land Administration Act 1997.

**Kevin Harrison**  
Senior State Land Officer  
South West Great Southern

Department of Lands  
Level 10 Bunbury Tower, 61 Victoria Street  
Bunbury WA 6230

Tel: (08) 9791 0860  
Fax: (08) 9791 0835

Email: [Kevin.Harrison@lands.wa.gov.au](mailto:Kevin.Harrison@lands.wa.gov.au)  
Web: [www.lands.wa.gov.au](http://www.lands.wa.gov.au)



**Government of Western Australia**  
**Department of Lands**

**From:** Pamela McKenzie [<mailto:pam@capecare.com.au>]  
**Sent:** Wednesday, 22 January 2014 9:20 AM  
**To:** Harrison, Kevin  
**Subject:** RE: Kevin Harrison re proposed development armstrong reserve dunsborough

Thank you Kevin.

Kind regards,  
**Pamela McKenzie**  
Executive Assistant



**Phone:** 08 9750 2055 **Fax:** 08 9755 4696

**Website:** [www.capecare.com.au](http://www.capecare.com.au)

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---

**From:** Harrison, Kevin [<mailto:Kevin.Harrison@lands.wa.gov.au>]  
**Sent:** Tuesday, 21 January 2014 4:42 PM  
**To:** Pamela McKenzie  
**Subject:** RE: Kevin Harrison re proposed development armstrong reserve dunsborough

Hi Pamela,

I am still working on this. I will get back to you soon.

**Kevin Harrison**  
Senior State Land Officer  
South West Great Southern

Department of Lands  
Level 10 Bunbury Tower, 61 Victoria Street  
Bunbury WA 6230

Tel: (08) 9791 0860  
Fax: (08) 9791 0835

Email: [Kevin.Harrison@lands.wa.gov.au](mailto:Kevin.Harrison@lands.wa.gov.au)  
Web: [www.lands.wa.gov.au](http://www.lands.wa.gov.au)



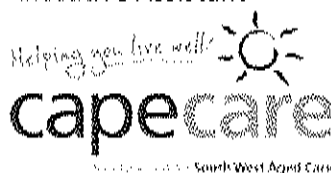
**Government of Western Australia**  
**Department of Lands**

**From:** Pamela McKenzie [<mailto:pam@capecare.com.au>]  
**Sent:** Thursday, 16 January 2014 3:06 PM  
**To:** Harrison, Kevin  
**Subject:** Kevin Harrison re proposed development armstrong reserve dunsborough

Good afternoon Keven,

As per our conversation on the phone, please find attached the correspondence discussed.

Kind regards,  
**Pamela McKenzie**  
Executive Assistant



**Phone:** 08 9750 2055 **Fax:** 08 9755 4696  
**Website:** [www.capecare.com.au](http://www.capecare.com.au)

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## **APPENDIX 5**

### ***CALADENIA VIRISDESCENS* SURVEY REPORT**

5 November 2013

Bernadette van der Wiele

EndPlan Environmental  
PO Box 138  
North Fremantle WA 6159



Perth Green Valley  
PO Box 138  
North Fremantle  
WA 6159  
Australia  
Tel: 08 9447 1111  
Fax: 08 9447 1112  
Email: [info@pgv.com.au](mailto:info@pgv.com.au)

Dear Bernadette,

**RE: Armstrong Reserve –2013 Orchid Survey Results**

Following are the results of our 2013 survey for the Threatened (Declared Rare) orchid species *Caladenia viridescens* (Dunsborough Spider Orchid) on the Armstrong Reserve site.

### **Background**

In 2012 two separate surveys by the DEC and PGV Environmental identified that up to three individual plants of *Caladenia viridescens* occurred on the Armstrong Reserve site. The proposed development of the Aged Care facility on the reserve is likely to impact on one of the plants recorded and the remainder, at least two or more individuals, should not be impacted. The Proponent committed during the Public Environmental Review to translocate any *Caladenia viridescens* plants that are likely to be impacted by the development. While the GPS co-ordinates of suspected *Caladenia viridescens* plants were recorded, the exact location of plants was not pegged on site. The exact location will be necessary for any translocation exercise as the translocation will need to occur while the plants are not flowering and therefore not visible above-ground.

### **2013 Survey**

#### ***Scope of Works***

The 2013 survey aimed to confirm the number and accurately identify the location of *Caladenia viridescens* individuals on the site in preparation for their potential translocation prior to development. The survey included the following tasks:

- Undertake a survey in early October;
- Accurately peg the location of individual plants on site;
- Photograph individual plants; and
- Record the location of individual plants on a hand-held GPS.

#### ***Results***

The survey of the Armstrong Reserve site was undertaken by myself on 11 October 2013 with the assistance of Mr Ron Glencross, a local orchid enthusiast who is very familiar with the orchids of the Dunsborough region and specific localities in and around Armstrong Reserve.

We found four orchid plants which are highly likely to be the Dunsborough Spider Orchid, *Caladenia viridescens*. The orchids were recorded in three locations which are all extremely similar to the locations included in Figure 9 of your Response to Submissions on the Public Environmental Review.

Unfortunately none of the photos taken were of sufficient clarity to include in this report or to verify the identity of the species. However, while a number of similar-looking spider orchid species also occur in the Reserve (Swamp, Tuart and Karri Spider Orchids) the plant recorded at Site 1 (from Figure 9) was the same location as the specimen verified as *Caladenia viridescens* by Dr Andrew Brown in 2012.

The three locations included one plant just inside the development footprint (Site 1 in your Figure 9 from the response to submission). Two plants were recorded next to each other at Site 2 (Figure 9) just outside of the footprint boundary and one was at Site 3 (Figure 9).

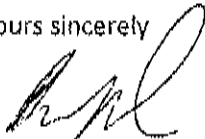
The three plants at Site 1 and Site 2 were all marked with a steel tent peg pushed vertically down into the ground. The plant at Site 3 was not marked as it is well outside the development footprint. The tent peg was located 5cm to the south of the flowering stem for the Site 1 orchid and 10cm to the south of the flowering stem for each of the two plants at Site 2.

The location of the marked plants was recorded on a hand-held GPS with an accuracy of 3-8m as follows:

- Site 1 – 50 324187 E 6279398 N
- Site 2 – 50 324200 E 6279404 N

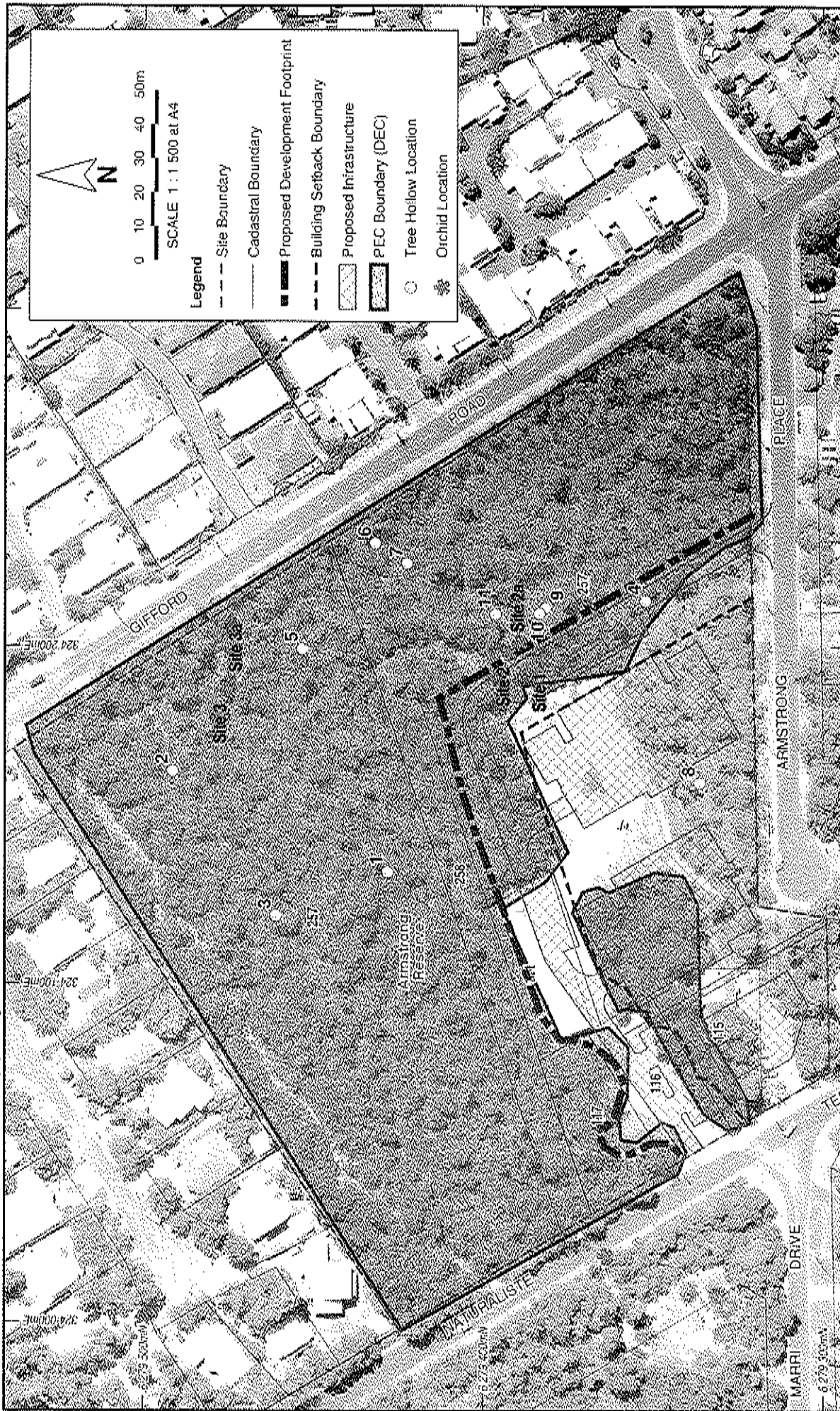
Please contact me if you require any further information on this matter.

Yours sincerely



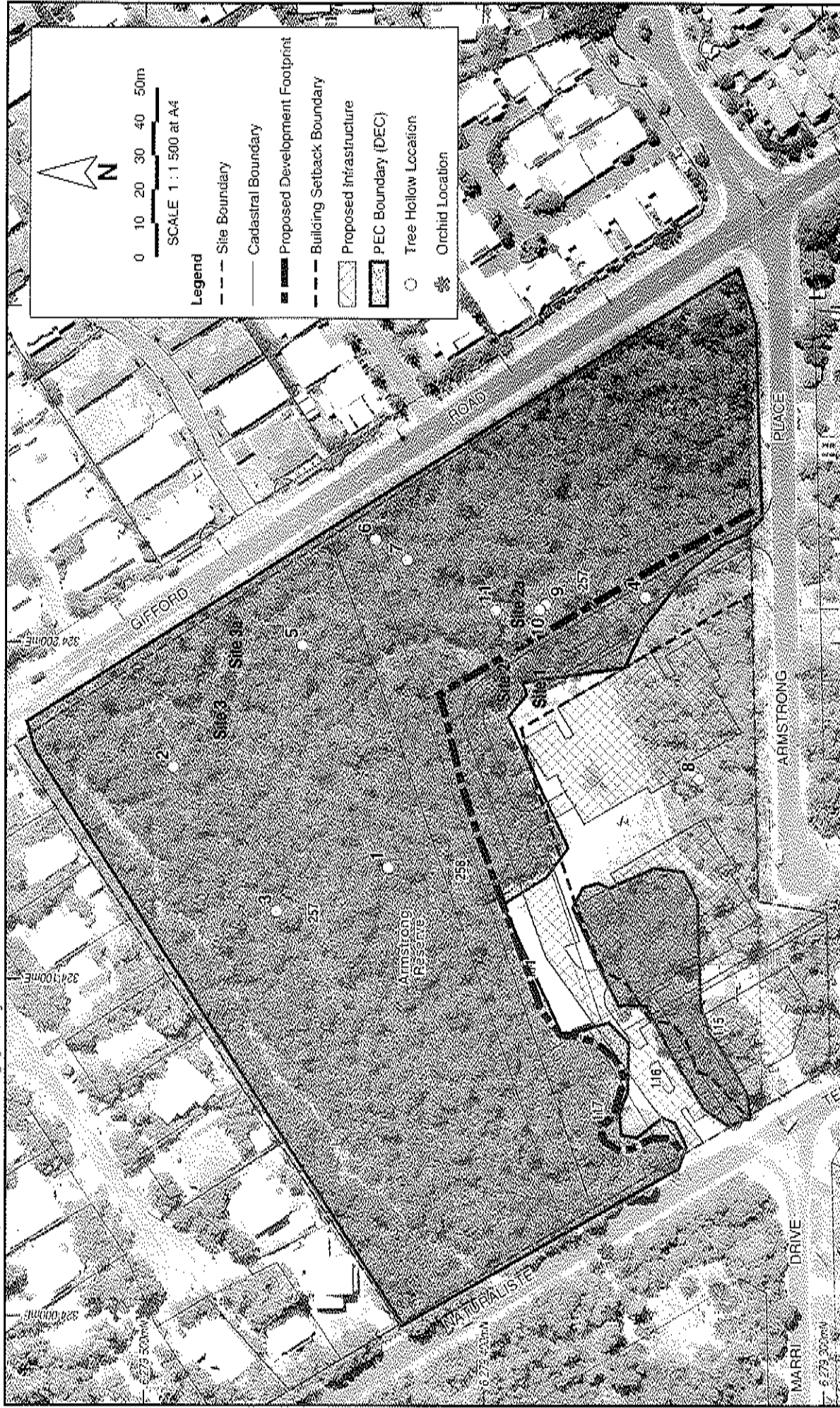
Paul van der Moezel  
Managing Director





<p><b>EndPlan</b> Environmental</p>	<p>Ray Village Aged Services via Capcare ARMSTRONG RESERVE, DUNSBOROUGH, AGED CARE FACILITY DEVELOPMENT PUBLIC ENVIRONMENTAL REVIEW - EPA ASSESSMENT NO. 1808</p>	<p>Date: 12 Nov 2012 Drawn: B. Van der Wiele</p>
<p><b>LOCATIONS OF <i>Caladenia viridescens</i> (OCTOBER 2012)</b></p>		<p><b>Figure 9</b> Record No. RVA291_17_V2</p>

TREE HOLLOW SOURCE: AT A Environmental, 2008  
AERIAL PHOTOGRAPH SOURCE: NearMap, flown February 2010.



Date: 12 Nov 2012  
Drawn: B. Van der Wiele

**Figure 9**

Report No. RVA291\_17\_V2

Ray Village Aged Services t/a Capoccare  
ARMSTRONG RESERVE, DUNSBOROUGH, AGED CARE FACILITY DEVELOPMENT  
PUBLIC ENVIRONMENTAL REVIEW - EPA ASSESSMENT NO. 1808

**EndPlan**  
Environmental

**LOCATIONS OF *Caladenia viridescens*  
(OCTOBER 2012)**

TREE HOLLOW SOURCE: ATA Environmental, 2006.  
AERIAL PHOTOGRAPH SOURCE: NaasMap, Town February, 2010.