

Statement of Compliance

1 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)	<i>ABN: 77 630 179 279</i>

2 Statement of Compliance Details

Reporting Period	<i>21/02/16 to 20/01/17</i>
------------------	------------------------------------

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
<p>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.</p>	

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 initialed by the person who signs Section 4 of this Statement of Compliance. INITIALS: _____

3 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 3-1

Which implementation condition or procedure was non-compliant or potentially non-compliant?	
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)?	
Was this non-compliance or potential non-compliance reported to the General Manager, OEPA?	
<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
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?	
Please provide information/documentation collected and recorded in relation to this implementation condition or procedure: <ul style="list-style-type: none"> • in the reporting period addressed in this Statement of Compliance; and • as outlined in the approved Compliance Assessment Plan for the Statement addressed in this Statement of Compliance. (the above information may be provided as an attachment to this Statement of Compliance)	

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

4 Proponent Declaration

I, **KRYSTAL ANNE LAURENTSCH, CHIEF EXECUTIVE OFFICER** (*full name and position title*) declare that I am authorised on behalf of. **RAY VILLAGE AGED SERVICES INC t/a 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:.....

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.

5 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.

6 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

7 Post Assessment Guidelines and Forms

Post assessment documents can be found at 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 initialed by the person who signs Section 4 of this Statement of Compliance. INITIALS: _____

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"> ongoing requirements that have been met during the reporting period; and 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'.
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"> audit elements have a finite period of application (e.g. construction activities, development of a document); the action has been satisfactorily completed; and the Office of the Environmental Protection Authority (OEPA) has provided written acceptance of 'completed' status for the audit element.
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>The term 'In Process' may not be used for any purpose other than that stated in the Definition Column.</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>
------------	----	---	---

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

**ANNUAL COMPLIANCE ASSESSMENT REPORT
(21 JANUARY 2016 – 20 JANUARY 2017)**

Prepared for:

**RAY VILLAGE AGED SERVICES INCORPORATED T/A CAPECARE
20 RAY AVENUE
BUSSELTON WA 6280**

**Report Date: 6 APRIL 2017
Document No. RVA292_38_V1**

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.

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

DOCUMENT STATUS

REVISION CONTROL			
Document Title:	ARMSTRONG RESERVE, DUNSBOROUGH - URBAN AND COMMERCIAL DEVELOPMENT (MINISTERIAL STATEMENT 926) ANNUAL COMPLIANCE ASSESSMENT REPORT (21 JANUARY 2016 – 20 JANUARY 2017)		
DOCUMENT No.	VERSION	ISSUE DATE	ISSUED TO
RVA292_38	draft	8 March 2017	Client
RVA292_38	V1	6 April 2017	Client / Office of the EPA

EndPlan Environmental is an Associate Member of the



Planning
Institute
Australia



TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
1. INTRODUCTION	2
1.1 Scope of the Report	2
1.2 Proponent	3
1.3 Development Description	3
1.4 Environmental Approval to Implement the Project	3
2. CURRENT STATUS OF IMPLEMENTATION	5
3. REPORTING METHODOLOGY.....	6
3.1 Audit Methodology	6
3.2 Status Terminology	6
3.3 Reporting Non-compliances and Corrective and Preventative Actions.....	8
3.4 Public Availability of the Report.....	8
3.5 Changes to the Compliance Assessment Plan	8
4. COMPLIANCE FINDINGS	9
5. REFERENCES	15

ATTACHMENTS

TABLES

FIGURES

APPENDICES

ABBREVIATIONS

LIST OF ATTACHMENTS

Table 1	Compliance Status Terms
Table 2	Audit Table

LIST OF TABLES

Table 1	Project Phases and Descriptions
Table 2	Compliance Status Descriptions
Table 3	Audit Table (Pre-Construction Phase) – Armstrong Reserve, Dunsborough, Urban and Commercial Development (Ministerial Statement 926)

LIST OF FIGURES

Figure 1	Regional Location
Figure 2	Existing Environment with Cadastre (2015)
Figure 3	Existing Environment with Cadastre (2017)
Figure 4	Approved Development Footprint

LIST OF APPENDICES

Appendix 1	Ministerial Statement 926
Appendix 2	Certificate of Title Lot 600 Naturaliste Terrace, Dunsborough
Appendix 3	City of Busselton Email Correspondence re Rezoning
Appendix 4	Commonwealth Approval for 60 Bed Facility
Appendix 5	City of Busselton Email Correspondence re LPS21 Amendment 1
Appendix 6	EPBC 2006/2834 Decision on Approval

LIST OF ABBREVIATIONS

CAP	Compliance Assessment Plan
CoB	City of Busselton
CAR	Compliance Assessment Report
CWA	Country Women's Association
DEC	Department of Environment and Conservation
DER	Department of Environment Regulation
DPaW	Department of Parks and Wildlife
EPA	Environmental Protection Authority
EPBC	Environment Protection Biodiversity and Conservation Act 1999
Ha	Hectare
LGA	Local Government Authority
OEPA	Office of the Environmental Protection Authority
PER	Public Environmental Review
SoC	Statement of Compliance

EXECUTIVE SUMMARY

This Compliance Assessment Report (CAR2017) 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. The CAR2017 report 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 2016 - 20 January 2017.

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 Statement 926 during the reporting period.

During the CAR2017 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 CAR2017 reporting period.

EndPlan Environmental considers that all pre-construction activities undertaken in relation to the proposal during the CAR2017 reporting period has complied with the Ministerial conditions as set out in Statement 926.

1. INTRODUCTION

This annual Compliance Assessment Report (CAR2017) 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, CAR2017 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 2016 - 20 January 2017.

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 of the OEPA 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 May 2013 and minor amendments were requested. Version 2 of the CAP was issued to the OEPA on the 31 May 2013. In June 2013, the CEO of the OEPA deemed **Condition M4.1** to have been satisfactorily prepared.

Condition M4.3 of Statement 926 requires the proponent to assess compliance in accordance with the approved CAP and to submit an annual CAR for the previous 12-month period. As previously stated, CAR2017 assesses the proponent's compliance with all pre-construction phase audit elements and any relevant overall phase audit elements that were implemented during the CAR2017 reporting period.

The CAR2017 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).

The CAR2017 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 Incorporated trading as CapeCare.

1.3 Development Description

The proponent is to develop a 1.28 ha portion of Armstrong Reserve, Naturaliste Terrace, Dunsborough (the development area), for the purpose of constructing and operating an aged care facility.

The development area 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 an area of land that was previously known as Lots 111, 115, 116, 117 Naturaliste Terrace and a 9994 m² portion of Lot 257 Naturaliste Terrace. The lots were previously vested in either the State of Western Australia, City of Busselton or the Country Women's Association of Western Australia (CWA) and were zoned either 'Recreation' or 'Drainage' under the City of Busselton's Town Planning Scheme No. 20 (refer to **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
- Road access between the proposed development footprint and Naturaliste Terrace and Gifford Road.

In accordance with the *Western Australian Town Planning and Development Act 2005*, prior to development commencing, rezoning of the development area has been undertaken resulting in the amalgamation of the previous lots being consolidated into a single lot namely Lot 600 on Deposited Plan 403383 Armstrong Place, Dunsborough (refer to **Figure 3** and **Appendix 2**). Lot 600 is now the legal responsibility of the Approval Holder and will be retained as one Title in perpetuity and zoned "Special Purpose – Aged Persons Housing". The City of Busselton (the City) will retain the vesting of the remainder of Armstrong Reserve (i.e. Lot 601) which has now been amalgamated with Reserve 25229 and zoned "Landscape Protection" under the management of the City (refer to **Appendix 3**).

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 Armstrong Reserve for the purposes of constructing and operating 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 CAR2017 reporting period, the following pre-construction activities have been undertaken by the proponent (or the proponent's consultants):

1. The proponent's architectural consultant has revised architectural drawings relating to the design of the 60 bed supported living facility. Because of this, the Development Application previously submitted to the City of Busselton will be required to be amended to reflect these revisions. In June 2016, the proponent received approval to operate the 60 bed supported living facility from the Federal Minister for Health (refer to **Appendix 4**).
2. In May 2016, *EndPlan Environmental* was advised that Lot 600 Naturaliste Terrace was in the process of being rezoned to "Special Purpose – Aged Persons Housing" as part of Amendment 1 to the Local Planning Strategy 21 (LPS21), and that the remainder of Armstrong Reserve was consolidated into Lot 601 (now part of Reserve 25229) with the purpose of "Landscape Protection" under the management of the City of Busselton. The Amendment had been sent to the Western Australian Planning Commission (WAPC) for endorsement by the Minister for Planning (refer to **Appendix 3**). The City of Busselton has subsequently advised that the Amendment is currently on hold due to the Western Australian government being in 'caretaker mode' prior to the State election (refer to **Appendix 5**).
3. The proponent has continued to liaise with the City of Busselton and the Department of Parks and Wildlife (DPaW) with respect to obtaining a suitable offset site to satisfy Condition 5(a) of the approval issued to the proponent under the Commonwealth *Environment Protection Conservation and Biodiversity Act 1999* (refer to **Appendix 6**).

3. REPORTING METHODOLOGY

3.1 Audit Methodology

During the CAR2017 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

The CAR2017 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"> - Ongoing requirements that have been met during the reporting period; and - 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'.
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"> - Audit elements have a finite period of application (e.g. construction activities, development of a document); - The requirement has been satisfactorily completed; and - The OEPA has provided written acceptance of 'Completed' status for the audit element.
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.

3.4 Public Availability of the Report

In accordance with **Condition M4.7** of Statement 926, there is a requirement to make this annual CAR available to the public via the proponent's website by the 21 May 2017.

The CAR for the reporting period 21 January 2015 – 20 January 2016 can be viewed on the proponent's website:

<http://capecare.com.au/independent-living/new-dunsborough-aged-care-village/>

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

The CAR2017 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 construction of the development to commence.

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 CAR2017 reporting period is included as **Table 3/Attachment 2** (over the page).

No non-compliances were observed by *EndPlan Environmental* during the CAR2017 reporting period.

EndPlan Environmental considers that all 'pre-construction' activities undertaken by the proponent during the CAR2017 reporting period have complied with the Ministerial 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:

- Phases that apply in this table = Pre-Construction, Construction, Operation, Decommissioning, Overall (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; 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; CoB = City of Busselton; CAR = Compliance Assessment Report; SoC = Statement of Compliance.
- Compliance Status: C = Compliant, CLD = Completed, NA = Not Audited, NC = Non – compliant, NR = Not Required at this stage. Please note the terms VR = Verification Required and IP = In Process are only for OEPA use.

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	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 has been approved under the Act.	As per Schedule 1, Statement 926	Annual Compliance Assessment Report (CAR)	Overall	Ongoing	Compliant	During the CAR2017 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 CAR2017 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 Incorporated trading as Capecare. The proponent's postal address remains the same as previously advised: Ray Village Aged Services Incorporated t/a Capecare 20 Ray Avenue Busselton WA 6280
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 CAR2017 reporting period, the proponent has been undertaking pre-construction activities: refining building design and associated architectural drawings, undertaking market research, liaising with planning departments (State

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
								and LGA) to further rezoning of the site and submission of a Development Application. It is anticipated that should all planning approvals be in place by mid-2017, and environmental approvals by late 2017, that clearing and ground disturbing earthworks, followed by construction activities will commence in early 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	Record of notification of substantial commencement addressed to the OEPA	Overall	On or before 21 January 2018	Not Required at this Stage	Not applicable during the pre-construction phase.
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) <i>Post Assessment Guideline for Preparing a Compliance Assessment Plan</i> , 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	Compliant	A CAP was prepared by the proponent's environmental consultant and submitted to the OEPA's Statement Compliance Branch in May 2013. On 16 June 2013 correspondence from the CEO of the OEPA was issued to the proponent stating that the CAP had been prepared satisfactorily.
926:M4.2	Compliance Reporting	The proponent shall revise the approved Compliance Assessment Plan in accordance with the OEPA's <i>Post Assessment Guideline for Preparing a Compliance Assessment Plan</i> , 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'	Compliant	To date, there has been no request from the OEPA to the proponent requesting that the proponent revise the approved CAP.
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 month period.	Non-Compliant	This is the fourth annual CAR to be submitted to the OEPA and deals 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 CAR	Overall	The first SoC is due to be submitted by the 21 April 2014 then annually by the 21 April.	Compliant	The annual CAR will be retained electronically by the proponent for the life of the proposal plus an additional seven (7) years. The annual reports will be made publicly available via the proponent's website: www.capecare.com.au The CAR for the reporting period 21 January 2015 – 20 January 2016 can be viewed on the proponent's website: http://capecare.com.au/independent-

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
								living/new-dunsborough-aged-care-village/
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.	Compliant	No non-compliances or potential non-compliances were observed during the CAR2017 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 it addresses.	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.	Compliant	The Statement of Compliance (SoC) has been completed and duly signed by the Chief Executive Officer of CapeCare 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 Compliance Assessment Plan and within 28 days of its submission pursuant to condition 4-6.	In accordance with the <i>OEPA Post Assessment Guideline for Making Information Publicly Available</i>	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.	Compliant	The annual SoC will be retained electronically by the proponent for the life of the proposal plus an additional seven (7) years. The annual SoC will be made publicly available via the proponent's website: www.capecare.com.au
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 OEPA's <i>Post Assessment Form for a Statement of Compliance</i> , as amended from time to time; 3. Provides all information required by the OEPA's <i>Post Assessment Form for a Statement of Compliance</i> , 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.	In accordance with the approved CAP	Endorsement by the OEPA Compliance Branch	Overall	The first SoC is due to be submitted by the 21 April 2014, then annually by the 21 April.	Compliant	The fourth SoC is included at the front of this CAR and has been prepared using the OEPA's <i>Post Assessment Form for a Statement of Compliance</i> (downloaded from www.epa.gov.au on the 8 March 2017).
926:M4.9	Compliance Reporting	The CEO has the discretion to, by notice in writing: 1. Require the proponent to submit a Statement of Compliance more or less frequently than annually and alter the period addressed by the Statement of Compliance; 2. Alter the due date of the 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.	Notify 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, alter the due date of the SoC or change the prescribed manner in which the SoC is made available to the public.
926:M5.1	Residual Impacts and Risk	To mitigate for significant residual impacts of the proposal on a	Preparation of an EMP	Approved Environmental	Pre-	Prior to	In Process	As reported in CAR2015 (EndPlan

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
	Management Measures	priority ecological community Dunsborough Swamp Forest, threatened and significant fauna species <i>Pseudocheirus occidentalis</i> and <i>Ctenotus ora</i> , and declared rare flora <i>Caladenia 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).	including management measures 1-5 identified in M5.2.	Management Plan (EMP)	construction	construction commencing		<p>Environmental, 2015), the proponent has been liaising with planning officers from the City of Busselton to progress the rezoning approval for the site. In October 2014, the Minister of Lands advised the proponent that he had approved the transfer of the land from the State to the proponent subject to conditions that the land was used for “Seniors Accommodation, Community and Day Care Centre” and held as a section 75 title by Ray Village Aged Services Incorporated. The development area has been consolidated into a single lot (Lot 600 on Deposited Plan 403383 Armstrong Place, Dunsborough) (refer to Appendix 2).</p> <p>In February 2014, an <i>Application for a Permit to Take Rare Flora</i> was submitted to the DPaW and DRF Permit 156-1314 issued to Dr Paul van der Moezel. On the 6th June 2014, translocation of the plant was undertaken by Dr Paul van der Moezel in association with Ben Lullfitz (DPaW Local Flora Conservation Officer). Documentation relating to the translocation of the Dunsborough Spider Orchid found within the development envelope to another site within Armstrong Reserve. As reported in CAR2015, Permit 156-1314 required that a re-survey of the translocated orchid be undertaken each flowering period (mid-September to late-October) in the first two years of transplanting. The initial re-survey was undertaken by Dr Paul van der Moezel in October 2014.</p> <p>The proponent engaged Dr Paul van der Moezel (PGV Environmental) to undertake the final re-survey of the translocated <i>Caladenia viridescens</i> found within Armstrong Reserve in October 2015.</p> <p>As reported in CAR2016 (EndPlan Environmental, 2016), in accordance with Condition 8.11 of the permit to take Declared Rare Flora (Permit No. 156-1314) issued to Dr Paul van der Moezel, the final re-survey of the translocated <i>Caladenia viridescens</i> was undertaken on the 6 October 2015. The translocated plant was observed to be in full flower and in good</p>

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
								health.
926:M5.2	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. 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.	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	In Process	As reported in CAR2015 (EndPlan Environmental, 2015), a draft Environmental Management Plan (EMP) was submitted to OEPA for issuing to the DPaW and City of Busselton. The EMP was approved for implementation on the 31 October 2015. As reported in CAR2015, following consultation with the Blackwood District office of DPaW, a draft <i>Phytophthora</i> Dieback Assessment Report was prepared and submitted to the proponent in January 2015 for their review prior to issuing to the DPaW and City of Busselton. The Report was approved for implementation by the DPaW in March 2015.
926:M5.3	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 M5.2.	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 4 April 2014.

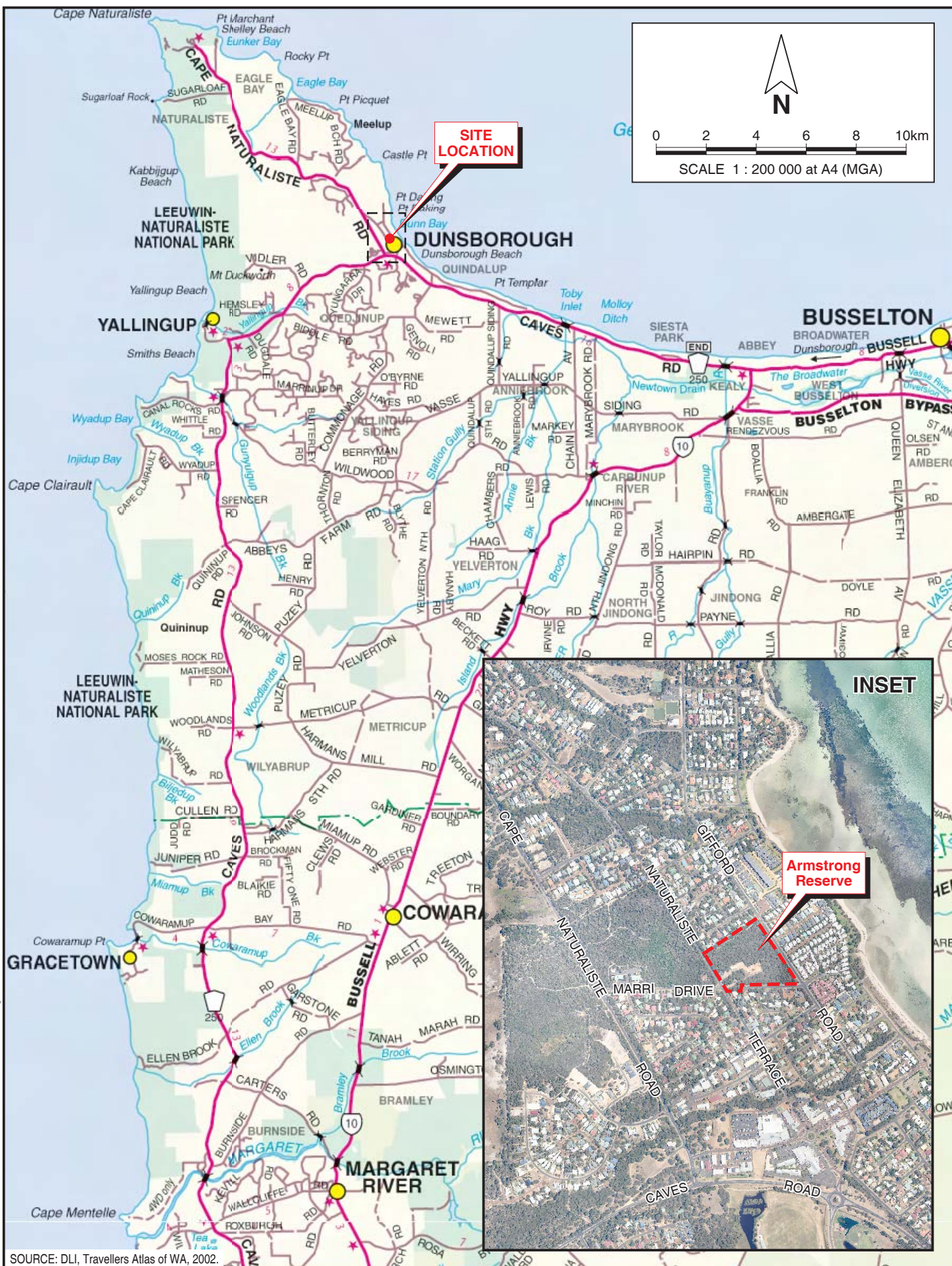
Office of the Environmental Protection Authority (2012b), *Post Assessment Guideline for Preparing an Audit Table*, Post Assessment Guideline No. 2. Office of the Environmental Protection Authority, August 2012. Version date 4 April 2014.

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 2016 – 20 January 2017)**



EndPlan
Environmental

Ray Village Aged Care Services Inc t/a Capecare
ARMSTRONG RESERVE DUNSBOROUGH - URBAN AND COMMERCIAL DEVELOPMENT (MINISTERIAL
STATEMENT 926) ANNUAL COMPLIANCE ASSESSMENT REPORT (21 JANUARY 2016 - 20 JANUARY 2017)

Date: 2 Mar 2017
Drawn: B. Van der Wiele

REGIONAL LOCATION

Figure 1

Report No. RVA292_38



PINPOINT CARTOGRAPHICS (08) 9562 7136 RVA292_39_V1-F02.dgn

<p>EndPlan Environmental</p>	<p>Ray Village Aged Care Services Inc t/a CapeCare ARMSTRONG RESERVE DUNSBOROUGH - URBAN AND COMMERCIAL DEVELOPMENT (MINISTERIAL STATEMENT 926) ANNUAL COMPLIANCE ASSESSMENT REPORT (21 JANUARY 2016 - 20 JANUARY 2017)</p> <p>EXISTING ENVIRONMENT WITH CADASTRE (2015)</p>	<p>Date: 2 Mar 2017 Drawn: B. Van der Wiele</p> <p>Figure 2 Report No. RVA292_38</p>
---	---	---



CADASTRAL SOURCE: Landgate, March 2017.
 AERIAL PHOTOGRAPH SOURCE: NearMap, flown November 2016.

EndPlan
 Environmental

Ray Village Aged Care Services Inc t/a CapeCare
 ARMSTRONG RESERVE DUNSBOROUGH - URBAN AND COMMERCIAL DEVELOPMENT (MINISTERIAL
 STATEMENT 926) ANNUAL COMPLIANCE ASSESSMENT REPORT (21 JANUARY 2016 - 20 JANUARY 2017)

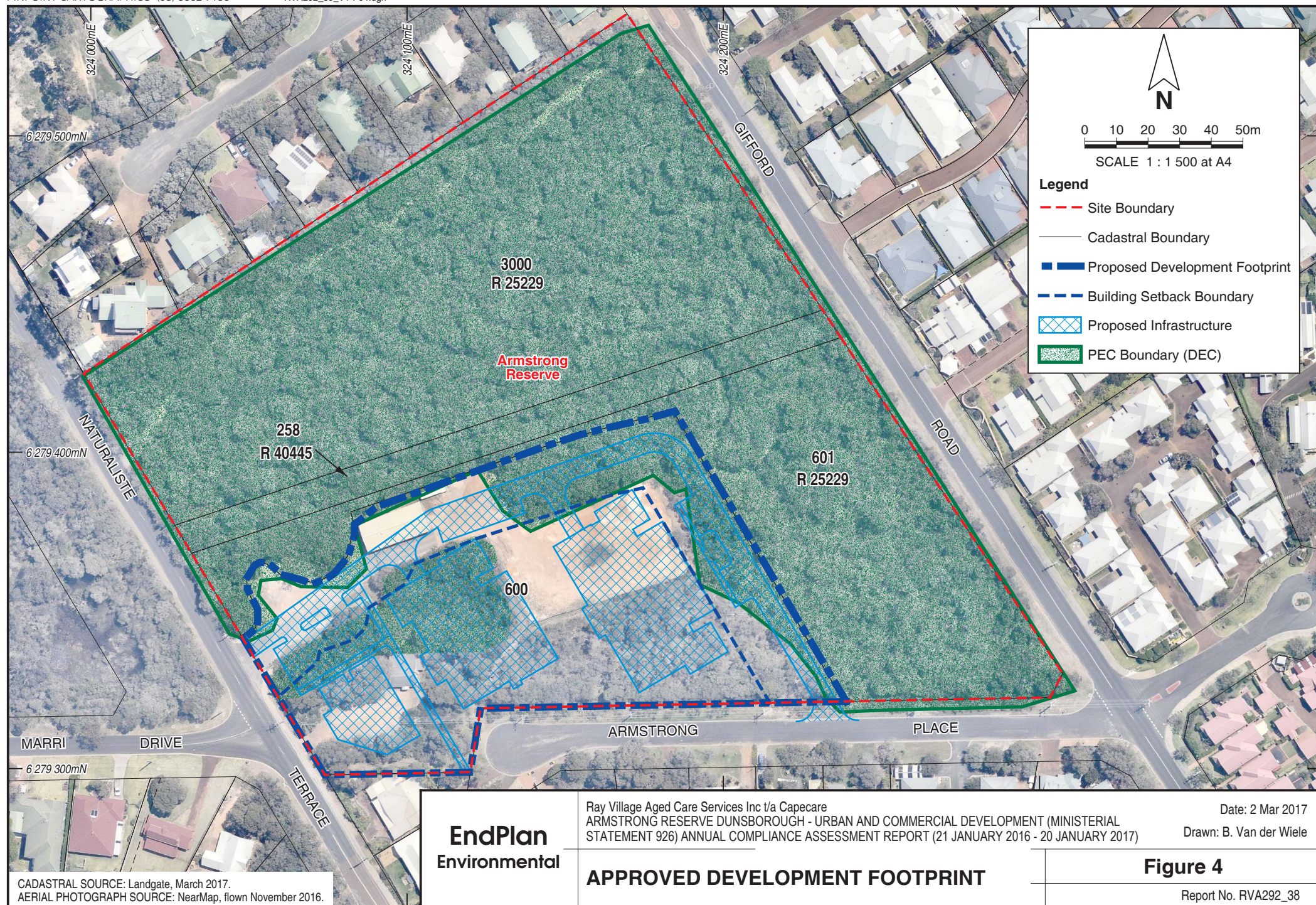
Date: 2 Mar 2017
 Drawn: B. Van der Wiele

**EXISTING ENVIRONMENT WITH
 CADASTRE (2017)**

Figure 3

Report No. RVA292_38

PINPOINT CARTOGRAPHICS (08) 9562 7136 RVA292_38_V1-F03.dgn



APPENDICES

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

**Annual Compliance Assessment Report
(21 January 2016 – 20 January 2017)**

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.

The State of Western Australia and its agents and employees disclaim liability, whether in negligence or otherwise, for any loss or damage resulting from reliance on the accuracy or completeness of this document. Copyright in this document is reserved to the Crown in right of the State of Western Australia. Reproduction except in accordance with copyright law is prohibited.

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

Table 1: Summary of the Proposal

Proposal Title	Armstrong Reserve, Dunsborough, Urban and Commercial Development
Proponent name	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

Element	Location	Proposed Authorised	Extent
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

Abbreviation	Term
m ²	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

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

APPENDIX 2

**CERTIFICATE OF TITLE
LOT 600 NATURALISTE TERRACE, DUNSBOROUGH
(Source: Department of Lands, 2015)**

999L
RAY VILLAGE AGED SERVICES INC
Exam - Post
M924358



WESTERN



AUSTRALIA

REGISTER NUMBER	
600/DP403383	
Duplicate Edition	DATE DUPLICATE ISSUED
1	8/4/2015

DUPLICATE CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME
2862

FOLIO
254

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 600 ON DEPOSITED PLAN 403383

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

RAY VILLAGE AGED SERVICES INC OF 20 RAY AVENUE, BUSSELTON
(TF M924358) REGISTERED 26 FEBRUARY 2015

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. M924358 CONDITIONAL TENURE LAND. LAND SUBJECT TO CONDITIONS PURSUANT TO S75 LAA. MINISTER'S CONSENT REQUIRED TO TRANSFER OR ENCUMBER LAND. SEE INSTRUMENT M924358 REGISTERED 26.2.2015.

Warning: A current search of the certificate of title held in electronic form should be obtained before dealing on this land.
Lot as described in the land description may be a lot or location.

-----END OF DUPLICATE CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP403383.
PREVIOUS TITLE: LR3140-192, LR3164-892, LR3140-193, LR3140-194.
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AREA: CITY OF BUSSELTON.



APPENDIX 3

CORRESPONDENCE REGARDING REZONING (Source: City of Busselton, 2016)

From: [Will Oldfield](#)
To: bernadette@endplanenvironmental.com.au
Subject: FW: EPBC2006/2834 Condition 4 - rezoning query
Date: Friday, 6 May 2016 11:36:34 AM

Hello Bernadette,

Please see below Helen's response to your questions about the Reserves (lot 600 and 601) Purpose and Zoning.
Regards,

Will Oldfield

Senior Natural Resource Mgmt/Environment Officer
p: (08) 9781 0464 m: 0409 885 441
Will.Oldfield@busselton.wa.gov.au

City of Busselton

38 Peel Terrace, Busselton WA 6280
Locked Bag 1, Busselton WA 6280
p: (08) 9781 0444 f: (08) 9752 4958
www.busselton.wa.gov.au

"Events Capital WA"

From: Helen Foulds
Sent: Thursday, 5 May 2016 9:49 AM
To: Will Oldfield
Cc: Matthew Riordan
Subject: RE: EPBC2006/2834 Condition 4 - rezoning query

Hi Will,

In response to Bernadette's questions below:

1. The Local Planning Scheme No. 21 (LPS21) identifies Reserves in two ways – (1) as Reserves for 'Public Purpose'; and (2) as Reserves for 'Recreation'. Lot 601 is currently identified in LPS21 as Reserve for Recreation, which is the most appropriate designation at this time. If LPS21 is amended to bring in additional Reservation types, this site will be modified at that time. I can confirm that Lot 601 is now part of Reserve 25229 with the purpose of "Landscape Protection", under the management of the City.
2. Lot 600 is in the process of being rezoned to "Special Purpose – Aged Persons Housing" as part of Amendment 1 to LPS21. This Amendment is expected to receive final adoption by the Council at next Wednesday's meeting, from where it is to be sent to the WA Planning Commission for endorsement by the Minister. That final part of the process is expected to take 6 – 12 months. I would expect that the uses of 'Community Centre' and 'Adult Day Care Centre' could be accommodated under the 'Aged Persons Housing' title as incidental to the Aged Persons Housing (APH), provided it is run in conjunction with the APH.

Kind regards,

Helen Foulds

Senior Strategic Planner

p: (08) 9781 0472

helen.foulds@busselton.wa.gov.au

City of Busselton

Locked Bag 1 - 2 Southern Drive, Busselton WA 6280

p: (08) 9781 0444 f: (08) 9752 4958

www.busselton.wa.gov.au

"Events Capital WA"

From: Bernadette Van der Wiele [<mailto:bernadette@endplanenvironmental.com.au>]

Sent: Sunday, 1 May 2016 2:52 PM

To: Will Oldfield

Cc: johnr@stockerpreston.com.au; 'Dominic Trombetta'

Subject: EPBC2006/2834 Condition 4 - rezoning query

Importance: High

Hello Will

Re: Rezoning of Armstrong Reserve Status

I am currently working through the compliance report for Capecare's EPBC2006/2834 approval to develop part of Armstrong Reserve and note the following with respect to Condition 4 of EPBC2006/2834 which states the following:

The person taking the action must not commence construction until written evidence is provided to the Department that the remaining 2.83 ha of Armstrong Reserve, outside of the proposed development footprint (as shown at Attachment A), is designated a reserve for the purpose of 'Landscape Protection' under the WA Land Administration Act, 1997.

1. Can you please update me on the progress of the rezoning of the remainder of Armstrong Reserve (is it going to go through as part of an Omnibus as I was previously advised) and will it be reserved for the purpose of 'Landscape Protection'?

On the 15 October 2014, Capecare received advice from the DoL that the Minister of Lands had approved the transfer of the land from the State to Capecare subject to conditions that the land was used for "Seniors Accommodation, Community and Day Care Centre" and held as a section 75 Certificate of Title by Ray Village Aged Services (Inc.). The development area has subsequently been consolidated into a single lot now known as Lot 600 (on Deposited Plan 403383) Armstrong Place, Dunsborough.

2. Can you please advise whether the City will be adopting the zoning use title for Lot 600 will be as stated by the Minister's direction?

If you are unable to provide me with advice regarding my 2 queries can you please forward this email onto one of the City planning officers who may be able to assist me?

Kind regards and many thanks for your assistance

Bernadette Van der Wiele

Director

EndPlan Environmental

PO Box 138 NORTH FREMANTLE WA 6159

M: 0447 366 460

Environmental Excellence Award Winner



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

Disclaimer: The contents of this email message are confidential and intended for the named recipient only. If you are not the intended recipient of this email, you are hereby notified that any use, reproduction, disclosure or distribution of the information contained within is prohibited. If you have received this email in error, please notify the sender at EndPlan Environmental.

APPENDIX 4

COMMONWEALTH APPROVAL FOR 60 BED FACILITY (Source: Minister for Health, 2016)



THE HON SUSSAN LEY MP
MINISTER FOR HEALTH
MINISTER FOR AGED CARE
MINISTER FOR SPORT

24 MAR 2016

Ray Village Aged Services Inc
20 Ray Avenue
BUSSELTON WA 6280

18 MAR 2016

Dear Provider

I am pleased to advise you of the results of the 2015 Aged Care Approvals Round (ACAR) and your organisation's **successful** application. The attached schedule outlines the detail(s) of the aged care places offered to your organisation.

The Department of Health will be writing to you separately with further information, including any conditions of allocation that will apply to these new places.

Details of all successful applicants are available at www.dss.gov.au/2015ACAR.

Any other application(s) you submitted for residential aged care places, home care places and/or a capital grant that are **not** listed in the attached schedule(s) have been unsuccessful.

The Department will be publishing general feedback on the ACAR website (www.dss.gov.au/2015ACAR) that provides a summary of how unsuccessful applications for residential aged care places, home care places and/or a capital grant could have been strengthened, including suggested areas of improvement against each of the relevant assessment criteria.

In addition to the general feedback, the Department will provide applicants with an opportunity to receive written feedback on their unsuccessful application(s) for residential aged care places, home care places and capital grant applications. If you wish to receive written feedback from the Department you can register at www.dss.gov.au/2015ACAR.

Overall the ACAR has allocated:

- **10,940** new residential aged care places worth an estimated **\$678 million** in annual recurrent funding;
- **6,445** new home care places worth an estimated **\$232 million** in annual recurrent funding; and
- **\$67 million** in capital grants to enable new or existing providers to undertake necessary capital works.

As you know, the ACAR is a highly competitive process and each application is subject to a rigorous assessment process based on criteria prescribed in the *Aged Care Act 1997*, such as the applicant's ability to deliver care, management experience and expertise.

Demand for new places in this year's ACAR remains high, with three (3) new places sought for every available residential care place and 19 new places sought for every available home care place.

If you have any questions regarding this letter or the attached schedule(s), please contact the appropriate state or territory office of the Department of Health directly. A list of the relevant departmental contact telephone numbers is attached.

Thank you for your application(s) and congratulations on your success. I wish you well in your efforts to deliver quality care and support for older Australians.

Yours sincerely



The Hon Sussan Ley MP

Encl.

2015 Aged Care Approvals Round

Schedule of Recommended Applicants by Provider

Ray Village Aged Services Inc

Application ID	Approved Provider Name and Address	Service Name and Address	Existing Service	Region	Geographic Location	Special Needs Group(s)	Language(s)	Key Issue(s)
WA0006-01	Ray Village Aged Services Inc 20 Ray Avenue BUSSELTON WA 6280	New Service - 2015 - Armstrong Park DUNSBOROUGH WA 6281	No	South West				
Charitable								
				Residential Care places	43			
					15	R-R		
					2	R-R		Respite

Residential Care New	Total Residential Care places Recommended in Ray Village Aged Services Inc :	60
----------------------	--	----

APPENDIX 5

EMAIL CORRESPONDENCE RE LPS21 AMENDMENT 1
(Source: City of Busselton, 2017)

From: Helen Foulds
To: [Bernadette Van der Wiele](#)
Cc: [Will Oldfield](#); ["Dominic Trombetta"](#); [Krystal Laurentsch](#)
Subject: RE: Armstrong Reserve - Capecare EPBC Approval
Date: Tuesday, 28 February 2017 11:14:02 AM
Attachments: [FW EPBC2006_2834 Condition 4 - rezoning query.pdf](#)

Good morning Bernadette,

Amendment No. 1 to LPS21 unfortunately has not been approved by the Minister as yet. Given the State government has gone into caretaker mode for the upcoming elections, I am advised that the Minister will not be endorsing the Amendment until after the elections. It is difficult for us to gauge how soon after elections this could take place as a new Minister will take time to fit into the role.

When it is finally approved and gazetted, we will be able to provide you with a copy of the gazette notice. Please feel free to contact me, perhaps in April, for a further update.

Kind regards,

Helen Foulds

Senior Strategic Planner
p: (08) 9781 0472
helen.foulds@busselton.wa.gov.au

City of Busselton

Locked Bag 1 - 2 Southern Drive, Busselton WA 6280
p: (08) 9781 0444 f: (08) 9752 4958
www.busselton.wa.gov.au

"Events Capital WA"

From: Bernadette Van der Wiele [<mailto:bernadette@endplanenvironmental.com.au>]
Sent: Sunday, 26 February 2017 12:06 PM
To: Helen Foulds
Cc: Will Oldfield; 'Dominic Trombetta'; Krystal Laurentsch
Subject: Armstrong Reserve - Capecare EPBC Approval

Hello Helen

RE: EPBC 2006/2834- Armstrong Reserve Dunsborough (Approval Holder: Capecare)

I refer to your email correspondence to Will (see attached) regarding the status of Lots 600 and 601 Naturaliste Terrace.

I am currently preparing an EPBC Compliance Audit of EPBC2006/2834 approval conditions on behalf of Capecare and to be submitted to the Department of the Environment and Energy (Canberra). To assist me can you please advise whether LSP21 has been endorsed by the WAPC/Minister, and if it has been, do you have any paperwork that you can provide me with so that I can include it as documentary 'evidence' in the EPBC Compliance Audit?

Many thanks

Kind regards

Bernadette Van der Wiele

Director

EndPlan Environmental

PO Box 138 NORTH FREMANTLE WA 6159

M: 0447 366 460

Environmental Excellence Award Winner



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

Disclaimer: The contents of this email message are confidential and intended for the named recipient only. If you are not the intended recipient of this email, you are hereby notified that any use, reproduction, disclosure or distribution of the information contained within is prohibited. If you have received this email in error, please notify the sender at EndPlan Environmental.

APPENDIX 6

EPBC 2006/2834 DECISION ON APPROVAL

**(Source: Department of Sustainability, Environment, Water,
Population and Communities, 2013)**



Mr Greg Holland
Chief Executive Officer
Capecare
20 Ray Ave
BUSSELTON WA 6280

Dear Mr Holland

**Decision on approval
Capecare, Aged Care Village, Dunsborough, WA (EPBC 2006/2834)**

I am writing to you in relation to your proposal to develop aged care facilities on Naturaliste Terrace, Dunsborough, WA.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to Capecare. The details of my decision are attached. The proposal must be undertaken in accordance with the conditions specified in the approval.

I would appreciate your assistance by informing me when you start the action, when you intend to provide the Rehabilitation Offset Management Plan and who will be the contact person responsible for the administration of the approval decision.

Please note, any plans required as conditions of approval will be regarded as public documents unless you provide sufficient justification to warrant commercial-in-confidence status.

You should also note that this EPBC Act approval does not affect obligations to comply with any other laws of the Commonwealth, state or territory that are applicable to the action. Neither does this approval confer any right, title or interest that may be required to access land or waters to take the action.

The department has an active audit program for proposals that have been referred or approved under the EPBC Act. The audit program aims to ensure that proposals are implemented as planned and that there is a high degree of compliance with any associated conditions. Please note that your project may be selected for audit by the department at any time and all related records and documents may be subject to scrutiny. Information about the department's compliance monitoring and auditing program is enclosed.

I have also written to Mr Kim Taylor of the WA Office of the Environmental Protection Authority, and Mr Keiran McNamara of the WA Department of Environment and Conservation, informing them of this decision.

If you have any questions about this decision, please contact the project manager, Mitchell Bouma, by email to mitchell.bouma@environment.gov.au, or telephone (02) 6274 2020 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



Michael Ward
Acting Assistant Secretary
North, West and Offshore Assessment Branch

25 February 2013



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Approval

Capecare, urban and commercial new development, Aged Care – Naturaliste Terrace, Dunsborough, WA (EPBC 2006/2834)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted **Ray Village Aged Services Inc. (Trading as Capecare)**

proponent's ACN (if applicable) **ABN: 77 630 179 279**

proposed action To develop aged care facilities on Naturaliste Terrace, Dunsborough, WA [See EPBC Act referral 2006/2834].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 December 2021.

Decision-maker

name and position Michael Ward
Acting Assistant Secretary
North, West and Offshore Assessment Branch

signature

date of decision 25 February 2013

Conditions attached to the approval

1. The person taking the action must not **clear** more than 0.9020 ha of habitat for the vulnerable Western Ringtail Possum (*Psuedocheirus occidentalis*) within the **proposed development footprint** (as shown at Attachment A).
2. **Clearing** must not occur outside of the **proposed development footprint** (as shown at Attachment A).
3. To mitigate potential impacts to the Western Ringtail Possum, the person taking the action must have an experienced zoologist with an approved Regulation 15 **WA DEC** fauna relocation licence on site, to spot for, handle and relocate Western Ringtail Possums from the **proposed development footprint** to undisturbed vegetation within **Armstrong Reserve**, during **clearance** of vegetation.
4. The person taking the action must not commence **construction** until written evidence is provided to the **Department** that the remaining 2.83 ha of **Armstrong Reserve**, outside of the **proposed development footprint** (as shown at Attachment A), is designated a reserve for the purpose of 'Landscape Protection' under the *WA Land Administration Act 1997*.
5. To offset the residual impacts of the action on the Western Ringtail Possum, the person taking the action must prepare and submit a Rehabilitation Offset Management Plan (ROMP). The ROMP must be prepared in consultation with the City of Busselton and **WA DEC** and must include, though not be limited to the following:
 - a. the identification (including a map) of an **offset site(s)** at least 1.8 ha in size, containing Western Ringtail Possum habitat, that is within the Dunsborough region of Western Australia and is able to support the planting of at least 700 Peppermint (*Agonis flexuosa*) trees. The **offset site(s)** must be accompanied with the **Offset attributes**;
 - b. the planting of at least 700 Peppermint trees within the **offset site(s)**;
 - c. methodology for rehabilitation works and ongoing management measures to ensure a survival rate of 80% of the 700 Peppermint trees is maintained 5 years after planting;
 - d. details of the transfer of responsibility for the **offset site(s)** to the City of Busselton, which must occur within 3 years following the commencement of rehabilitation works, and the management measures that will occur after this transition;
 - e. measures to ensure the long term protection of the **offset site(s)**;
 - f. measures to manage the impacts of feral animals, people, weeds and Dieback (*Phytophthora cinnamomi*);
 - g. details of monitoring, reporting and contingency measures if performance indicators are not met;
 - h. timeframes for the implementation and completion of the above measures/programs/reporting; and,

- i. roles and responsibilities of personnel associated with the implementation of the above measures/programs/reporting.

The ROMP must be submitted to the **Department** prior to the commencement of **construction**. If the **Minister** approves the ROMP, the approved ROMP must be implemented. **Construction** must not commence until the ROMP is approved by the **Minister**.

6. Within 30 days after the commencement of the action, the person taking the action must advise the **Department** in writing of the actual date of commencement.
7. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the ROMP required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
8. Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the ROMP as specified in the conditions. Each report must stay on the proponent's website for at least 3 years. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published.
9. If the person taking the action wishes to carry out any activity otherwise than in accordance with the ROMP as specified in the conditions, the person taking the action must submit to the **Department** for the **Minister's** written approval a revised version of that ROMP. The varied activity shall not commence until the **Minister** has approved the varied ROMP in writing. The **Minister** will not approve a varied ROMP unless the revised ROMP would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised ROMP, that ROMP must be implemented in place of the ROMP originally approved.
10. If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species to do so, the **Minister** may request that the person taking the action make specified revisions to the ROMP specified in the conditions and submit the revised ROMP for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved ROMP must be implemented. Unless the **Minister** has approved the revised ROMP, then the person taking the action must continue to implement the ROMP originally approved, as specified in the conditions.
11. If, at any time after 5 years from the date of this approval, the person taking the action has not commenced **construction** the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.
12. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish the ROMP referred to in these conditions of approval on their website. The ROMP must be published on the website within 1 month of being approved.

13. Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.

Definitions

Armstrong Reserve is the area contained within the 'Site Boundary' at Attachment A, which is comprised of Lots 117, 116, 118, 257 and 258, Naturaliste Terrace, Dunsborough, Western Australia.

Clear/clearing is the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation.

Construction includes any preparatory works required to be undertaken including clearing vegetation, the erection of any fences, signage or on-site temporary structures and the use of construction or excavation equipment on site for the purpose of breaking the ground for buildings or infrastructure.

The **Department** is the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

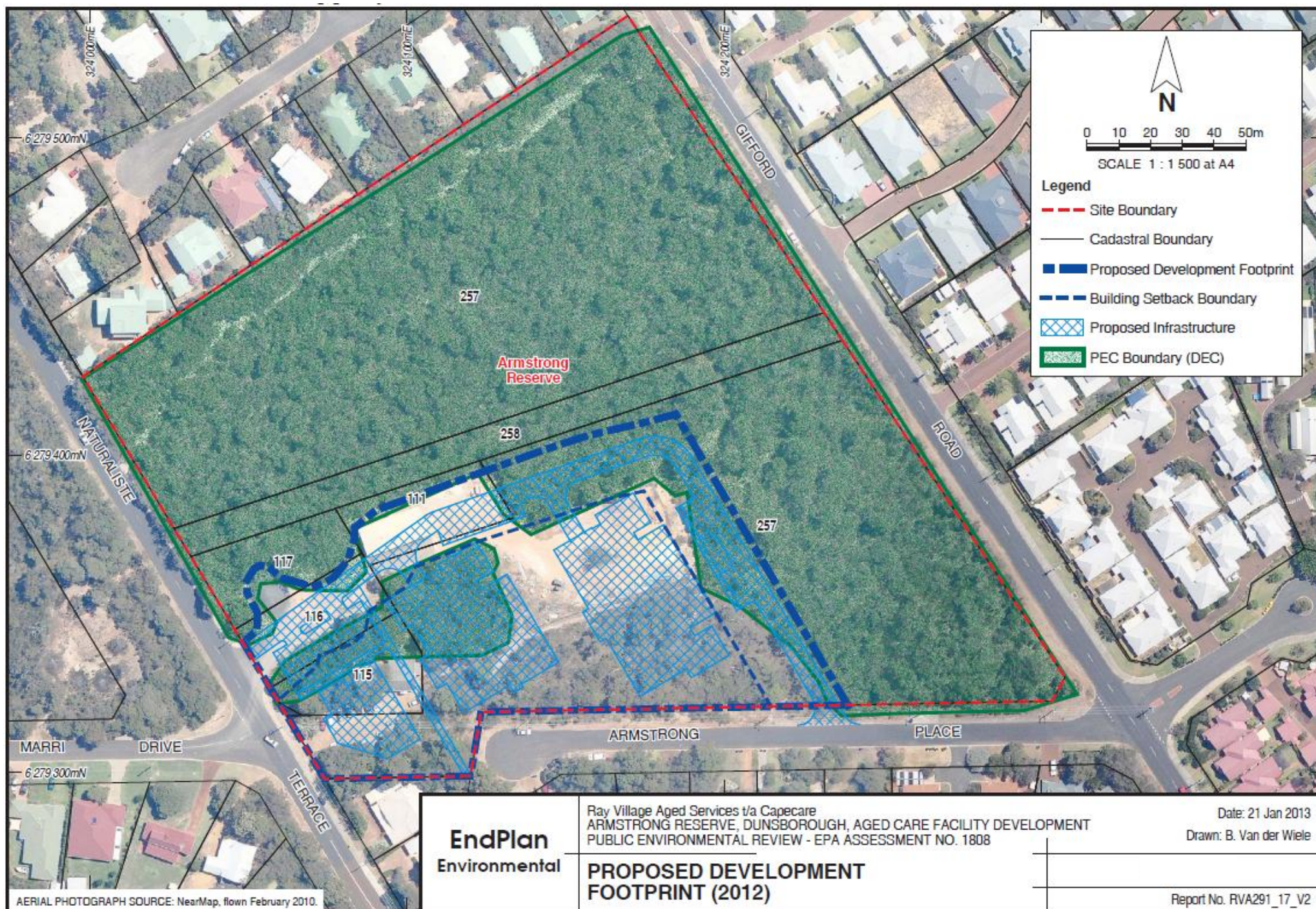
Minister is the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the **Minister**.

Offset attributes means an excel file ('.xls') capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.

Offset site(s) is the area, or areas, to be identified by the proponent to be used for their proposed rehabilitation offset that must be a total of at least 1.8 ha in size and support the planting of at least 700 Peppermint trees. The proponent will specify the location of the **offset sites(s)** within the ROMP.

Proposed development footprint is the area identified as '*Proposed Development Footprint*' at Attachment A.

WA DEC is the Western Australian Department of Environment and Conservation, (or equivalent agency).





COMPLIANCE MONITORING AND AUDITING

This fact sheet provides an overview of the compliance monitoring and auditing program in place for projects referred under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and permits granted under the *Environment Protection (Sea Dumping) Act 1981* (the Sea Dumping Act).

What is the EPBC Act?

The EPBC Act is Australia's key national environment law. Under the EPBC Act, proposals which are likely to have a significant impact on matters of national environmental significance (NES) must be referred, assessed, and a decision made by the Minister or his delegate on whether to approve the proposal. For more information about the EPBC Act environment assessment process refer to www.environment.gov.au/epbc/publications/pubs/assessment-process.pdf

What is the Sea Dumping Act?

The Sea Dumping Act regulates the loading and dumping of waste at sea. The Sea Dumping Act fulfils Australia's international obligations under the London Protocol to prevent marine pollution by dumping of wastes and other matter.

Permits are required from the department for all ocean disposal activities, which include:

- dredging
- the creation of artificial reefs
- dumping of vessels, platforms or other man-made structures
- burials at sea

For more information about the Sea Dumping Act refer to www.environment.gov.au/coasts/pollution/dumping/act.html.

What is the monitoring and audit program for?

The department has implemented a program of monitoring and auditing projects that have been referred under the EPBC Act and the Sea Dumping Act to ensure they are complying with their approval/permit conditions or requirements and the legislation.

Monitoring and compliance audits aim to ensure projects with the potential to impact on nationally protected matters are implemented as planned. Monitoring and compliance audits help the Australian Government to understand how well conditions/requirements are being understood and applied, and contribute to improving the effectiveness of the department's operations.



Why monitor compliance?

The aim of monitoring compliance is to gather information on levels of compliance; to communicate the findings; and, if necessary, to recommend appropriate corrective or enforcement action.

Inspections are part of the department's monitoring regime. Monitoring also involves regular contact with project personnel to ensure projects are in line with Australian Government environmental requirements.

What is a monitoring inspection?

A monitoring inspection is less formal and less extensive than an audit and involves a site visit to ensure the project complies with the set conditions or any requirements that can be readily assessed on site. Usually a monitoring inspection will not involve a formal review of documentation and records. By intervening early it is less likely that serious non-compliance issues will arise inadvertently.

Monitoring also demonstrates to the community that there are systems in place for measuring and improving compliance, and increases community confidence in the regulatory system.

What is a compliance audit?

A compliance audit is an objective assessment of a project's compliance against selected criteria. Projects are audited against the conditions or requirements that were set when the project was approved (under the EPBC Act) or the permit granted (under the Sea Dumping Act).

A compliance audit usually takes the form of a desktop document review followed by a site

inspection, if necessary. In some cases, the document review provides the department with enough information to verify that a project is compliant with conditions or requirements.

If your project is selected for an inspection or an audit, you will be contacted by a departmental officer who will outline the process and explain any requirements.

Who will be monitored and audited?

Monitoring and auditing is carried out on projects across all areas including mining and energy, government, transport, ports and marine, urban development, tourism and recreation. Projects can be chosen for audit based on either a random selection process or a risk-focused selection process. Any project that has been referred under the EPBC Act or the Sea Dumping Act can be selected for audit.

All audit report summaries are posted on the department's website. The results of audits may also be publicised through the general media. This is to encourage best practice behaviour within the regulated community.

Further information

For further information on the monitoring and audit program, please contact:

The Director, Monitoring and Audit Section
Department of Sustainability, Environment,
Water, Population and Communities
GPO Box 787
CANBERRA ACT 2601
T 02 6274 1111
F 02 6274 1878
E post.approvals@environment.gov.au
W www.environment.gov.au

