
COMPLIANCE ASSESSMENT PLAN

MINISTERIAL STATEMENT 1094

ARMSTRONG RESERVE, DUNSBOROUGH, URBAN AND COMMERCIAL DEVELOPMENT

PREPARED AND SUBMITTED ON BEHALF OF

**RAY VILLAGE AGED SERVICES (INCORPORATED) trading as CAPECARE
20 RAY AVENUE BUSSELTON WA 6280**

ENDPLAN ENVIRONMENTAL

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Our ref: DWERDT232228
Enquiries: Mark Rust, Ph 6364 6702

Mr Stephen Carmody
Chief Executive Officer
Capecare
20 Ray Avenue
BUSSELTON WA 6280

Dear Mr Carmody

**MINISTERIAL STATEMENT 1094 – ARMSTRONG RESERVE, DUNSBOROUGH,
URBAN AND COMMERCIAL DEVELOPMENT - COMPLIANCE ASSESSMENT
PLAN APPROVAL**

The Department of Water and Environmental Regulation has reviewed the Compliance Assessment Plan Ministerial Statement 1094 Armstrong Reserve, Dunsborough, Urban and Commercial Development (RVA292_87_V1) (CAP) submitted on behalf of Capecare by Endplan Environmental on 5 December 2019.

The Department of Water and Environmental Regulation advises that the CAP dated 5 December 2019 (RVA292_87_V1) meets the requirement of Condition 4-2 of Ministerial Statement 1094. Any future amendments to the CAP are to be submitted to the Department of Water and Environmental Regulation for approval under Condition 4-1.

As per Condition 4-6, the first compliance assessment report for Statement 1094 is to be submitted by 8 June 2020, and then annually by that date thereafter.

If you have any queries, please contact Mark Rust on 6364 6743.

Stuart Cowie
Executive Director
Compliance and Enforcement
for the Chief Executive Officer
under Notice of Delegation date 3 July 2017

8th January 2020

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Document: Compliance Assessment Plan
Ministerial Statement 1094
Armstrong Reserve, Dunsborough, Urban and Commercial Development

Reference: RVA292_87_V1

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[ABN 23 684 573 524]**

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STATEMENT OF LIMITATIONS:

Scope of Services

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

Reliance on Data

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

Environmental Conclusions

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

Report for Benefit of Client

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

DOCUMENT STATUS:

REVISION CONTROL:			
Document Title: Compliance Assessment Plan Ministerial Statement 1094 Armstrong Reserve, Dunsborough, Urban and Commercial Development			
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RVA292_88_draft	04/12/2019	New document	Issued to Client
RVA292_88_V1	05/12/2019	No changes	Issued to DWER Statement Compliance

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1. INTRODUCTION

1.1 Background

Ray Village Aged Services (Inc.) trading as Capecare (the proponent), proposes to develop Lot 600 Naturaliste Terrace Dunsborough (the site) (formerly a 1.28 ha portion of Armstrong Reserve), for the purpose of an aged care facility (refer to **Appendix 1**).

The site is situated in the Dunsborough Townsite within the municipal boundary of the City of Busselton and is located approximately 500 m north of the business centre of the town of Dunsborough and is bounded by Armstrong Place to the south, Gifford Road to the east and Naturaliste Terrace to the west (refer to **Figures 1 and 2**).

Following formal assessment of the proposal (Environmental Protection Authority, 2012), Ministerial Statement 926 was published on the 21 January 2013. In October 2017, Capecare submitted a request to the Department of Water and Environmental Regulation for a change to Condition 3 of Statement 926 regarding the time limit for implementation of the proposal.

In January 2018, the Minister for Environment requested the EPA to inquire into changing implementation conditions and in March 2019 **Statement 1094** was issued deleting and replacing the following conditions: 3 (Time Limit for Proposal Implementation), 4 (Compliance Reporting), 5 (Public Availability Data) and adding condition 6 (Residual Impacts and Risk Management Measures) (refer to **Appendix 2**).

1.2 Purpose of the Compliance Assessment Plan

This Compliance Assessment Plan (CAP) has been prepared to satisfy Statement 1094.

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

The CAP addresses the following elements as prescribed by PAG2:

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

2. ELEMENTS OF THE COMPLIANCE ASSESSMENT PLAN

2.1 Approach, Timing and Frequency of Compliance Assessments

2.1.1 Approach

Compliance with the conditions of Statement 1094 will be assessed as set out in the approach shown on **Table 1**.

TABLE 1: Approach and Timing Schedule

Audit Code	Subject	How Compliance will be Assessed	Timing
M1-1	Proposal Implementation	Summarised in the 'Current Status' section of the CAR	Annually
M2-1	Contact Details	Correspondence with the CEO	Within 28 days of any change
M3-1	Time Limit for Proposal Implementation	Correspondence with the CEO	On or before the 21 January 2023
M3-2			
M4-1	Compliance Reporting	Correspondence with the CEO and CAP	Submission of CAP before the 21 October 2019
M4-2		Correspondence with the CEO and revised CAP	Submission of revised CAP on an 'as needs basis'
M4-3		Correspondence with the CEO and CAP	Annually
M4-4		Internal audit available upon request by the DWER Compliance Branch (Ministerial Statements)	Ongoing
M4-5		Correspondence with the CEO and statement of non-compliance or potential non-compliance	Within 7 days of non-compliance or potential non-compliance being known
M4-6		Correspondence with the CEO and CAR	The first CAR is due to be submitted by the 8 June 2020, then annually by the 8 June
M5-1	Public Availability Data	Correspondence with the CEO and in accordance with directive (e.g. uploading to the proponent's website)	Within a reasonable time period approved by the CEO
M5-2		Correspondence with the CEO	
M6-1	Residual Impacts and Risk Management Measures	Preparation of EMP to the satisfaction of the CEO on the advice of the DBCA	Prior to construction commencing
M6-2		EMP approved for implementation	Prior to construction commencing
M6-3		Internal audit of the EMP and results included in the annual SoC provided to the CEO and made publicly available on the proponent's website	Implement the approved EMP for 3 years from the approval date

2.1.2 Frequency and Timing

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

The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annual from the date of submission of the first Compliance Assessment Report, or as agreed in writing by the CEO.

Statement 1094 was issued on the 8 March 2019. The first annual compliance report is therefore due to be submitted to the CEO on or before the 8 June 2020.

Each subsequent annual compliance report is required to be submitted within three (3) months of the 8 March for each subsequent year of the life of the proposal.

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

2.2 Retention of Compliance Assessments

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

Retention of compliance assessments is considered to include retention of:

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

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

2.3 Reporting Non-compliances and Corrective Measures

2.3.1 Non-compliances

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

The proponent shall advise the CEO of any non-compliance or potential non-compliance within seven (7) days of that non-compliance being known.

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

2.3.2 Corrective Measures

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

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

In addition, for each non-compliance or potential non-compliance that was identified, and the associated corrective/remedial or preventative action taken, the information required in Section 3 of *Post Assessment Form 2 for Statement of Compliance* will be included in the SoC for that reporting period:

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

2.4 Public Availability of Reports

In accordance with the OEPA's Post Assessment Guideline for Making Information Publicly Available, as amended from time to time, and in keeping with condition 5-1, validated environmental data, management plans and report will be placed on the proponent's website within a reasonable time period for the life of the project. The proponent's website can be accessed through the following link: <http://www.capecare.com.au/>.

Following preparation of the annual CAR, one (1) CD of the CAR will be sent to:

Department of Water and Environmental Regulation
The Chief Executive Officer
c/- The Manager
Statement Compliance
Locked Bag 10 Joondalup DC
JOONDALUP W.A. 6919

2.5 Audit Table

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

An audit table prepared in accordance with the *Post Assessment Guideline for Preparing an Audit Table* (PAG1) as amended from time to time (Office of the Environmental Protection Authority, 2012b), is included as **Appendix 3**.

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

2.6 Table of Contents

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

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

2.7 Revision of Compliance Assessment Plan

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

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

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

3. REFERENCES

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

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

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

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

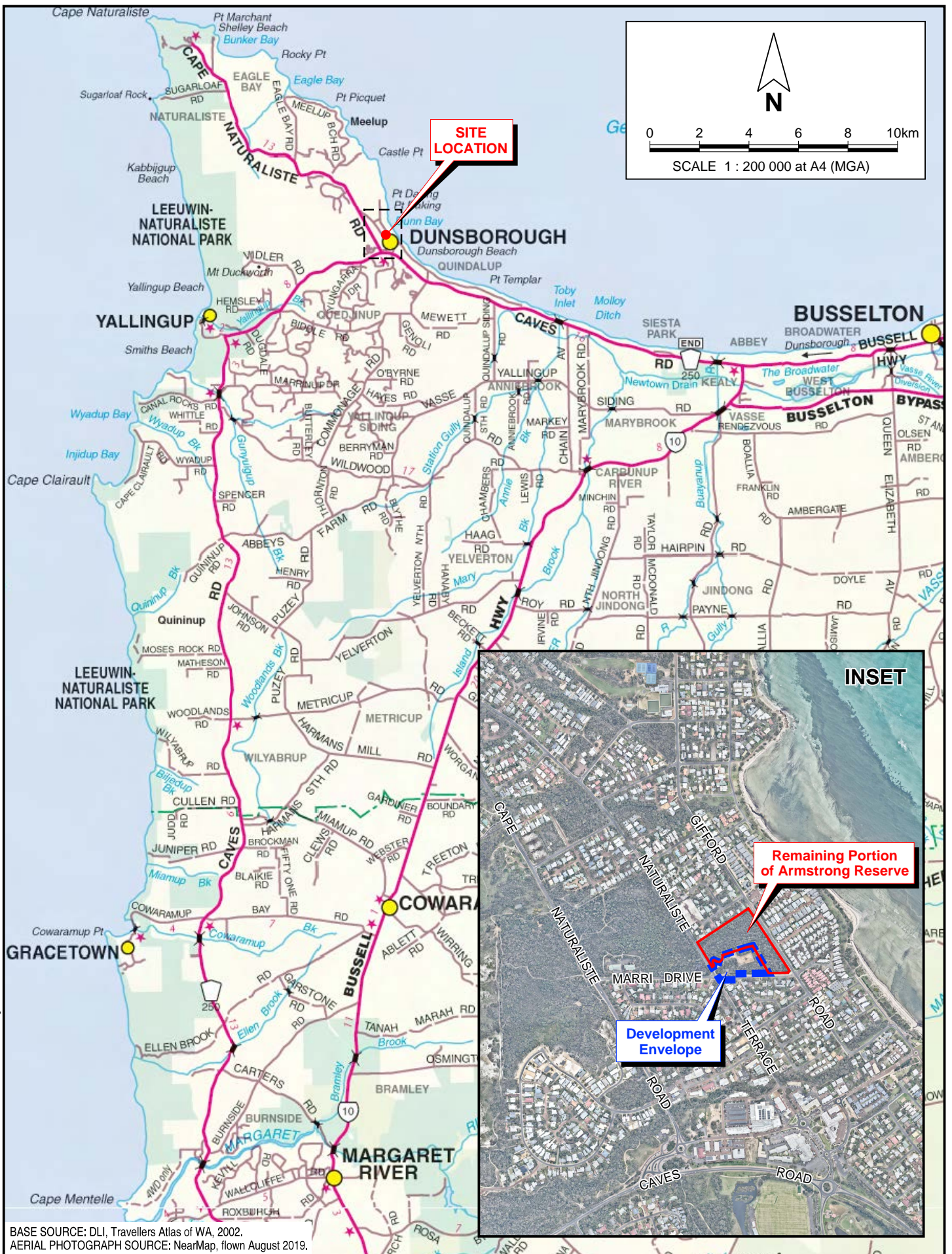
Office of the Environmental Protection Authority (2012c), *Post Assessment Guideline for Preparing a Compliance Assessment Report*, Post Assessment Guideline No. 3, Office of the Environmental Protection Authority, August 2012. Version date 25 October 2012.

FIGURES

COMPLIANCE ASSESSMENT PLAN

MINISTERIAL STATEMENT 1094

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



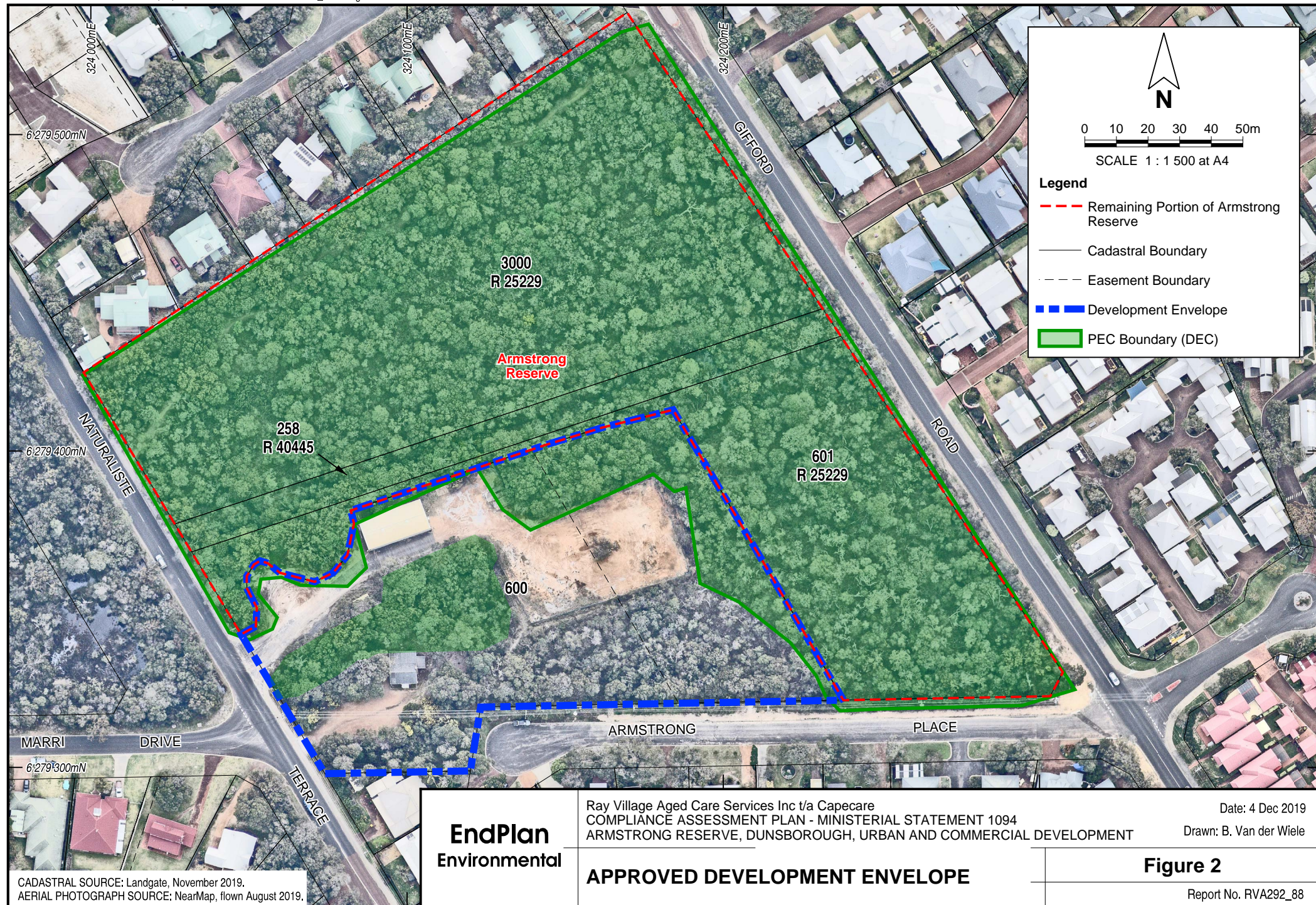
EndPlan
Environmental

Ray Village Aged Care Services Inc t/a Capecare
COMPLIANCE ASSESSMENT PLAN - MINISTERIAL STATEMENT 1094
ARMSTRONG RESERVE, DUNSBOROUGH, URBAN AND COMMERCIAL DEVELOPMENT

Date: 4 Dec 2019
Drawn: B. Van der Wiele

Figure 1

Report No. RVA292_88



APPENDICES

COMPLIANCE ASSESSMENT PLAN

MINISTERIAL STATEMENT 1094

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

APPENDIX 1

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 2

MINISTERIAL STATEMENT 1094

(Source: Office of the Appeals Convenor, 2019)



**Minister for Environment; Disability Services; Electoral Affairs
Deputy Leader of the Legislative Council**

Statement No. 1094

**STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS APPLYING TO
A PROPOSAL
(Section 46 of the *Environmental Protection Act 1986*)**

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

Proposal: The proposal is to develop Lot 600 Armstrong Place, Dunsborough, (formally a 1.28 ha portion of Armstrong Reserve), for the purposes 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

Report of the Environmental Protection Authority: 1628

Previous Assessment Number: 1808

Previous Report Number: 1459

Preceding Statement Relating to this Proposal: 926

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by section 46(8), it has been agreed that the implementation conditions set out in Ministerial Statement No. 926, be changed as specified in this Statement.

Condition 3 is deleted and replaced with:

3 Time Limit for Proposal Implementation

- 3-1 The proponent shall not commence implementation of the proposal after 21 January 2023, and any commencement prior to this date, must be substantial.
- 3-2 Any commencement of implementation of the proposal, on or before 21 January 2023, must be demonstrated as substantial by providing the CEO with written evidence, on or before 21 January 2023.

Published on:

Condition 4 is deleted and replaced with:

4 Compliance Reporting

- 4-1 The proponent shall prepare, submit and maintain a Compliance Assessment Plan to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation, whichever is sooner.
- 4-2 The Compliance Assessment Plan shall indicate:
- (1) the frequency of compliance reporting;
 - (2) the approach and timing of compliance assessments;
 - (3) the retention of compliance assessments;
 - (4) the method of reporting of potential non-compliances and corrective actions taken;
 - (5) the table of contents of Compliance Assessment Reports; and
 - (6) public availability of Compliance Assessment Reports.
- 4-3 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 4-2, the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 4-1.
- 4-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 4-1 and shall make those reports available when requested by the CEO.
- 4-5 The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.
- 4-6 The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as agreed in writing by the CEO.

The Compliance Assessment Report shall:

- (1) be endorsed by the proponent's CEO or a person delegated to sign on the CEO's behalf;
- (2) include a statement as to whether the proponent has complied with the conditions;

- (3) identify all potential non-compliances and describe corrective and preventative actions taken;
- (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and
- (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 4-1.

Condition 5 is deleted and replaced with:

5 Public Availability Data

5-1 Subject to condition 5-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)), management plans and reports relevant to the assessment of this proposal and implementation of this Statement.

5-2 If any parts of the plans and reports referred to in condition 5-1 contains particulars of:

- (1) a secret formula or process; or
- (2) confidential commercially sensitive information;

the proponent may submit a request for approval from the CEO to not make those parts of the plans and reports publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.

Condition 6 is added:

6 Residual Impacts and Risk Management Measures

6-1 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 prepare and revise the 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 Biodiversity, Conservation and Attractions (DBCA).

6-2 The Environmental Management Plan required by condition 6-1 shall be prepared in consultation with the City of Busselton and include:

- (1) dieback management measures prepared in consultation with the DBCA;
- (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.

6-3 After receiving notice in writing from the CEO that the Environmental Management Plan satisfies the requirements of condition 6-1, prior to the commencement of construction, unless otherwise agreed by the CEO, the proponent shall implement the revised Environmental Management Plan in consultation with the City of Busselton for a period of three (3) years from the commencement of construction.

A handwritten signature in blue ink, appearing to read 'Stephen Dawson', with a large circular flourish at the start and a horizontal line extending to the right.

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT

8 MAR 2019

Schedule 1

Table 1: Summary of the Proposal

Proposal Title	Armstrong Reserve, Dunsborough, Urban and Commercial Development
Short Description	The proposal is to develop Lot 600 Armstrong Place, Dunsborough (formally a 1.28 ha portion of Armstrong Reserve), for the purposes of an aged care facility.

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

Element	Location	Authorised Extent
Vegetation Clearing	Figure 1	Clearing of up to 0.90 ha within the development envelope for urban and commercial development and bushfire protection requirements.

Table 3: Abbreviations and Definitions

Acronym or Abbreviation	Definition or Term
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.
DBCA	Department of Biodiversity, Conservation and Attractions
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986</i>
ha	Hectare

Figure (attached)

Figure 1 Development envelope and remaining portion of Armstrong Reserve.
This figure is a representation of the coordinates described in Schedule 2.



Figure 1 - Development Envelope and Remaining Portion of Armstrong Reserve

Schedule 2

Coordinates defining the development envelope location in Figure 1 are held by the Department of Water and Environmental Regulation, Document Reference Number 2018 – 1530170499215.

APPENDIX 3

AUDIT TABLE

MINISTERIAL STATEMENT 1094

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

TABLE 3: AUDIT TABLE

PROJECT: ARMSTRONG RESERVE, DUNSBOROUGH - URBAN AND COMMERCIAL DEVELOPMENT

Statement 1094

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; DWER = Department of Water and Environment Regulation; DPaW = (former) Department of Parks and Wildlife; DBCA = Department of Biodiversity, Conservation and Attractions; 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
1094: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		
1094: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 Capecare 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 Compliance Branch (Ministerial Statements)	Overall	Ongoing		
1094:M3-1	Time Limit for Proposal Implementation	The proponent shall not commence implementation of the proposal after the 21 January 2023, and any commencement, prior to this date, must be substantial.				On or before 21 January 2023		
1094:M3-2	Time Limit for Proposal Implementation	Any commencement of implementation of the proposal, on or before the 21 January 2023, must be demonstrated as substantial by providing the CEO with written evidence, on or before the 21 January 2023.	Notify in writing	Record of notification of substantial commencement addressed to the Compliance Branch (Ministerial Statements)	Overall	On or before 21 January 2023		
1094:M4-1	Compliance Reporting	The proponent shall prepare, submit and maintain a Compliance Assessment Plan to the CEO at least six (6) months prior to the first Compliance Assessment Plan required by condition 4-6, or prior to implementation of the proposal, whichever is sooner.	Prepare and submit a Compliance Assessment Plan	Approved Compliance Assessment Plan (CAP) Correspondence with Compliance Branch (Ministerial Statements)	Pre-construction	Submission of CAP before the 30 October 2019		
1094:M4-2	Compliance Reporting	The Compliance Assessment Plan shall indicate: (1) the frequency of compliance reporting; (2) the approach and timing of compliance assessments; (3) the retention of compliance assessments; (4) the method of reporting of potential non-compliances and corrective actions taken; (5) the table of contents of Compliance Assessment Reports; and (6) public availability of Compliance Assessment Reports.	Revise and submit CAP	Approved Compliance Assessment Plan (CAP) Correspondence with Compliance Branch (Ministerial Statements)	Overall	Submission of revised CAP on an 'as needs basis'		
1094:M4-3	Compliance Reporting	After receiving notification from the CEO that the Compliance Assessment Plan satisfies condition 4-2, the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 4-1.	As specified in the CAP	Annual Compliance Assessment Report and Statement of Compliance	Overall	CAR submission annually before 21 April for each 12-		

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
						month period.		
1094:M4-4	Compliance Reporting	The proponent shall retain all compliance reports of all assessments described in the Compliance Assessment Plan required by condition 4-1 and shall make these reports available when requested by the CEO.	Information and documentation available upon request	Overview provided in Compliance Assessment Report Annual Statement of Compliance retained on the proponent's website	Overall	The first Compliance Assessment Report and Statement of Compliance is due to be submitted by the 8 June 2020 then annually by the 8 June		
1094:M4-5	Compliance Reporting	The proponent shall advise the CEO of any non-compliance or potential non-compliance within seven (7) days of that non-compliance being known.	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		
1094:M4-6	Compliance Reporting	<p>The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as agreed in writing with the CEO.</p> <p>The Compliance Assessment Report shall:</p> <ol style="list-style-type: none"> (1) be endorsed by the proponent's CEO or a person delegated to sign on the CEO's behalf; (2) include a statement as to whether the proponent has complied with the conditions; (3) identify all potential non-compliances and describe corrective and preventative actions taken; (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 4-1. 	Notify in writing	Correspondence with the CEO	Overall	The first SoC is due to be submitted by the 8 June 2020, then annually by the 8 March		
1094:M5-1	Public Availability Data	Subject to condition 5-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal the proponent shall make publicly available, in a manner approved by the CEO, all validated experimental data (including sampling design, sampling methodologies, empirical data, and derived information products (e.g. maps)), management plans and reports relevant to the assessment of this proposal and implementation of this Statement.	In accordance with the <i>OEPA Post Assessment Guideline for Making Information Publically Available</i>	Statement of Compliance and Compliance Assessment Report uploaded onto CapeCare's website annually	Overall			
1094:M5-2	Compliance Reporting	<p>If any parts of the plans and reports referred to in condition 5-1 contains particulars of:</p> <ol style="list-style-type: none"> (1) a secret formula or process; (2) confidential commercially sensitive information; <p>the proponent may submit a request to the CEO to not make those parts of the plans and reports publicly available. In make such a request the proponent shall</p>	In accordance with the approved Compliance Assessment Plan	Endorsement by the Compliance Branch (Ministerial Statements)	Overall			

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
		provide the CEO with an explanation and reasons why the data should not be made publicly available.						
1094:M6-1	Residual Impacts and Risk Management Measures	To mitigate for significant residual impacts of the proposal on a priority ecological community Dunsborough Swamp Forest, threatened and significant fauna species <i>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, Biodiversity, Conservation and Attractions (DBCA).	Preparation of an EMP including management measures 1-5 identified in M5.2.	Approved Environmental Management Plan (EMP)	Pre-construction	Prior to construction commencing		
1094:M6-2	Residual Impacts and Risk Management Measures	The Environmental Management Plan required by condition 6-1 shall be prepared in consultation with the City of Busselton (CoB) and include: (1) dieback management measures prepared in consultation with the DBCA; (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 DBCA	Pre-construction	Prior to construction commencing		
1094:M6-3	Residual Impacts and Risk Management Measures	After receiving notice from the CEO that the Environmental Management Plan satisfies the requirements of condition 6-1, prior to commencement of construction, unless otherwise agreed with the CEO, the proponent shall implement the revised Environmental Management Plan in consultation with the City of Busselton for a period of three (3) years from the commencement of construction.	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 EMP approval date		

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