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Monkey Mia Dolphin Resort, Shark Bay

Compliance Assessment Plan Statements 709, 919 and 1067

Prepared for
RAC Tourism Assets Pty Ltd
by Strategen

April 2018

Monkey Mia Dolphin Resort, Shark Bay

Compliance Assessment Plan Statements 709, 919 and 1067

Strategen is a trading name of
Strategen Environmental Consultants Pty Ltd
Level 1, 50 Subiaco Square Road Subiaco WA 6008
ACN: 056 190 419

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Client: RAC Tourism Assets Pty Ltd

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1. Introduction

RAC Tourism Assets Pty Ltd (RAC; the proponent) has approval to expand the Monkey Mia Dolphin Resort under Ministerial Statement 1067. The Project involves the construction and operation of the Monkey Mia Dolphin Resort through the expansion of the existing resort area, provision of staff accommodation facilities and upgrading of the wastewater treatment plant (Figure 1).

This document presents the Compliance Assessment Plan (CAP), prepared to guide assessment of compliance throughout the life of the Project against conditions of approval issued pursuant to Part IV of the *Environmental Protection Act 1986* (EP Act).

1.1 Background

RAC owns and manages Monkey Mia Dolphin Resort located within a World Heritage area on a Shire of Shark Bay reserve, adjacent to the Department Biodiversity, Conservation and Attractions (DBCA) Monkey Mia Visitor Centre.

Approval under the EP Act to expand the Monkey Mia Dolphin Resort was granted to the former proponent Monkey Mia Dolphin Resort Pty Ltd through issue of Ministerial Statement (MS) 709 on 28 December 2005. Subsequent approval extending the period for substantial commencement was granted to Aspen Parks Property Management Ltd (Aspen) under MS 919 on 18 December 2012. Aspen transferred ownership to RAC in 2015. An application to change conditions under s 46 of the EP Act was submitted in March 2017, with MS 1067 subsequently issued on 14 November 2017, changing conditions 3, 4 and 5 and deleting condition 6 of MS 709.

The proposal is described in MS 709 and MS 1067 as:

The expansion, incorporating construction and operation of the Monkey Mia Dolphin Resort through expansion of the existing resort area, provision of staff accommodation facilities and upgrading of the wastewater treatment plant, as documented in schedule 1 of Ministerial Statement 709.

The approved expansion of the Monkey Mia Dolphin Resort commenced in October 2012 with the construction of the waste water treatment plant, one of the three main proposal components as described in schedule 1 of MS 709.

On 21 December 2015 the Office of the Environmental Protection Authority (now Department of Water and Environmental Regulation [DWER]) issued a notice to Aspen of a compliance audit to be undertaken by the proponent, addressing the period 28 December 2005 to 28 December 2015. This audit was to be the first formal assessment undertaken of the approval and was required to be submitted by 29 January 2016, with a subsequent extension granted by the (previously known as) OEPA to 1 April 2016.

Compliance Assessment Reports (CARs) addressing compliance with MS 709 and MS 919 were submitted in:

- May 2016, addressing the audit period 28 December 2005 to 28 December 2015
- April 2017, addressing the audit period 29 December 2015 to 31 December 2016.

Only two implementation conditions of MS 919 regarding the time limit of authorisation and commencement of implementation of the proposal (919:M4.1 and 919:M4.2), remain valid. These two conditions were assigned a "closed" status by DWER in a letter issued to RAC on 28 November 2017.

Compliance with MS 919 will not be assessed in future CARs.

1.2 Purpose of Compliance Assessment Plan

The purpose of this CAP is to comply with condition 4 of MS 1067, which requires the proponent to prepare, submit and maintain a Compliance Assessment Plan to the Chief Executive Officer (CEO of the DWER) within six months of the date of the statement (14 November 2017). This CAP will effectively supersede the previously submitted draft CAP for MS 709 and 919.

This CAP will be used by the DWER and proponents to ensure documentation which supports/verifies the compliance status of the implementation conditions and/or procedures of the Statement is recorded and retained to facilitate assessment and determination of compliance status and inform these processes.

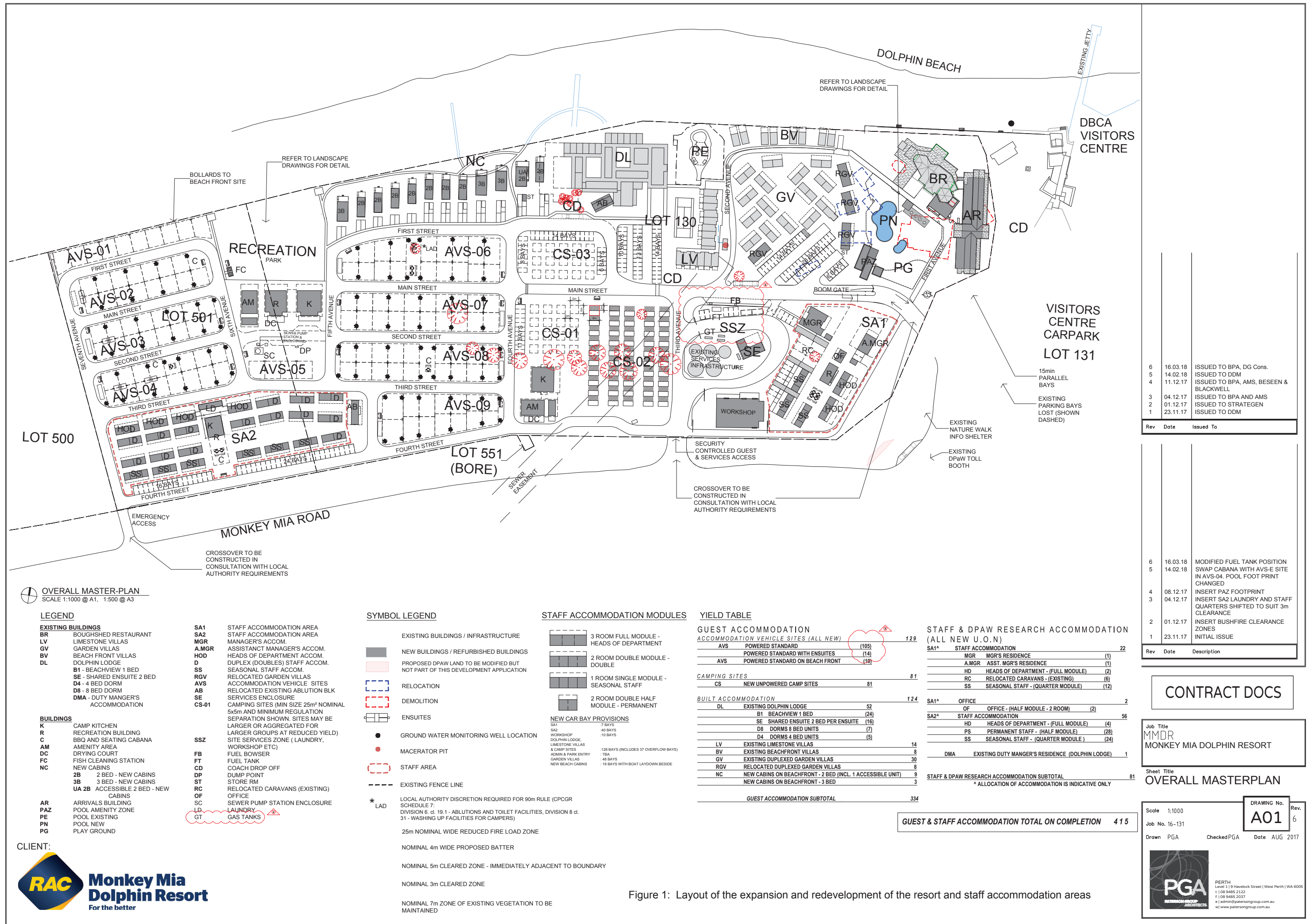
Post Assessment Guidelines have been released regarding compliance assessments. This CAP has been prepared in accordance with the following guidance:

- *Post Assessment Guideline for Preparing a Compliance Assessment Plan* (OEPA 2012a)
- *Post Assessment Guideline for Preparing an Audit Table* (OEPA 2012b)
- *Post Assessment Guideline for Making Information Publicly Available* (OEPA 2012c).

Condition 4 of MS 1067 states:

4 Compliance Reporting

- 4-1 *The proponent shall prepare, submit and maintain a Compliance Assessment Plan to the CEO within six (6) months of the date of this Statement, or as agreed in writing by the CEO:*
- 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 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.*



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2. Compliance Assessment Plan

2.1 Approach and timing of compliance assessments

2.1.1 Approach

A Compliance Assessment Report (CAR) will be submitted to the CEO as required by condition 4-6 of MS 1067.

Information used in annual compliance assessments will be collected by suitably qualified, independent auditors undertaking the following steps:

- one or more annual site inspections as required
- on-site and off-site consultation and interviews of proponent, subcontractor or other personnel in positions appropriate to inform the audit process
- compilation, review and assessment of documentary evidence.

To validate that information provided and related analysis is sufficient to support any determination of compliance, evidence used to inform the assessment should be verifiable and a true and accurate record. Assessments will be based on sampling of evidence where appropriate. The proponent will be responsible for ensuring documentary evidence is provided to the auditors in either hard or electronic formats and for maintaining records of all evidence used to inform the assessment (Section 2.3.2).

2.1.2 Subsidiary plans

Conditions of MS 709 require the preparation, submission and implementation of a number of subsidiary plans (Table 1).

To ensure assessments of compliance status address implementation of the below plans, performance against these plans will be reported in the annual CAR. The CAR will include (Section 2.4):

- an overall statement of compliance with the requirement to implement each plan
- a declaration of compliance status for each of the key requirements and/or objectives of each plan
- information/documentation which supports/verifies the declared compliance status
- a review of the performance against the monitoring requirements, summary of the results and interpretation of analysis of the results of the required monitoring of each plan and advice as to whether the monitoring results demonstrate applicable criteria have been met during the reporting period.

Table 1: Subsidiary plans required by MS 709

Condition (commitment)	Plan
709: M2 (709:P2)	Construction Management Plan
709: M7	Drainage Management Plan
709: M8	Nutrient and Irrigation Management Plan
709: M9	Foreshore Management Plan

2.1.3 Frequency and timing of reporting

To ensure compliance assessments address condition 4-6 of MS 1067 regarding the frequency and timing of reporting, the initial CAR is due to be submitted 15 months from the date of issue of the Statement. The first CAR is therefore required to be submitted by 14 February 2019, and will cover the audit period between 14 November 2017 to 13 November 2018.

The proponent will assess its compliance with MS 709 and 1067 annually.

Subsequent CARs will address the compliance period from 14 November to 13 November with each report submitted to the CEO by the annual date of 14 February following the conclusion of the compliance period.

2.2 Reporting potential non-compliances and corrective measures

Potential non-compliances and corrective and preventative measures taken will be described in an 'Audit results' section of the annual CAR (Section 2.4). This section will include reference to a statement of compliance prepared in accordance with the guidelines "*Post Assessment Form for a Statement of Compliance*" and endorsed by the proponent's CEO or a person delegated to sign on the CEO's behalf, to be included as an appendix with the final submitted report.

2.3 Audit table

An audit table has been prepared to address condition 4-2 of MS 1067 (Table 2). The audit table is based on a table supplied by DWER to RAC on 28 November 2017. The table:

- has had further detail added as part of this CAP to guide future assessments
- has been prepared to comply with condition 4-2 of MS 1067
- has been prepared in accordance with Post Assessment guidelines.

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

- Audit code: Ministerial Statement reference number
- Subject: the environmental theme/issue
- Requirement: what the proponent must do
- How: the manner in which the requirements of an audit element should be achieved
- Evidence: information or data collected to verify compliance, i.e. report/letter/site inspection requirements
- Phase: project phase applicable to audit element
- Timeframe: specific timing for achieving the requirements of an audit element
- Status: notes about the fulfilment of compliance using compliance status terms
- Further information: additional comments to support compliance findings, where required.

Note that the table is a summary of conditions in MS 709, 919 and 1067, and the Statements should be referred to directly for matters requiring additional clarification or information.

Audit table notes:

- Code prefixes: M = Minister's condition, P = Proponent's commitment.
- Acronyms list: CEO = Chief Executive Officer of DWER; DIA = Department of Indigenous Affairs (now Department of Planning, Lands and Heritage), DoE = Department of the Environment (now Department of Environment and Energy); DEC = Department of Environment and Conservation (now DWER); DER = Department of Environment Regulation (formally DEC, now DWER); DPaW = Department of Parks and Wildlife (formerly CALM, now Department of Biodiversity, Conservation and Attractions [DBCA]); EPA = Environmental Protection Authority; Minister for Env = Minister for the Environment; OEPA = Office of the Environmental Protection Authority (formerly DEC, DoE, now DWER); CALM = Department of Conservation and Land Management (now DBCA); SoSB = Shire of Shark Bay.

Table 2: Audit table for MS 709, 919 and 1067

Audit code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
709:M1.1	Implementation	The proponent shall implement the proposal as documented in schedule 1 of this statement subject to the conditions and procedures of this statement.	Implement the Proposal as documented in Schedule 1 of this Statement subject to the conditions and procedures of this Statement.	Annual Compliance Assessment Report (CAR)	Overall	Ongoing		
709:M2.1	Proposal Commitments	The proponent shall implement the environmental management commitments documented in schedule 2 of this statement.	Implement the Environmental Management Commitments documented in Schedule 2 of this Statement.	Annual CAR	Overall	Ongoing		
709:M3.1	Proponent Nomination and Contact Details	The proponent for the time being nominated by the Minister for the Environment under section 38(6) or (7) of the <i>Environmental Protection Act 1986</i> is responsible for the implementation of the proposal until such time as the Minister for the Environment has exercised the Minister's power under section 38(7) of the Act to revoke the nomination of that proponent and nominate another person as the proponent for the proposal.	The proponent nominated by the Min Env under S38(6) or (7) is responsible for implementation of the Proposal until the Minister has revoked this nomination and nominated another person in respect of the Proposal under S38(7) of the EP Act.					Replaced by MS 1067
709:M3.2	Proponent Nomination and Contact Details	If the proponent wishes to relinquish the nomination, the proponent shall apply for the transfer of proponent and provide a letter with a copy of this statement endorsed by the proposed replacement proponent that the proposal will be carried out in accordance with this statement. Contact details and appropriate documentation on the capability of the proposed replacement proponent to carry out the proposal shall also be provided.	Should the proponent wish to relinquish the nomination, the proponent shall apply for the transfer of proponent and provide a letter with a copy of this Statement, endorsed by the replacement proponent.					Replaced by MS 1067

Audit code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
709:M3.3	Change in Name and Address	The nominated proponent shall notify the Department of Environment of any change of contact name and address within 60 days of such change.	Notify DEC of any change of contact name and address within 60 days of such change.					Replaced by MS 1067
1067:M3.1	Change in Name and Address	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 twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or the principal office in the State.	Notify CEO of DWER of any change of contact name and/or address within 28 days of such change.	Written notification of any change of proponent name, physical address or postal address to CEO of DWER	Overall	Ongoing		
709:M4.1 (replaced by 919:M4-1)	Time Limit on Commencement Approval	The proponent shall not commence implementation of the proposal after the expiration of 5 years from the date of this statement, and any commencement, within this 5 year period, must be substantial.	Substantially commence the Proposal within 5 years of the date of this Statement, or the approval granted in this Statement shall lapse and become void.					Replaced by MS 1067
709:M4.2 (replaced by 919:M4-2)	Extension of Time Limit for Substantial Commencement	Any commencement of implementation of the proposal, within 5 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 5 years from the date of this statement.	If not commenced within five years of the date of the statement, make an application for extension of approval beyond the approved 5 year time limit					Replaced by MS 1067
1067:M4.1	Compliance Reporting	The proponent shall prepare, submit and maintain a Compliance Assessment Plan to the CEO within six (6) months of the date of this Statement, or as agreed in writing by the CEO.	Prepare and submit a Compliance Assessment Plan (CAP).	CAP. Transmittal documentation of CAP to the DWER	Overall	Ongoing		

Audit code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
1067: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.	Prepare a CAP.	CAP	Overall	Ongoing		
1067:M4.3	Compliance Reporting	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.	Assess compliance according to the CAP.	Annual Compliance Assessment Report (CAR)	Overall	Ongoing		
1067:M4.4	Compliance Reporting	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.	Retain annual CARs and make available when requested.	CAR Request from CEO of DWER	Overall	Ongoing		
1067:M4.5	Compliance Reporting	The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.	Advise the CEO of DWER of any potential non-compliance with 7 days of becoming aware of that non-compliance.	Written notification to DWER of non-compliance within the timeframe	Overall	Ongoing		

Audit code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
1067: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 by the CEO.</p> <p>The Compliance Assessment Report shall:</p> <p>(1) be endorsed by the proponent's CEO or a person delegated to sign on the CEO's behalf;</p> <p>(2) include a statement as to whether the proponent has complied with the conditions;</p> <p>(3) identify all potential non compliances and describe corrective and preventative actions taken;</p> <p>(4) be made publicly available in accordance with the approved Compliance Assessment Plan; and</p> <p>(5) indicate any proposed changes to the Compliance Assessment Plan required by condition 4-1.</p>	Submit annual CARs.	CAR Transmittal documentation of CAR to the DWER (formerly OEPA)	Overall	Ongoing		

Audit code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
709:M5.1:1	Compliance Audit	<p>The proponent shall prepare an audit program and submit compliance reports to the Department of the Environment which address:</p> <ol style="list-style-type: none"> 1. the status of implementation of the proposal as defined in schedule 1 of this statement; 2. evidence of compliance with conditions and commitments; and 3. the performance of the environmental management plans and programs. <p>Note: Under sections 48(1) and 47(2) of the <i>Environmental Protection Act 1986</i>, the Chief Executive Officer of the Department of Environment is empowered to monitor the compliance of the proponent with the statement and should directly receive the compliance documentation, including environmental management plans, related to the conditions, procedures and commitments contained in this statement.</p>	Prepare Audit Program.					Replaced by MS 1067:M4.1 and M4.2
709:M5.1:2	Compliance Reports	Submit compliance reports to the Department of the Environment	Submit Compliance Reports.					Replaced by MS 1067:M4.3
709:M5.2	Proponent may submit independent auditors report	The proponent may submit a report prepared by an independent auditor to the Chief Executive Officer of the Department of Environment on each condition/commitment of this statement which requires the preparation of a management plan, programme, strategy or system, stating whether the requirements of each condition/commitment have been fulfilled within the timeframe stated within each condition/commitment.	Proponent may submit an independent auditor report to the CEO of DEC on each Condition/Commitment of this Statement which requires the preparation of a Management Plan, Programme, Strategy or System, stating whether the requirements of each Condition/Commitment have been fulfilled within the given time frame stated within each condition/commitment.					Condition deleted
1067:M5-1	Public Availability of Plans and Reports	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 in writing by the CEO, all environmental plans and reports required under this statement and Statement 709.	Make environmental plans and reports publicly available in accordance with the CAP.	Environmental plans, CAP and CARs publicly available	Overall	Ongoing		

Audit code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
1067:M5-2	Public Availability of Plans and Reports	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.	If environmental plans or reports contain sensitive information, request the CEO not to make those parts of the documents publicly available.	Written request to CEO of DWER not to make parts of plans or reports publicly available	Overall	Ongoing		
709:M6.1	Thick billed Grasswren (<i>Amytornis textilis</i>) Habitat	To allow for the protection of part of a territory if the Thick-billed Grasswren, the proponent shall retain a buffer area of <i>Acacia</i> sp. along the southern side of the Denham-Monkey Mia Road, for the length of the resort, including the resort expansion area and staff accommodation area, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority and the Department of Conservation and Land Management. This buffer area shall be approximately 600 metres in length and not less than 15 metres wide.	Retain a buffer area of <i>Acacia</i> sp. along southern side of Denham Monkey Mia Road, for the length of the resort, including expansion area and staff expansion area. Buffer shall be 600 metres in length and not less than 15 metres wide.					Condition deleted
709:M6.2	Survey of nesting area prior to clearing	Prior to commencement of construction within the white coastal sandplain area, the proponent shall undertake a survey during the nesting season to determine the presence of Thick-billed Grasswren nests in the area proposed to be cleared, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority and the Department of Conservation and Land Management.	Prepare survey prior to commencement of construction within white sandplain area determining the presence of Thick billed Grasswren nests during nesting season.					Condition deleted

Audit code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
709:M6.3	Prior to clearing	Prior to commencement of clearing where a particular area is to be cleared in the following 12 months, the proponent shall repeat the survey referred to in condition 6-2, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority and the Department of Conservation and Land Management.	Prior to commencement of clearing where a particular area is to be cleared in the following 12 months, the proponent shall repeat the survey from condition M6.2.					Condition deleted
709:M6.4	Clearing to only take place within the white coastal sandplain area	The proponent shall only undertake clearing of vegetation within the white coastal sandplain area after the Thick billed Grasswren fledglings have left their nests.	Clearing only to take place on the white coastal sandplain area after the Thick billed Grasswren fledglings have left their nests.					Condition deleted
709:M6.5	Retain local native vegetation within the white coastal sandplain	The proponent shall retain local native vegetation within the white coastal sandplain development area, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.	Retain local native vegetation within the white coastal sandplain development area.					Condition deleted
709:M7.1	Drainage Management Plan	<p>Prior to commencement of construction associated with the resort expansion, the proponent shall prepare a Drainage Management Plan, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.</p> <p>This Plan shall address:</p> <ol style="list-style-type: none"> 1. management of stormwater quality and quantity; 2. potential for erosion, local flooding and contaminant discharge; 3. minimising pollutants at their source; and 4. pollutant removal. <p>Note: In preparation of advice to the Minister for the Environment, the Environmental Protection Authority expects that the advice of the following agencies will be obtained:</p> <ul style="list-style-type: none"> • Department of Conservation and Land Management; and • Shire of Shark Bay. 	Prepare a Drainage Management Plan.	<p>Drainage Management Plan</p> <p>Written approval from the Minister for Environment</p> <p>Evidence of advice from EPA</p> <p>Written evidence to DWER demonstrating consultation with DBCA (formerly CALM) and SoSB</p>	Design	Prior to commencement of construction associated with the resort expansion		
709:M7.2	Drainage Management Plan	The proponent shall implement the Drainage Management Plan required by condition 7-1.	Implement the Drainage Management Plan required by condition 7.1.	Annual CAR	Construction	Ongoing		

Audit code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
709:M7.3	Drainage Management Plan	The proponent shall make the Drainage Management Plan required by condition 7-1 publicly available.	Make the Drainage Management Plan publicly available.		Design	Ongoing		
709:M8.1	Nutrient and Irrigation Management Plan	<p>Prior to commencement of construction associated with the resort expansion, the proponent shall prepare a Nutrient and Irrigation Management Plan, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.</p> <p>This plan shall address:</p> <ol style="list-style-type: none"> 1. method of application of nutrients; 2. irrigation program; 3. water conservation 4. recommendation for low nutrient and water requirement plants and grasses; and 5. prescribed fertiliser applications. <p>Note: In preparation of advice to the Minister for the Environment, the Environmental Protection Authority expects that the advice of the following agencies will be obtained:</p> <ul style="list-style-type: none"> • Department of Conservation and Land Management; and • Shire of Shark Bay. 	Prepare a Nutrient and Irrigation Management Plan.	<p>Nutrient and Irrigation Management Plan</p> <p>Written approval from the Minister for Env</p> <p>Evidence of advice from EPA</p> <p>Written correspondence to DWER demonstrating consultation with DBCA (formerly CALM) and SoSB</p>	Design	Prior to commencement of construction associated with the resort expansion		
709:M8.2	Implementation of the Nutrient and Irrigation Management Plan	The proponent shall implement the Nutrient and Irrigation Management Plan required by condition 8-1.	Implement the Nutrient and Irrigation Management Plan required by condition 8.1.	Annual CAR	Operation	Ongoing		
709:M8.3	Make Nutrient and Irrigation Plan publicly available	The proponent shall make the Nutrient and Irrigation Management Plan required by condition 8-1 publicly available.	Make Nutrient and Irrigation Plan publicly available by condition 8.1.	Nutrient and Irrigation Management Plan publicly available	Design	Ongoing		

Audit code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
709:M9.1	Foreshore Management Plan	<p>Prior to commencement of construction associated with the resort expansion, the proponent shall prepare a Foreshore Management Plan, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.</p> <p>This plan shall address:</p> <ol style="list-style-type: none"> 1. minimising risk of dune erosion; 2. formalised access points; 3. definition of dune preservation and fencing areas; 4. rehabilitation and restoration of foreshore areas, incorporating stabilisation; 5. identification of species to be planted; and 6. education and signage. <p>Note: In preparation of advice to the Minister for the Environment, the Environmental Protection Authority expects that the advice of the following agency will be obtained:</p> <ul style="list-style-type: none"> • Department of Conservation and Land Management. 	Prepare a Foreshore Management Plan.	<p>Foreshore Management Plan</p> <p>Written approval from the Minister for Env</p> <p>Evidence of advice from EPA</p> <p>Written correspondence to DWER demonstrating consultation with DBCA (formerly CALM)</p>	Design	Prior to commencement of construction associated with the resort expansion		
709:M9.2	Implement Foreshore Management Plan	The proponent shall implement the Foreshore Management Plan required by condition 9-1.	Implement the Foreshore Management Plan.	Annual CAR	Construction	Ongoing		
709:M9.3	Make Foreshore Management Plan publicly available	The proponent shall make the Foreshore Management Plan required by condition 9-1 publicly available.	Make the Foreshore Management Plan by condition 9.1 publicly available.	Foreshore Management Plan publicly available	Design	Ongoing		

Audit code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
709:P1	Environmental Management System	<p>Have in place, and make publicly available an Environmental Management System (EMS) for this project, which will include:</p> <ul style="list-style-type: none"> (a) Environmental policies specific to the proposed resort and wastewater treatment plant facilities and corporate commitment to it. (b) Environmental Management Program with specific Management Plans to address the environmental impacts, including: <ul style="list-style-type: none"> • Foreshore Management Plan; • Nutrient and Irrigation Management Plan; and • Wastewater Treatment Management Plan. (c) Implementation and operation of actions to meet environmental performance. (d) Setting of appropriate objectives and targets, to meet environmental performance. (e) Measurement and evaluation of environmental performance. (f) Creation of appropriate management structures and responsibilities including human, equipment and financial resources. (g) Training, including induction, in environmental management procedures. (h) Development of communication procedures to staff, visitors, members of the community and government officers, and communicating relevant procedures and requirements to suppliers and contractors. (i) Development of performance monitoring and measurement procedures on the key features of the proposal which may impact on the environment. (j) Development of corrective and preventative procedures. (k) Development of management review and feedback procedures. <p><i>Note: Advice from CALM.</i></p>	Have in place an Environmental Management System and make the Environmental Management System publicly available.	Environmental Management System (EMS) document EMS publicly available	Design	Prior to construction and post construction		

Audit code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
709:P2	Construction Activities	Prepare a Construction Management Plan, which will include: <ul style="list-style-type: none"> (a) management of noise and dust impacts. (b) minimising visual impacts. (c) provision of fencing, appropriate storage facilities and locations. (d) containment of all earth works to avoid affecting the beach. <i>Note: Advice from SoSB and CALM.</i>	Prepare a Construction Management Plan.	Construction Management Plan	Design	Prior to construction		
709:P3	Construction Activities	Implement the Construction Management Plan. <i>Note: Advice from SoSB and CALM.</i>	Implement the Construction Management Plan.	Annual CAR	Construction	During construction		
709:P4	Aboriginal Heritage and Culture	<ul style="list-style-type: none"> (a) Undertake an ethnographic and archaeological survey of the proposed wastewater treatment plant site before construction occurs. (b) If any Aboriginal material is uncovered as a result of earthmoving activities work will immediately cease in that area and the discovery will be reported to the relevant authorities. (c) Project personnel and construction workers will be informed of the requirement of the <i>Aboriginal Heritage Act 1972</i> with regards to interference with Aboriginal sites. <i>Note: Advice from DIA.</i>	<ol style="list-style-type: none"> 1. Undertake an ethnographic and archaeological survey of the proposed wastewater treatment plant site before construction occurs. 2. If any Aboriginal material is uncovered as a result of earthmoving activities work will immediately cease in that area and the discovery will be reported to the relevant authorities. 3. Project personnel and construction workers will be informed of the requirement of the <i>Aboriginal Heritage Act 1972</i> with regards to interference with Aboriginal sites. 	Survey report Incident register Archaeologist's report regarding uncovered material Record of report to authorities Site induction records	Design	Prior to construction		

Audit code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
919:M4.1	Time Limit of Authorisation	The proponent shall not commence implementation of the proposal after the expiration of 5 years from the date of this statement, and any commencement, within this 5 year period, must be substantial.	Substantially commence the Proposal within 5 years of the date of this Statement, or the approval granted in this Statement shall lapse and become void.	OEPA letter dated 8 April 2015 (2015-0001103465) acknowledged that the upgrade of wastewater treatment plant constituted substantial commencement	Design	By 17 December 2017	CLD	In a letter dated 19 March 2015 Strategen, acting on behalf of the proponent, provided evidence that the expansion of the Monkey Mia Dolphin Resort had substantially commenced and upgrade to the WWTP had been completed in 2014 (2015-0001098255). The OEPA advised the proponent that it considered the proposal to expand the Monkey Mia Resort to have substantially commenced in a letter dated 8 April 2015 (2015-0001103465)

Audit code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
919:M4.2	Time Limit of Authorisation	Any commencement of implementation of the proposal, within 5 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 5 years from the date of this statement.	Notify the CEO in writing of substantial commencement prior to the 5 year time limit from the date of this statement.	OEPA letter dated 8 April 2015 (2015-0001103465) acknowledged that the upgrade of wastewater treatment plant constituted substantial commencement	Design	Prior to 17 December 2017	CLD	The OEPA advised the proponent that it considered the proposal to expand the Monkey Mia Resort to have substantially commenced in a letter dated 8 April 2015 (2015-0001103465)

*CEO of the Department of the Public Service of the State responsible for the administration of section 48 of the EP Act, or its delegate.

2.3.1 Project phases

The audit table uses a number of different project phases to describe the timing of the action (Table 3). Table 3 includes generic descriptions of project phases based on Post Assessment guidelines (2012b). Some elements of Table 3 may not apply specifically to this Project and is provided for guidance purposes only in the conduct of compliance assessments. The term 'pre-construction' referred to in the guidelines (2012b) has been changed to 'design' in Table 3, in order to reflect the audit table provided by the DWER.

For the purposes of guiding compliance assessments of MS 709 and 1067, the three major design components outlined in Schedule 1 of MS 709 are proposed to be considered separate elements of the project, which are subject to separate progressions through each phase described in Table 3. These major design components are the:

- resort expansion
- staff accommodation facilities
- Wastewater Treatment Plant.

Table 3: Description of project phases used in audit table

Phase	Description
Design	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> (EP Act); 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: OEPA (2012b).

2.3.2 Recording evidence

When implementing a requirement listed in the audit table or otherwise relevant to approvals, records that verify the timing and extent of implementation will be collected and retained to prove compliance with the approvals. These records may include:

- consultant or engineering reports
- copies of written advice from agencies or stakeholders indicating or confirming that they have been consulted with and are satisfied with the action that has been or will be undertaken
- photographs illustrating that the action has been completed – these should be appropriately logged with, for example, date, time, photographer and location
- quality assurance forms signed by an appropriate person
- monitoring data and analyses
- records of contractor contracts
- records of attendance at training or educational programs
- copies of educational and training programs
- copies of publications relevant to the project
- invoices from contractors for completion of the action.

RAC will retain this evidence.

2.3.3 Status

The 'Status' field of the audit table describes the implementation of the action and compliance with the audit element. Although the CEO of the DWER makes the final determination of compliance, it is necessary to update this field each reporting period, as the project progresses. The Post Assessment guidelines (2012a, 2012b, 2012c and 2012d) relate to the preparation of compliance audits, including generic expressions that are used to identify the status of each action (Table 4).

Table 4: Action implementation status

Status	Description
Compliant (Conformant)	Implementation of the proposal has been carried out in accordance with requirements of the audit. (Conformant – as above in relation to actions of management plans / programmes).
Completed	A requirement with a finite period of application has been satisfactorily completed.
Not required at this stage	The requirements of the audit element were not triggered during the reporting period.
Potentially non-compliant (Potentially non-conformant)	Possible or likely failure to meet the requirements of the audit element. (Potentially non-conformant – as above in relation to actions of management plans / programmes required to be implemented by condition).
In process	Where an audit element requires a management or monitoring plan be submitted to the DWER or another government agency for approval, that submission has been made and no further information or changes have been requested by the DWER or the other government agency and assessment by the DWER or other government agency for approval is still pending. Note the term 'In process' must only be used for the purpose stated.

Source: adapted from Post Assessment guidance (2012b).

2.4 CAR table of contents

The table of contents of the CAR is detailed in Table 5. The structure of the report is guided by Post Assessment guidance (OEPA 2012d).

Table 5: Table of contents for Compliance Assessment Report

Heading	Description
Introduction	Brief detail about the Project, including: <ul style="list-style-type: none"> project background project approvals proponent details.
Current status	Summary of the current implementation status of the Project, specifically milestones/achievements within the reporting period.
Audit methodology	Description of how the audit was undertaken including: <ul style="list-style-type: none"> audit plan: purpose and scope, audit period, audit criteria, methodology audit terminology.
Audit results	Inclusion of a statement as to whether proponent has been, is being, has not or is not over the reporting period, complying with the conditions of MS 709 & MS 1067. Reporting of all potential non-compliances and non-conformances, and a description of the corrective and preventative actions taken. Inclusion of reference to a statement of compliance prepared in accordance with the OEPA <i>Post Assessment Form for a Statement of Compliance</i> , provided as an appendix to the CAR, as required by condition 4-6 of MS 1067. Inclusion of the Ministerial Statement audit table in accordance with Table 2 of this CAP.
Proposed Changes to CAP	Indication of any proposed changes to the CAP as required by condition 4-6 of MS 1067.

Heading	Description
Appendices	<ol style="list-style-type: none">1. Statement of compliance prepared in accordance with the <i>Post Assessment Form for a Statement of Compliance</i> and endorsed by the proponent's Managing Director or a person delegated to sign on the Managing Director's behalf.2. MS 709 Schedule 1 audit table.3. Subsidiary plans audit tables (potentially non-conformant items only).4. Evidence (related to potential non-compliances/non-conformances only).5. Other appendices may be included where relevant from time to time.

2.5 Public availability of compliance assessment reports

The CAR will be made publicly available in accordance with the Post Assessment guideline (OEPA 2012c), and in accordance with amendments to this guidance as may occur from time to time.

3. References

Office of Environmental Protection Authority (OEPA) 2012a, *Post Assessment Guideline for Preparing a Compliance Assessment Plan*, OEPA, Perth, August 2012.

Office of Environmental Protection Authority (OEPA) 2012b, *Post Assessment Guideline for Preparing an Audit Table*, OEPA, Perth, August 2012.

Office of Environmental Protection Authority (OEPA) 2012c, *Post Assessment Guideline for Making Information Publicly Available*, OEPA, Perth, August 2012.

Office of Environmental Protection Authority (OEPA) 2012d, *Post Assessment Guideline for Preparing a Compliance Assessment Report*, OEPA, Perth, August 2012.