



Department of **Biodiversity,
Conservation and Attractions**
Office of the Director General

Our ref: CEO102/23; 2018/001702
Enquiries: Peter Hartley
Phone: 9842 4500
Email: peter.hartley@dbca.wa.gov.au

Ms Michelle Andrews
Director General
Department of Water and Environmental Regulation
Locked Bag 10
JOONDALUP WA 6919

Attention: Manager Compliance (Ministerial Statements)

Dear Ms Andrews

COMPLIANCE ASSESSMENT REPORT FOR MINISTERIAL STATEMENT 884: COASTAL WALK TRAIL FROM POINT ANN TO HAMERSLEY INLET – FITZGERALD RIVER NATIONAL PARK

As required by Condition M884:M4.6 of Statement 884 for the Fitzgerald River National Park coastal walk trails, please find enclosed the project's annual Statement of Compliance for the eleventh year since the implementation of the project.

The project has been compliant with all the conditions and processes required under Statement 884 during this reporting period.

As required by Statement 884, the Department of Biodiversity, Conservation and Attractions will make this Statement of Compliance publicly available on the department's website within 14 days of this submission. The web address will be provided to the Department of Water and Environmental Regulation within 14 days of the documents becoming publicly available.

Yours sincerely

Peter Dans
ACTING DIRECTOR GENERAL

8 March 2023

Att



17 Dick Perry Avenue, Kensington WA 6151
Post: Locked Bag 104, Bentley DC WA 6983
Phone: (08) 9219 9000 Website: dbca.wa.gov.au

Statement of Compliance

1. Proposal and Proponent Details

Proposal Title	<i>Coastal walk trails from Point Ann to Fitzgerald Inlet and from Cave Point to Quoin Head</i>
Statement Number	<i>884</i>
Proponent Name	<i>Department of Biodiversity, Conservation and Attractions</i>
Proponent's Australian Company Number <i>(where relevant)</i>	

2. Statement of Compliance Details

Reporting Period	<i>22/12/21 to 21/12/22</i>
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Implementation phase(s) during reporting period (please tick ✓ relevant phase(s))							
Pre-construction	<input type="checkbox"/>	Construction	<input type="checkbox"/>	Operation	<input checked="" 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 Department of Water and Environmental Regulation (DWER) <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 Chief Executive Officer, DWER?	
<input type="checkbox"/> Yes <input type="checkbox"/> Reported to DWER verbally Date _____ <input type="checkbox"/> Reported to DWER 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.

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4. Proponent Declaration

I, Peter D'ans A/Director General, (full name and position title)
declare that I am authorised on behalf of the Department of Biodiversity, Conservation and Attractions
(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: 9.3.23

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 Chief Executive Officer of the DWER 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 Chief Executive Officer, DWER, marked to the attention of Manager, Compliance (Ministerial Statements).

Please note, the DWER has adopted a procedure of providing written acknowledgment of receipt of all Statements of Compliance submitted by the proponent, however, the DWER 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 (Ministerial Statements), DWER:

Manager, Compliance (Ministerial Statements)
Department of Water and Environmental Regulation

Postal Address: Locked Bag 10
Joondalup DC
WA 6919
Phone: (08) 6364 7000
Email: compliance@dwer.wa.gov.au

7. Post Assessment Guidelines and Forms

Post assessment documents can be found at www.epa.wa.gov.au

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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 DWER 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 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.	The term 'In Process' may not be used for any purpose other than that stated in the Definition Column. 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).

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ATTACHMENT 2

AUDIT TABLE

Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
884:G									
884:M1.1	Proposal Implementation	The proponent shall implement the proposal as documented and described in schedule 1 of this statement subject to the conditions and procedures of this statement.	Implement the proposal as per Statement 884, Schedule 1.	Compliance Assessment Report	Minister for Environment		Overall		C
884:M2.1	Proponent Nomination and Contact Details	The proponent for the time being nominated by the Minister for Environment under sections 38(6) or 38(7) of the <i>Environmental Protection Act 1986</i> is responsible for the implementation of the proposal.	Implement the proposal as per Statement 884, Schedule 1.	Compliance Assessment Report	Minister for Environment		Overall		C
884:M2.2	Proponent Nomination and Contact Details	The proponent shall notify the Chief Executive Officer of the Office of the Environmental Protection Authority (CEO) of any change of the name and address of the proponent for the serving of notices or other correspondence within 30 days of such change.	Notify the CEO of OEPA of any change of name and address.	Copy of correspondence to CEO of OEPA advising of change of name and address.	CEO		Overall	Within 30 days of such change.	NR

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Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
884:M3.1	Time Limit of Authorisation	The authorisation to implement the proposal provided for in this statement shall lapse and be void five years after the date of this statement if the proposal to which this statement relates is not substantially commenced.	Commence implementation of the proposal by 22 December 2016.	Compliance Assessment Report	Minister for Environment		Overall	Commence implementation of the proposal by 22 December 2016.	CLD
884:M3.2	Time Limit of Authorisation	The proponent shall provide the CEO with written evidence which demonstrates that the proposal has substantially commenced on or before the expiration of five years from the date of this statement.	Provide written evidence to the CEO.	Compliance Assessment Report	CEO		Overall	Annually	CLD
884:M4.1	Compliance Reporting	The proponent shall prepare and maintain a compliance assessment plan to the satisfaction of the CEO.	Preparation of a Compliance Assessment Plan and an Audit Table in compliance with the requirements of the OEPA.	Approved Compliance Assessment Plan and Audit Table (this document).	CEO		Pre-construction	Compliance Assessment Plan prior to implementation of proposal.	CLD

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Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
884:M4.2	Compliance Reporting	The proponent shall submit to the CEO the compliance assessment plan required by condition 4-1 at least six months prior to the first compliance report required by condition 4-6, or prior to implementation, whichever is sooner. 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.	Provide CEO with Compliance Assessment Plan in accordance with requirements of OEPA.	Approved Compliance Assessment Plan and Audit Table (this document).	CEO		Pre-construction	Prior to implementation of proposal.	CLD

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Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
884:M4.3	Compliance Reporting	The proponent shall assess compliance with conditions in accordance with the compliance assessment plan required by condition 4-1.	As specified in Compliance Assessment Plan.	Compliance Assessment Report	Minister for Environment		Overall	Annually by 22 March, reporting on the previous twelve month period from 22 December (date of issue of Statement).	C
884: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.	Records and reports shall be retained and maintained in accordance with the Parks and Wildlife document management system requirements so that they can be retrieved if requested	Availability of records at the request of the CEO.	CEO		Overall	When requested by CEO.	C
884:M4.5	Compliance Reporting	The proponent shall advise the CEO of any potential non-compliance within seven days of that non-compliance being known.	Notify the CEO in writing.	Written correspondence to CEO advising of non-compliance. Compliance Assessment Report.	CEO		Overall	Within 7 days of non-compliance being known.	C

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Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
884:M4.6	Compliance Reporting	The proponent shall submit to the CEO the first compliance assessment report fifteen months from the date of issue of this Statement addressing the twelve month period from the date of issue of this Statement and then annually from the date of submission of the first compliance assessment report. The compliance assessment report shall: 1. be endorsed by the proponent's Director General or a person delegated to sign on the Director General'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.	Provide CEO with Compliance Assessment Report in accordance with Compliance Assessment Plan.	<p>Compliance Assessment Report.</p> <p>Endorsement by DBCA Director General (or delegate) of the Compliance Assessment Report.</p> <p>Copies of the Compliance Assessment Report available on DBCA website (www.dpaw.wa.gov.au/frnp) and sent to the DBCA Library and PIMB (OEPA).</p>	CEO	Endorsement by Director General of Parks and Wildlife	Overall	The first Compliance Assessment Report submitted by 22 March 2013, then annually by 22 March..	C

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Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
884:M5.1	Protection of Wilderness Management Zone	The proponent shall not implement any aspect of the proposal within the Wilderness Management Zone as depicted in Figure 1.	No aspect of the proposal will be implemented in the Wilderness Management Zone.	Compliance Assessment Report			Overall	Duration of proposal.	CLD
884:M6.1	Environmental Management Plan	Prior to the commencement of construction of the proposal, the proponent shall prepare an Environmental Management Plan for the construction of the proposal to the satisfaction of the CEO. The primary objective of the Environmental Management Plan is to ensure that dieback disease (<i>Phytophthora</i> species) is not introduced as a direct or indirect result of construction activities into uninfected areas of the proposal area. Other potential impacts associated with construction including, but not limited to, weeds, fire, erosion and uncontrolled access, shall be addressed in the Plan.	Preparation of <i>Fitzgerald River National Park Improvement Project Walk Trails Environmental Management Plan (Walk Trails EMP)</i> addressing the environmental management of the proposal.	Walk Trails EMP to the satisfaction of the CEO.	CEO		Constructi on	Prior to constructi on.	CLD

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Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
884:M6.2	Environmental Management Plan	During the construction phase, the proponent shall implement the Environmental Management Plan referred to in condition 6-1.	Implementation of the Walk Trails EMP.	Monthly EMP compliance reports, which will be summarised in the Compliance Assessment Report.			Construction	Annually during construction.	CLD
884:M6.3	Environmental Management Plan	During the construction phase, the proponent shall annually review and report progress on conditions 6-1 and 6-2 in the compliance assessment report required by condition 4-6.	Annual review of Walk Trails EMP and progress report as part of the Compliance Assessment Report.	Compliance Assessment Report.			Construction	Annually during construction.	CLD
884:M7.1	Flora and Vegetation	Prior to the commencement of construction of the proposal, the proponent shall conduct a detailed flora and vegetation survey of the proposal area to the satisfaction of the CEO.	Detailed flora survey and vegetation mapping of proposed walk trail alignment. Flora and vegetation surveys will be staged for different sections of the trail, as allowed for in Condition 10-1.	Report on the detailed flora and vegetation survey of the walk trail.	CEO		Pre-Construction	Prior to construction.	CLD

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Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
884:M7.2	Flora and Vegetation	Prior to the commencement of construction of the proposal, the proponent shall use the results of the detailed flora and vegetation survey required by condition 7-1 to demonstrate to the satisfaction of the CEO that the proposal has been located to avoid, where practicable, populations of rare or threatened communities or species, or species of restricted regional distribution.	Alignment of the walk trails will be designed to avoid significant flora and vegetation where practicable. The alignment and an assessment of potential impacts on threatened and priority flora species and communities submitted to the CEO.	Assessment of potential impacts on threatened and priority flora species and communities reports submitted to the CEO. Walk Trails EMP.	CEO		Pre-construction	Prior to construction.	CLD
884:M7.3	Flora and Vegetation	Prior to the commencement of construction of the proposal, the proponent shall establish reference sites to monitor potential impacts on flora and vegetation in the vicinity of the proposal.	Establishment of fixed photographic monitoring points every 500m along the trail alignment and in sensitive areas such as dunes or high impact areas such as campsites.	Walk Trails EMP. Compliance Assessment Report.	CEO		Pre-construction.	Prior to construction.	CLD

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Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
884:M7.4	Flora and Vegetation	During the construction phase, the proponent shall monitor the reference sites referred to in Condition 7-3 and report the results in the compliance assessment report required by condition 4-6.	Weekly photographic monitoring to be undertaken during construction phase at each fixed monitoring point. Following construction, photographic monitoring at each reference site to be undertaken monthly for six months post construction, then annually for duration of proposal.	Monitoring records, maps and photographs. Compliance Assessment Report.	CEO	Establishment and monitoring of photo point reference sites was completed during the construction phase as required by condition 7.4. The department will continue to monitor these sites as best practice for the ongoing management and maintenance of the coastal walktrails.	Construction	Ongoing.	CLD

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Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
884:M8.1	Dieback Risk Assessment	Prior to the commencement of the operation of the proposal, the proponent shall prepare a Dieback Risk Assessment for the operation of the proposal to the satisfaction of the CEO. The primary objective of the Dieback Risk Assessment is to identify appropriate Phytophthora dieback disease risk management strategies for the operation of the proposal.	Dieback Risk Assessment and disease management strategies for the operation of the proposal. Submit Dieback Risk Assessment report to the CEO.	Dieback Risk Assessment.	CEO		Operational	Prior to commencement of walk trail operation.	CLD
884:M8.2	Dieback Risk Assessment	The proponent shall commission an Independent Specialist to review the Dieback Risk Assessment for the operation of the proposal, with the Independent Specialist's assessment report being provided to the CEO within 20 business days of it being received by the proponent.	Engage Independent Specialist to review the Dieback Risk Assessment. Submit Independent Specialist's report to the CEO within 20 business days of receipt.	Consultant's assessment report on the Dieback Risk Assessment.	CEO	Independent Specialist.	Operational	Prior to commencement of walk trail operation.	CLD

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Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
884:M9.1	Dieback Management Plan	Prior to the commencement of the operation of the proposal, the proponent shall prepare a Dieback Management Plan for the operation of the proposal to the satisfaction of the CEO. The objective of the Dieback Management Plan is to ensure that <i>Phytophthora</i> dieback disease is not introduced into uninfected areas of the Fitzgerald River National Park during the ongoing management of the proposal.	Preparation of a Dieback Management Plan in accordance with stated objectives. Submit Dieback Management Plan to CEO.	Dieback Management Plan.	CEO		Operational	Prior to commencement of walk trail operation.	CLD

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Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
884:M9.2	Dieback Management Plan	The Dieback Management Plan shall include, but not limited to: 1. the findings and outcomes from the Dieback Risk Assessment required by condition 8-1; 2. hygiene management measures to prevent the introduction of dieback disease; 3. surveys of the project area to identify and map the location of any dieback infestations; 4. a baseline map of any previously identified dieback infestations; 5. procedures for limiting and authorising access to areas that are dieback infected; 6. infrastructure and maintenance requirements; 7. public education programs and facilities; and 8. a dieback response plan detailing actions and contingency measures that will be taken if the proposal area is found to be infected by <i>Phytophthora</i> dieback including containment, resourcing and remedial treatment of <i>Phytophthora</i> dieback.	Preparation of Dieback Management Plan in accordance with stated criteria.	Dieback Management Plan.	CEO		Operational	Prior to commencement of coastal walk trail operation.	CLD

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Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
884:M9.3	Dieback Management Plan	The proponent shall implement the Dieback Management Plan required by condition 9-1 during the ongoing operation of the proposal.	Implementation of Dieback Management Plan.	Compliance Assessment Report.			Operational	Annually for duration of proposal.	C
884:M9.4	Dieback Management Plan	The proponent shall review annually the approved Dieback Management Plan required by condition 9-1 and report the results in the compliance assessment report required by condition 4-6.	Formal review of Dieback Management Plan.	Review of Dieback Management Plan. Compliance Assessment Report.			Operational	Annually for duration of proposal.	C
884:M9.5	Dieback Management Plan	The proponent shall make the Dieback Management Plan required by Conditions 9-1 publicly available.	Within 14 days of submission to the OEPA, the document will be posted on the Parks and Wildlife website for the life of the project. Within 14 days from the date of making documents publicly available, the website address/link at which they can be located shall be provided to the Proposal Implementation Monitoring Branch (PIMB).	Document available on DBCA website (http://www.dpaw.wa.gov.au/parks/parks-for-people). Copy of document to DBCA Library and PIMB (OEPA).	CEO		Operational	Following completion of Dieback Management Plan.	CLD

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Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
884:M10 .1	Staging of Plans	Where a plan, assessment or survey is required by these conditions to be prepared and approved prior to the commencement of an activity, it is required that the plan, assessment or survey can be prepared and approved as per the relevant condition requirements for a component or stage of the activity, allowing staged implementation.	<p>Staged flora and vegetation surveys.</p> <p>Staged assessments of impacts on threatened and priority flora species as required for Condition 7-2.</p>	<p>Flora and vegetation surveys reports.</p> <p>Assessment of potential impacts on threatened and priority flora species and communities reports submitted to the CEO.</p>	CEO		Overall	Ongoing	CLD

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