



**Licence Number** L7426/2000/8

**Licence Holder** RAC Tourism Assets Pty Ltd

**ACN** 168 253 085

**File Number:** 2011/0003272-2

**Premises** Monkey Mia Dolphin Resort  
Monkey Mia Road  
SHARK BAY WA 6537

Being Lot 556 on Plan 404665; portion of Lot 555 on Plan 404665 (15 metre wide parallel easement for the rising main); portion of Lot 300 on Plan 51888 (15 metre wide parallel easement for the rising main); portion of Lot 130 on Plan 54332 (15 metre wide parallel easement for the rising main); and portion of Lot 130 on Plan 54332 (macerator pit)

**Date of Amendment** 2 November 2018

## Amendment

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER) has amended the above Licence in accordance with section 59 of the *Environmental Protection Act 1986* (EP Act) as set out in this Amendment Notice. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B(9) of the EP Act.

**Steve Checker**

**MANAGER WASTE INDUSTRIES  
REGULATORY SERVICES**

an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

## Definitions and interpretation

### Definitions

In this Amendment Notice, the terms in Table 1 have the meanings defined.

**Table 1: Definitions**

Term	Definition
AACR	Annual Audit Compliance Report
ACN	Australian Company Number
AER	Annual Environment Report
Amendment Notice	refers to this document
Category/ Categories/ Cat.	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CEO	means Chief Executive Officer.  CEO for the purposes of notification means:  Director General Department Administering the <i>Environmental Protection Act 1986</i> Locked Bag 33 Cloisters Square PERTH WA 6850 <a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a>
CS Act	<i>Contaminated Sites Act 2003 (WA)</i>
Delegated Officer	an officer under section 20 of the EP Act
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
Existing Licence	The Licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of and during this Review
Licence Holder	RAC Tourism Assets Pty Ltd
m <sup>3</sup>	cubic metres

Minister	the Minister responsible for the EP Act and associated regulations
MS	Ministerial Statement
mtpa	million tonnes per annum
Prescribed Premises	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Decision Report applies, as specified at the front of this Decision Report.
Risk Event	as described in <i>Guidance Statement: Risk Assessment</i>
UDR	<i>Environmental Protection (Unauthorised Discharges) Regulations 2004 (WA)</i>

## Amendment Notice

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the Licence issued under the EP Act for a prescribed premises as set out below. This notice of amendment is given under section 59B (9) of the EP Act.

This notice is limited only to an amendment for Category 54].

The following guidance statements have informed the decision made on this amendment

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Setting Conditions (October 2015)*
- *Guidance Statement: Land Use Planning (February 2017)*
- *Guidance Statement: Licence Duration (August 2016)*
- *Guidance Statement: Decision Making (February 2017)*
- *Guidance Statement: Risk Assessment (February 2017)*
- *Guidance Statement: Environmental Siting (November 2016)*

Additional documents used to inform the decision are listed in Appendix 1.

## Amendment description

An application for an amendment to Licence L7426/2000/8 was received by the Department of Water and Environmental Regulation (DWER) on 19 June 2018.

RAC Tourism Assets Pty Ltd (Licence Holder) proposes to construct a second infiltration swale and irrigate an additional 850m<sup>2</sup> in the area adjacent to infiltration swale 1 at the Monkey Mia Dolphin Resort Wastewater Treatment Plant (WWTP).

The application advises that the existing infiltration swale is reaching the limit of volume that can be infiltrated in the instance that all flows are directed to the swale. Therefore in order ensure that there is no uncontrolled overflows from the swale a second swale has been proposed and included in the next plant upgrade as part of the wider resort expansion.

A proposed expansion of the resort will result in increased flow to the WWTP, which would add additional load to the existing swale. The second swale will allow the swales to be alternatively taken offline and allowed to fully dry. The increased surface area according to the applicant will also result in additional evaporation as opposed to infiltration.

The licence holder also proposes to irrigate an additional 850m<sup>2</sup> area adjacent to infiltration swale 1. Please refer to figure 1 for proposed site layout.

The additional irrigation area proposed will bring the total area for the site to 5,950m<sup>2</sup>, an increase of 16.67%. With the increase in irrigation area the applicant also requested that the volume limits for irrigation be increased. The volume limits proposed are:

- 35m<sup>3</sup>/day between 1<sup>st</sup> March and 30<sup>th</sup> November; and
- 46m<sup>3</sup>/day between 1<sup>st</sup> December and 29<sup>th</sup> February.

The licensee has also requested a number of administrative amendments to include the reference to the 2<sup>nd</sup> swale, additional irrigation area and the use of a different irrigation nozzles in order to provide a better coverage of the irrigation area.

## Other approvals

The Licence Holder has provided the following information relating to other approvals as outlined in Table 3.

**Table: Relevant approvals**

Legislation	Number	Approval
<i>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)- Department of the Environment and Energy</i>	<i>EPBC 2017/7974</i>	<i>Proposed action does not require further assessment and approval under EPBC. Copy of approval in appendix 2.</i>
<i>Environment Protection Act 1986- Environment Protection Authority</i>	<i>AC06-2017-0007; 17-058614 Ministerial Statement 709</i>	<i>Approval granted. Copy of approval in appendix 2 and Ministerial statement 709.</i>
<i>Planning Development Act 2005- Shire of Shark Bay</i>	<i>RES40727</i>	<i>Approval granted. Copy of approval in appendix 2.</i>
<i>Water Resource Management</i>	<i>NA</i>	<i>The artesian aquifer is deep, 500 to 600m and any contamination due to additional wastewater, would not impact the water source. There are no licensed shallower bores in this area.</i>

## Amendment history

Table 4 provides the amendment history for L7426/2000/8.

**Table 2:** Licence amendments

Instrument	Issued	Amendment
L7426/2000/8	04/02/2016	Licence amendment – Transfer of occupier
L7426/2000/8	29 April 2016	Licence amendment to extend the expiry date from 7 April 2015 until 6 April 2020,
L7426/2000/8	10/11/2016	Licence amendment – Inclusion of irrigation area within WWTP
L7426/2000/8	2/11/2016	Licence amendment – Inclusion of irrigation area within WWTP and construction of 2 <sup>nd</sup> swale

## Location and receptors

Table 5 below lists the relevant sensitive land uses in the vicinity of the Prescribed Premises which may be receptors relevant to the proposed amendment.

**Table 3: Receptors and distance from activity boundary**

Residential and sensitive premises	Distance from Prescribed Premises
Monkey Mia Dolphin Resort	approximately 800 metres (m) from the prescribed premises boundary
Department of Biodiversity, Conservation and Attraction visitors centre	approximately 800 metres (m) from the prescribed premises boundary

Table 6 below lists the relevant environmental receptors in the vicinity of the Prescribed Premises which may be receptors relevant to the proposed amendment.

**Table 4: Environmental receptors and distance from activity boundary**

Environmental receptors	Distance from Prescribed Premises
Shark Bay World Heritage Area	lies within the Shark Bay World Heritage Area
Shark Bay Marine Park	Premises boundary borders the Shark Bay Marine Park
Groundwater	Approximately 25 metres below ground level

## Risk assessment

Tables 7 and 8 below describe the Risk Events associated with the amendment consistent with the *Guidance Statement: Risk Assessments*. Both tables identify whether the emissions present a material risk to public health or the environment, requiring regulatory controls.

**Table 5: Risk assessment for proposed amendments during construction**

Source/Activities		Risk Event				Consequence rating	Likelihood rating	Risk	Reasoning
		Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts				
Cat 54 Sewage Facility	Construction of 2 <sup>nd</sup> Infiltration swale and irrigation area	<b>Dust:</b> associated with construction activities	approximately 800 metres (m) from the prescribed premises boundary	Air / Wind dispersion	Health and amenity impacts	Slight	Unlikely	Low	The Licensee has committed to the use of water carts for dust suppression. The delegated has also determined that the provisions of section 49 of the Environmental Protection Act 1986 are sufficient to regulate dust emissions during construction and therefore the overall rating for the risk of dust impacts on sensitive receptors during construction is low.
		<b>Noise:</b> associated with the construction activities	approximately 800 metres (m) from the prescribed premises boundary	Air / Wind dispersion	Health and amenity impacts	Slight	Unlikely	Low	The activities at the Premises will need to comply with the Environmental Protection (Noise) Regulations 1997. Any works on a Sunday or public holiday will need to comply with the prescribed standard for noise emissions as outlined in Regulation 7 unless prior consent is given in accordance with Regulation 13(3). No additional regulatory controls will be included on the licence. The Delegated Officer also considers that the provisions of the Environmental Protection (Noise) Regulations 1997 are sufficient to regulate noise emissions during construction.

**Table 6: Risk assessment for proposed amendments during operation**

Risk Event					Consequence rating	Likelihood rating	Risk	Reasoning	
Source/Activities	Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts					
Cat 54 Sewage Facility	Waste Water Treatment Facility	<b>Odour:</b> associated with effluent treatment and storage	approximately 800 metres (m) from the prescribed premises boundary	Air / Wind dispersion	Amenity	Slight	Unlikely	Low	Odour from the storage of the treated effluent in the emergency storage pond are not expected to significantly impact sensitive receptors due to high treatment standard of the onsite plant. The Delegated Officer considers that the management of any odour impacts from the premises to the Licensee's adjacent resort is the responsibility of the Licensee. The Delegated Officer also considers that the provisions of Section 49 of the Environmental Protection Act 1986 are sufficient to regulate odour emissions during operation.
		<b>Rupture of pipes</b> resulting in sewage discharge to land	Vegetation adjacent to discharge area  Premises boundary borders the Shark Bay Marine Park	Stormwater runoff, direct discharge to land and via irrigation	Soil contamination inhibiting vegetation growth and survival, facilitated growth of weeds, increase in nutrient levels in soil, surface water contamination	Slight	Unlikely	Low	The Delegated Officer has noted that the WWTP was upgraded to Membrane Bioreactor (MBR) system in 2013 and as a result it treats sewage to a high quality prior to discharge to the environment.



		<b>Discharge of treated wastewater to the irrigation area and infiltration swale</b>	<i>Terrestrial ecosystems</i>	<i>Stormwater runoff, direct discharge to land and via irrigation</i>	<i>Soil contamination inhibiting vegetation growth and survival, facilitated growth of weeds, increase in nutrient levels in soil, surface water contamination, groundwater located 25mbgl</i>	<i>Minor</i>	<i>Possible</i>	<i>Moderate</i>	<p><i>The Delegated Officer has noted that the following will be in place to manage discharge to land:</i></p> <ul style="list-style-type: none"> <li><i>• that the Membrane Bioreactor (MBR) system installed in 2013 significantly reduces the parameter load from the wastewater treatment plant which has resulted in high quality treated wastewater;</i></li> <li><i>• Operator is on-site daily;</i></li> <li><i>• Water production and treated water tank levels are monitored remotely and will identify excess water discharge;</i></li> <li><i>• Irrigation buffer to premises boundary of 3 m will be in place;</i></li> <li><i>• Site is relatively flat minimising run-off from irrigation;</i></li> <li><i>• Signage for non-potable water use will be present at the irrigation area;</i></li> <li><i>• Lilac pipework used for identification of non-potable treated water;</i></li> </ul>
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										<ul style="list-style-type: none"> <li>• <i>Irrigation design to ensure treated water contained on-site (i.e.: no spray drift beyond fence line);</i></li> <li>• <i>Lined emergency storage pond available (capacity of 600kL).</i></li> </ul>

## Decision

The delegated officer considers that the proposed changes will not increase the overall risk of the premises (moderate) and that the risk of the uncontrolled overflow of the treated effluent from the infiltration swale will be significantly reduced.

Condition 1.2.4 (Table 1.2.1) has been amended to include infrastructure specification requirements for the 2<sup>nd</sup> infiltration swale and the additional irrigation area.

Using the above information, the Delegated Officer has amended the following sections of the Licence:

1. Introduction – Premises description and licence summary
2. Table 1.2.1 – Works specifications
3. Table 1.3.2 – Waste processing
4. Table 1.3.3 – Containment infrastructure
5. Table 2.2.1 – Emissions to land
6. Table 2.2.2 – Emission limits to land
7. Table 3.2.1 – Monitoring of emissions to land
8. Table 3.3.1 – Monitoring of inputs and outputs
9. Condition 5.2.1 – Annual Environment Report
10. Schedule 1 – map to incorporate the proposed infrastructure

## Licence Holder's comments

The Licence Holder was provided with the draft Amendment Notice on 15 October 2018. Comments received from the Licence Holder have been considered by the Delegated Officer as shown in Appendix 2.

## Amendment

1. Tables 1.2.1, 1.3.2, 1.3.3, 2.2.1, 2.2.2, 3.2.1 and 3.3.1 of the Licence is amended by the deletion of the text shown in strikethrough below and the insertion of the red text shown in underline below.

<b>Table 1.2.1: Works specifications</b>	
<b>Column 1</b>	<b>Column 2</b>
<b>Infrastructure<sup>1</sup></b>	<b>Specifications (design and construction)</b>
Irrigation area- (See Schedule 1: Maps)	<p>The Licensee must ensure that the irrigation system and the additional irrigation area L4 (as shown in the map of emission points and monitoring locations) is designed and constructed so as to meet the following specification:</p> <ol style="list-style-type: none"> <li>1. Is contained within an area not exceeding <del>5,100m<sup>2</sup></del> <u>850m<sup>2</sup></u>;</li> <li>2. is contained within the premises;</li> <li>3. is not accessible to the public (non-operational staff) at any time;</li> <li>4. has a separation distance of at least 3 metres from the premises boundary fence internally, to assist in the management of wind drift of any treated wastewater irrigated to the irrigation area;</li> <li>5. has signage placed around the boundary of the premises identifying irrigation of treated wastewater within the premises boundary; and</li> <li>6. <u>ensure PVC class 12 pipes are used.</u></li> </ol>

**Table 1.2.1: Works specifications**

Column 1 Infrastructure <sup>1</sup>	Column 2 Specifications (design and construction)
Sprinkler system (See Schedule 1: Maps)	The Licensee must ensure that the sprinkler system: <ol style="list-style-type: none"> <li>1. is designed as a sprinkler header system installed with 'Rain Bird 18 Series-Van' '<u>Hunter 1-20 Series</u>' nozzles or equivalent;</li> <li>2. is designed to ensure no spray drift will occur beyond the premises boundary fence line;</li> <li>3. is completely contained within the irrigation area;</li> <li>4. has irrigation pipework that is identified by lilac coloured pipes (for identification of non-potable treated water use).</li> </ol>
2 <sup>nd</sup> Infiltration swale	<u>The Licensee must ensure that the:</u> <ol style="list-style-type: none"> <li>1. design capacity for the 2<sup>nd</sup> infiltration swale is 640kL; and</li> <li>2. is 45m in length x 20m wide;</li> </ol>

**Table 1.3.2: Waste processing**

Waste type	Process	Process requirements
Sewage	Biological reaction process combined with a ultrafiltration membrane system	1. Treatment of sewage waste shall be at or below the treatment capacity of 150 m <sup>3</sup> /day (monthly average).
Brine water	Reverse osmosis process on groundwater	1. Maximum of 35 m <sup>3</sup> per day discharged to the infiltration swale.
Treated wastewater	Irrigation area	<ol style="list-style-type: none"> <li>1. Maximum of <del>30</del> <u>35</u>m<sup>3</sup> per day discharged from the WWTP treated water tank to the irrigation area within the premises boundary, during 1 March to 30 November annually;</li> <li>2. Maximum of <del>40</del> <u>46</u>m<sup>3</sup> per day discharged from the WWTP treated water tank to the irrigation area within the premises boundary, during 1 December to 29 February annually;</li> <li>3. Irrigated during premises operational hours, between 7 am to 5 pm only;</li> <li>4. Maintains a 3 m separation distance to the boundary fence;</li> <li>5. No pooling or ponding to occur.</li> </ol>
Sewage sludge	Storage	1. Stored in emergency holding pond 2 prior to disposal at an appropriate waste facility.

**Table 1.3.3: Containment infrastructure**

Vessel or compound	Material	Requirements
Main pump station	Raw sewage	Sump/pump
Macerator	Raw sewage	Pumps
Inlet screen (Drum Screen)	Grit and screenings	Stored in a sealed bin.
Wastewater balance tank	Wastewater	Concrete tanks designed to achieve a permeability of 10 <sup>-9</sup> m/s or less.

Anoxic zone		
Aerobic zone		
Membrane filtration		
Two holding tanks	Treated wastewater	Polypropylene.
Infiltration swale <u>1 &amp; 2</u>	Treated wastewater and reverse osmosis brine waste	Unlined in-situ soils.
Emergency holding pond 1 (former primary treatment pond)	Wastewater	HDPE lined. Wastewater to be returned to the start of the treatment process.
Emergency holding pond 2 (former secondary treatment pond)	Wastewater and sewage sludge	HDPE lined and capable of preventing surface run-off of leachate and sludge and which includes a leachate collection system. Wastewater to be returned to the start of the treatment process.

**Table 2.2.1: Emissions to land**

Emission point reference	Emission point reference on Map of emission points and monitoring locations	Description	Source including abatement
L1	Final effluent discharge point	Discharge from WWTP to infiltration swale <u>when infiltration swale 2 is off line.</u>	Treated wastewater pipeline from wastewater treatment plant.
L2	Irrigation area (< 5,100 m <sup>2</sup> )	Discharge from WWTP to irrigation area for evaporation and infiltration.	Treated wastewater discharged from the WWTP (post treatment process only).
<u>L3</u>	<u>Final effluent discharge point</u>	<u>Discharge from WWTP to infiltration swale 2 when infiltration swale 1 is off line</u>	<u>Treated wastewater pipeline from wastewater treatment plant.</u>
<u>L4</u>	<u>Irrigation area (&lt; 850 m<sup>2</sup>)</u>	<u>Discharge from WWTP to irrigation area for evaporation and infiltration.</u>	<u>Treated wastewater discharged from the WWTP (post treatment process only).</u>

**Table 2.2.2: Emission limits to land**

Emission point reference	Parameter	Limits (including units)	Averaging period
L1; & L2; <u>L3</u> & <u>L4</u>	Biochemical Oxygen Demand	< 30 mg/L	Spot sample
	Total Nitrogen	< 40 mg/L	
	Total Phosphorus	< 10 mg/L	
L2 & <u>L4</u>	Volumetric flow rate – treated wastewater	< 40 <u>46</u> m <sup>3</sup> / day	Continuous

**Table 3.2.1: Monitoring of emissions to land**

Emission point reference	Monitoring point reference	Parameter	Units	Averaging period	Frequency
L1; <u>L3</u> (Infiltration swale) and L2; <u>L4</u> (Irrigation areas)	M1 - Final effluent discharge point from WWTP	pH <sup>1</sup>	None specified	Spot sample	January April June July September October
		Biochemical Oxygen Demand	mg/L		
		Total Dissolved Solids			
		Nitrate as N			
		Nitrite as N			
		Ammonia as N			
		Total nitrogen as N			
		Total phosphorus as P			
		Total Aluminium			
<i>Escherichia coli</i>	cfu/100 mL				

**Table 3.3.1: Monitoring of inputs and outputs**

Input/output	Monitoring point reference and location	Parameter	Units	Averaging period	Frequency
Inflow – main sewer inlet	Inflow meter	Volumetric flow rate (cumulative)	m <sup>3</sup> /day	Monthly	Continuous
Discharge – treated wastewater and brine water to swale (L1) & ( <u>L3</u> )	Outflow meter	Volumetric flow rate (cumulative)	m <sup>3</sup> /day	Monthly	Continuous
Discharge – treated wastewater to irrigation area (L2) & ( <u>L4</u> )	Outflow meter	Volumetric flow rate (cumulative)	m <sup>3</sup> /day	Monthly	Continuous

2. Premises description and licence summary section is amended by the insertion of the red text shown in underline below.

**Premises description and Licence summary**

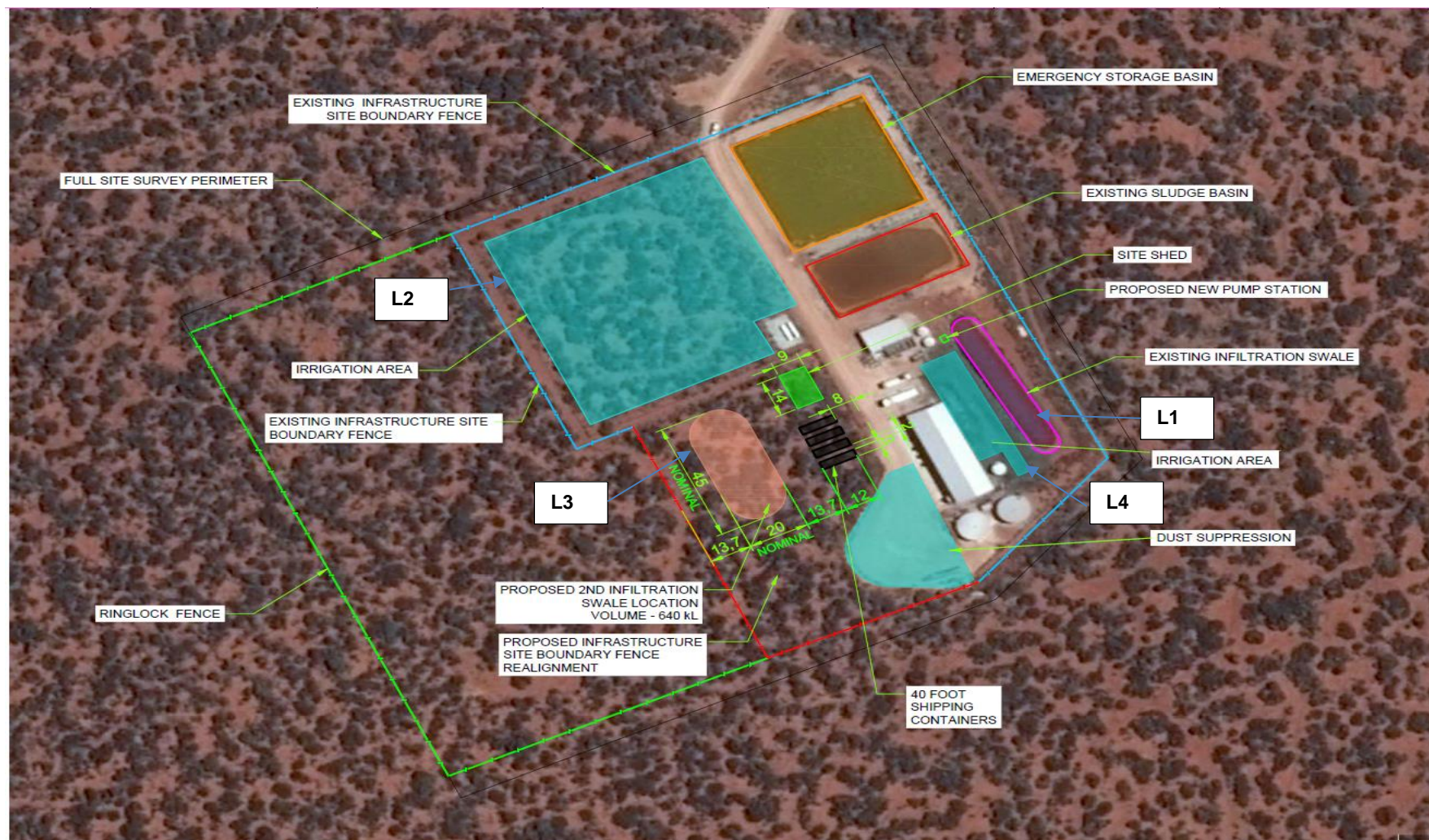
*Membrane filtration is then used to separate the treated wastewater from the mixed liquor. The small pore size of the membrane (0.04µm) results in the rejection of solids and the majority of pathogens. The filtered water is directed to ~~the~~ infiltration swale L1 or L3 for disposal. The depth to groundwater at the Premises is 25 metres. To ensure membrane filtration performance is maintained key process indicators such as flow, trans-membrane pressure and permeate turbidity is also continuously monitored via the site SCADA system.*

3. The Licence is amended by the replacement of the map labeled 'Map of emission points and monitoring locations' in Schedule 1 with the map over.



### Map of emission points and monitoring locations

The locations of the emission points and monitoring locations defined in Tables 2.2.1, 3.2.1 and 3.3.1 are shown below.





## Appendix 1: Key documents

	Document title	In text ref	Availability
1	Licence L7426/2000/8 – RAC Tourism Assets Pty Ltd	L7426/2000/8	accessed at
2	Ministerial Statement 914	MS 709	accessed at <a href="http://www.epa.wa.gov.au/">www.epa.wa.gov.au/</a>
3	DER, July 2015. <i>Guidance Statement: Regulatory principles.</i> Department of Environment Regulation, Perth.	DER 2015a	accessed at <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>
4	DER, October 2015. <i>Guidance Statement: Setting conditions.</i> Department of Environment Regulation, Perth.	DER 2015b	
5	DER, August 2016. <i>Guidance Statement: Licence duration.</i> Department of Environment Regulation, Perth.	DER 2016a	
6	DER, November 2016. <i>Guidance Statement: Risk Assessments.</i> Department of Environment Regulation, Perth.	DER 2016b	
7	DER, November 2016. <i>Guidance Statement: Decision Making.</i> Department of Environment Regulation, Perth.	DER 2016c	

## Appendix 2: Approvals



Australian Government  
Department of the Environment and Energy

EPBC Ref: 2017/7947

Mr Antony Pickworth  
Director  
RAC Tourism Assets Pty Ltd  
GPO Box C140  
PERTH WA 6839

Dear Mr Pickworth

**Decision on referral  
Clearing of vegetation for borrow pit and infrastructure area, north-east of  
Denham, Western Australia (EPBC 2017/7947)**

Thank you for submitting a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This is to advise you of my decision about the proposed action to clear vegetation to construct a temporary borrow pit and expand an infrastructure area at the Monkey Mia Dolphin Resort, 23 km north-east of Denham, Western Australia.

**As a delegate of the Minister for the Environment and Energy, I have decided that the proposed action is not a controlled action. This means that the proposed action does not require further assessment and approval under the EPBC Act before it can proceed.**

A copy of the document recording this decision is enclosed. This document will be published on the Department's website.

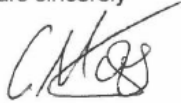
Please note that this decision relates only to the specific matters protected under Chapter 2 of the EPBC Act.

This decision does not affect any requirement for separate state or local government environment assessment and approvals of the proposed action.

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

If you have any questions about the referral process or this decision, please contact Cassandra Elliott by email at [cassandra.elliott@environment.gov.au](mailto:cassandra.elliott@environment.gov.au) or by telephone on (02) 6275 9539 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Manning', with a long horizontal stroke extending to the right.

Gregory Manning  
Assistant Secretary  
Assessments (WA, SA, NT) and Air Branch

12 July 2017




**Notification of**

**REFERRAL DECISION – not controlled action**

**Clearing of vegetation for borrow pit and infrastructure area, north-east of Denham, Western Australia (EPBC 2017/7947)**

This decision is made under Section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

**Proposed action**

<b>Person proposing to take the action</b>	RAC Tourism Assets Pty Ltd ACN: 168 253 085
<b>proposed action</b>	Clearing of vegetation to construct a temporary borrow pit and expand an infrastructure area at the Monkey Mia Dolphin Resort, 23 km north-east of Denham, Western Australia [See EPBC Act referral 2017/7947].
<b>Referral decision:</b>	<b>Not a controlled action</b>
<b>status of proposed action</b>	The proposed action is not a controlled action.
<b>Person authorised to make decision</b>	
<b>Name and position</b>	Gregory Manning Assistant Secretary Assessments (WA, SA, NT) and Air Branch
<b>signature</b>	
<b>date of decision</b>	12 July 2017



## Environmental Protection Authority

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Mr Antony Pickworth  
Director  
RAC Tourism Assets Pty Ltd  
GPO Box C140  
PERTH WA 6839

Our Ref: AC06-2017-0007; 17-058614  
Enquiries: Mary Buttfield, 6145 0841  
Email: mary.buttfield@epa.wa.gov.au

Dear Mr Pickworth

**EXPANSION OF THE MONKEY MIA DOLPHIN RESORT – MINISTERIAL STATEMENT 709 – CHANGE TO PROPOSAL APPROVED UNDER SECTION 45C OF THE *ENVIRONMENTAL PROTECTION ACT 1986***

Thank you for your letter of 13 April 2017 requesting approval of changes to the Expansion of the Monkey Mia Dolphin Resort proposal (Ministerial Statement 709).

I consider the changes, as described in Attachment 1 to Ministerial Statement 709, will not result in a significant detrimental effect on the environment in addition to, or different from, the effect of the original proposal. Approval of the changes is therefore granted under section 45C of the *Environmental Protection Act 1986*. This approval does not replace any responsibilities you may have for seeking approvals from other government agencies to implement the changes.

Please note, implementation of the Expansion of the Monkey Mia Dolphin Resort proposal, including the approved changes described in Attachment 1, is subject to the conditions of Ministerial Statement 709. The Chief Executive Officer of the Office of the Environmental Protection Authority may monitor the implementation of the proposal for the purpose of determining whether the implementation conditions are being complied with.

Yours sincerely

**Mr Robert Harvey**  
DEPUTY CHAIRMAN  
for the Minister for Environment  
under Notice of Delegation dated 24 November 2004.

29 June 2017

Encl. Attachment 1 to Ministerial Statement 709

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The Atrium Level 8, 168 St Georges Terrace, Perth, Western Australia 6000.  
Postal Address: Locked Bag 10, East Perth, Western Australia 6892.

Telephone: (08) 6145 0800 | Facsimile: (08) 6145 0896 | Email: info@epa.wa.gov.au  
Website: www.epa.wa.gov.au

## Attachment 1 to Ministerial Statement 709

### Change to proposal approved under section 45C of the *Environmental Protection Act 1986*

This Attachment replaces Schedule 1 of Ministerial Statement 709

**Proposal:** Expansion of the Monkey Mia Dolphin Resort

**Proponent:** RAC Tourism Assets Pty Ltd

**Changes:**

- Increase the wastewater treatment plant area requiring an additional 2.9 hectares (ha) of vegetation clearing;
- Development and use of temporary borrow pits requiring 3.14 ha of vegetation clearing, that will then be rehabilitated after construction;
- Administrative changes to Schedule 1 of Ministerial Statement 709 to describe the proposal in terms of a 'development envelope', simplify the description of the resort expansion, and remove elements relating to the design of the resort that are not relevant to the environment.

**Table 1: Summary of the Proposal**

Proposal Title	Expansion of the Monkey Mia Dolphin Resort
Short Description	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.

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

Element	Location	Previously Authorised Extent	Authorised Extent
<b>Proposal Development Envelope</b>	<b>Figure 1</b>	<b>[new element]</b>	<b>18.2 ha</b>
Resort and Accommodation Facilities	Figure 1	Up to 3.1 ha resort expansion area Up to 2.3 ha staff accommodation area	Up to 9.21 ha within the Proposal Development Envelope (includes 3.81 ha existing facilities).
<b>Wastewater Treatment Plant Area</b>	<b>Figure 1</b>	Up to 0.36 hectares (total area). Existing ponds used for storing treated effluent and sludge.	<b>Up to 4.39 ha within the Proposal Development Envelope (includes existing infrastructure).</b>
<b>Temporary Borrow Pits for Construction</b>	<b>Figure 1</b>	<b>[new element]</b>	<b>Up to 3.14 ha within the Proposal Development Envelope.</b>
<b>Resort Capacity</b>		<b>[new element]</b>	<b>Overnight guest accommodation for 1200 people</b>

Element	Location	Previously Authorised Extent	Authorised Extent
<b>Vegetation Clearing</b>	Figure 1 (Within Proposal Development Envelope)	Up to 3.1 hectares of White Coastal Sandplain Vegetation (Resort Expansion) Up to 2.3 hectares of White Coastal Sandplain Vegetation (Staff Accommodation) Up to 0.09 hectares of Red Coastal Sandplain vegetation, adjacent to cleared area for the existing wastewater treatment plant	Up to 5.4 ha White Coastal Sandplain Vegetation. <b>Up to 6.13 ha Red Coastal Sandplain (Pindan) Vegetation.</b>
<b>Major components</b>		<ul style="list-style-type: none"> <li>• expansion of the existing resort area</li> <li>• provision of staff accommodation facilities</li> <li>• upgrading of the existing wastewater treatment plant using a Membrane Bioreactor Package Plant</li> </ul>	<b>Removed – described in Table 1.</b>
<b>Resort Expansion Area</b>		Up to 3.1 hectares	<b>[consolidated into and 'Resort Accommodation Facilities' element]</b>
<b>Staff Accommodation Area</b>		Up to 2.3 hectares	<b>[consolidated into and 'Resort Accommodation Facilities' element]</b>
<b>Function Rooms</b>		one	<b>[consolidated into and 'Resort Accommodation Facilities' element]</b>
<b>Two storey development</b>		Approximately one third of the resort	<b>[consolidated into and 'Resort Accommodation Facilities' element]</b>
<b>Hotel Suites</b>		Up to 100 (total)	<b>[consolidated into 'Resort Capacity' element]</b>



Element	Location	Previously Authorised Extent	Authorised Extent
<b>Bungalows</b>		Up to 30 (total)	[consolidated into 'Resort Capacity' element]
<b>Budget Accommodation</b>		Up to 120 bed (total)	[consolidated into 'Resort Capacity' element]
<b>Motel units</b>		Up to 70 (total)	[consolidated into 'Resort Capacity' element]
<b>Caravan Lots</b>		Up to 71 (total)	[consolidated into 'Resort Capacity' element]
<b>Camping Area</b>		Up to 4400 square meters (total) (accommodating approximately 260 people)	[consolidated into 'Resort Capacity' element and area included in 'Resort and Accommodation Facilities' element]
<b>Tennis Courts</b>		Three (total)	Removed as not a significant key characteristic relevant to the environment, and area included in 'Resort and Accommodation Facilities' element.
<b>Swimming Pool</b>		6 metre pool and spa (self-contained)	Removed as not a significant key characteristic relevant to the environment, and area included in 'Resort and Accommodation Facilities' element.
<b>Manager's Residence</b>		one	Removed as not a significant key characteristic relevant to the environment, and area included in 'Resort and Accommodation Facilities' element.
<b>Parking</b>		Provision for approximately 200 cars and 2 buses within resort. Provision for approximately 55 cars and 24 boat/trailer bays within staff accommodation area.	Removed as not a significant key characteristic relevant to the environment, and area included in 'Resort and Accommodation Facilities' element.



Element	Location	Previously Authorised Extent	Authorised Extent
Construction		No pindan sand will be transported to the beach adjacent to the resort and expansion area.	No pindan sand will be transported to the beach adjacent to the resort and expansion area.
<b>Suites</b>		Up to 36	<b>[consolidated into 'Resort Capacity' element]</b>
<b>Caravan park sites</b>		Up to 24	<b>[consolidated into 'Resort Capacity' element]</b>
<b>Swimming Pool</b>		Up to 100 square metre pool (self-contained)	<b>Removed as not a significant key characteristic relevant to the environment, and area included in 'Resort and Accommodation Facilities' element.</b>
<b>Membrane bioreactor package plant</b>		Up to 0.36 hectares (total area). Existing ponds used for storing treated effluent and sludge.	<b>[consolidated into 'Wastewater Treatment Plant Area' element]</b>

Note: Text in **bold** in Table 2 indicates a change to the proposal.

**Table 3: Abbreviations**

Abbreviation	Term
ha	hectare

**Figures (attached)**

Figure 1 Development Envelope for the Expansion of the Monkey Mia Dolphin Resort

Coordinates defining the Development Envelope are held by the Office of the Environmental Protection Authority (Document Reference Number: 2017-1498017739892).



**Mr Robert Harvey**  
DEPUTY CHAIRMAN  
Environmental Protection Authority  
under delegated authority

Approval date: 29/6/2017

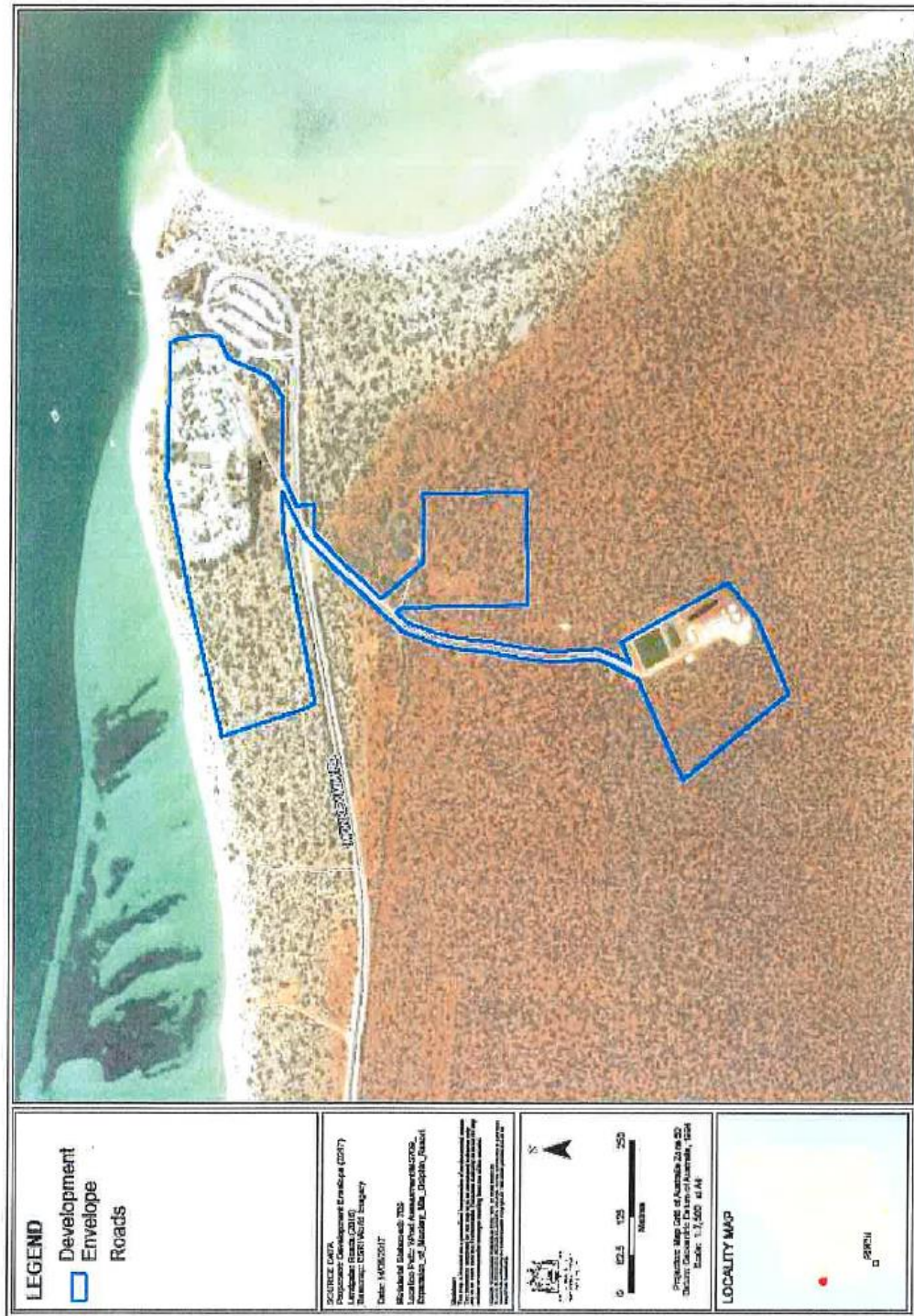


Figure 1. Development Envelope for the Expansion of the Monkey Mia Dolphin Resort

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**SHIRE OF SHARK BAY**

65 Knight Terrace  
Denham WA 6537  
PO Box 126 Denham WA 6537

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Telephone (08) 9948 1218  
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All correspondence to the  
Chief Executive Officer

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Your Ref O-PR-16569/P2024, RES40727  
Our Ref RES1686 Liz Bushby  
Enquiries

7 September 2017

Matt Raymond  
Tpg - Town Planning Urban Design And Heritage  
Po Box 7375  
CLOISTERS SQUARE WA 6850

Dear Mr Raymond,

**DEVELOPMENT APPLICATION - RESERVE 40727, LOT 130 & 501 MONKEY MIA ROAD, MONKEY MIA**

I am pleased to advise that your application for development was considered by Council at its Ordinary Council Meeting held on the 30 August 2017 and has been approved. The attached Planning Approval details a number of conditions which must be met in the course of carrying out the development for which the approval has been granted.

The conditions have been imposed by Council under Clause 10.3 (a) of the Shire of Shark Bay Local Planning Scheme No. 3 and relate specifically to the plan attached to the Planning Application. Failure to comply with any condition of development approval constitutes an offence for which prosecution may be instituted under Part 13 of the *Planning and Development Act 2005*.

A footnote on the Planning Approval indicates that you may have a right of appeal in accordance with the provisions of the *Planning and Development Act 2005*, if you are aggrieved by Council's decision. Please note that appeals must be lodged to the State Administrative Tribunal within 28 days.

If you have any further queries in relation to the above matter, please contact Planning Officer, Liz Bushby on 9474 1722 or [Liz@graylewis.com.au](mailto:Liz@graylewis.com.au).

Yours sincerely

Paul Anderson  
**CHIEF EXECUTIVE OFFICER**

Cc RAC Tourism Assets Pty Ltd – Glenn Rodin – Senior Project Manager

**SHIRE OF SHARK BAY**

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All correspondence to the  
Chief Executive Officer

Your Ref  
Our Ref O-PR-16569/P2024, RES40727,  
Enquiries RES1686 Liz Bushby

**NOTICE OF DETERMINATION ON APPLICATION FOR  
PLANNING APPROVAL  
(Clause 10.4.1)**

Planning and Development Act 2005  
Shire of Shark Bay  
Determination on Application for Planning Approval

Location: MONKEY MIA – RESERVE 40727	
Lot: 130 & 501 MONKEY MIA ROAD	Plan/Diagram:
Volume No:	Folio No:
Application Date: 23 JUNE 2017.	Received on: 23 JUNE 2017
Description of proposed development: GUEST ACCOMMODATION & FACILITIES, COMMERCIAL AND ADMIN BUILDING & GOVERNMENT STAFF / RESEARCH ACCOMMODATION	
The application for planning approval is:	
√	Granted subject to the following conditions:
Conditions:	
<ol style="list-style-type: none"> <li>1. All development shall generally be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.</li> <li>2. Colours of external walls shall be in accordance with the Shark Bay World Heritage Committee Peron Peninsular Colour Palette as stated in Appendix D of the Development Application report (Version 1) dated 22 June 2017.</li> <li>3. The proponent shall implement the recommendations of the Coastal Hazard Risk Management and Adaptation Plan to the satisfaction of the Shire of Shark Bay including ongoing shore monitoring to be assessed on a yearly basis or at the trigger of when the shoreline retreats within 20 metres of the proposed infrastructure as a result of erosion.  Any revised Coastal Hazard Risk Management and Adaptation Plan is to be lodged to the Shire of Shark Bay.</li> <li>4. All vehicle crossovers to Monkey Mia Road shown on the approved plans shall be constructed to a trafficable standard at the proponents cost to the satisfaction of the Shire of Shark Bay, within 12 months of completion of the development, or within an alternative time period agreed to in writing by the Chief Executive Officer.</li> <li>5. No vehicle access points shall be permitted to or from Monkey Mia Road except at the two new approved access points in accordance with the approved plans.</li> <li>6. All internal access ways and approved permanent parking areas shall be constructed and maintained to a trafficable standard to the satisfaction of the Chief Executive Officer.</li> </ol>	

7. **An overflow grassed parking area capable of accommodating an additional 28 carbays during peak periods is to be provided adjacent to Dolphin Lodge and campsite area CS-03 in accordance with the revised plan received 24 August 2017.**
8. **The proponent is to take adequate precautions to limit use of the secondary access to service vehicles, staff and return resort guests (who have already been through the toll gate on Reserve 49144). The installation of a boom gate may be considered appropriate in the future to manage traffic movements if required, to the satisfaction of the Chief Executive Officer.**
9. **The owner/applicant to submit detailed drainage plans to the Shire of Shark Bay for separate written approval that demonstrate adequate on site drainage, with no adverse impact on Monkey Mia Road or the adjacent foreshore, and the drainage system shall be constructed and maintained thereafter to the satisfaction of the Shire of Shark Bay.**
10. **All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction from anything. No water discharge outside of the lot boundaries is permitted.**
11. **The proponent shall lodge a revised Bushfire Management Plan to the satisfaction of the Shire of Shark Bay as follows:**
  - (i) **Modify Sections 2.2.1 and 3.1 to ensure they align;**
  - (ii) **Delete any reference to the low fuel buffers being maintained to the standard of an Asset Protection Zone; and**
  - (iii) **Clarify maintenance of the low fuel buffer as low threat vegetation in accordance with Clause 2.2.3.2 (f) of AS3959.**
12. **The proponent shall implement the recommendations of the revised Bushfire Management Plan to the satisfaction of the Shire of Shark Bay prior to occupation of the development. Ongoing fuel management around the proposed development shall meet the definition of low threat vegetation in Clause 2.2.3.2 (f) of AS3959, and shall be maintained to the satisfaction of the Chief Executive Officer.**
13. **The proponent to lodge a bushfire emergency evacuation plan to be approved separately in writing by the Chief Executive Officer, within 6 months of the issue of a building permit.**
14. **The proponent shall implement the recommendations of any approved bushfire emergency evacuation plan to the satisfaction of the Chief Executive Officer.**
15. **If external lighting is installed, all illumination shall be confined within the property boundaries, unless otherwise approved in writing by the Chief Executive Officer, and meet Australian Standard AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.**
16. **The proponent to undertake adequate precautions and waste management strategies to ensure that no rubbish and/or waste products are deposited on the Conservation Park (Crown Reserve 49144) vested in the Conservation and Parks Commission and the Shark Bay Marine Park (Marine Park No.7) at all times, including during construction.**



17. No construction or impacts are to occur outside the Monkey Mia Resort leasehold area, unless otherwise formally approved in writing by the Department of Biodiversity, Conservation and Attractions in relation to the Monkey Mia Reserve and formally approved by the Shire and Department of Biodiversity, Conservation and Attractions in relation to the adjacent joint vested reserve.
18. A landscaping plan acceptable to the Shire shall be prepared by a professional horticulturist or a qualified landscape contractor and submitted to the Shire for approval. The plans shall be submitted within 6 months of the issue of a building permit or an alternative time period agreed to in writing by the Shire.
- The plan shall show by numerical code, the species, quantity and anticipated mature dimensions of all plant types to be planted, clearly identify vegetation to be removed, retained or relocated and shall demonstrate capability with the approved Bushfire Management Plan.
19. Landscaping, plants and reticulation shall be installed in accordance with a landscaping plan to be submitted to the Shire for separate written approval and the landscaping shall thereafter be maintained to the satisfaction of the Chief Executive Officer.
20. The owner/applicant shall lodge a Construction Management Plan to the Shire of Shark Bay prior to the commencement of any on-site demolition or construction. The Construction Management Plan is to outline the process by which the owner/applicant will;
- (a) Secure the site during demolition and construction and protect the safety of the public;
  - (b) Manage the disposal of demolition material;
  - (c) Set hours of operation for demolition and construction contractors;
  - (d) Manage noise, dust, vibration and other nuisances during demolition and construction;
  - (e) Manage any complaints;
  - (f) Manage construction traffic movements onto and from Monkey Mia Road;
  - (g) Protect the adjacent foreshore on Reserve 49144;
  - (h) Protect dangerous goods stored or being retained on-site;
  - (i) Manage rubbish and litter to be fully contained on site;
  - (j) Manage workforce amenities;
  - (k) Manage employee and contractor parking; and
  - (l) Address other matters to the reasonable satisfaction of the Shire of Shark Bay.
21. The proponent to implement a Construction Management Plan during all phases of construction works associated with the approved development.
22. This approval is an approval for the plans as submitted, and is not approval for any future managed retreat or abandon/ removal strategy by the proponent to address future shoreline retreat. A separate application is required for any relocation of development as a result of any modified shoreline.
23. The proponent to lodge a revised plan that includes additional car parking for the general public attending the Administration/ Commercial building, the restaurant and that can also be used for new guests checking into the resort to the satisfaction of the Chief Executive Officer. Carparking can also act as overflow for short term accommodation.

<p><b>24. If the development the subject of this approval is not substantially commenced within a period of 3 years, the approval shall lapse and be of no further effect.</b></p>	
<p>Footnotes/ Advice to the applicant:</p>	
(a)	<p><b>Any individual or organisation that proposes to undertake works within a Main Roads' road reserve must obtain prior approval from Main Roads. The proponent should liaise with Main Roads Western Australia in regards to the new crossover.</b></p> <p><b>The Shire supports a staged approach whereby the crossover is initially constructed in gravel and will be sealed as soon as it is practical.</b></p>
(b)	<p><b>The Shire notes that a separate Drainage Management Plan and Nutrient and Irrigation Plan have been lodged to the Office of the Environmental Protection Authority and requires approval in accordance with Ministerial Statement 709. Any detailed engineering drawings lodged to the Shire for drainage should be consistent with management plans as approved by Office of the Environmental Protection Authority.</b></p>
(c)	<p><b>The Shire also notes that the proponent is required to implement a Foreshore Management Plan in accordance with Ministerial Statement 709, and that a Foreshore Management Plan was lodged in support of the Monkey Mia Structure Plan. This plan will address minimising risk of dune erosion, formalised access points, dune preservation and fencing, rehabilitation and restoration of foreshore areas, identification of species to be planted and education and signage.</b></p>
(d)	<p><b>At the separate Building Permit stage the proponent will need to demonstrate compliance to the Building Code of Australia and Australian Standards (AS2419) in regards to bushfire management.</b></p>
(e)	<p><b>The applicant is advised that legal access through the adjacent Monkey Mia Reserve 49144 to the Resort needs to be resolved in accordance with the Monkey Mia Structure Plan.</b></p>
Note 1:	<p>If the development subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.</p>
Note 2:	<p>Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.</p>
Note 3:	<p>If an applicant is aggrieved by this determination there is a right of review under Part 14 of the Planning and Development Act 2005. An application for review must be lodged within 28 days of the determination.</p>
<p>Signed: _____</p> <p style="text-align: center;">Paul Anderson Chief Executive Officer</p>	
<p>Dated: 30 AUGUST 2017</p>	
<p>For and on behalf of the Shire of Shark Bay</p>	

### Appendix 3: Summary of Licence Holder comments

The Licence Holder was provided with the draft Amendment Notice on 15 September 2018 for review and comment. Comments received from the Licence Holder have been considered by the Delegated Officer as shown below.

Condition	Summary of Licence Holder comment	DWER response
Table 1.2.1	It should be noted as per the description in the original licence amendment documentation the inclusion of the irrigation area L4 is the utilisation of existing infrastructure as a designated irrigation area and as such in ground infrastructure has not been replaced	Noted
Table 1.2.1 item 6	Propose the removal of this item. The irrigation area L4 has a significant buffer to the site boundary (~25m) and per the irrigation controls irrigation only occurs during the daytime when an operator will attend site. Furthermore, the natural fall from the irrigation area is into infiltration swale 1. The control system has also been setup to limit the irrigation volume as per the conditions of this licence.	The Delegated Officer has determined that since there is a significant buffer to the site (25m) and that the natural fall from the irrigation area is into the infiltration swale the requirement to bund the irrigation area to prevent surface run off leaving the boundary of the fenced irrigation area has been removed.
Table 1.2.1 Item 7	Propose to remove this item or change to remove reference to pipe size. The pipe sizes vary dependent on the location as shown on the drawing submitted with the amendment application. All piping is PVC Class 12. As noted above this is utilisation of existing infrastructure and as such is not being replaced.	Reworded to ensure PVC class 12 pipes are used only
Table 1.2.1 Item 8	Propose to remove this item. As noted above this is utilisation of existing infrastructure and as such is not being replaced. The irrigation area and associated pipework is located entirely within the treatment plant boundary fence and the pipework to L4 has no road crossing.	Removed