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Published on: 26 February 2018

Statement No. 1073

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

CLASS II LANDFILL, LOT 7778 DIAGRAM 209805,
1189 WANNAMAL ROAD SOUTH, CULLALLA
SHIRE OF GINGIN

Proposal: To construct and operate a landfill accepting Class II-type waste. Six cells will be constructed with a total operational lifetime of not more than 30 years. A landfill gas collection system and utilisation plant facility will also be constructed.

The proposal is further documented in Schedule 1 of Ministerial Statement 796.

Proponent: Fernview Environmental Pty Ltd
Australian Company Number 617 674 469

Proponent Address: Unit 1/48 Kelvin Road, MADDINGTON WA 6109

Report of the Environmental Protection Authority: 1612

Preceding Statements Relating to this Proposal: 796, 975

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by section 46(8), it has been agreed that the implementation conditions set out in Ministerial Statement No. 796 dated 11 June 2009 (Statement 796) and Ministerial Statement No. 975 dated 2 July 2014 (Statement 975) be changed as specified in this Statement.

All conditions of Statement 975 are deleted.

Condition 3 of Statement 796 is deleted and replaced with:

3 Time Limit for Proposal Implementation

- 3-1 The proponent shall not commence implementation of the proposal after 13 June 2022, and any commencement prior to this date must be substantial.
- 3-2 Any commencement of implementation of the proposal, on or before 13 June 2022, must be demonstrated as substantial by providing the CEO* with written evidence, on or before 13 June 2022.

Condition 10 is added to Statement 796.

10 Environmental Offsets

- 10-1 The proponent shall provide an offset, being a portion of Lot 98 on Deposited Plan 75926, Wannamal Road South**, to counterbalance the significant residual impact to 42.5 hectares (ha) of foraging habitat for *Calyptorhynchus latirostris* (Carnaby's black cockatoo) as a result of implementation of the proposal.
- 10-2 Within twelve months of the publication of the Statement to change the implementation conditions relating to this proposal***, or as otherwise agreed in writing by the CEO, the proponent shall prepare and submit a Carnaby's Cockatoo Habitat Offsets Strategy to the CEO satisfying the requirements of condition 10-3.
- 10-3 The Carnaby's Cockatoo Habitat Offsets Strategy required by condition 10-2 shall:
 - (1) identify the portion of Lot 98 Wannamal Road South that will comprise the offset area;
 - (2) include a completed Commonwealth's Offset Assessment Guide (or its update) demonstrating how the offset area counterbalances the significant residual impact to 42.5 ha of *Calyptorhynchus latirostris* (Carnaby's black cockatoo) foraging habitat;
 - (3) identify the environmental attributes of the offset area;
 - (4) outline the process for ceding the offset area to the Crown for the purpose of conservation; and
 - (5) identify:
 - (a) the nature and quantum of the upfront works associated with establishing the offset area;

- (b) a timeframe or schedule for the upfront works to be carried out;
 - (c) the quantum of the management of the offset area for no less than seven years, and of the portion of this to be contributed by the proponent; and
 - (d) the management body that will accept management responsibility for the offset area.
- 10-4 After receiving notice in writing from the CEO that the Carnaby's Cockatoo Habitat Offsets Strategy satisfies the requirements of condition 10-3, the proponent shall:
 - (1) take action to ensure the offset area is ceded to the Crown within twenty-four (24) months of the publication of the Statement to change the implementation conditions relating to this proposal**; and
 - (2) implement the upfront works identified subject to condition 10-3(5)(a) in accordance with the timeframe or schedule identified subject to condition 10-3(5)(b).
- 10-5 Any changes to the aspects of the Carnaby's Cockatoo Habitat Offsets Strategy required by condition 10-3 must be approved in writing by the CEO.
- 10-6 The proponent shall implement the latest version of the Carnaby's Cockatoo Habitat Offsets Strategy which the CEO has confirmed by notice in writing satisfies the requirements of condition 10-3.

Condition 11 is added to Statement 796.

11 Feral Animal Environmental Management Plan

- 11-1 The proponent shall prepare and submit a Feral Animal Management Plan to the CEO that demonstrates how the proponent will achieve the following environmental objectives:
 - (1) prevent, where practicable, and minimise the number of feral animals attracted to the proposal, including but not limited to rats, foxes and cats; and
 - (2) eradicate, where practicable, and minimise the number of feral animals within the proposal development area.
- 11-2 The Plan shall specify environmental objectives, management targets, management actions, monitoring and reporting to demonstrate that the objectives in condition 11-1 will be met.

- 11-3 The proponent shall submit the Plan to the CEO within six months of the publication of the Statement to change the implementation conditions relating to this proposal***, or as otherwise agreed in writing by the CEO.
- 11-4 The proponent shall not commence operation of the landfill until the CEO has confirmed in writing that the Plan satisfies the requirements of conditions 11-1 and 11-2.
- 11-5 The proponent shall implement the most recent version of the Feral Animal Management Plan approved by the CEO.
- 11-6 Any changes to management targets, management actions, monitoring and reporting in the Feral Animal Management Plan must be approved by the CEO in writing.

* “CEO” is the Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the *Environmental Protection Act 1986*, or his delegate.

** Coordinates defining Lot 98 Deposited Plan 75926, Wannamal Road South (formerly part of Lot 7778 on Diagram 209805) are held by the Department of Water and Environmental Regulation, Document Reference Number 2017-1512437377558.

*** The Statement published under section 45(5) of the *Environmental Protection Act 1986*, as applied by section 46(8), and relating to Report of the Environmental Protection Authority number 1612.

[Signed on 26 February 2018]

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT