



**Environmental
Protection
Authority**

Subdivision (amalgamation) Lots 802, 804 and 4640 Mandurah
Road, East Rockingham – inquiry into whether or not the
conditions relating to the derived proposal should be amended

TRECAP Pty Ltd

**Report 1756
November 2024**

Inquiry under section 46(4) of the *Environmental Protection Act 1986*

Pursuant to section 46(4) of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority (EPA) has decided to inquire into and report on the matter of amending the implementation conditions in Ministerial Statement 863 (Assessment 1534).

Section (s.) 46(6) of the *Environmental Protection Act 1986* requires the EPA to prepare a report that includes:

- (a) a recommendation on whether or not the implementation conditions to which the inquiry relates, or any of them, should be amended
- (b) any other recommendations that it thinks appropriate.

The following is the EPA's report to the Minister pursuant to s. 46(6) of the EP Act.



Darren Walsh
Chair

18 November 2024

Contents

| | | |
|----------|--|-----------|
| 1 | Proposal..... | 1 |
| 2 | Amendments to the conditions..... | 4 |
| 3 | Inquiry into amending the conditions | 5 |
| 4 | Inquiry findings | 6 |
| 4.1 | Flora and vegetation | 6 |
| 4.2 | Terrestrial fauna..... | 7 |
| 4.3 | Inland waters | 8 |
| 4.4 | Administration matters | 9 |
| 5 | Conclusions and recommendations | 11 |
| | Appendix A: Recommended conditions | 12 |
| | Appendix B: Decision-making authorities | 18 |
| | References | 19 |

1 Proposal

Background

The Rockingham Industrial Zone (RIZ) strategic proposal was referred to the Environmental Protection Authority (EPA) in 2004. The EPA assessed the proposal as a 'Strategic Environmental Assessment (SEA)' under section s. 38 of the *Environmental Protection Act 1986* (EP Act); a term used at the time of the assessment. The purpose of the strategic proposal was to identify areas for development and an area for conservation. In essence, the strategic proposal was a conceptual development leading to future specific proposals for subdivision and provision of infrastructure, allowing future requests for a proposal to be declared a 'derived proposal' and not require separate formal assessment.

In April 2011, the EPA published its report, *Rockingham Industrial Assessment Strategic Environmental Assessment* (Report 1390). In this report, the EPA considered the following key environmental factor relevant to the proposal:

- Conservation values.

In applying the *Statement of environmental principles, factors, objectives and aims of EIA* (EPA 2021a) these factors are now represented by:

- Flora and vegetation
- Terrestrial fauna
- Inland waters
- Landforms.

The EPA concluded in Report 1390 that it was likely the EPA objectives would be achieved provided there was satisfactory implementation by the proponent of the EPA's recommended conditions.

In May 2011, the then Minister for Environment issued Ministerial statement 863 (MS 863). MS 863 provided for the implementation of future derived proposals, including the subdivision of the development area, and set out conditions that future derived proposals would be subject to.

It is important to note that the type of industrial developments to be built in the development area were not part of the SEA. Future industrial projects within the development area are not within the scope of consideration of 'derived proposals', which provides for subdivision and provision of infrastructure only. Future industrial projects will require separate referral to the EPA if they are likely to have significant environmental impacts.

EPBC Act approvals

The RIZ was also referred and approved under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (Reference EPBC 2010/5337). Approval of the strategic proposal was granted subject to a number of conditions.

Compliance reports are submitted annually for MS 863 (and any derived proposals) and EPBC 2010/5337. The most recent reports show that there have been no non-compliances.

Previously approved amendments to the proposal

There have been three minor amendments to the strategic proposal defined in MS 863 previously approved under s. 45C of the EP Act. These minor amendments do not have any effect on this derived proposal and relate to increasing the area under the RIZ SEA, realigning boundaries, and table corrections within MS 863.

Previously declared derived proposals

There have been three other derived proposals declared under MS 863, each with amendments to the conditions under s. 46 of the EP Act, as they apply to their derived proposal.

Proposal description

In July 2021, TRECAP Pty Ltd as Trustee for the Royal View Trust, referred the proposed 'Subdivision (Amalgamation) of Lots 802, 804 and 4640 Mandurah Road, East Rockingham' (4.0157 hectares [ha]) (Figure 1) to the EPA under s. 38 of the EP Act. The proponent requested that the proposal be declared a derived proposal, as it is within the RIZ SEA area for which MS 863 applies.

The proposed subdivision (amalgamation) will facilitate future industrial development, servicing and access into the proponent's adjacent Lot 850 Mandurah Road, East Rockingham (31.0840 ha) which is already used for industrial purposes.

It should be noted that while Lot 850 is within the RIZ boundary it was not included within the SEA boundary assessed by the EPA (Report 1390) (Figure 1).



Figure 1: Subdivision (amalgamation) in the context of RIZ SEA

2 Amendments to the conditions

At its meeting of 17 March 2022 (Meeting 1165) the EPA resolved, pursuant to s. 38E of the EP Act, to declare the proposal to subdivide (amalgamate) Lots 802, 804 and 4640 Mandurah Road, East Rockingham to be a derived proposal. The EPA also resolved, pursuant to s. 46(4) of the EP Act, to inquire into and report on the matter of amending the implementation conditions in MS 863 and submit the report and recommendations to the Minister for Environment.

By issuing a s. 45B Notice for the fourth derived proposal, dated 10 August 2022, the Minister for Environment gave notice that the implementation agreement in MS 863 takes effect in relation to this derived proposal. The Minister for Environment also gave notice that conditions 1-1, 1-2, 3-1, 4-1 to 4-6, 6-2 and Schedule 1 of MS 863 apply to this derived proposal subject to any change of the conditions made under s. 46 or s. 46C of the EP Act.

It is appropriate to inquire into whether or not the implementation conditions (in particular Schedule 1) relating to the derived proposal should be amended because the conditions set out in MS 863 are not able to be readily applied to and implemented through the derived proposals. This has the potential to confuse compliance and enforcement matters. The amended conditions need to be made explicitly clear in relation to the derived proposal.

The following is the EPA's Report and Recommendations (No. 1756) to the Minister for Environment pursuant to s. 46(6) of the EP Act, as it relates to the conditions relating to the derived proposal.

3 Inquiry into amending the conditions

The EPA has discretion as to how it conducts this inquiry. In determining the extent and nature of this inquiry, the EPA had regard to information such as:

- Rockingham Industrial Zone Strategic Environmental Assessment: Report and recommendations of the Environmental Protection Authority. Report No. 1390 (EPA 2011)
- MS 863
- Referral information provided by the proponent (Emerge Associates dated July 2021), which included:
 - Construction Environmental Management Plan (CEMP) (Version 7) (PGV Environmental 2013)
 - Environmental Management Plan (EMP) (Version 6) (PGV Environmental 2013)
 - Water Management Strategy- Rockingham Industry Zone (December) (hyd20 2013)
- Rockingham Industry Zone: Compliance Assessment Report 2021-2022 Ministerial Statements 863, 973, 995 And 1043 (Version 1) (PGV Environmental 2022).

EPA procedures

The EPA followed the procedures in the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2021* (State of Western Australia 2021) and the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual* (EPA 2021b).

4 Inquiry findings

The EPA considered that the following are key environmental factors relevant to the amendments for the proposal:

- Flora and vegetation
- Terrestrial fauna
- Inland waters.

4.1 Flora and vegetation

The EPA's environmental objective for flora and vegetation is "*to protect flora and vegetation so that biological diversity and ecological integrity are maintained*".

The EPA (Report 1390) considered that vegetation within the SEA will be mostly cleared including a portion of Floristic Community Type (FCT) 19b, which is a Threatened Ecological Community (TEC) known as Woodlands over Sedgeland in Holocene Dune Swales.

Based on previous surveys, the proposal area includes remnant vegetation in 'Very Good' and 'Good to Very Good' condition in accordance with the Keighery (1994) condition scale. The vegetation types were identified as being EgAr (*Eucalyptus gomphocephala* Open Woodland over *Acacia rostellifera* Shrubland), with a very small extent of EgMr (*Eucalyptus gomphocephala* Open Woodland over *Melaleuca raphiophylla* Shrubland). The EgMr vegetation type (in Lot 802) was also noted as being consistent with FCT 19bTEC.

The EPA (Report 1390) did not indicate that vegetation within the proposal area was to be retained. It is noted that the CEMP and EMP discuss that vegetation may be retained on areas adjacent to the road reserves within lots and provides management instructions for the retention of native vegetation prior to and during construction, and that these areas will be adequately delineated to ensure their disturbance is minimised. The EPA expects that vegetation will be retained where possible within the proposal.

Schedule 1 of MS 863 established the key characteristics of future derived proposals. These included that a derived proposal includes a CEMP and an EMP addressing the flora and vegetation factor. Schedule 1 set out the matters to be addressed by the CEMP and the EMP. The CEMP and EMP were approved on 5 November 2013 and 14 October 2013, respectively.

As part of the proposal referred to the EPA, the proponent submitted the approved CEMP and an EMP that addressed the matters set out in Schedule 1. To ensure implementation of those parts of the CEMP and EMP that address the matters specified in Schedule 1 and provide for compliance and enforcement activities, the EPA has recommended two additional conditions. These conditions are included in the attached draft Statement.

The sections of the previously approved CEMP (PGV Environmental 2013; version 7) that apply to this derived proposal, including for the flora and vegetation factor, are as follows:

- retention of native vegetation where possible (3.1)
- salvaging of Balgas (*Xanthorrhoea preissii*) for replanting in road reserves and potentially as part of the landscaping for individual industrial developments (3.3)
- clearing of native vegetation processes and procedures (4.1)
- landscaping processes and procedures (4.4)
- Aboriginal Heritage Management during construction (4.6).

The sections of the previously approved EMP (PGV Environmental 2013; version 6) that apply to this derived proposal, including for the flora and vegetation factor, are as follows:

- retention of native vegetation (3.1 and 4.1)
- salvaging of Balgas (*Xanthorrhoea preissii*) for (3.3)
- clearing of native vegetation processes and procedures (3.4)
- Aboriginal Heritage Management during construction (3.6)
- landscaping - species selection and source, weed management (4.2)
- waste management (4.3)
- fire management (4.4)
- environmental management of interfaces between lots and retained vegetation (5.2).

4.2 Terrestrial fauna

The EPA's environmental objective for terrestrial fauna is "*to protect terrestrial fauna so that biological diversity and ecological integrity are maintained*".

Based on previous surveys, the proposal area includes Tuart Dominated Woodland fauna habitat. One black cockatoo habitat tree (with a hollow) was recorded in Lot 804. While this factor was not considered to be a key environmental factor, the EPA (Report 1390) considered impact to black cockatoo foraging, breeding, and roosting habitat. The EPA noted the following management measure for clearing potential black cockatoo breeding trees - "*hollows from trees to be cleared will be harvested prior to construction and placed along with artificial breeding habitat in the Conservation Area*".

As part of the proposal referred to the EPA, the proponent submitted a CEMP and an EMP that addressed the matters set out in Schedule 1 and the terrestrial fauna factor.

The EPA considered that the Environmental factor guideline – terrestrial fauna (EPA 2016a) is the current environmental policy and guidance relevant to its assessment of the proposal for this factor.

To ensure implementation of those parts of the CEMP and EMP that address the matters specified in Schedule 1 and provide for compliance and enforcement activities, the EPA has recommended three additional conditions. These conditions are included in the attached draft Statement.

The sections of the previously approved CEMP (PGV Environmental 2013) that apply to this derived proposal, including for the terrestrial fauna factor, are as follows:

- retention of native vegetation where possible (3.1), refer to section 4.1
- fauna trapping and relocation program (3.4)
- salvaging fauna habitat (marking for relocation) (3.5)
- clearing of native vegetation processes and procedures (4.1)
- native fauna management processes and procedures (4.2)
- habitat creation (tree hollows for installation into the conservation area) (4.5)
- Aboriginal Heritage Management during construction (4.6).

The sections of the previously approved EMP (PGV Environmental 2013) that apply to this derived proposal, including for the terrestrial fauna factor, are as follows:

- retention of native vegetation (3.1 and 4.1), refer to section 4.1
- clearing of native vegetation processes and procedures (3.4)
- native fauna management - fauna trapping and relocation, habitat harvesting and clearing procedures (3.5)
- Aboriginal Heritage Management during construction (3.6)
- fire management (4.4)
- environmental management of interfaces between lots and retained vegetation (5.2).

The CEMP and EMP do not include a preconstruction tree hollow inspection for use by black cockatoos nor any procedures if any of the hollows are in use by black cockatoos. Therefore, the EPA has recommended condition 10.

4.3 Inland waters

The EPA environmental objective for Inland waters is *“to maintain the hydrological regimes and quality of groundwater and surface water so that environmental values are protected”*.

The EPA (Report 1390) considered the direct loss of wetlands and impact on groundwater due to land developed for industry having different rainfall runoff and infiltration characteristics to that of native vegetation within the SEA area. It should be noted that wetlands were identified as occurring within and adjacent to the

proposal area (Lot 802), however the recent Department of Biodiversity Conservations and Attractions (DBCA) geomorphic wetland mapping no longer has these wetlands present within the proposal area.

The key considerations as part of the EPA assessment (Report 1390) were *“prohibiting groundwater abstraction during construction and for ongoing industry in the SEA Area. The proponent has also committed to maintaining groundwater levels in the Conservation Area at pre-development winter levels and maintaining groundwater quality in the Conservation Area to pre-construction criteria”*.

These commitments are expected to be given effect through the Water Management Strategy (WMS). A WMS (Hyd₂0 2013) was developed for the SEA and approved by the Office of the Environmental Protection Authority (OEPA) on 23 December 2013.

The EPA concludes that the implementation of the WMS is applicable for the proposal. Therefore, the EPA has recommended amendments to condition 6-2.

4.4 Administration matters

Due to the EP Act amendments (which were gazetted 22 December 2021) there are references to various sections of the EP Act in MS 863 and Departmental name changes which are no longer correct and need to be updated accordingly. These references include:

- deleting ‘Office of the Environmental Protection Authority (OEPA)’ and replacing with ‘Department of Water and Environmental Regulation’ or only referencing the CEO. Relevant for conditions 1-2, 4-1, 4-2 and 4-4 to 4-6
- condition 3 Time Limit of Authorisation for a derived proposal, which refers to an incorrect section of the EP Act due to the EP Act being updated. Condition 3 refers to s. 39B(3) and this is now 38E(4)
- condition 4-6 refers to an incorrect section of the EP Act due to the EP Act being updated. Condition 4-6 refers to s. 45A(2) and this is now s. 45B(2)
- condition 6-2 refers to Condition 6-1 which requires the preparation of a Water Management Strategy. It is more appropriate to refer to the Water Management Strategy that was approved on 13 December 2013.

Several of the conditions in MS 863 are no longer considered applicable for the SEA or have been completed (and therefore not considered a requirement for the derived proposal to subdivide (amalgamate) Lots 802, 804 and 4640 Mandurah Road, East Rockingham. These include:

- condition 5-3: the preparation of the Initial Conservation Area Management Plan. This plan was approved by the OEPA on 23 December 2013 (PGV Environmental 2022)
- condition 6-1: preparation of a Water Management Strategy. This plan was approved by the OEPA on 23 December 2013 (PGV Environmental 2022)
- condition 7-1: preparation of an Offsets Package. The Offsets Package was approved by the OEPA on 10 October 2013 and payment made to DBCA on 5 December 2013 (PGV Environmental 2022).

Conditions 5-1 and 5-2 are not applicable to this derived proposal or proponent.

5 Conclusions and recommendations

The EPA declared the proposal to subdivide (amalgamate) Lots 802, 804 and 4640 Mandurah Road, East Rockingham a derived proposal. The Minister for Environment then gave notice that the implementation agreement in MS 863 takes effect in relation to this derived proposal and gave notice which conditions apply to this derived proposal subject to any change of the conditions made under s. 46 or s. 46C of the EP Act.

Conclusions

In relation to the conditions which apply to this derived proposal, and considering the information provided by the proponent, the EPA concludes that:

- minor administration (EP Act amendments) and Departmental name changes apply to the derived proposal would be appropriate
- two additional conditions to ensure implementation of the previously approved CEMP and EMP as referenced within MS 863 would be appropriate
- addition of a terrestrial fauna (black cockatoo) condition requiring hollow inspection prior to construction as the existing CEMP and EMP do not include hollow inspection of potential black cockatoo trees with hollows.

Recommendations

Having inquired into this matter, the EPA submits the following recommendations to the Minister for Environment under s. 46 of the EP Act:

1. It is appropriate to amend the implementation conditions of Ministerial statement 863 that relate to the derived proposal with a new Ministerial statement in the manner provided for in the attached recommended Statement.
2. After complying with s. 46(8) of the EP Act, the Minister issues a statement of decision to amend the conditions of MS 863 that relate to the derived proposal in the manner provided for in the attached recommended statement (Appendix A).

Appendix A: Recommended conditions

STATEMENT TO AMEND CONDITIONS APPLYING TO A PROPOSAL (PURSUANT TO THE PROVISIONS OF SECTION 46(4) OF THE *ENVIRONMENTAL PROTECTION ACT 1986*)

SUBDIVISION (AMALGAMATION) LOTS 802, 804 AND 4640 MANDURAH ROAD,
EAST ROCKINGHAM

Proposal: Subdivision (Amalgamation) Lots 802, 804 and 4640
Mandurah Road, East Rockingham

Proponent: TRECAP Pty Ltd as Trustee for the Royal View Trust

Proponent Address: 756 Canning Highway
APPLECROSS WA 6953

Inquiry into Conditions Assessment Number: 2348

Report of the Environmental Protection Authority's Inquiry into Conditions:
1756

Strategic Proposal Statement Number: 863

By Section 45B Notice No. 4 (dated 10 August 2022), the Minister for Environment gave notice that the implementation agreement previously made and referred to in Ministerial statement No. 863 dated 26 May 2011 takes effect in relation to this derived proposal. The Minister for Environment also gave notice that conditions 1-1, 1-2, 3-1, 4-1, 4-2, 4-3, 4-4, 4-5, 4-6 and 6-2 of Ministerial statement 863 apply to this derived proposal subject to any change of the conditions made under sections 46 or 46C of the *Environmental Protection Act 1986*.

Pursuant to section 46 of the *Environmental Protection Act 1986*, implementation condition 1-2, 3-1, 4-1, 4-2, 4-4, 4-5, 4-6 and 6-2 in Ministerial statement No. 863 dated 26 May 2011, as applied only to this derived proposal, are amended as follows:

1. Amendment to condition 1-2

Condition 1-2 of Ministerial statement 863 is deleted and replaced with:

- 1-2 The proponent must 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 of the principal office in the State.

2. Amendment to condition 3-1

Condition 3-1 of Ministerial statement 863 is deleted and replaced with:

- 3-1 The authorisation to implement a derived proposal provided for in this statement shall lapse and be void five (5) years after the declaration of the Environmental Protection Authority under section 38E(4) of the *Environmental Protection Act 1986* that the proposal is a derived proposal.

3. Amendment to condition 4-1, 4-2 and 4-4 to 4-6

Conditions 4-1, 4-2, 4-4, 4-5 and 4-6 of Ministerial statement 863 are deleted and replaced with:

- 4-1 The proponent must prepare and submit a compliance assessment plan to the **CEO** for approval prior to the first compliance report required by condition 4-6, or prior to the commencement of the proposal, whichever is sooner.
- 4-2 The proponent must implement and maintain to the satisfaction of the **CEO** the compliance assessment plan required by condition 4-1. The compliance assessment plan must indicate:
 - (1) the frequency of compliance reporting;
 - (2) the approach and timing of compliance assessments;
 - (3) the retention of compliance assessments;
 - (4) the reporting of potential non-compliances and corrective actions taken;
 - (5) the table of contents of compliance reports; and
 - (6) the public availability of compliance reports.
- 4-4 The proponent must retain all compliance assessments reports described in the compliance assessment plan required by condition 4-1 and must make those reports available when requested by the **CEO**.
- 4-5 If the proponent becomes aware of a potential non-compliance, the proponent must:
 - (1) report this to the **CEO** within seven (7) days;
 - (2) implement **contingency measures**;
 - (3) investigate the cause;
 - (4) investigate environmental impacts;
 - (5) advise rectification measures to be implemented;
 - (6) advise any other measures to be implemented to ensure no further impact; and
 - (7) provide a report to the **CEO** within twenty-one (21) days of being aware of the potential non-compliance, detailing the measures required in conditions 4-5(1) to 4-5(6) above.
- 4-6 The proponent must submit a compliance assessment report annually from the date of the Minister for Environment's notice under section 45B(2) of the *Environmental Protection Act 1986* addressing the previous twelve month period or other period as agreed by the **CEO** in writing. The compliance assessment report must:
 - (1) be endorsed by the proponent's Managing Director or a person, approved in writing by the **CEO**, delegated to sign on the Managing Director'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 compliance assessment plan; and
 - (5) indicate any proposed changes to the compliance assessment plan required by condition 4-1.

4. Amendment to condition 6-2

Condition 6-2 of Ministerial statement 863 is deleted and replaced with:

- 6-2 The proponent must implement the Water Management Strategy (**WMS**) that was approved by the **CEO** on 23 December 2013, or subsequent revisions as approved by the **CEO**, in writing.
- 6-3 The proponent:
 - (1) may review, and must submit proposed amendments to the **WMS** to the **CEO**, in writing; or
 - (2) must review and submit proposed amendments to the **WMS** when directed by the **CEO**, in writing.
- 6-4 The proponent must continue to implement the **WMS** as approved by the **CEO** in writing, until the **CEO** has confirmed by written notice that the proponent has demonstrated that the requirements of the **WMS** have been achieved.

5. New conditions 8, 9, 10 and 11

The following conditions are added after condition 7:

8 Construction Environmental Management Plan

- 8-1 The proponent must implement the Construction Environmental Management Plan (**CEMP**) Version 7 dated 5 November 2013, or any subsequent revisions as approved by the **CEO** in writing. The sections of the **CEMP** applicable to the proposal include 3.1, 3.3, 3.4, 3.5, 4.1, 4.2, 4.4, 4.5 and 4.6.
- 8-2 The proponent:
 - (1) may review, and must submit proposed amendments to the **CEMP** to the **CEO**, in writing; or
 - (2) must review and submit proposed amendments to the **CEMP** when directed by the **CEO**, in writing.
- 8-3 The proponent must continue to implement the **CEMP** as approved by the **CEO** in writing, until the **CEO** has confirmed by written notice that the proponent has demonstrated that the requirements of the **CEMP** have been achieved.

9 Environmental Management Plan

- 9-1 The proponent must implement the Environmental Management Plan (**EMP**) Version 6 dated 14 October 2013, or any subsequent revisions as approved by the **CEO** in writing. The sections of the **EMP** applicable to the proposal include 3.1, 3.3, 3.4, 3.5, 3.6, 4.1, 4.2, 4.3, 4.4, and 5.2.
- 9-2 The proponent:
 - (1) may review, and must submit proposed amendments to the **EMP** to the **CEO**, in writing; or
 - (2) must review and submit proposed amendments to the **EMP** when directed by the **CEO**, in writing.
- 9-3 The proponent must continue to implement the **EMP** as approved by the **CEO** in writing, until the **CEO** has confirmed by written notice that the proponent has demonstrated that the requirements of the **EMP** have been achieved.

10 Terrestrial fauna

10-1 The proponent must implement the proposal to achieve the following environmental objectives:

- (1) minimise the risk of physical injury or mortality from **construction activities** on **black cockatoos**.

10-2 The proponent must undertake the following actions prior to **construction activities**:

- (1) within seven (7) days prior to clearing, using a qualified and licensed terrestrial **fauna spotter** with experience in surveying for **black cockatoos**, inspect all **potential nesting tree** hollows within the proposal area to determine if any hollows are being used for nesting by **black cockatoos**;
- (2) if any hollows are in use by **black cockatoos**, the proponent must not disturb or clear the **known nesting tree**, or vegetation within a ten (10) metre radius of the **known nesting tree**, until after the **black cockatoos** have naturally completed nesting (young have fledged and dispersed) and an appropriately qualified and licenced terrestrial **fauna spotter** has verified that the hollow(s) are no longer being used by **black cockatoos**.

Table 1: Abbreviations and definitions

| Acronym or abbreviation | Definition or term |
|--|---|
| Adverse impact / adversely impacted | Negative change that is neither trivial nor negligible that could result in a reduction in health, diversity or abundance of the receptor/s being impacted, or a reduction in environmental value. Adverse impacts can arise from direct or indirect impacts, or other impacts from the proposal. |
| Black cockatoos | Carnaby's black cockatoo (<i>Calyptorhynchus latirostris</i>), forest red-tailed black cockatoo (<i>Calyptorhynchus banksii naso</i>) and Baudin's black cockatoo (<i>Calyptorhynchus baudinii</i>). |
| CEO | The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or the CEO's delegate. |
| CEMP | Rockingham Industry Zone: Construction Environmental Management Plan. Version 7 Dated 5 November 2013 (PGV Environmental). |
| Construction activities | Activities that are associated with the substantial implementation of a proposal including but not limited to, earthmoving, vegetation clearing, grading or construction of right of way. Construction activities do not include Geotechnical investigations (including potholing for services and the installation of piezometers) and other preconstruction activities where no clearing of vegetation is required. |
| Contingency measures | Planned actions for implementation if it is identified that an environmental outcome or environmental objective are not being met, or likely not to be met. Contingency measures include changes to operations or reductions in disturbance to reduce impacts and must be decisive actions that will quickly ensure that the environmental outcome and/or objective can be met. |
| EMP | Rockingham Industry Zone: Construction Environmental Management Plan. Version 6 Dated 14 October (PGV Environmental). |
| fauna spotter | A person who has a relevant lawful authority under <i>the Biodiversity Conservation Act 2016</i> . |
| Known nesting tree | Trees (live or dead but still standing) which contains a hollow where black cockatoo breeding has been recorded or which demonstrates evidence of breeding (i.e. showing evidence of use through scratches, chew marks or feathers). |
| Objectives | An objective is an intention, relating to implementation of management actions to mitigate impacts. |
| Potential nesting tree | Trees that have a suitable diameter at breast height (DBH) to develop a nest hollow. |

| | |
|------------|---|
| WMS | Water Management Strategy- Rockingham Industry Zone (December) (hyd ₂ O 2013). |
|------------|---|

Hon Reece Whitby MLA

MINISTER FOR ENVIRONMENT; CLIMATE CHANGE; ENERGY

Appendix B: Decision-making authorities

The decision-making authorities in the table below have been identified for the purposes of s. 45 as applied by s. 46(8) of the *Environmental Protection Act 1986*.

| Decision-Making Authority | Legislation (and approval) |
|---|--|
| 1. Western Australian Planning Commission | <i>Planning and Development Act 2005</i> – (Subdivision approval) |

References

ATA Environmental 2006, *East Rockingham Industrial Park (IP14 Area) – Flora and Vegetation Survey*. Report No. 2002/06.

EPA 2016a, *Environmental Factor Guideline - Terrestrial Fauna*, Environmental Protection Authority, Perth, WA.

EPA 2021a, *Statement of environmental principles, factors, objectives and aims of EIA*, Environmental Protection Authority, Perth, WA.

EPA 2021b, *Environmental impact assessment (Part IV Divisions 1 and 2) procedures manual*, Environmental Protection Authority, Perth, WA.

Keighery, B.J. 1994, *Bushland Plant Survey: a Guide to Plant Community Survey for the Community*. Wildflower Society of WA (Inc.), Nedlands, Western Australia.

hyd20 2013, *Water Management Strategy- Rockingham Industry Zone* (December). Prepared for LandCorp.

PGV Environmental 2013, *Construction Environmental Management Plan* (Version 7), Prepared for LandCorp.

PGV Environmental 2013, *Environmental Management Plan* (Version 6). Prepared for LandCorp.

PGV Environmental 2022; *Rockingham Industry Zone: Compliance Assessment Report 2021-2022 Ministerial Statements 863, 973, 995 and 1043* (Version 1). Report no. 2022-679. Prepared for DevelopmentWA.

PGV Environmental 2022, *Rockingham Industry Zone Compliance Report 2021/2022 EPBC 2010/5337* (Version 1). Report no. 2022-704. Prepared for DevelopmentWA.

State of Western Australia 2021, *Western Australia Government Gazette, No. 180, Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2021*, 22 October 2021.