




Report and recommendations of the Environmental Protection Authority



**Subdivision of Lot 500 Patterson Road,
East Rockingham
— inquiry under s46 of the
Environmental Protection Act 1986
into whether or not the conditions
relating to the proposal should be
changed**

Western Australian Land Authority

Report 1502

February 2014

ENVIRONMENTAL PROTECTION AUTHORITY
REPORT AND RECOMMENDATIONS TO THE MINISTER FOR
ENVIRONMENT

**SUBDIVISION OF LOT 500 PATTERSON ROAD, EAST ROCKINGHAM–
INQUIRY UNDER S46(4) OF THE *ENVIRONMENTAL PROTECTION ACT*
1986 INTO WHETHER OR NOT THE CONDITIONS RELATING TO THE
PROPOSAL SHOULD BE CHANGED (ASSESSMENT NO. 1996)**

At its meeting of 22 January 2013 (Meeting No. 1060), the Environmental Protection Authority (EPA) determined pursuant to section 39B of the *Environmental Protection Act 1986* (EP Act) to declare that the proposal to subdivide Lot 500 Patterson Road, East Rockingham is a derived proposal. The EPA also determined pursuant to section 46(4) of the EP Act to inquire into whether or not the implementation conditions relating to the proposal, or any of them, should be changed.

The following is the EPA's Report and Recommendations (No. 1502) to the Minister for Environment pursuant to section 46(6) of the EP Act in relation to whether or not the implementation conditions relating to the above proposal should be changed.

Background

The Rockingham Industrial Zone was referred to the EPA in 2004. The EPA assessed the proposal as a strategic proposal at the level of Public Environmental Review. The EPA published EPA Report 1390 in April 2011.

The Minister for Environment issued Ministerial Statement 863 in May 2011. Statement 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.

In the period since Ministerial Statement 863 was published, the proponent has prepared and had approved the Initial Conservation Area Management Plan required by Condition 5-3, Water Management Strategy required by Condition 6-1 and Offsets Package required by Condition 7-1 of the Statement. It has also fenced the conservation area (Condition 5-1) and cleared it of rubbish (Condition 5-2).

It does not make sense to apply these same conditions requiring the preparation of the same plans to the derived proposal to subdivide Lot 500 Patterson Road, East Rockingham. What is important is that in implementing the derived proposal, the proponent also implements the approved

management plans and strategies, maintains the established fence and keeps the conservation area free of rubbish.

To address the above, the EPA considers that several of the conditions as they apply to the derived proposal should be changed and has attached to this Report a draft Statement with recommended changes to the conditions.

Finally, Schedule 1 of Ministerial Statement 863 established the key characteristics of future derived proposals. These included that the derived proposal include a Construction Environmental Management Plan (CEMP) and an Environmental Management Plan (EMP). Schedule 1 set out the matters to be addressed by the CEMP and the EMP.

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. The CEMP and EMP also contained material that addressed matters beyond those specified 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.

EPA Conclusion and Recommendations

Having inquired into this matter, the EPA submits the following recommendations to the Minister for Environment:

1. That it is appropriate to change the conditions that relate to the derived proposal as recommended in the attached Draft Statement; and
2. That after complying with section 46(8) of the *Environmental Protection Act 1986*, the Minister issues a statement of decision to change the conditions that relate to the derived proposal.

OEPA2014-0032

RECOMMENDED ENVIRONMENTAL CONDITIONS

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

SUBDIVISION OF LOT 500 PATTERSON ROAD, EAST ROCKINGHAM

Proposal: Subdivision of Lot 500 Patterson Road, East Rockingham as set out in the subdivision plan titled Rockingham Industry Zone Subdivision Plan Lot 500 Patterson Road, Rockingham Amended Plan dated 7 August 2013

Proponent: Western Australian Land Authority trading as LandCorp

Proponent Address: Level 6
Wesfarmers House
40 The Esplanade
Perth WA 6000

Inquiry into Conditions Assessment Number: 1996

Strategic Proposal Assessment Number: 1534

Report of the Environmental Protection Authority's Inquiry into Conditions: 1502

Report of the Environmental Protection Authority's Assessment of the Strategic Proposal: 1390

Strategic Proposal Statement Number: 863

Conditions of Statement Number 863 dated 26 May 2011, as they apply to the Subdivision of Lot 500 Patterson Road, East Rockingham are amended as follows:

1. Change to Condition 5-1

Condition 5-1 of Ministerial Statement 863 is deleted and replaced with:

5-1 The proponent shall maintain the fence that it established around the Conservation Area, as delineated by Figure 1 and Table 2 of Statement 863, until such time as the land is ceded to the Conservation Commission of Western Australia.

2. Change to Condition 5-2

Condition 5-2 of Ministerial Statement 863 is deleted and replaced with:

5-2 The proponent shall maintain the Conservation Area, as delineated by Figure 1 and Table 2 of Statement 863, free of rubbish until such time as the land is ceded to the Conservation Commission of Western Australia.

3. Change to Condition 5-3

Condition 5-3 of Ministerial Statement 863 is deleted.

4. Change to Condition 5-4

Condition 5-4 of Ministerial Statement 863 is deleted and replaced with:

5-4 The proponent shall implement the Initial Conservation Area Management Plan that was approved by the CEO on 23 December 2013 until the Conservation Area is ceded to the Conservation Commission of Western Australia.

5. Change to Condition 5-5

Condition 5-5 of Ministerial Statement 863 is deleted and replaced with:

5-5 When the completion criteria in Section 5.3 of the Initial Conservation Area Management Plan referred to in Condition 5-4 are met, or within two years of a written request from the Department of Parks and Wildlife, the proponent will arrange to cede the Conservation Area to the Conservation Commission of Western Australia.

6. Change to Condition 6-1

Condition 6-1 of Ministerial Statement 863 is deleted.

7. Change to Condition 6-2

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

6-2 The proponent shall implement the Water Management Strategy that was approved by the CEO on 23 December 2013.

8. Change to Condition 7-2

Condition 7-2 of Ministerial Statement 863 is deleted and replaced with:

7-2 The proponent shall implement by 25 May 2014, or at a time agreed by the CEO, the Offsets Package that was approved by the CEO on 10 October 2013.

9. Add new Condition

8-1 Implement the management actions specified in the sections numbered 3.1, 3.4, 3.5, 4.2, 4.4, and 4.5 of the Construction Environmental Management Plan Version 7 dated 5 November 2013.

10. Add new Condition

9-1 Implement the management actions specified in the sections numbered 3.1, 3.3, 3.5 and 4.1 of the Environmental Management Plan Version 6 dated 14 October 2013.

[Signed xxx]

**HON Albert Jacob MLA
MINISTER FOR ENVIRONMENT; WATER**

Term or Phrase	Definition
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 his delegate.
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986</i>