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Published on: 8 April 2024

Statement No. 1218

STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(Environmental Protection Act 1986)

BP KWINANA RENEWABLE FUELS PROJECT

Proposal: The Proposal is for the construction and operation of a biofuels processing facility in the Kwinana Industrial Area approximately 30 kilometres south of the Perth Central Business.

Proponent: BP Refinery (Kwinana) Proprietary Limited
Australian Business Number 008689763

Proponent address: Lot 18 Mason Road, Kwinana
Kwinana WA 6167

Assessment number: 2377

Report of the Environmental Protection Authority: 1754

Introduction: Pursuant to section 45 of the *Environmental Protection Act 1986*, it has been agreed that the proposal entitled BP Kwinana Renewable Fuels Project described in the 'Proposal Content Document' attachment of the referral of 5 April 2023, may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures.

Conditions and procedures

Part A: Proposal extent

Part B: Environmental outcomes, prescriptions and objectives

Part C: Environmental management plans and monitoring

Part D: Compliance and other conditions

PART A: PROPOSAL EXTENT

A1 Limitations and Extent of Proposal

A1-1 The proponent must ensure that the proposal is implemented in such a manner that the following limitations or maximum extents / capacities / ranges are not exceeded:

Proposal element	Location	Maximum extent
Physical elements		
Overall extent of the Proposal	Within the development envelope shown in Figure 1	No clearing within a Development Envelope of 250 ha
Operational Elements		
Renewable fuels plant	Within the development envelope shown in Figure 1	Up to 1,600 m ³ per day
Timing elements		
Proposal time	Operation	Up to 20 years
	Decommissioning	Up to 5 years

Table note: **Operation** is from the date of the commencement of commissioning.

PART B – ENVIRONMENTAL OUTCOMES, PRESCRIPTIONS AND OBJECTIVES

B1 Greenhouse Gas Emissions

B1-1 Subject to condition B1-1(7), the proponent shall take measures to ensure that **net GHG emissions** do not exceed:

- (1) 531,300 tonnes of **CO₂-e** for the period from which this statement is issued until 30 June 2030;
- (2) 410,550 tonnes of **CO₂-e** for the period between 1 July 2030 and 30 June 2035;
- (3) 289,800 tonnes of **CO₂-e** for the period between 1 July 2035 and 30 June 2040;
- (4) 169,050 tonnes of **CO₂-e** for the period between 1 July 2040 and 30 June 2045;
- (5) 48,300 tonnes of **CO₂-e** for the period between 1 July 2045 and the end of the proposal operations and decommissioning, including up until 30 June 2050;
- (6) zero tonnes of **CO₂-e** for every consecutive five (5) year period from 1 July 2050 onwards, should a proposal time extension be approved; and
- (7) Where the time between the **commencement of operations** and the end of a period specified in condition B1-1(1) is less than five (5) years, the **net GHG emissions** limit for that period is to be determined in accordance with the following formula:

$$\text{Reduced net GHG emissions limit} = (A \div 1825) \times B$$

Where:

A is the **net GHG emissions** limit for the period as specified in condition B1-1.

B is the number of days between the **commencement of operations** and the end of the relevant period specified in condition B1-1.

B1-2 The proponent must implement the **Greenhouse Gas Environmental Management Plan** to:

- (1) be consistent with the achievement of the **net GHG emissions** limits in condition B1-1 subject to the adjustment provided for in condition B1-1(7) (or achievement of emission reductions beyond those required by those emission limits);

- (2) specify the estimated **proposal GHG emissions** and **emissions intensity** for the life of the proposal;
- (3) include a comparison of the estimated **proposal GHG emissions** and **emissions intensity** for the life of the proposal against other relevant emissions reduction practices, pathways and comparable facilities;
- (4) identify and describe any measures that the proponent will implement to avoid, reduce and/or offset **proposal GHG emissions** and/or reduce the **emissions intensity** of the proposal; and
- (5) provide a program for the future review of the plan to:
 - (a) assess the effectiveness of measures referred to in condition B1-2(4); and
 - (b) identify and describe options for future measures that the proponent may or could implement to avoid, reduce, and/or offset **proposal GHG emission** and/or reduce the **emissions intensity** of the proposal;
 - (c) consider reasonably practicable options for reductions in **scope 3 emissions**; and
 - (d) consider reasonably practicable options to achieve net zero **scope 2 emissions**.

B1-3 Within twenty (20) business days of:

- (1) any subsequent version of the **confirmed Greenhouse Gas Environmental Management Plan** submitted under condition C1-2 which satisfies the requirements of condition B1-2,

the proponent must submit a separate summary of the relevant plan to the **CEO**, which must:

- (2) include a summary of the matters specified in conditions B1-2(1) to condition B1-2(4); and
- (3) be published as required by condition B1-7.

B1-4 The proponent shall submit an annual report to the **CEO** each year by 31 March, commencing on the first 31 March after the **commencement of operations**, or such other date within that financial year as is agreed by the **CEO** to align with other reporting requirements for **GHG**, specifying for the previous financial year:

- (1) the quantity of **proposal GHG emissions**; and
- (2) the **emissions intensity** for the proposal.

B1-5 The proponent shall submit to the **CEO** by 31 March 2030 or such other date within that financial year as is agreed by the **CEO** to align with other reporting requirements for **GHG**, and every five (5) years thereafter:

- (1) a consolidated report specifying:
 - (a) for each of the preceding five (5) financial years, the matters referred to in condition B1-4(1) and condition B1-4(2);
 - (b) for the period specified in condition B1-1 that ended on 30 June of the year before the report is due:
 - (i) the quantity of **proposal GHG emissions**;
 - (ii) the **net GHG emissions**;
 - (iii) any measures that have been implemented to avoid or reduce **proposal GHG emissions**;
 - (iv) the type, quantity, identification or serial number, and date of retirement or cancellation of any **authorised offsets** which have been retired or cancelled and which have been used to calculate the **net GHG emissions** referred to in condition B1-5(1)(b)(ii), including written evidence of such retirement or cancellation; and
 - (v) the amount of **proposal GHG emissions** that have been avoided or reduced through a **Certified Improvement**, including a description of any **Certified Improvement** that caused the avoidance or reduction.
 - (vi) a comparison of the **proposal GHG emissions** for the proposal against **international industry best practice** for comparable facilities
- (2) an audit and peer review report of the consolidated report required by condition B1-5(1), carried out by an independent person or independent persons with suitable technical experience dealing with the suitability of the methodology used to determine the matters set out in the consolidated report, whether the consolidated report is accurate and whether the consolidated report is supported by credible evidence.

B1-6 A consolidated report referred to in condition B1-5(1) must be accompanied by:

- (1) a revision of the **confirmed Greenhouse Gas Environmental Management Plan** required under condition B1-2 and B1-8; and

- (2) a separate summary report, for the period specified in condition B1-1 that ended on 30 June of the year before the report is due and any previous periods specified in condition B1-1, and which includes:
 - (a) a graphical comparison of **net GHG emissions** with the **net GHG emissions** limits detailed in condition B1-1(subject to the adjustment provided for in condition B1-1(7));
 - (b) proposal **emissions intensity** compared to comparable facilities;
 - (c) a summary of measures to reduce the **proposal GHG emissions** undertaken by the proponent for compliance periods detailed in condition B1-1; and
 - (d) a clear statement as to whether limits for **net GHG emissions** set out in condition B1-1 have been met, and whether future **net GHG emissions** limits are likely to be met, including a description of any reasons why those limits have not been, and/or are unlikely to be met.

B1-7 In addition to the requirements of condition C1-6 about publication of the **confirmed Greenhouse Gas Environmental Management Plan**, the proponent shall make the summary of the **confirmed Greenhouse Gas Environmental Management Plan**, and all reports required by this condition B1 publicly available on the proponent's website within the timeframes specified below, or in any other manner or time specified by the **CEO**:

- (1) the summary of the **confirmed Greenhouse Gas Environmental Management Plan** within twenty (20) business days of submitting the document to the **CEO** in accordance with condition B1-3; and
- (2) the reports referred to in condition B1-4, condition B1-5, and condition B1-6 within twenty (20) business days of submitting the document to the **CEO**, and they shall remain published for the life of the proposal.

B1-8 In addition to the requirements of condition C1-2, the proponent must revise and submit to the **CEO** the **confirmed Greenhouse Gas Environmental Management Plan** by the date that the first five (5) yearly consolidated report is required to be submitted under condition B1-5 and every five (5) years after that date.

PART C – ENVIRONMENTAL MANAGEMENT PLANS AND MONITORING

Environmental Management Plans: Conditions Relating to Approval, Implementation, Review and Publication

C1-1 Upon being required to implement an environmental management plan under Part B, the proponent must:

- (1) implement the most recent version of the **confirmed** environmental management plan; and
- (2) continue to implement the **confirmed** environmental management plan referred to in condition C1-1(1), other than for any period which the **CEO** confirms by notice in writing that it has been demonstrated that the relevant requirements for the **confirmed** environmental management plan have been met, or are able to be met under another statutory decision-making process, in which case the implementation of the environmental management plan is no longer required for that period.

C1-2 The proponent:

- (1) may review and revise a **confirmed** environmental management plan provided it meets the relevant requirements of that environmental management plan, including any consultation that may be required when preparing the environmental management plan;
- (2) must review and revise a **confirmed** environmental management plan and ensure it meets the relevant requirements of that environmental management plan, including any consultation that may be required when preparing the environmental management plan, as and when directed by the **CEO**; and
- (3) must revise and submit to the **CEO** the **confirmed** environmental management plan if there is a material risk that the **outcomes** or **objectives** it is required to achieve will not be complied with, including but not limited to as a result of a change to the proposal.

C1-3 Despite condition C1-1, but subject to conditions C1-4 and C1-5, the proponent may implement minor revisions to an environmental management plan if the revisions will not result in new or increased **adverse impacts** to the environment or result in a risk to the achievement of the limits, **outcomes** or **objectives** which the environmental management plan is required to achieve.

C1-4 If the proponent is to implement minor revisions to an environmental management plan under condition C1-3, the proponent must provide the **CEO** with the following at least twenty (20) business days before it implements the revisions:

- (1) the revised environmental management plan clearly showing the minor revisions;
- (2) an explanation of and justification for the minor revisions; and
- (3) an explanation of why the minor revisions will not result in new or increased **adverse impacts** to the environment or result in a risk to the achievement of the limits, **outcomes** or **objectives** which the environmental management plan is required to achieve.

C1-5 The proponent must cease to implement any revisions which the **CEO** notifies the proponent (at any time) in writing may not be implemented.

C1-6 **Confirmed** environmental management plans, and any revised environmental management plans under condition C1-4(1), must be published on the proponent's website and provided to the **CEO** in electronic form suitable for online publication by the Department of Water and Environmental Regulation within twenty (20) business days of being implemented, or being required to be implemented (whichever is earlier).

C2 Conditions Related to Monitoring

C2-1 The proponent must undertake monitoring capable of:

- (1) substantiating whether the proposal limitations and extents in Part A are exceeded; and
- (2) **detecting** and substantiating whether the environmental **outcomes** identified in Part B are achieved (excluding any environmental **outcomes** in Part B where an environmental management plan is expressly required to monitor achievement of that **outcome**).

C2-2 The proponent must submit as part of the Compliance Assessment Report required by condition D2, a compliance monitoring report that:

- (1) outlines the monitoring that was undertaken during the implementation of the proposal;
- (2) identifies why the monitoring was capable of substantiating whether the proposal limitation and extents in Part A are exceeded;
- (3) for any environmental **outcomes** to which condition C2-1(2) applies, identifies why the monitoring was scientifically robust and capable of **detecting** whether the environmental **outcomes** in Part B are met;
- (4) outlines the results of the monitoring;

- (5) reports whether the proposal limitations and extents in Part A were exceeded and (for any environmental **outcomes** to which condition C2-1(2) applies) whether the environmental **outcomes** in Part B were achieved, based on analysis of the results of the monitoring; and
- (6) reports any actions taken by the proponent to remediate any potential non-compliance.

PART D – COMPLIANCE, TIME LIMITS, AUDITS AND OTHER CONDITIONS

D1 Non-compliance Reporting

D1-1 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 D1-1(1) to D1-1(6) above.

D1-2 Failure to comply with the requirements of a condition, or with the content of an environmental management plan required under a condition, constitutes a non-compliance with these conditions, regardless of whether the **contingency measures**, rectification or other measures in condition D1-1 above have been or are being implemented.

D2 Compliance Reporting

D2-1 The proponent must provide an annual Compliance Assessment Report to the **CEO** for the purpose of determining whether the implementation conditions are being complied with.

D2-2 Unless a different date or frequency is approved by the **CEO**, the first annual Compliance Assessment Report must be submitted within fifteen (15) months of the date of this Statement, and subsequent reports must be submitted annually from that date.

D2-3 Each annual Compliance Assessment Report must be endorsed by the proponent's Chief Executive Officer, or a person approved by proponent's Chief Executive Officer to be delegated to sign on the Chief Executive Officer's behalf.

D2-4 Each annual Compliance Assessment Report must:

- (1) state whether each condition of this Statement has been complied with, including:

- (a) exceedance of any proposal limits and extents;
 - (b) achievement of environmental **outcomes**;
 - (c) achievement of environmental **objectives**;
 - (d) requirements to implement the content of environmental management plans;
 - (e) monitoring requirements;
 - (f) implement **contingency measures**;
 - (g) requirements to implement adaptive management; and
 - (h) reporting requirements;
- (2) include the results of any monitoring (inclusive of any raw data) that has been required under Part C in order to demonstrate that the limits in Part A, and any **outcomes** or any **objectives** are being met;
 - (3) provide evidence to substantiate statements of compliance, or details of where there has been a non-compliance;
 - (4) include the corrective, remedial and preventative actions taken in response to any potential non-compliance;
 - (5) be provided in a form suitable for publication on the proponent's website and online by the Department of Water and Environmental Regulation;
 - (6) be prepared and published consistent with the latest version of the Compliance Assessment Plan required by condition D2-5 which the **CEO** has confirmed by notice in writing satisfies the relevant requirements of Part C and Part D.

D2-5 The proponent must prepare a Compliance Assessment Plan which is submitted to the **CEO** at least six (6) months prior to the first Compliance Assessment Report required by condition D2-2, or prior to implementation of the proposal, whichever is sooner.

D2-6 The Compliance Assessment Plan must include:

- (1) what, when and how information will be collected and recorded to assess compliance;
- (2) the methods which will be used to assess compliance;
- (3) the methods which will be used to validate the adequacy of the compliance assessment to determine whether the implementation conditions are being complied with;

- (4) the retention of compliance assessments;
- (5) the table of contents of Compliance Assessment Reports, including audit tables; and
- (6) how and when Compliance Assessment Reports will be made publicly available, including usually being published on the proponent's website within sixty (60) days of being provided to the **CEO**.

D3 Contact Details

D3-1 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.

D4 Time Limit for Proposal Implementation

D4-1 The proposal must be **substantially commenced** within five (5) years from the date of this Statement.

D4-2 The proponent must provide to the **CEO** documentary evidence demonstrating that they have complied with condition D4-1 no later than fourteen (14) days after the expiration of period specified in condition D4-1.

D4-3 If the proposal has not been **substantially commenced** within the period specified in condition D4-1, implementation of the proposal must not be commenced or continued after the expiration of that period.

D5 Public Availability of Data

D5-1 Subject to condition D5-2, within a reasonable time period approved by the **CEO** upon the issue of this Statement and for the remainder of the life of the proposal, the proponent must make publicly available, in a manner approved by the **CEO**, all validated environmental data collected before and after the date of this Statement relevant to the proposal (including sampling design, sampling methodologies, monitoring and other empirical data and derived information products (e.g. maps)), environmental management plans and reports relevant to the assessment of this proposal and implementation of this Statement.

D5-2 If:

- (1) any data referred to in condition D5-1 contains trade secrets; or

- (2) any data referred to in condition D5-1 contains particulars of confidential information (other than trade secrets) that has commercial value to a person that would be, or could reasonably be expected to be, destroyed or diminished if the confidential information were published,

the proponent may submit a request for approval from the **CEO** to not make this data publicly available and the **CEO** may agree to such a request if the **CEO** is satisfied that the data meets the above criteria.

- D5-3 In making such a request the proponent must provide the **CEO** with an explanation and reasons why the data should not be made publicly available.

D6 Independent Audit

- D6-1 The proponent must arrange for an independent audit of compliance with the conditions of this Statement, including achievement of the environmental **outcomes** and/or the environmental **objectives** and/ or environmental performance with the conditions of this Statement, as and when directed by the **CEO**.

- D6-2 The independent audit must be carried out by a person with appropriate qualifications who is nominated or approved by the **CEO** to undertake the audit under condition D6-1.

- D6-3 The proponent must submit the independent audit report with the Compliance Assessment Report required by condition D2-1, or at any time as and when directed in writing by the **CEO**. The audit report is to be supported by credible evidence to substantiate its findings.

- D6-4 The independent audit report required by condition D6-1 is to be made publicly available in the same timeframe, manner and form as a Compliance Assessment Report, or as otherwise directed by the **CEO**.

[signed on 8 April 2024]

Hon Reece Whitby MLA
MINISTER FOR ENVIRONMENT; CLIMATE ACTION

Key decision-making authorities consulted under section 45(2):

Minister for State Development

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.
Authorised offsets	Units representing GHG emissions issued under one of the following schemes and cancelled or retired in accordance with any rules applicable at the relevant time governing the cancellation or retiring of units of that kind: <ul style="list-style-type: none"> (a) Australian Carbon Credit Units issued under the <i>Carbon Credits (Carbon Farming Initiative) Act 2011</i> (Cth); (b) Verified Emission Reductions issued under the Gold Standard program; (c) Verified Carbon Units issued under the Verified Carbon Standard program; or other offset units that the Minister has notified the proponent in writing meet integrity principles and are based on clear, enforceable and accountable methods.
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.
Certified Improvement	An improvement to technology and/or processes approved by the CEO as an improvement that was or would be unlikely to occur in the ordinary implementation of the proposal (disregarding the effect of these conditions), and which is the subject of a report that: <ul style="list-style-type: none"> (a) describes the improvement; (b) demonstrates that the improvement was or would be unlikely to occur in the ordinary implementation of the proposal (disregarding the effect of these conditions); and (c) has been reviewed by a suitably qualified peer reviewer, who has been approved by the CEO, and who confirms that he or she agrees with the conclusions set out in the report.
CO₂-e	Carbon dioxide equivalent
Confirmed	In relation to a plan required to be made and submitted to the CEO , means, at the relevant time, the plan that the CEO confirmed, by notice in writing, meets the requirements of the relevant condition. In relation to a plan required to be implemented without the need to be first submitted to the CEO , means that plan until it is revised, and then means, at the relevant time, the plan that the CEO

Acronym or abbreviation	Definition or term
	confirmed, by notice in writing, meets the requirements of the relevant condition.
Contingency measures	Planned actions for implementation if it is identified that an environmental outcome , environmental objective , threshold criteria , or management target are likely to be, or are being, exceeded. Contingency measures include changes to operations or reductions in disturbance or adverse impacts to reduce impacts and must be decisive actions that will quickly bring the impact to below any relevant threshold , management target and to ensure that the environmental outcome and/or objective can be met.
Emissions intensity	Proposal GHG emissions per tonnes per annum of product produced.
Environmental value	A beneficial use, or ecosystem health condition.
GHG emissions	Greenhouse gas emissions expressed in tonnes of carbon dioxide equivalent (CO ₂ -e) as calculated in accordance with the definition of 'carbon dioxide equivalence' in Section 7 of the <i>National Greenhouse and Energy Reporting Act 2007</i> (Cth), or, if that definition is amended or repealed, the meaning set out in an Act, regulation or instrument concerning greenhouse gases as specified by the Minister.
Greenhouse Gas Environmental Management Plan	BP Kwinana Renewable Fuels Project Greenhouse Gas Management Plan (Version 3, 30 October 2023).
Greenhouse gas or GHG	Has the meaning given by Section 7A of the <i>National Greenhouse and Energy Reporting Act 2007</i> (Cth) or, if that definition is amended or repealed, the meaning set out in an Act, regulation or instrument concerning greenhouse gases as specified by the Minister.
ha	Hectare(s)
International industry best practice	A method, process, or technique employed within a particular industry that has consistently shown through research and experience results superior to those achieved by applying other means and can be used as a benchmark.
Management action	The identified actions implemented with the intent of to achieving the environmental objective .
Management target	A type of indicator to evaluate whether an environmental objective is being achieved.

Acronym or abbreviation	Definition or term
Net GHG emissions	<p>Proposal GHG emissions for a period less any reduction in GHG Emissions represented by the cancellation or retirement of authorised offsets which:</p> <ul style="list-style-type: none"> (a) were cancelled or retired between the first day of the period until 1 March in the year after the period has ended; (b) have been identified in the report for that period as required by condition B1-5(1)(b)(iv); (c) have not been identified as cancelled or retired in the report for that period as required by condition B1-5(1)(b)(iv); (d) have not been used to offset GHG emissions other than proposal GHG emissions; and (e) were not generated by avoiding proposal GHG emissions.
Objective(s)	An objective is the proposal-specific desired state for an environmental factor/s to be achieved from the implementation of management actions
Operations / Commencement of operations	Operation of the plant infrastructure for the proposal and includes pre-commissioning, commissioning, start-up and operation of the plant infrastructure for the proposal.
Outcome(s)	A proposal-specific result to be achieved when implementing the Proposal.
Proposal GHG emissions	<p>Scope 1 GHG Emissions released to the atmosphere as a direct result of an activity or series of activities that comprise/s or form/s part of the proposal, calculated in accordance with:</p> <ul style="list-style-type: none"> (a) the <i>National Greenhouse and Energy Reporting Act 2007</i> (Cth) and its subsidiary legislation; or (b) if that Act or the relevant subsidiary legislation is amended or repealed such that it does not provide a mechanism for calculating the Proposal Emissions, any other Act, regulation or instrument concerning greenhouse gases as specified by the CEO.
Scope 2 emissions	Scope 2 emissions of greenhouse gas , in relation to a facility, means the release of greenhouse gas into the atmosphere as a direct result of one or more activities that generate electricity, heating, cooling or steam that is consumed by the facility but that do not form part of the facility
Scope 3 emissions	Scope 3 emissions are indirect greenhouse gas emissions other than scope 2 emissions that are generated in the wider economy. They occur as a consequence of the activities of a facility, but from sources not owned or controlled by that facility's business.
Substantially commenced	Physical construction activities for, and progress of an important or essential element or elements of the Proposal scope

Acronym or abbreviation	Definition or term
Threshold criteria	The indicators that have been selected to represent limits of impact beyond which the environmental outcome is not being met.

Figure (attached)

Figure 1 Development envelope (This map is a representation of the co-ordinates referenced in Schedule 1)



Figure 1: Development envelope and disturbance footprint for the proposal.

Schedule 1

All co-ordinates are in metres, listed in Map Grid of Australia Zone 50 (MGA Zone 50), datum of Geocentric Datum of Australia 2020 (GDA 2020).

Spatial data depicting the figures are held by the Department of Water and Environmental Regulation (DWER) Environment Online.