

APPENDIX A

Environmental approvals

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Published on: 26 May 2011

Statement No. 863

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(PURSUANT TO THE PROVISIONS OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

**ROCKINGHAM INDUSTRIAL ZONE STRATEGIC ENVIRONMENTAL
ASSESSMENT (FORMERLY IP14)**

Proposal: The strategic proposal is to identify a development footprint for future industrial development over a 339 hectare area of the Rockingham Industrial Zone, while retaining an area as a conservation reserve.

The strategic proposal and identification of derived proposals is further documented in schedule 1 of this statement.

Proponent: Landcorp

Proponent Address: Level 3
Wesfarmers House
40 The Esplanade
Perth WA 6000

Assessment Number: 1534

Report of the Environmental Protection Authority: Report 1390

The strategic proposal and future proposals referred to in the above report of the Environmental Protection Authority may be implemented. The implementation of the proposal shall be subject to the following conditions and procedures (subject to the Minister for Environment's identification of relevant conditions under section 45A(3) of the *Environmental Protection Act 1986*):

1 Proponent Nomination and Contact Details

1-1 The proponent for the time being nominated by the Minister for Environment under sections 38(6) or 38(7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal.

- 1-2 The proponent shall notify the Chief Executive Officer of the Department of Environment and Conservation of any change of the name and address of the proponent for the serving of notices or other correspondence within 30 days of such change.

2 Time Limit of Authorisation for Strategic Proposal

- 2-1 The authorisation provided for in this statement to request a derived proposal under section 39B(1) of the *Environmental Protection Act 1986* shall lapse and be void 20 years after the date of this statement.

3 Time Limit of Authorisation for a Derived Proposal

- 3-1 The authorisation to implement a derived proposal provided for in this statement shall lapse and be void five years after the declaration of the Environmental Protection Authority under section 39B(3) of the *Environmental Protection Act 1986* that the proposal is a derived proposal.

4 Compliance Reporting

- 4-1 The proponent shall prepare and submit a compliance assessment plan to the satisfaction of the Chief Executive Officer of the Office of the Environmental Protection Authority at least 6 months prior to the first compliance report required by condition 4-6 or prior to the commencement of future proposals, whichever is sooner.
- 4-2 The proponent shall implement and maintain to the satisfaction of the Chief Executive Officer of the Office of the Environmental Protection Authority the compliance assessment plan required by condition 4-1. The compliance assessment plan shall 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.
- 4-3 The proponent shall assess compliance with conditions in accordance with the compliance assessment plan required by condition 4-1.
- 4-4 The proponent shall retain reports of all compliance assessments described in the compliance assessment plan required by condition 4-1 and shall make those reports available when requested by the Chief Executive Officer of the Office of the Environmental Protection Authority.

- 4-5 The proponent shall advise the Chief Executive Officer of the Office of the Environmental Protection Authority of any potential non-compliance as soon as practicable.
- 4-6 The proponent shall submit a compliance assessment report annually from the date of the Minister for Environment's notice under section 45A(2) of the *Environmental Protection Act 1986* addressing the previous twelve month period or other period as agreed by the Chief Executive Officer of the Office of the Environmental Protection Authority. The compliance assessment report shall:
1. be endorsed by the proponent's Managing Director or a person, approved in writing by the Office of the Environmental Protection Authority, 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.

5 Conservation Area

- 5-1 Within 6 months of the date of this statement the proponent shall fence the Conservation Area, as delineated by Figure 1 and Table 2, to assist in preventing unauthorised access, and shall maintain the fencing until such time as the land is ceded to the Conservation Commission of Western Australia.
- 5-2 Within 6 months of the date of this statement the proponent shall remove all dumped rubbish from the Conservation Area and thereafter the proponent shall maintain the Conservation Area free of rubbish until such time as the land is ceded to the Conservation Commission of Western Australia.
- 5-3 Within two years of the date of this statement the proponent shall prepare an Initial Conservation Area Management Plan for the Conservation Area to the satisfaction of the Chief Executive Officer of the Office of the Environmental Protection Authority on advice from the Department of Environment and Conservation. The objective of this Initial Conservation Area Management Plan is to improve the condition of the Conservation Area to a level suitable for incorporation into the Conservation Estate.

The Initial Conservation Area Management Plan will address:

1. Protecting and rehabilitating the threatened ecological community *Sedgeland in Holocene dune swales of the Southern Swan Coastal Plain*;
 2. Maintenance of fencing of the area to control access to designated areas within the Conservation Area;
 3. Design and implementation of appropriate monitoring of the vegetation within the Conservation Area, including the threatened ecological community *Sedgeland in Holocene dune swales of the Southern Swan Coastal Plain*;
 4. Design and implementation of appropriate monitoring of hydrology including groundwater levels and quality and contingencies in the event of unacceptable hydrological impacts;
 5. Maintaining the Conservation Area free of dumped rubbish;
 6. Rehabilitation of degraded areas within the Conservation Area including tracks not required for strategic access;
 7. The control of feral animal populations in the Conservation Area;
 8. Weed control in the Conservation Area;
 9. Fire prevention and response;
 10. Enhancement of the fauna habitat in the area by providing harvested and artificial breeding infrastructure for significant fauna;
 11. Using artificial polishing drainage basins outside of the Conservation Area, for the re-infiltration of stormwater into the Conservation Area; and
 12. Completion criteria for handover to another management authority.
- 5-4 The proponent shall implement the Initial Conservation Area Management Plan required by Condition 5-3 until the Conservation Area is ceded to the Conservation Commission of Western Australia
- 5-5 When the completion criteria of Condition 5-3-12 are met, or within two years of a written request from the Department of Environment and Conservation, the proponent will arrange to cede the Conservation Area to the Conservation Commission of Western Australia.
- 5-6 Within one year of ceding land (pursuant to Condition 5-5) the proponent shall prepare a Conservation Area Management Plan to the satisfaction of the Chief Executive Officer of the Office of the Environmental Protection Authority on advice from the Department of Environment and Conservation. The

objective of this Conservation Area Management Plan is to guide continued management of the conservation values of the area.

The Conservation Area Management Plan will address:

1. Protecting and rehabilitating the threatened ecological community *Sedgelands in Holocene dune swales of the Southern Swan Coastal Plain*;
2. Maintenance of fencing of the area to control access to designated areas within the Conservation Area;
3. Ongoing vegetation monitoring of the threatened ecological community *Sedgelands in Holocene dune swales of the Southern Swan Coastal Plain*;
4. Ongoing monitoring of hydrology including groundwater levels and quality and implementation of contingencies in the event of unacceptable hydrological impacts;
5. Management of rehabilitated areas within the Conservation Area
6. The control of feral animal populations in the Conservation Area;
7. Weed control in the Conservation Area;
8. Fire prevention and response;
9. Enhancement of the fauna habitat in the area by providing harvested and artificial breeding infrastructure for Carnaby's Cockatoos; and
10. Using artificial polishing drainage basins outside of the Conservation Area for the re-infiltration of stormwater into the Conservation Area.

6 Water Management Strategy

- 6-1 Within two years of the date of this statement the proponent shall prepare a Water Management Strategy to the requirements of the Chief Executive Officer of the Office of the Environmental Protection Authority on advice from the Department of Environment and Conservation and the Department of Water.

The Water Management Strategy will address:

1. Managing stormwater as a resource;
2. Maintaining stormwater and groundwater quality to pre-development levels;
3. Maintaining hydrology including water quality and levels of natural ecosystems;

4. Retaining or improving groundwater balance;
 5. Managing the salt wedge / Cockburn Sound interface;
 6. Creating industrial landscapes as ecologically functioning units; and
 7. Integrating Water Sensitive Urban Design within landscape at site, precinct and district scales.
- 6-2 The proponent shall implement the Water Management Strategy required by Condition 6-1.

7 Offsets

- 7-1 Within two years of the date of this statement the proponent shall prepare an Offsets Package to the requirements of the Chief Executive Officer of the Office of the Environmental Protection Authority on advice from the Department of Environment and Conservation that will ensure the rehabilitation of at least 9 hectares of threatened ecological community *Sedgelands in Holocene dune swales of the Southern Swan Coastal Plain*, outside of the Strategic Environmental Assessment boundary, that requires active management in land managed by the Department of Environment and Conservation and at other high priority sites in the Rockingham region.
- 7-2 The proponent shall implement the Offsets Package required by Condition 7-1 within three years of the date of this statement.

HON BILL MARMION MLA
MINISTER FOR ENVIRONMENT; WATER

Schedule 1

The Strategic Proposal for the Rockingham Industrial Zone and Identification of Derived Proposals (Assessment No. 1534)

The Strategic Proposal is to:

- identify a development footprint for future industrial development within a 339 hectare section of the Rockingham Industrial Zone (the SEA Area shown in Figure 1);
- retain an area as a conservation area as delineated in Figure 1 and by coordinates in Table 2.

Derived proposals are expected to include:

- subdivision for industrial purposes; and
- the provision of infrastructure (such as roads, water services and power services) within the development footprint.

The main characteristics and the extent of derived proposals of the strategic proposal are summarised in Table 1 below.

Table 1: Summary of Key Proposal Characteristics

Strategic proposal	
Element	Description
Overall area	339 hectares of Rockingham Industrial Zone (SEA Area).
Development area:	All land within the SEA Area, excluding the Conservation Area.
Derived proposals	
Type of derived proposal	Key characteristics
Subdivision and provision of infrastructure.	<ul style="list-style-type: none">• Within the development area• In accordance with the Water Management Strategy (of Condition 6-1).• Includes a Construction Environmental Management Plan to:<ul style="list-style-type: none">- Retain, where practical, vegetation within the developed area;- Include a fauna trapping and relocation

	<p>program to be implemented in consultation with the Department of Environment and Conservation (DEC);</p> <ul style="list-style-type: none"> - Salvage potential breeding habitat for avifauna during clearing for integration into the Conservation Area; and - Establish vegetation in road reserves using appropriate local native species to provide linkages between areas of remnant vegetation. <ul style="list-style-type: none"> • Includes an Environmental Management Plan (overall or site specific) to guide future development of industry within the site to: <ul style="list-style-type: none"> - Retain, where practical, vegetation within the developed area, especially the threatened ecological community <i>Sedgelands in Holocene dune swales of the Southern Swan Coastal Plain</i>; - Include a fauna trapping and relocation program to be implemented in consultation with the DEC; and - Salvage potential breeding habitat for avifauna during clearing for integration into the Conservation Area.
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Office of the Environmental Protection Authority
Figure 1: SEA Boundary and Conservation Area Boundary



Figure 1: SEA Area and Conservation Area Boundary

Table 2: Co-ordinates defining the boundary of the Conservation Area

co-ordinates derived in GDA 94 MGA Zone 50

ID	Easting	Northing
1	383863.69	6429479.27
2	383926.94	6429537.90
3	383962.12	6429569.02
4	384013.19	6429614.58
5	384219.74	6429614.68
6	384244.25	6429635.26
7	384551.58	6429634.96
8	384558.70	6429634.99
9	384562.18	6429255.29
10	384511.07	6429254.87
11	384512.58	6429074.48
12	384492.56	6429074.31
13	384492.81	6429044.20
14	384494.36	6428859.42
15	384484.45	6428849.34
16	384484.61	6428829.36
17	384298.45	6428827.86
18	384294.35	6428827.86
19	384285.65	6428798.95
20	384324.40	6428639.14
21	384341.24	6428639.02
22	384378.42	6428588.06
23	384379.61	6428535.65
24	384268.47	6428534.84
25	383934.89	6428532.42
26	383597.19	6428529.97
27	383603.50	6428698.24
28	383486.31	6428859.12
29	383486.31	6428935.12
30	383543.70	6428947.53
31	383559.21	6429068.50
32	383557.66	6429135.19
33	383720.51	6429363.17
34	383790.19	6429419.72
35	383863.69	6429479.27

Attachment 3) Commonwealth Approval



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Approval

Rockingham Industrial Zone, WA (EPBC 2010/5337)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted	Western Australian Land Authority
proponent's ACN (if applicable)	34 868 192 835
proposed action	The development of 339 ha of land in Rockingham, WA, for industrial purposes (the Rockingham Industry Zone, [See EPBC Act referral 2010/5337]).

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 December 2035.

Decision-maker

name and position	Barbara Jones Assistant Secretary Environment Assessment Branch
signature	
date of decision	30 November 2011

Conditions attached to the approval

1. Within 30 days after the **commencement** of the action, the person taking the action must advise the **Department** in writing of the actual date of **commencement**.
2. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans or strategy required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
3. Within three months of every 12 month anniversary of the **commencement** of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans or strategies as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published.
4. Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the **commencement** of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.
5. If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plans or strategy, as specified in the conditions, the person taking the action must submit to the **Department** for the **Minister's** written approval a revised version of that management plans or strategy. The varied activity shall not commence until the **Minister** has approved the varied management plan or strategy in writing. The **Minister** will not approve a varied management plan or strategy unless the revised management plans or strategy would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised management plan or strategy, that management plan or strategy, must be implemented in place of the management plans or strategy originally approved.
6. If the **Minister** believes that it is necessary or convenient for the better protection of Listed threatened species and communities (sections 18 & 18A) to do so, the **Minister** may request that the person taking the action make specified revisions to the management plans or strategy specified in the conditions and submit the revised management plans or strategy for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved management plans or strategy must be implemented. Unless the **Minister** has approved the revised management plans or strategy, then the person taking the action must continue to implement the management plan or strategy originally approved, as specified in the conditions.
7. If, at any time after 5 years from the date of this approval, the person taking the *action* has not commenced the action, then the person taking the action must not **commence** the action without the written agreement of the **Minister**.

8. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans and strategies referred to in these conditions of approval on their website. Each management plan and strategy must be published on the website within 1 month of being approved.
9. By 31 December of each year after the commencement of the action, the person taking the action must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any management plans as specified in the conditions. Non-compliance with any of the conditions of this approval must be reported to the **Department** at the same time as the compliance report is published. These reports must remain available on the internet for at least 5 years after they are published.

10. Conservation Area

To protect the threatened ecological community *Sedge/ands in Holocene dune swales of the Southern Swan Coastal Plain* (TEC) and habitat for **Black Cockatoos** the person taking the action must establish a Conservation Area of at least 90.5 ha prior to the **commencement of construction**, as identified by the area within the blue line on the map (at Attachment A). The person taking the action must

- (a) include at least 18.72 ha of the TEC within the Conservation Area;
- (b) prior to **commencement of construction**, provide the **Department** with written evidence that the Conservation Area will be protected and managed in perpetuity by a **recognised conservation organisation**;
- (c) within five years of the date of this approval, vest management and ownership of the conservation area with a **recognised conservation organisation**.

11. Conservation Area Management Plan

To protect and enhance the threatened ecological community *Sedge/ands in Holocene dune swales of the Southern Swan Coastal Plain* (TEC) and habitat for **Black Cockatoos** within the Conservation Area the person taking the action must prepare and submit a Conservation Area Management Plan (CAMP) for the **Minister's** approval. The person taking the action must not **commence construction** unless the **Minister** has approved the CAMP. The CAMP must be prepared in consultation with DEC and the WA Office of the Environmental Protection Authority (EPA).

The CAMP must include the following requirements:

- (a) Management measures to protect and enhance the TEC and **Black Cockatoo** habitat;
- (b) Measures to determine the effectiveness of all management measures for the TEC and **Black Cockatoo** habitat;
- (c) Construction of a permanent fence around the perimeter of the conservation area;
- (d) Management of weeds and feral animals, including monitoring requirements to determine the effectiveness of the weed and feral animal management;
- (e) Management of fire regime, and monitoring requirements to determine the effectiveness of the fire management, and
- (f) Rehabilitation works for degraded areas, including rubbish removal, and including monitoring requirements to determine the effectiveness of the rehabilitation.

If the **Minister** approves the CAMP then the approved CAMP must be implemented_

12. Black Cockatoo Habitat

To protect and enhance habitat for **Black Cockatoos**, the person taking the action:

- (a) May not clear more than 830 Tuart trees (*Eucalyptus gomphocephala*) that are greater than 500 mm diameter at breast height (DBH) from within the project area of the Rockingham Industry Zone ('Strategic Environmental Assessment Area' identified by the pink highlighted area on the map at Attachment A). No trees are permitted to be cleared within the Conservation Area referred to in condition 10.
- (b) Must, within 12 months of the **commencement of construction**, commence a Tuart revegetation project as described below:
 - i. At least six Tuart trees must be planted for every Tuart tree greater than 500 mm DBH removed.
 - ii. The seedling trees must be planted at a rate of no greater than 250 stems per hectare in cleared or highly degraded areas where Tuart density has been greatly reduced.
 - iii. If after two years from the date of planting trees, a survival rate of 80% trees is not achieved, all planted trees that have not survived must be replaced within 12 months, and maintained with a survival rate of at least 80% for a minimum of a further three years.
 - iv. The person taking the action must fund and manage the Tuart revegetation project in consultation with the DEC until such a time as management responsibility has been formally transferred to a **recognised conservation organisation**.
 - v. The revegetation project must be at least partially undertaken in the Rockingham Lakes Regional Park. If there is insufficient land in the Rockingham Lakes Regional Park to undertake the required revegetation, the person taking the action, in consultation with DEC and the **Department**, must find alternate locations to undertake the revegetation within the Rockingham region.
- (c) Prepare and submit a **Black Cockatoo** Habitat Revegetation Plan (BCHRP) for the **Minister's** approval, that describes how approval condition 12 b) will be implemented. The plan must be prepared in consultation with the DEC. The person taking the action must not **commence construction** unless the **Minister** has approved the BCHRP.

The BCHRP must address the following matters:

- i. The location of revegetation areas;
- ii. Planting methodology, including soil preparation;
- iii. What flora species that will be planted;
- iv. A monitoring program (including how survival rates and success criteria will be determined);
- v. Construction of a temporary fence around the perimeter of the revegetation areas;
- vi. Management of weeds and feral animals in the revegetation area;
- vii. How the performance of the plan will be reported to the **Minister**; and
- viii. Who will be responsible for implementing all aspects of the plan.

If the **Minister** approves the BCHRP then the approved BCHRP must be implemented.

13. Water Management Strategy

To protect the threatened ecological community *Sedge/ands in Holocene dune swales of the Southern Swan Coastal Plain* (TEC) arid habitat for **Black Cockatoos** the person taking the action must prepare and submit a Water Management Strategy (WMS) for the **Minister's** approval. The person taking the action must not **commence construction** unless the **Minister** has approved the WMS. The WMS must be prepared in consultation with the DEC and the EPA.

The WMS must include:

- (a) arrangements for the long term monitoring of groundwater levels in the site;
- (b) a pre-construction baseline for surface water and groundwater quality data and a monitoring program for these parameters to maintain stormwater and groundwater quality and hydrology to pre-development levels;
- (c) an adaptive management plan, including contingency measures, to ensure **construction** does not affect groundwater levels beyond normal seasonal variation, with the aim of ensuring that the TEC persists and thrives in perpetuity;
- (d) maintaining or improving groundwater balance;
- (e) managing the salt wedge, Cockburn Sound interface;
- (f) preventing abstraction of shallow groundwater during **construction** or for future industry use; and
- (g) managing drainage into the conservation site.

If the **Minister** approves the WMS then the approved WMS must be implemented.

14. Offsets Management Plan

To protect the threatened ecological community *Sedge/ands in Holocene dune swales of the Southern Swan Coastal Plain* (TEC) the person taking the action must prepare and submit an Offsets Management Plan (**OMP**) for the **Minister's** approval. The person taking the action must not **commence construction** unless the **Minister** has approved the OMP. The OMP must be prepared in consultation with DEC and the EPA. The OMP must address the rehabilitation of 9 hectares of threatened ecological community *Sedge/ands in Holocene dune swales of the Southern Swan Coastal Plain* that requires active management in land managed by the DEC at other priority sites (as agreed by DEC and the **Department**) in the Rockingham region.

The OMP must include:

- (a) Within 12 months of clearing any areas of TEC, 1.5 ha for every 1 ha of TEC cleared must be re-established onsite and protected in perpetuity; and
- (b) A program for the monitoring of vegetation regeneration in the areas of TEC rehabilitated. After 2 years of monitoring, consult with DEC and undertake further rehabilitation in areas of the TEC where natural regeneration is not successful.

If the **Minister** approves the OMP then the approved OMP must be implemented.

The annual report referred to in condition 9 detailing performance against the plan must include the following information:

- i. Areas of the Rockingham Industry Zone cleared for development and revegetation;
- ii. Areas of the TEC cleared and areas of TEC recreated/rehabilitated and their protection arrangements; and
- iii. Areas of the TEC rehabilitated at other occurrences of the TEC in the Rockingham region.

Definitions

- a) Black Cockatoo.
The endangered Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*).
- b) Department.
The Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.
- c) Minister.
The Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.
- d) Construction.
Includes any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for buildings or infrastructure.
- e) Clearance of native vegetation.
The cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation.
- f) Commencement
The construction of any infrastructure, excluding fences and signage, associated with the proposed action, including preparatory works such as clearing vegetation to begin construction.
- g) Recognised conservation organisation
The WA Department of Environment and Conservation, or an alternative conservation organisation that has been approved in writing by the **Department**.

Figure 1: SEA Boundary and Conservation Area Boundary

