

# ROCKINGHAM INDUSTRY ZONE

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## COMPLIANCE REPORT 2020 / 2021 EPBC 2010/5337

Prepared for: DevelopmentWA

Report Date: 12 October 2021

Version: 1

Report No. 2021-620



**pgv** ENVIRONMENTAL

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## Declaration of Accuracy

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In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed



Full name (please print)

FRANK MARRA

Position (please print)

CEO

Organisation (please print including ABN/ACN if applicable):

Western Australian Land Authority (DevelopmentWA)

ABN:34 868 192 835

ACN: 614 976 117

Date

11 / 10 / 2021

# 1 INTRODUCTION

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The Rockingham Industry Zone (RIZ) is an area zoned for industrial development adjacent to the Kwinana Industrial Area.

As a result of portions of the RIZ containing Matters of National Environmental Significance, the proposed development was referred to the Australian Government's Department of Sustainability, Environment, Water, Population and Communities (now Department of the Environment and Energy) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The proposal was assessed as a Controlled Action (EPBC 2010/5337) and was approved on 30 November 2011 with conditions (Appendix 1).

An amendment to Condition 14 of EPBC referral 2010/5337 was requested on 18 March 2014 and approved on 19 June 2014 (Appendix 2). A second request to vary Conditions 3, 9, 10 and 12 was approved on 9 May 2016 (Appendix 3). A third request to update the timing for the vesting of the Conservation Area was approved on 13 December 2016 (Appendix 4).

Condition 3 of the EPBC approval requires DevelopmentWA to publish an annual compliance report. Specifically Condition 3 states:

*Within three months of every 12-month anniversary of the **commencement** of the action, the person taking the action must publish a compliance report on its website and provide a copy of the compliance report to the **Department** in writing. The compliance report must address compliance with: each of the conditions of this approval; any management plans required under this approval; and whether outcomes and milestones required by these conditions and commitments made in management plans required under this approval have been met or are on track to being met. The compliance report must include any actual or potential contraventions and must consider the **Department's** Annual Compliance Report Guidelines. Documentary evidence providing proof of the date of publication must be provided to the **Department** within 7 days after the compliance report is published. All compliance reports must remain on the website for the period this approval has effect. The person taking the action may cease preparing and publishing compliance reports required by this condition with written agreement of the **Minister** to do so.*

This Compliance Report has been prepared by PGV Environmental on behalf of the Western Australian Land Authority trading as DevelopmentWA in accordance with Condition 3 of the EPBC approval.

## 2 DESCRIPTION OF ACTIVITIES

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### 2.1 Project Details

EPBC number: 2010/5337

Project name: Rockingham Industry Zone

Approval holder: Western Australian Land Authority (DevelopmentWA)

ACN or ABN: 34 868 192 835

Approved action: Industrial Development

Location of the project: City of Rockingham

Responsible Person: Simon Armstrong

Reporting period: 11 October 2020 to 12 October 2021

Date of preparation: 12 October 2021

### 2.2 Current Status

Development within the RIZ, approved under the EPBC Act commenced on 14 July 2014. In 2014 clearing was undertaken for development. No further clearing was undertaken in 2015 or 2016 (Appendix 5). The newly created Lot 102 Alumina Road was cleared in August 2017. The lot is 1.88ha in size and contained approximately 0.3ha of the Threatened Ecological Community (TEC) Sedgelands in Holocene Dune Swales. In the 2019-2020 compliance period approximately 4.18ha was cleared (Appendix 5).

In the 2020-2021 Compliance period 15.6ha was cleared in five lots on Zirconia and Alumina roads (Appendix 5). Approximately 14.8ha was cleared in the Clipper Precinct, however, is not available on aerial photography at this time. A total of 30.4ha was cleared in the 2020-2021 compliance period. Approximately 1.1ha of TEC was cleared, with a total of 1.4ha of the TEC being cleared to date.

Significant management works have been undertaken in the Conservation Area and the completion criteria have been met. The Department of Conservation and Attractions (DBCA) has acknowledged completion and will soon assume management. Maintenance works are ongoing while the administrative process is completed.

Black Cockatoo habitat has been successfully established in areas of the Rockingham Lakes Regional Park and the program was completed in the 2017-2018 compliance period.

The Water Management Strategy is being implemented.

The Threatened Ecological Community Re-establishment Trial is ongoing with the trial basins constructed and planted in 2016, monitoring undertaken in 2016, 2017, 2018, 2019 and 2020. The final monitoring is scheduled for 2021. The report on the results of the trial is due to be completed in 2022.



### 3 COMPLIANCE

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#### 3.1 Condition 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**.*

In compliance with Condition 1, DevelopmentWA advised the Department through a letter dated 11 July 2014 that the actual date of commencement of action is to be 14 July 2014 as reported in 2014. Compliance with this condition is complete.

#### 3.2 Condition 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.*

Condition 2 is being implemented through the preparation of this report. This Compliance Report for the 2020-2021 period, will be retained electronically using DevelopmentWA's document management system and report library and made publicly available on DevelopmentWA's website (<http://www.DevelopmentWA.com.au/Industrial-and-Commercial/Rockingham-Industry-Zone/Downloads/>). Information lodged in the document management system and associated library is backed up and will be retained for the duration of the project.

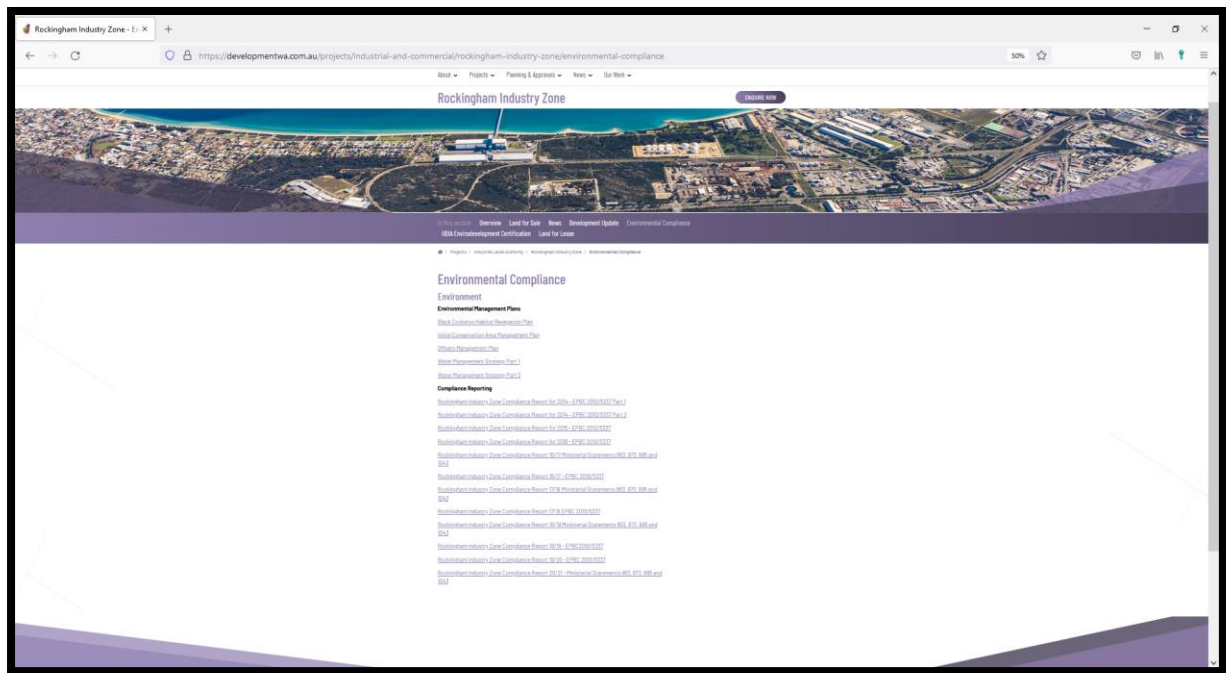
#### 3.3 Condition 3

*Within three months of every 12 month anniversary of the **commencement** of the action, the person taking the action must publish a compliance report on its website, and provide a copy of the compliance report to the **Department** in writing. The compliance report must address compliance with: each of the conditions of this approval; any management plans required under this approval; and whether outcomes and milestones required by these conditions and commitments made in management plans required under this approval have been met or are on track to being met. The compliance report must include any actual or potential contraventions, and must consider the **Department's** Annual Compliance Report Guidelines. Documentary evidence providing proof of the date of publication must be provided to the **Department** within 7 days after the compliance report is published. All compliance reports must remain on the website for the period this approval has effect. The person taking the*

action may cease preparing and publishing compliance reports required by this condition with written agreement of the **Minister** to do so.

This Compliance Report has been prepared to satisfy the requirements of this condition. The Compliance Report will be published and remain on DevelopmentWA's website for the duration of the approval (<http://www.landcorp.com.au/Industrial-and-Commercial/Rockingham-Industry-Zone/Downloads/>). Evidence of publication is shown on the screenshot of the DevelopmentWA Website address (Plate 1).

**Plate 1: Screenshot of links to Compliance Reports**



### 3.4 Condition 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**.*

An independent audit of compliance has not been requested by the Minister.

### 3.5 Condition 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 plans or strategy, that management plan or strategy, must be implemented in place of the management plans or strategy originally approved.*

There are no variations to activities during this compliance period.

### **3.6 Condition 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.*

The Minister has not requested for revisions to be made to the management plans or strategy.

### **3.7 Condition 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**.*

The action commenced (14 July 2014) within the 5-year period from the date of approval (30 November 2011). Compliance with this condition is complete.

### **3.8 Condition 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.*

The management plans and strategy are published on DevelopmentWA's website (<http://www.landcorp.com.au/Industrial-and-Commercial/Rockingham-Industry-Zone/Downloads/>) (Plate 1).

### **3.9 Condition 9**

*Potential or actual contraventions of the approval conditions (including contravention with a commitment in a management plan) must be reported in writing / by email to the*

***Department** within 2 business days of the person taking the action becoming aware of the actual or potential contravention.*

No potential or actual contraventions have occurred in this compliance period. Any instances of non-compliance will be reported to the Department within the 2-business day timeframe as specified.

### **3.10 Condition 10 – Conservation Area**

*To protect the threatened ecological community Sedgeland 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 89.1 ha in the area designated as 'Conservation Area' on the map provided at Attachment A prior to the **commencement** of **construction**. The person taking the action must:*

- a) Include at least 19.5 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) By 30 November 2021, vest management and ownership of the conservation area with a **recognised conservation organisation**.*

A Conservation Area was established at the RIZ prior to the commencement of construction. The boundary was updated in Attachment A of the Notice of Approval on 9 May 2016. The current boundary reflects the area shown on Attachment A of the current Approval (Appendix 3).

- a) The Conservation Area includes 19.5ha of the Threatened Ecological Community (TEC) 19b in Good to Very Good condition;
- b) The Initial Conservation Area Management Plan (ICAMP) was provided to the Department prior to commencement of construction and confirms that the Conservation Area will be protected and vested to DBCA for management;
- c) Compliance with this condition is not required at this stage, however the process for vesting is underway in compliance with this condition.

The action is currently compliant with Condition 10. DevelopmentWA has now transferred most of the Conservation Area to Crown Land and administrative details are being finalised prior to formal vesting of the site with DBCA.

### **3.11 Condition 11 – Conservation Area Management Plan**

*To protect and enhance the threatened ecological community Sedgeland 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 **DPaW** and the WA Office of the Environmental Protection Authority (EPA) prior to being submitted for approval by the **Minister**.*

*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 fire management; and*
- f) Rehabilitation works for degraded areas, including monitoring requirements to determine the effectiveness of the rehabilitation.*

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

The Conservation Area Management Plan (CAMP) is called the ICAMP to be consistent with State Approvals and will be referred to as the ICAMP in this Compliance Report. The ICAMP was prepared with advice from DBCA (then the Department of Parks and Wildlife (DPaW)). The ICAMP was approved by the Commonwealth Minister for the Environment on 18 June 2014. The ICAMP was approved by the Minister prior to construction commencing on 14 July 2014 as per Condition 11.

The ICAMP has been successfully implemented as reported in the 2018 to 2019 compliance period and ongoing maintenance is discussed Section 4.1.

### **3.12 Condition 12 – Black Cockatoo Habitat**

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

- a) Must 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, designated as ‘SEA Boundary’ on the map provided at Attachment A. The person taking the action must ensure that no trees are cleared within the Conservation Area referred to in Condition 10. Within 12 months of the **commencement of construction**, the person taking the action must, in consultation with **DPaW**, plant in the revegetation area within the **DPaW** managed land at Rockingham Lakes Regional Park up to 4,980 Tuart seedling trees (*Eucalyptus gomphocephala*) at a ratio of 6 seedling trees for every tree greater than 500 mm DBH removed from the project area. The seedling trees must be planted at a density of 200- 250 per hectare in cleared or degraded areas where Tuart density has previously been reduced. In consultation with the **Department** the person taking the action must ensure these seedling trees are protected in perpetuity.*

- b) *Must, within 12 months of the **commencement of construction**, commence a Tuart revegetation project as described below:*
- i. *If, after two years from the date of planting trees, a survival rate of at least 80% seedling trees is not achieved, all seedling trees that have not survived must be replaced within 12 months, and the replacements maintained to achieve a survival rate of at least 80% for at least a further three years;*
  - ii. *The person taking the action must fund and manage the Tuart revegetation project in consultation with DPaW until such a time as management responsibility has been formally transferred to a **recognised conservation organisation**; and*
  - iii. *The revegetation project must be at least partially undertaken in the Rockingham Lakes Regional Park. If there is insufficient appropriate land in the Rockingham Lakes Regional Park to receive the required revegetation, the person taking the action, in consultation with **DPaW** and the **Department**, must find alternative 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 12b) will be implemented. The plan must be prepared in consultation with the DPaW. 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 the revegetation areas;*
- ii. *Planting methodology, including soil preparation;*
- iii. *What flora species that will be planted;*
- iv. *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.*

Previously a total of 38 significant trees have been cleared from the RIZ. A total of six additional trees were cleared in the 2020-2021 compliance period. A total of 44 significant trees have been cleared to date. No trees cleared have contained suitable hollows for Black Cockatoos.

The Black Cockatoo Habitat Revegetation Plan (BCHRP) was prepared in consultation with DBCA. Comments from DBCA were received during preparation of the report in 2013 and changes incorporated into the document. It was approved by the Minister on 18 June 2014. The BCHRP was approved by the Minister prior to construction commencing on 14 July 2014 as per Condition 12.

The Black Cockatoo Habitat Revegetation Program was completed in June 2018 as reported in the 2017-2018 compliance period.

### 3.13 Condition 13 – Water Management Strategy

*To protect the threatened ecological community Sedgeland in Holocene dune swales of the Southern Swan Coastal Plain (TEC) and 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 **DPaW** 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.*

The Water Management Strategy (WMS) was prepared and submitted to the Department of Water (DoW) and DPaW. The WMS was endorsed by DoW and by the OEPA. The Minister approved the WMS on 1 August 2013. The WMS was approved by the Minister prior to construction commencing on 14 July 2014 as per Condition 13.

The WMS is currently being implemented and is discussed in detail in Section 4.3.

### 3.14 Condition 14 – Offsets Management Plan

*To protect the threatened ecological community Sedgeland 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 DPaW.*

*The OMP must include:*

- a) *The rehabilitation of a minimum of 18ha of the threatened ecological community Sedgelands in Holocene dune swales of the Southern Swan Coastal Plain that required active management in land managed by **DPaW** at other priority sites (as agreed by **DPaW** and the **Department**) in the Rockingham region. The rehabilitation must commence within 6 months of the **commencement of construction**.*
- b) *A research trial for the re-establishment of TEC in the onsite TEC re-establishment lot outlined in Attachment B, in accordance with the following requirements:*
  - i. *The method and deliverables of the research trial must be prepared in consultation with **DPaW**;*
  - ii. *The research trial must consider the existing TEC within the Conservation Area;*
  - iii. *The research trial must commence within 12 months of the **commencement of construction** and must be undertaken for no less than five years;*
  - iv. *The research trial must include an annual program for the monitoring and reporting.*
  - v. *Within 12 months of completing the research trial a report documenting the results of the trial must be submitted to **DPaW** and the **Department**.*

*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;*

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

An amendment to EPBC 2010/5337 Condition 14 was requested by DevelopmentWA on 18 March 2014 and approved by the Department on 19 June 2014 (Appendix 2). An Offsets Management Plan (OMP) was prepared in accordance with the amended condition. The plan was prepared in consultation with DBCA and approved by the Minister on 18 June 2014. The OMP was approved by the Minister prior to construction commencing on 14 July 2014 as per Condition 14.

The OMP is currently being implemented and is discussed in detail in Section 4.4.



## **4 COMPLIANCE WITH ENVIRONMENTAL MANAGEMENT PLANS**

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### **4.1 Initial Conservation Area Management Plan**

The management works in the Conservation Area have been successful, reaching the completion criteria as outlined in the ICAMP. Completion has been acknowledged by DBCA and DAWE as reported in previous compliance periods. DevelopmentWA is currently facilitating the administrative details for the handover of the Conservation Area to the DBCA. Ongoing management works are being undertaken to ensure the Conservation Area is managed to the completion criteria. There are several administrative processes regarding lot boundaries, the closing of road reserves and land transfers, however DBCA, in a meeting on 28 September 2021 has agreed to assume management of the Conservation Area prior to these processes being finalised. Formal acknowledgement of the agreement is forthcoming.

#### **4.1.1 Fencing**

In accordance with the ICAMP the fence around the Conservation Area is required to be inspected every two months. Inspections are ongoing until handover at which time the fence will be intact.

#### **4.1.2 Rubbish**

Access into the Conservation Area has been reduced through the construction of the fence and installation of limestone boulders along the fence line. Rubbish inspections have determined that the fence has significantly reduced the amount of illegal rubbish dumped within the Conservation Area. The site is inspected to record any additional rubbish that has been dumped on the site and rubbish removal, including asbestos removal near tracks is ongoing with the removal of flytipping and asbestos being undertaken in the 2020-2021 compliance period. DevelopmentWA has committed to a final rubbish removal prior to handing over the Conservation Area to remove any newly dumped rubbish.

#### **4.1.3 Weed Control**

Although the completion criteria have been met, DevelopmentWA have been maintaining the Conservation Area until formal handover is complete. Weed control have been undertaken over the 2020-2021 period to ensure the completion of works is maintained with Cotton Bush (*Gomphocarpus fruticosus*) being treated in areas where additional infestations have been located.

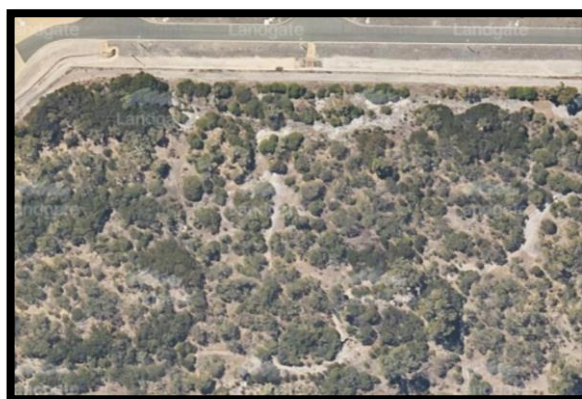
#### **4.1.4 Rehabilitation**

The planting of tubestock and direct seeding commenced in Autumn 2016. The rehabilitation continues to mature and is in good condition. The vegetation cover is maturing to a high level of coverage as shown in the before and after photos (Plate 2 and 3).

**Plate 2: Northern Area 2016**



**Plate 3: Rehabilitated Northern Area 2021**



#### **4.1.5 Native Fauna Management**

No suitable hollows were in the six Tuart tree cleared in the 2020-2021 compliance period to be used for habitat for Black Cockatoos. No evidence of kangaroos causing damage to the vegetation, rehabilitation or fencing in the Conservation Area has been recorded in the 2020 to 2021 compliance period.

#### **4.1.6 Pest Fauna Management**

No adverse pest fauna activity was reported in the 2020-2021 compliance period.

### **4.2 Water Management Strategy**

#### **4.2.1 Development in the Referral Area**

Development has been undertaken in accordance with the WMS.

#### **4.2.2 Installation of Bores**

All bores have been installed in the RIZ in compliance with the WMS.

#### **4.2.3 Groundwater Monitoring**

Monitoring in the RIZ commenced in February 2015 with the groundwater levels measured along the transect of bores originally installed by JDA during the initial studies in the RIZ.

There is no direct flow of stormwater into the Conservation Area from the developed area. Additional bores have been installed on the boundary of the Conservation Area to ensure development adjacent to the Conservation Area has been undertaken without impacting on groundwater levels over the trigger levels as dictated in the WMS.

#### **4.2.4 Conclusion**

The development is being implemented in accordance with the WMS.

## 4.3 Offsets Management Plan

### 4.3.1 Offsets Packages

Offset Packages 1 and 2 were implemented in 2014 and reported in the 2014 Compliance Report. Part A of Condition 14 has been completed.

### 4.3.2 TEC Re-establishment Trial

The research trial commenced prior to 14 July 2015. The research trial consists of a series of six basins constructed to be three different depths from groundwater and planted with species typical to the TEC to measure the impact on depth to groundwater and determine if vegetation resembling the TEC could be created in drainage swales.

The earthworks for the trial commenced 5 July 2016 and planting started on 17 August 2016. The basins, fencing, firebreaks, mulching and planting were completed on 19 August 2016. Monitoring has been undertaken each year for the trial, measuring density and height of the plants within the basins and on the batter slopes. The different depths to groundwater appeared to have impacted on the growth of the species in the TEC, with an increase in height and coverage in basins closest to the groundwater in the initial monitoring in 2016 and 2017. This trend was more pronounced in the 2018 and 2019 monitoring

The monitoring undertaken in 2020 in the 2020-2021 compliance period shows the variation between the basins at varying depths has become increasingly marked over the trial period (Plate 4 and 5).

**Plate 4: Basin 2.1, 1m from Groundwater 2021**





**Plate 5: TEC Trial Basin 1.1, 2m from Groundwater 2021**



The vegetation in the basins 1m from groundwater level are showing signs of maturing vegetation that resembles the TEC. A survey of the naturally occurring TEC is scheduled for 2021 and the results of the survey will be compared to the trial to determine how closely the vegetation meets the naturally occurring TEC.

Ongoing management of the TEC Trial has included the repair of fences when they are cut and weed management. The coverage of weeds in the 2020 monitoring was moderate. Winter weeds were observed and have been managed by an appropriately qualified weed contractor. The coverage of weeds will be measured in the 2021 monitoring period and if required, further weed management will be scheduled.

Complete results and statistical analysis will be compiled at the conclusion of the five-year monitoring period as per the OMP.

#### **4.3.3 TEC Research**

Approximately 0.3ha of TEC was cleared during the 2017 Compliance Reporting period. Some paperbarks (*Melaleuca raphiophylla*) and grasstrees (*Xanthorrhoea preissii*) were salvaged from an area of wetland in the development footprint. The opportunity was taken to examine the root morphology of TEC species within a wetland swale as per the OMP. No further studies on root structure have been undertaken.

#### **4.3.4 Conclusion**

The Off-site and On-site offsets required by the OMP are being implemented in compliance with the OMP.

## 5 AUDIT TABLE

Note:

‘Department’ refers to the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Currently the Department of the Environment (DoE).

‘Minister’ refers to the Minister administering the EPBC Act and includes a delegate of the Minister.

RIZ: Rockingham Industry Zone

BCHRP: Black Cockatoo Habitat Revegetation Plan

DAWE: Department of Agriculture, Water and the Environment

DBCA: Department of Biodiversity, Conservation and Attractions (Formerly DPaW)

DBH: Diameter at Breast Height

DoE: Department of the Environment

DoEE: Department of the Environment and Energy (Formerly DoE)

DoW: Department of Water

DPaW: Department of Parks and Wildlife

ICAMP: Initial Conservation Area Management Plan

OEPA: Office of the Environmental Protection Authority

OMP: Offsets Management Plan

SEA: Strategic Environmental Assessment

TEC: Threatened Ecological Community

WMS: Water Management Strategy

EPBC Condition Number	Condition	Comments	Requirement	Evidence	When	Status
1	Within 30 days after the <b>commencement</b> of the action, the person taking the action must advise the <b>Department</b> in writing of the actual date of <b>commencement</b> .	The date of commencement of action was 14 July 2014.	DevelopmentWA to notify in writing of the commencement date.	Letter of notification sent to DoE on 11 July 2014.	Within 30 days after the commencement of the action	Compliant - Complete
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 <b>Department</b> . Such records may be subject to audit by the <b>Department</b> 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 <b>Department’s</b> website. The results of audits may also be publicised through the general media.	In accordance with Condition 2 of the approval, records of all activities relating to the conditions of approval are being maintained by DevelopmentWA and on behalf of DevelopmentWA by PGV Environmental. This Compliance Report provides an overview of all the actions relating to each condition.	DoE has not requested records from DevelopmentWA.	N/A	When requested	Compliant
3	Within three months of every 12 month anniversary of the <b>commencement</b> of the action, the person taking the action must publish a compliance report on its website, and provide a copy of the compliance report to the <b>Department</b> in writing. The compliance report must address compliance with: each of the conditions of this approval; any management plans required under this approval; and whether outcomes and milestones required by these conditions and commitments made in management plans required under this approval have been met or are on track to being met. The compliance report must include any actual or potential contraventions, and must consider the <b>Department’s</b> Annual Compliance Report Guidelines. Documentary evidence providing proof of the date of publication must be provided to the <b>Department</b> within 7 days after the compliance report is published. All compliance reports must remain on the website for the period this approval has effect. The person taking the action may cease preparing and publishing compliance reports required by this condition with written agreement of the <b>Minister</b> to do so.	This report will be published on the project website and updated annually for the duration of the approval.	Evidence of publication and letter to DAWE in the case of non-compliance	N/A	By 14 October annually	Compliant
4	Upon the direction of the <b>Minister</b> , 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 <b>Minister</b> . The independent auditor must be approved by the <b>Minister</b> prior to the <b>commencement</b> of the audit. Audit criteria must be agreed to by the <b>Minister</b> and the audit report must address the criteria to the satisfaction of the <b>Minister</b> .	An independent audit of compliance has not been requested by the Minister.	N/A	N/A	When requested by the Minister	Not Applicable - Complaint

EPBC Condition Number	Condition	Comments	Requirement	Evidence	When	Status
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 <b>Department</b> for the <b>Minister's</b> written approval a revised version of that management plans or strategy. The varied activity shall not commence until the <b>Minister</b> has approved the varied management plan or strategy in writing. The <b>Minister</b> 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 <b>Minister</b> approves the revised management plans or strategy, that management plan or strategy, must be implemented in place of the management plans or strategy originally approved.	DevelopmentWA do not wish to carry out any activities that are not in accordance with the strategy and management plans approved by the Minister on 1 August 2013 and 18 June 2014.	N/A	Current strategy and management plans being implemented published on DevelopmentWA's website	Life of the proposal	Compliant
6	If the <b>Minister</b> believes that it is necessary or convenient for the better protection of Listed threatened species and communities (sections 18 & 18A) to do so, the <b>Minister</b> 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 <b>Minister's</b> 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 <b>Minister</b> 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.	The Minister has not requested for revisions to be made to the management plans or strategy.	N/A	N/A	When requested by the Minister	Not Applicable
7	If, at any time after 5 years from the date of this approval, the person taking the action has not <b>commenced</b> the action, then the person taking the action must not commence the action without the written agreement of the <b>Minister</b>	The action has commenced within the 5-year period from the date of approval.	N/A	Letter of notification sent to DoE on 11 July 2014.	N/A	Compliant – Complete
8	Unless otherwise agreed to in writing by the <b>Minister</b> , 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.	No additional management plans have been required.  All Management Plans are available on <a href="http://www.DevelopmentWA.com.au/Industrial-and-Commercial/Rockingham-Industry-Zone/Downloads/">http://www.DevelopmentWA.com.au/Industrial-and-Commercial/Rockingham-Industry-Zone/Downloads/</a>	Verify management plans are on the website	Screen Dump of links (Plate 1)	Within 1 month of being approved	Complete
9	Potential or actual contraventions of the approval conditions (including contravention with a commitment in a management plan) must be reported in writing / by email to the <b>Department</b> within 2 business days of the person taking the action becoming aware of the actual or potential contravention.	There were no potential or actual contraventions in the 2020-2021 compliance period.	Report complies with this requirement	Compliance Report published on DevelopmentWA's website.	Within 2 business days of becoming aware	Compliant
10	<b>Conservation Area</b> Coastal Plain (TEC) and habitat for <b>Black Cockatoos</b> the person taking the action must establish a Conservation Area of at least 89.1 ha in the area designated as 'Conservation Area' on the map provided at Attachment A prior to the <b>commencement of construction</b> . The person taking the action must:  a) Include at least 19.5 ha of the TEC within the Conservation Area; b) Prior to <b>commencement of construction</b> , provide the <b>Department</b> with written evidence that the Conservation Area will be protected and managed in perpetuity by a <b>recognised conservation organisation</b> ; c) By 30 November 2021, vest management and ownership of the conservation area with a <b>recognised conservation organisation</b> .	A Conservation Area of was established at the RIZ prior to the commencement of construction and was updated in 2016 and currently reflects the area as shown in the Variation to Conditions dated 9 May 2016 Approval. a) The Conservation Area includes 19.5ha of TEC 19b in Good to Very Good condition; b) The ICAMP was provided to the Department prior to commencement of construction and confirms that the Conservation Area will be protected and vested to DPaW for management; c) Compliance with this condition is not required at this stage.	Establish a Conservation Area prior to commencement of construction.  Vest management and ownership to DBCA.	2014 Compliance Report	Prior to construction.  Prior 31 November 2021	Compliant – Complete  Not required at this stage - Compliant

EPBC Condition Number	Condition	Comments	Requirement	Evidence	When	Status
11	<p>To protect and enhance the threatened ecological community Sedgelands in Holocene dune swales of the Southern Swan Coastal Plain (TEC) and habitat for <b>Black Cockatoos</b> 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 <b>commence construction</b> unless the <b>Minister</b> has approved the CAMP. The Camp must be prepared in consultation with <b>DPaW</b> and the WA Office of the Environmental Protection Authority (EPA) prior to being submitted for approval by the <b>Minister</b>.</p> <p>The CAMP must include the following requirements:</p> <ul style="list-style-type: none"> <li>a. Management measures to protect and enhance the TEC and <b>Black Cockatoo</b> habitat;</li> <li>b. Measures to determine the effectiveness of all management measures for the TEC and <b>Black Cockatoo</b> habitat;</li> <li>c. Construction of a permanent fence around the perimeter of the conservation area;</li> <li>d. Management of weeds and feral animals, including monitoring requirements to determine the effectiveness of the weed and feral animal management;</li> <li>e. Management of fire regime and monitoring requirements to determine the effectiveness of fire management; and</li> <li>f. Rehabilitation works for degraded areas, including monitoring requirements to determine the effectiveness of the rehabilitation.</li> </ul> <p>If the <b>Minister</b> approves the CAMP then the approved CAMP must be implemented</p>	<p>Comments from DPaW and OEPA were received during preparation of the report in 2013 and changes incorporated into the document. The ICAMP was approved prior to commencement of construction which was 14 July 2014.</p> <p>The ICAMP has been successfully implemented.</p>	<p>Preparation of an ICAMP and approval of ICAMP by the Minister prior to construction</p> <p>Approved ICAMP to be implemented</p>	<p>ICAMP approved by the OEPA on 23 December 2013 and by the Minister on 18 June 2014 – 2014 Compliance Report.</p> <p>As reported in the 2018 to 2019 Compliance Report</p>	<p>Prior to construction</p> <p>Following approval by the Minister</p>	<p>Compliant - Complete</p> <p>Compliant - Complete</p>
12	<p><u>Black Cockatoo Habitat</u></p> <p>To protect the habitat for Black Cockatoos, the person taking the action:</p> <ul style="list-style-type: none"> <li>a) Must not clear more than 830 Tuart trees (<i>Eucalyptus gomphocephala</i>) that are greater than 500 mm diameter at breast height (DBH) from within the project area of the Rockingham Industry Zone, designated as 'SEA Boundary' on the map provided at Attachment A. The person taking the action must ensure that no trees are cleared within the Conservation Area referred to in Condition 10. Within 12 months of the <b>commencement of construction</b>, the person taking the action must, in consultation with <b>DPaW</b>, plant in the revegetation area within the <b>DPaW</b> managed land at Rockingham Lakes Regional Park up to 4,980 Tuart seedling trees (<i>Eucalyptus gomphocephala</i>) at a ratio of 6 seedling trees for every tree greater than 500 mm DBH removed from the project area. The seedling trees must be planted at a density of 200- 250 per hectare in cleared or degraded areas where Tuart density has previously been reduced. In consultation with the <b>Department</b> the person taking the action must ensure these seedling trees are protected in perpetuity.</li> </ul>	<p>To date there have been 44 Tuart trees (<i>Eucalyptus gomphocephala</i>) that are greater than 500 mm DBH cleared in the RIZ referral area. There have been no trees cleared within the Conservation Area.</p>	<p>Do not clear more than 830 Tuart trees with a DBH of greater than 500 mm from the RIZ SEA area and no Tuart trees from the Conservation Area.</p>	<p>Aerial photography of cleared areas pre and post clearing Appendix 4.</p>	<p>Life of the proposal</p>	<p>Compliant</p>
	<ul style="list-style-type: none"> <li>d) Must, within 12 months of the <b>commencement of construction</b>, commence a Tuart revegetation project as described below: <ul style="list-style-type: none"> <li>iv. If, after two years from the date of planting trees, a survival rate of at least 80% seedling trees is not achieved, all seedling trees that have not survived must be replaced within 12 months, and the replacements maintained to achieve a survival rate of at least 80% for at least a further three years;</li> <li>v. The person taking the action must fund and manage the Tuart revegetation project in consultation with DPaW until such a time as management responsibility has been formally transferred to a <b>recognised conservation organisation</b>; and</li> <li>vi. The revegetation project must be at least partially undertaken in the Rockingham Lakes Regional Park. If there is insufficient appropriate land in the Rockingham Lakes Regional Park to receive the required revegetation, the person taking the action, in consultation with <b>DPaW</b> and the <b>Department</b>, must find alternative locations to undertake the revegetation within the Rockingham region.</li> </ul> </li> </ul>	<p>The Tuart revegetation project has been undertaken with the planting of 5000 Tuarts in areas all located within the Rockingham Lakes Regional Park.</p> <p>The project was undertaken in accordance with the approved BCHRP</p>	<p>Tuart revegetation project.</p>	<p>Appendix 7 of the 2017 Compliance Report</p>	<p>Prior to 14 July 2015</p>	<p>Compliant - Complete</p>



EPBC Condition Number	Condition	Comments	Requirement	Evidence	When	Status
	<p>c) Prepare and submit a <b>Black Cockatoo</b> Habitat Revegetation Plan (BCHRP) for the <b>Minister's</b> approval, that describes how approval condition 12b) will be implemented. The plan must be prepared in consultation with the <b>DPaW</b>. The person taking the action must not <b>commence construction</b> unless the Minister has approved the BCHRP.</p> <p>The BCHRP must address the following matters:</p> <ol style="list-style-type: none"> <li>The location of the revegetation areas;</li> <li>Planting methodology, including soil preparation;</li> <li>What flora species that will be planted;</li> <li>Monitoring program (including how survival rates and success criteria will be determined);</li> <li>Construction of a temporary fence around the perimeter of the revegetation areas;</li> <li>Management of weeds and feral animals in the revegetation area;</li> <li>How the performance of the plan will be reported to the <b>Minister</b>; and</li> <li>Who will be responsible for implementing all aspects of the plan.</li> </ol> <p>If the <b>Minister</b> approves the BCHRP then the approved BCHRP must be implemented.</p>	<p>DPaW were consulted and endorsed the BCHRP prior to the plan being submitted to DoE. The plan addresses all matters required. The Plan was approved by the Minister on 18 June 2014 prior to commencement on 14 July 2014.</p> <p>The BCHRP has been successfully implemented.</p>	<p>Preparation of a BCHRP and approval of BCHRP by the Minister prior to construction.</p> <p>Approved BCHRP has been implemented</p>	<p>BCHRP approved by the Minister on 18 June 2014. Construction commenced on 14 July 2014 as per letter submitted to DoE – 2014 Compliance Report</p> <p>2017-2018 Compliance Report documents completion</p>	<p>Prior to Construction</p> <p>Prior to 14 July 2015 and Ongoing</p>	<p>Compliant – Complete</p> <p>Compliant – Complete</p>
13	<p><u>Water Management Strategy</u></p> <p>To protect the threatened ecological community Sedgelands in Holocene dune swales of the Southern Swan Coastal Plain (TEC) and habitat <b>for Black Cockatoos</b> the person taking the action must prepare and submit a Water Management Strategy (WMS) for the <b>Minister's</b> approval. The person taking the action must not <b>commence construction</b> unless the <b>Minister</b> has approved the WMS. The WMS must be prepared in consultation with the <b>DPaW</b> and the EPA.</p> <p>The WMS must include:</p> <ol style="list-style-type: none"> <li>arrangements for the long term monitoring of groundwater levels in the site;</li> <li>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;</li> <li>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;</li> <li>maintaining or improving groundwater balance;</li> <li>managing the salt wedge, Cockburn Sound interface;</li> <li>preventing abstraction of shallow groundwater during construction or for future industry use; and</li> <li>managing drainage into the conservation site.</li> </ol> <p>If the <b>Minister</b> approves the WMS then the approved WMS must be implemented</p>	<p>The WMS was prepared and submitted to the DoW and DPaW. It was endorsed by the DoW on 5 July 2013 and by the OEPA on 23 December 2013. The WMS was approved by the Minister prior to construction commencing on 14 July 2014.</p> <p>The WMS is being implemented. In accordance with the WMS post development monitoring will be conducted monthly for groundwater level measurements and quarterly for groundwater quality analysis.</p>	<p>Preparation of a WMS and approval of WMS by the Minister prior to construction.</p> <p>Approved WMS to be implemented.</p>	<p>The Minister approved the WMS on 1 August 2013.</p> <p>Groundwater Monitoring Report (Appendix 7)</p>	<p>Prior to construction</p> <p>Following approval by the Minister</p> <p>Five year period completed</p>	<p>Compliant – Complete</p> <p>Compliant</p>



EPBC Condition Number	Condition	Comments	Requirement	Evidence	When	Status
14	<p><b>Offsets Management Plan</b></p> <p>To protect the threatened ecological community Sedgelands 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 <b>Minister's</b> approval. The person taking the action must not <b>commence construction</b> unless the <b>Minister</b> has approved the OMP. The OMP must be prepared in consultation with DPaW.</p> <p>The OMP must include:</p> <p>a) The rehabilitation of a minimum of 18ha of the threatened ecological community Sedgelands in Holocene dune swales of the Southern Swan Coastal Plain that required active management in land managed by DPaW at other priority sites (as agreed by <b>DPaW</b> and the Department) in the Rockingham region. The rehabilitation must commence <b>within</b> 6 months of the <b>commencement of construction</b>.</p>	<p>An OMP was prepared in consultation with DPaW and in accordance with the amended condition. The OMP was approved by the Minister prior to construction commencing on 14 July 2014.</p> <p>Funding was provided to DPaW to manage at least 18ha of TEC</p>	<p>Preparation of an OMP and approval of OMP by the Minister prior to construction.</p> <p>Rehabilitation of a minimum of 18ha of TEC 19 at other sites in the region, to be managed by DPaW.</p>	<p>The OMP was approved by the Minister on 18 June 2014.</p> <p>Offsets statements issued by DPaW on 6 September 2013 and 1 April 2014 and proof of payment to DPaW in 2014 Compliance Report</p>	<p>Prior to construction</p> <p>To commence by 14 January 2015 – responsibility of DPaW</p>	<p>Compliant - Complete</p> <p>Compliant – Complete</p>
	<p>b) A research trial for the re-establishment of TEC in the onsite TEC re-establishment lot outlined in <u>Attachment B</u>, in accordance with the following requirements:</p> <ol style="list-style-type: none"> <li>The method and deliverables of the research trial must be prepared in consultation with DPaW;</li> <li>The research trial must consider the existing TEC within the Conservation Area;</li> <li>The research trial must commence within 12 months of the commencement of construction and must be undertaken for no less than five years;</li> <li>The research trial must include an annual program for the monitoring and reporting.</li> <li>Within 12 months of completing the research trial a report documenting the results of the trial must be submitted to <b>DPaW</b> and the <b>Department</b>.</li> </ol> <p>If the <b>Minister</b> approves the OMP then the approved OMP must be implemented.</p> <p>The annual report referred to in condition 9 detailing performance against the plan must include the following information;</p> <ul style="list-style-type: none"> <li>Areas of the Rockingham Industry Zone cleared for development and revegetation;</li> <li>Areas of TEC cleared and areas of TEC recreated/rehabilitated and their protection arrangements; and</li> <li>Areas of the TEC rehabilitated at other occurrences of the TEC in the Rockingham region.</li> </ul>	<p>The Research Trial was included in the OMP and endorsed by DPaW that was approved by the Minister.</p> <p>The OMP is being implemented. The TEC trial basins were constructed and planted in 2016 in accordance with the OMP. Monitoring commenced in November 2016, was undertaken in November 2017 and is scheduled for November 2018</p> <p>Approximately 1.1ha vegetation was cleared during the 2020-2021 compliance period.</p> <p>The TEC Trial as outlined in the OMP resulted in 4,043m<sup>2</sup> of basin and a total of 2.83ha within the trial area which will be vested in the City of Rockingham within designated reserves as per the OMP.</p> <p>The areas of TEC 19 to be rehabilitated at other areas in the Rockingham region is the responsibility of DBCA.</p>	<p>Research trial: Re-establishment of TEC</p> <p>Annual monitoring and reporting</p> <p>Completion report to be submitted to DPaW and the Department</p> <p>Approved OMP to be implemented</p> <p>Inclusion of additional information in this report</p>	<p>The OMP was approved by the Minister on 18 June 2014 – approval in 2014 Compliance Report</p> <p>This Compliance Report</p> <p>TEC Re-establishment Trial Monitoring – Section 4.3.2</p> <p>Aerial Photography (Appendix 5)</p>	<p>Prior to Commencement</p> <p>Ongoing</p> <p>Prior to 14 October 2017</p>	<p>Compliant – Complete</p> <p>Compliant</p> <p>Compliant</p>

## **6 COMPLIANCE STATEMENT**

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No non-compliance with regards to EPBC referral 2010/5337 were identified during the period covered by this 2020 to 2021 EPBC Compliance Report.

The RIZ development is therefore compliant with the requirements of EPBC referral 2010/5337.

## **7 PUBLIC AVAILABILITY OF COMPLIANCE REPORT**

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In accordance with Condition 2 of EPBC referral 2010/5337 accurate records of all activities are being retained for the life of the Project and can be made available when requested by the Department of the Environment.

In accordance with Condition 3 of EPBC referral 2010/5337 this Compliance Report will be published on DevelopmentWA's website (<http://www.DevelopmentWA.com.au/Industrial-and-Commercial/Rockingham-Industry-Zone/Downloads/>) and will remain available for the duration of the approval.

## **APPENDIX 1**

**Approval under the EPBC Act  
EPBC 2010/5337**



**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**

<b>person to whom the approval is granted</b>	Western Australian Land Authority
<b>proponent's ACN (if applicable)</b>	34 868 192 835
<b>proposed action</b>	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**

<b>Controlling Provision</b>	<b>Decision</b>
Listed threatened species and communities (sections 18 & 18A)	<b>Approved</b>

**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**

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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 *Sedgelands 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 *Sedgelands 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 *Sedgelands in Holocene dune swales of the Southern Swan Coastal Plain* (TEC) and 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 *Sedgelands 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 *Sedgelands 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**.



Office of the Environmental Protection Authority  
**Figure 1: SEA Boundary and Conservation Area Boundary**



## **APPENDIX 2**

### **Notice of Variation to Conditions 2014 (EPBC 2010/5337)**



## VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Rockingham Industrial Zone, WA (EPBC 2010/5337)

This decision to vary a condition of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

### Approved action

Person to whom the approval is granted	Western Australian Land Authority <b>ABN: 34 868 192 835</b>
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Approved action	The development of 339 ha of land in Rockingham, WA, for industrial purposes (the Rockingham Industry Zone), [See EPBC Act referral 2010/5337].
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### Variation

Variation of conditions of approval	<p>The variation is:</p> <p>Delete condition 14 attached to the approval dated 30 November 2011 and substitute with the condition specified below.</p> <p>Delete 'DEC' in conditions 11, 12 and 13, and substitute with 'DPaW'.</p> <p>Delete definition for 'recognised conservation organisation' in the approval dated 30 November 2011 and substitute with the definition (g) specified below. Also add the definition (h) specified below.</p> <p>Add Attachment B to the approval dated 30 November 2011, as attached to this instrument.</p>
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Date of effect	This variation has effect on the date the instrument is signed
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### Person authorised to make decision

#### name and position

Shane Gaddes  
Assistant Secretary  
Compliance and Enforcement Branch

Signature

Date of decision

19 June 2014



## Condition attached to the approval

### 14. Offsets Management Plan

To protect the threatened ecological community *Sedgelands 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 DPaW.

The OMP must include:

- a) The rehabilitation of a minimum of 18ha of the threatened ecological community *Sedgelands in Holocene dune swales of the Southern Swan coastal Plain* that requires active management in land managed by DPaW at other priority sites (as agreed by DPaW and the **Department**) in the Rockingham region. The rehabilitation must commence within 6 months of the commencement of **construction**.
- b) A research trial for the re-establishment of TEC in the onsite TEC re-establishment lot outlined in Attachment B, in accordance with the following requirements:
  - i. The method and deliverables of the research trial must be prepared in consultation with DPaW;
  - ii. The research trial must consider the existing TEC within the Conservation Area
  - iii. The research trial must commence within 12 months of the commencement of **construction** and must be undertaken for no less than five years;
  - iv. The research trial must include an annual program for the monitoring and reporting.
  - v. Within 12 months of completing the research trial a report documenting the results of the trial must be submitted to DPaW and the **Department**.

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;

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

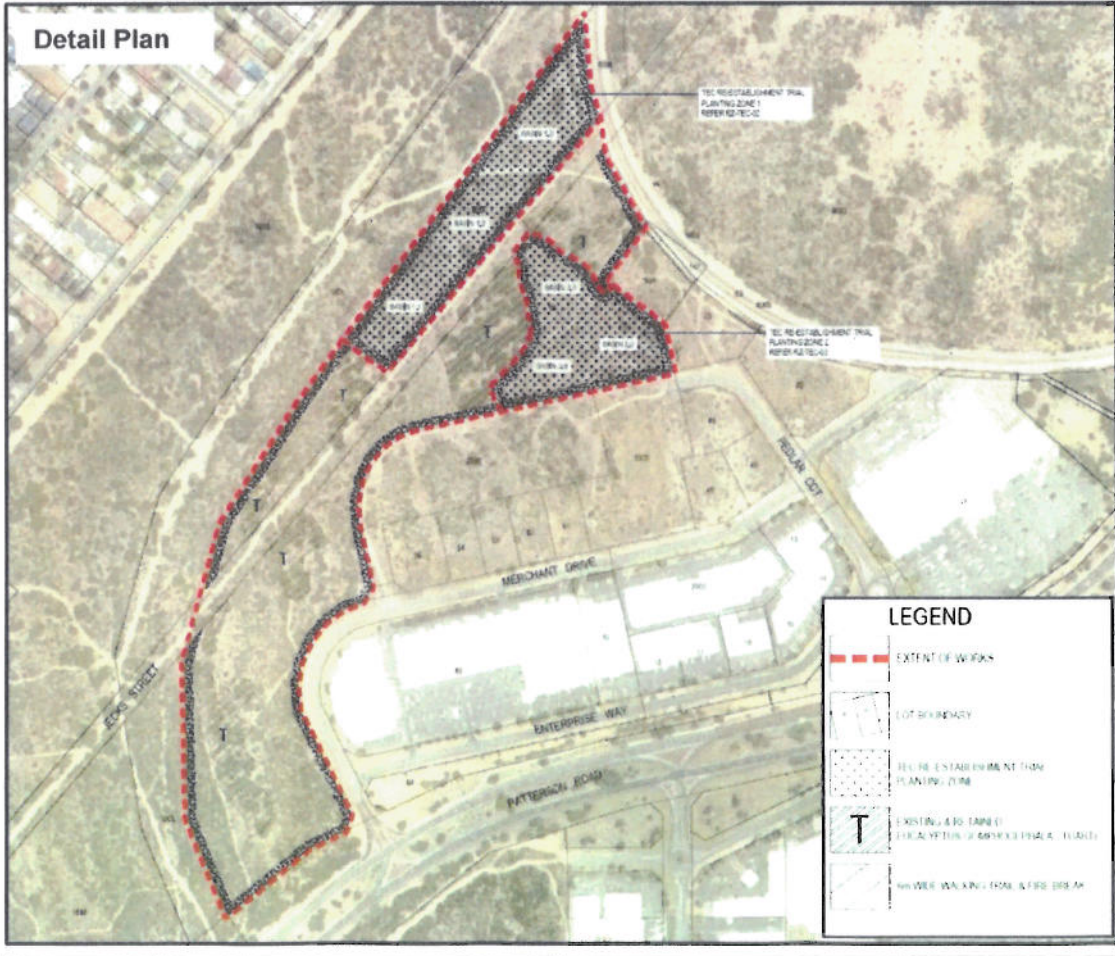
## Definition attached to the approval

### g) Recognised conservation organisation

The WA Department of Parks and Wildlife (or any successor agency), or an alternative conservation organisation that has been approved in writing by the **Department**.

### h) DPaW

The Western Australian Department of Parks and Wildlife or any successor agency.





## **APPENDIX 3**

### **Notice of Variation to Conditions 2016 (EPBC 2010/5337)**





## VARIATION TO CONDITIONS ATTACHED TO APPROVAL

### Rockingham Industrial Zone, WA (EPBC 2010/5337)

This decision to vary a condition of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

#### Approved action

Person to whom the approval is granted	Western Australian Land Authority ABN: 34 868 192 835
Approved action	The development of 339 ha of land in Rockingham, WA, for industrial purposes (the Rockingham Industry Zone) [See EPBC Act referral 2010/5337]

#### Variation

Variation of conditions of approval	<p>The variation is:</p> <p>Delete conditions 3, 9, 10 and 12 attached to the approval dated 30 November 2011 and substitute with the conditions specified below.</p> <p>Delete Attachment A attached to the approval dated 30 November 2011 and substitute with Attachment A specified below.</p> <p><b>Note:</b> All other conditions including the definitions in the approval dated 30 November 2011 and variations dated 19 June 2014 remain unchanged.</p>
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Date of effect	This variation has effect on the date the instrument is signed
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#### Person authorised to make decision

name and position	Shane Gaddes Assistant Secretary Compliance & Enforcement Branch
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Signature

*S. Gaddes*

Date of decision

*9 May* 2016

## Conditions attached to the approval

3. Within three months of every 12 month anniversary of the **commencement** of the action, the person taking the action must publish a compliance report on its website, and provide a copy of the compliance report to the **Department** in writing. The compliance report must address compliance with: each of the conditions of this approval; any management plans required under this approval; and whether outcomes and milestones required by these conditions and commitments made in management plans required under this approval have been met or are on track to being met. The compliance report must include any actual or potential contraventions, and must consider the **Department's Annual Compliance Report Guidelines**. Documentary evidence providing proof of the date of publication must be provided to the **Department** within 7 days after the compliance report is published. All compliance reports must remain on the website for the period this approval has effect. The person taking the action may cease preparing and publishing compliance reports required by this condition with written agreement of the **Minister** to do so.
9. Potential or actual contraventions of the approval conditions (including contravention with a commitment in a management plan) must be reported in writing / by email to the **Department** within 2 business days of the person taking the action becoming aware of the actual or potential contravention.

### 10. Conservation Area

To protect the threatened ecological community *Sedgeland 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 89.1 ha in the area designated as 'Conservation Area' on the map provided at Attachment A prior to the **commencement of construction**. The person taking the action must:

- (a) Include at least 19.5 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**.

### 12. Black Cockatoo Habitat

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

- (a) Must 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, designated as 'SEA Boundary' on the map provided at Attachment A. The person taking the action must ensure that no trees are cleared within the Conservation Area referred to in Condition 10. Within 12 months of the **commencement of construction**, the person taking the action must, in consultation with **DPaW**, plant in the revegetation area within the **DPaW** managed land at Rockingham Lakes Regional Park up to 4,980 Tuart seedling trees (*Eucalyptus gomphocephala*) at a ratio of 6 seedling trees for every tree greater than 500 mm DBH removed from the project area. The seedling trees must be planted at a density of 200-250 per hectare in cleared or degraded areas where Tuart density has previously been reduced. In consultation with the **Department** the person taking the action must ensure these seedling trees are protected in perpetuity.
- (b) Must, within 12 months of the **commencement of construction** commence a Tuart revegetation project as described below:

- i. If, after two years from the date of planting trees, a survival rate of at least 80% seedling trees is not achieved, all seedling trees that have not survived must be replaced within 12 months, and maintained to achieve a survival rate of at least 80% for at least a further three years;
  - ii. The person taking the action must fund and manage the Tuart revegetation project in consultation with **DPaW** until such a time as management responsibility has been formally transferred to a **recognised conservation organisation**; and
  - iii. The revegetation project must be at least partially undertaken in the Rockingham Lakes Regional Park. If there is insufficient appropriate land in the Rockingham Lakes Regional Park to receive the required revegetation, the person taking the action, in consultation with **DPaW** and the **Department**, must find alternative locations to undertake the revegetation within the Rockingham region.
- (c) Must submit a **Black Cockatoo** Habitat Revegetation Plan (BCHRP) for the **Minister's** approval that describes how approval condition 12(a) and 12(b) will be implemented. The plan must be prepared in consultation with the DPaW. The person taking the action must not **commence construction** unless the **Minister** has approved the BCHRP.

The BCHMP must address the following matters:

- i. The location of the revegetation areas;
- ii. Planting methodology, including soil preparation;
- iii. The 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.

The person taking the action must implement the approved BCHMP.



# Attachment A



## **APPENDIX 4**

### **Notice of Variation to Conditions December 2016 (EPBC 2010/5337)**



## VARIATION TO CONDITIONS ATTACHED TO APPROVAL

### Rockingham Industrial Zone, WA (EPBC 2010/5337)

This decision to vary a condition of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

#### Approved action

Person to whom the approval is granted	Western Australian Land Authority ABN: 34 868 192 835
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Approved action	The development of 339 ha of land in Rockingham, WA for industrial purposes (the Rockingham Industry Zone) [See EPBC Act referral 2010/5337]
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#### Variation

Variation of conditions of approval	The variation is: Delete condition 10(c) attached to the approval and substitute with condition 10(c) specified below.
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Date of effect	This variation has effect on the date the instrument is signed
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#### Person authorised to make decision

Name and position	Monica Collins Assistant Secretary Compliance & Enforcement Branch
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Signature	
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Date of decision	13 December 2016
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## Conditions attached to the approval

### 10. Conservation Area

To protect the threatened ecological community *Sedgelands 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 89.1 ha in the area designated as 'Conservation Area' on the map provided at Attachment A prior to the **commencement of construction**. The person taking the action must:

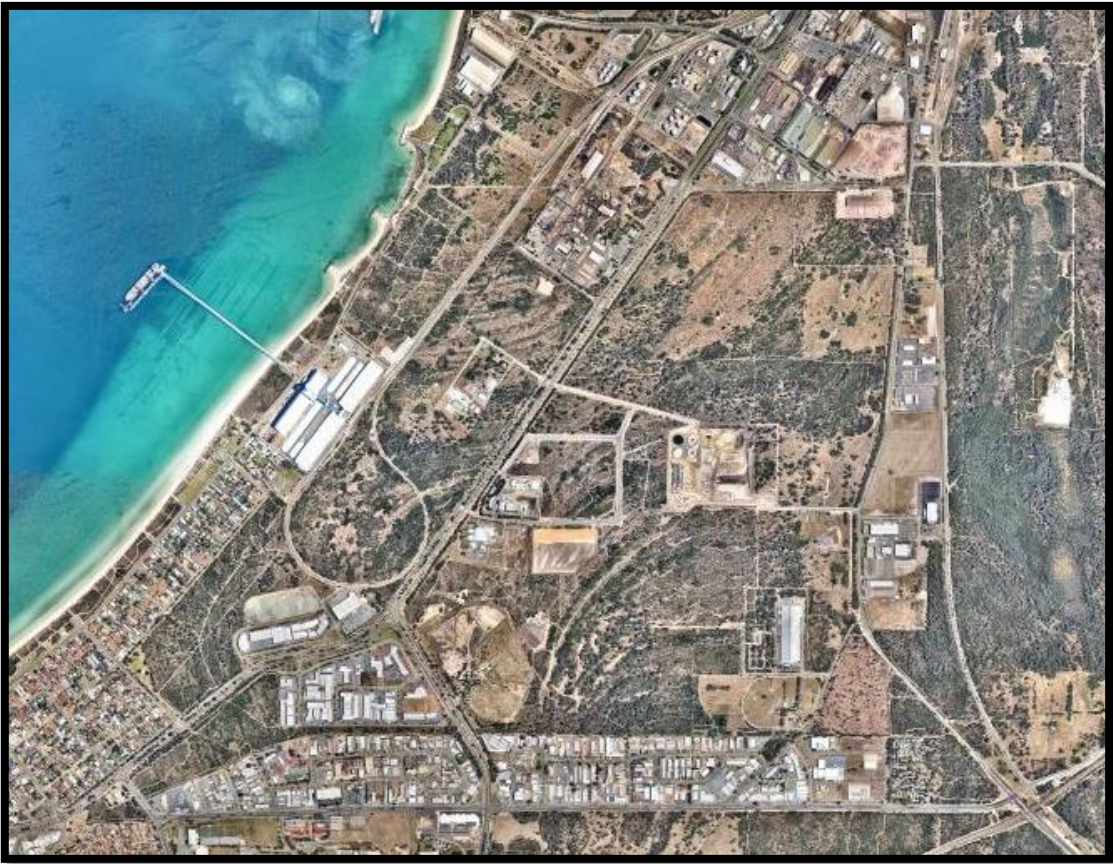
- (c) By 30 November 2021, vest management and ownership of the conservation area with a **recognised conservation organisation**.

## **APPENDIX 5**

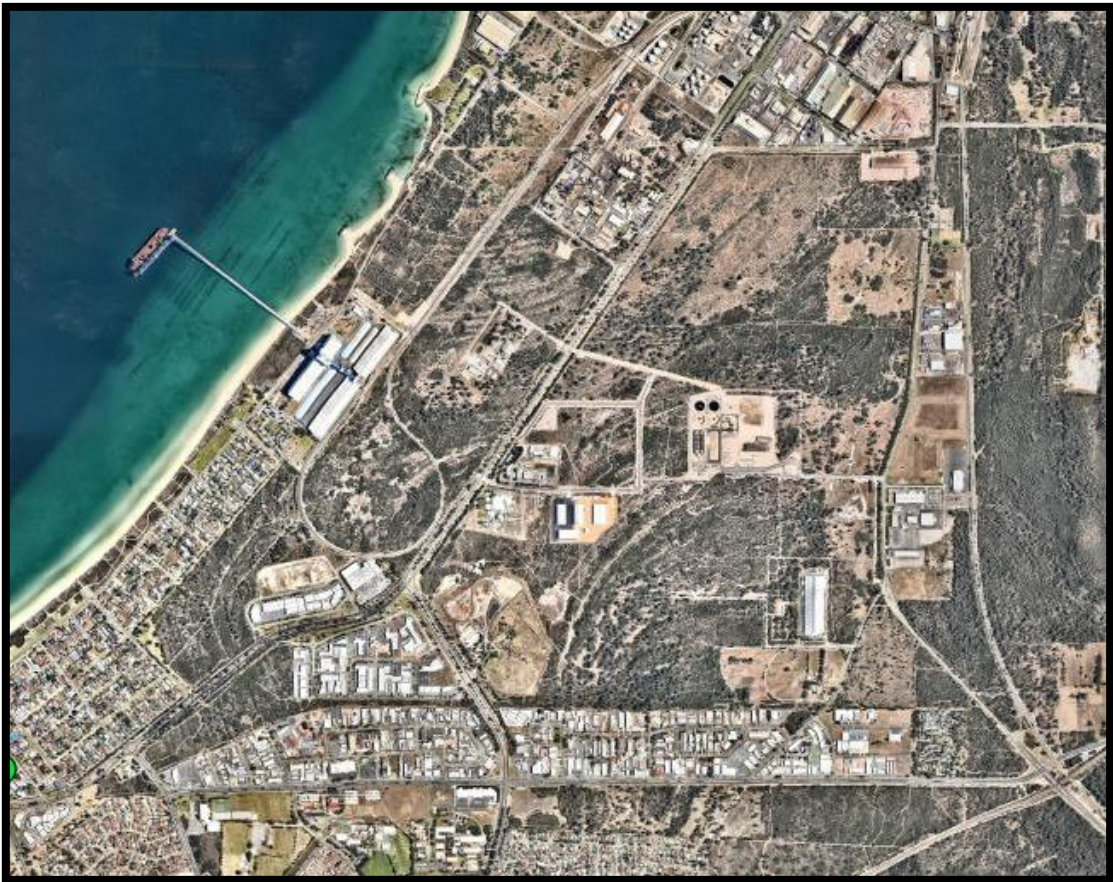
### **2014 to 2021 Aerial Photography**



December 2014



November 2015





March 2016

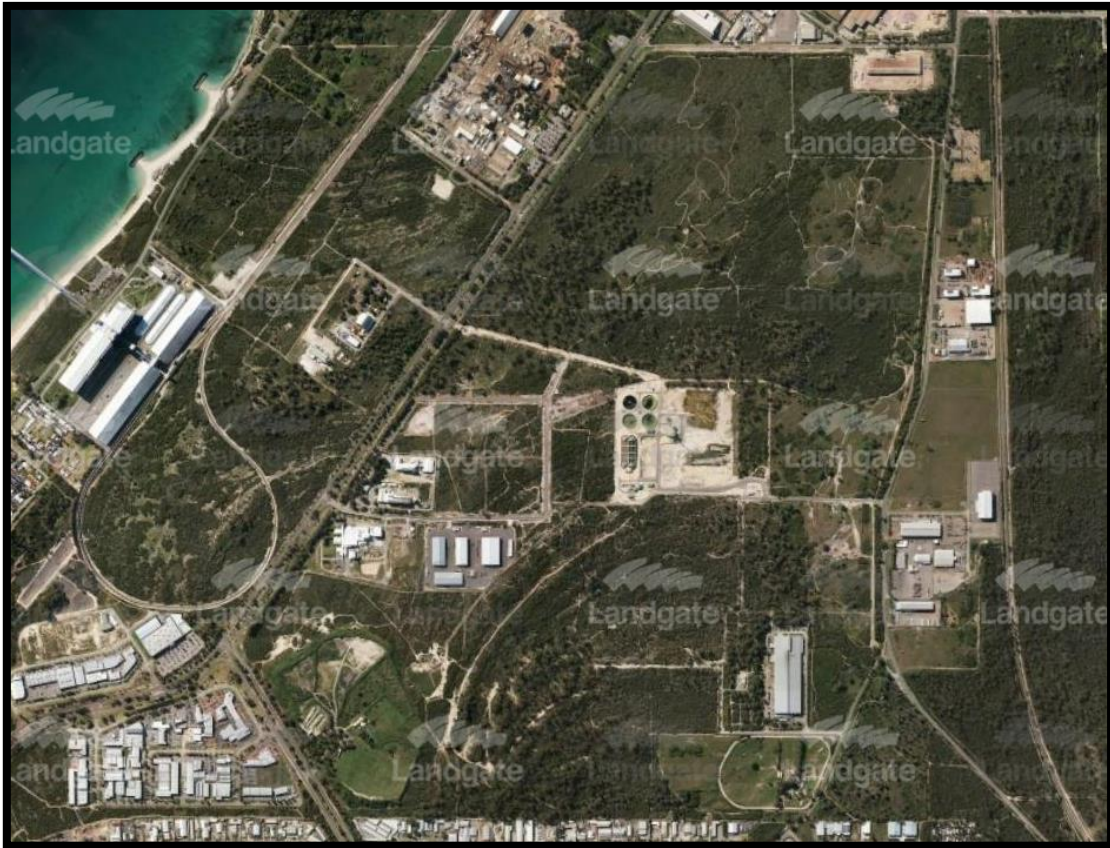


June 2017





September 2017



July 2018

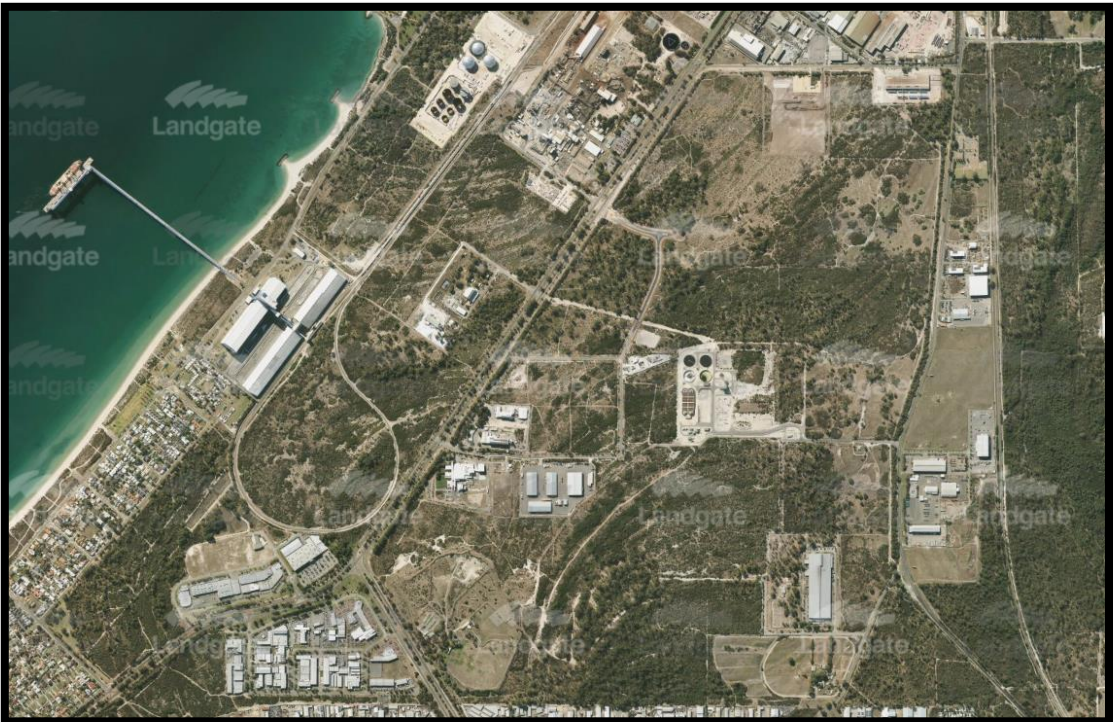




April 2019



May 2020



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