



**JANDAKOT AIRPORT
EPBC ACT APPROVALS
(EPBC 2009/4796 & EPBC 2013/7032)**

**GROUNDWATER MANAGEMENT PLAN
APPENDIX 2**

Jandakot Airport Holdings Pty Ltd
16 Eagle Drive
Jandakot WA 6164

EPBC 2009/4796



Australian Government
Department of the Environment

VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Jandakot Airport Expansion, Commercial Development and Clearance of Native Vegetation, WA (EPBC 2009/4796)

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 Jandakot Airport Holdings Pty Ltd

ACN 081643156

Approved action To construct a fourth runway and associated taxiways, runway extensions, and clear land for the development of aviation and commercial precincts as described in the Jandakot Airport Master Plan 2009, as described in the referral received on 17 March 2009 (EPBC 2009/4796)

Variation

Variation of conditions of approval The variation is:
Delete conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and Annexure A and B attached to the approval dated 25 March 2010 and substitute the conditions and Annexure A attached to this instrument.

Add conditions 14, 15, 16, and 17 as specified in this instrument.

Delete definitions for 'Construction' and 'Fauna Species' attached to the approval dated 25 March 2010 and substitute the definitions as specified in this instrument.

Add new definitions as specified in this instrument.

To provide clarity, all definitions for the approval are included below

Date of effect This variation has effect on the date the instrument is signed

Person authorised to make decision

name and position

Shane Gaddes
Assistant Secretary
Compliance and Enforcement Branch
Environment Assessment and Compliance Division

Signature

S. Gaddes

Date of decision

8 April 2014

Conditions attached to the approval

1. The person taking the action must not clear more than 167 hectares of native vegetation within precincts 1B, 3, 4 and 5 on Jandakot Airport shown in Annexure A. For all **clearing** the following requirements must be met:

- a) Vegetation **clearing** must be undertaken in a staged manner, with **clearing** only to occur in areas in which project or non-project related construction will commence in the following 12 months.
- b) **Clearing** of remnant or regrowth native vegetation within precincts 1A, 1B, 2A and 2B shown at Annexure A is not permitted unless for the purpose of constructing the roads shown in Annexure A, or for establishing or managing firebreaks and emergency access tracks.
- c) **Clearing** for the establishment or management of firebreaks and emergency access tracks within precincts 1A, 1B, 2A and 2B shown at Annexure A may only be undertaken if:
 - i. the Conservation Management Plan required under condition 6 provides justification and detail for the locations and areas impacted by the firebreaks / emergency access tracks; and
 - ii. the Conservation Management Plan has been approved by the **Minister**.

Note: Vegetation cleared for the maintenance or establishment of new firebreaks and emergency access tracks is excluded from the 167 hectare limit required under condition 1.

2. The person taking the action must retain and manage precinct 6 for conservation until both of the following requirements have been fulfilled:

- a) the successful implementation of rehabilitation requirements under conditions 4 and 5 of this approval; and
- b) the referral and approval of any **clearing** activities on precinct 6 under the *Environment Protection and Biodiversity Conservation Act 1999* or subsequent environmental legislation administered by the **Minister**.

3. The person taking the action must conserve in perpetuity all land in precincts 1A, 1B, 2A and 2B shown at Annexure A, with the exception of that land required to construct the roads shown in Annexure A and **clearing** required for the establishment or management of firebreaks and emergency access tracks outlined in condition 1 and condition 6(d)v.

4. The person taking the action must develop and submit a Jandakot Airport Offset Plan which must include but not be limited to:

- a) The rehabilitation of precincts 7 and 8 shown at Annexure A must take place in accordance with condition 5 and with the consent of Canning City Council. Evidence of consent from Canning City Council must be provided.

Note: As Canning City Council did not provide consent to condition 4(a) of this approval, condition 4(a), 5 and 6(b) are no longer active conditions. This note has been inserted for clarity during the variation of conditions process, April 2014.

- b) If consent cannot be obtained from Canning City Council to rehabilitate precincts 7 and 8 as required under condition 4(a) by 30 June 2010, the person taking the action must provide to **DPaW** the sum of \$9.2 million and topsoil from the Jandakot Airport lease site for use in the rehabilitation and conservation of banksia woodland at an alternative site or sites. The areas to be rehabilitated or conserved must be within 45 kilometres of the Jandakot Airport lease site unless the **Minister** agrees to alternative siting. The transportation costs for the topsoil are to be paid for out of the \$9.2 million. The funding must be provided prior to the commencement of each clearing stage and in proportion to the area cleared.

- c) The acquisition and protection in perpetuity of a minimum of 1600 hectares of land containing Carnaby's Black-cockatoo (*Calyptrorhynchus latirostris*) foraging habitat. The person taking the action must demonstrate that the proportion of the 1600 hectares of land that has been secured for protection, is not less than the proportion of the land to be cleared on Jandakot Airport each year, prior to that staged annual clearing occurring.
- d) Provide details of the future ownership, funding arrangements and management of the land to be used as the offset.
- e) Funding details, including research, on recovery actions for Carnaby's Black-cockatoo (*Calyptrorhynchus latirostris*), for a minimum of \$150,000 per year, over five years.

The Jandakot Airport Offset Plan must be submitted to and approved by the **Minister** prior to **construction**. The approved Jandakot Airport Offset Plan must be implemented.

5. If Canning City Council agrees to the rehabilitation of precincts 7 and 8, as required under condition 4(a), then the person taking the action must develop and submit a Jandakot Airport Rehabilitation Strategy which must include but not be limited to:

- a) The Bushland Rehabilitation Proposal and Success Criteria report, July 2009.
- b) Management of precincts 7 and 8 for long term conservation values.

The Jandakot Airport Rehabilitation Strategy must be submitted to the **Minister** after 30 June 2010. The person taking the action cannot clear more than 42 hectares of remnant and regrowth vegetation for the proposed development until the Jandakot Airport Rehabilitation Strategy has been approved by the **Minister**. The Jandakot Airport Rehabilitation Strategy must be implemented.

6. The person taking the action must develop and submit a Conservation Management Plan to the **Minister**. The plan must include measures to manage remnant and regrowth vegetation and native **fauna species** and **flora species** in conservation areas, including but not limited to:

- a) Management of remnant and regrowth vegetation and native **fauna species** and **flora species** on the Jandakot Airport lease.
- b) If Canning City Council agrees to the rehabilitation of precincts 7 and 8, the management of remnant and regrowth vegetation and native **fauna species** and **flora species** in precincts 7 and 8.
- c) If Melville City Council agrees, the management of remnant and regrowth vegetation and native **fauna species** and **flora species** in Ken Hurst Park.
- d) Native vegetation management, including but not limited to:
 - i. Mapping of native vegetation, including type, condition and *Phytophthora cinnamomi* dieback infested areas;
 - ii. Environmentally significant areas and their protection;
 - iii. Monitoring regimes and survey methods;
 - iv. Thresholds for triggering further management intervention in response to condition 6(d)iii outputs;
 - v. Bushfire management including firebreaks and emergency access tracks;
 - vi. Weed control;
 - vii. *Phytophthora cinnamomi* dieback control;
 - viii. Rehabilitation and revegetation guidelines;
- e) Orchid management, including but not limited to:
 - i. Mapping of individual *Caladenia huegelii* and *Drakaea elastica* plants;
 - ii. Results of surveys and details of any current and future surveys;

- iii. Monitoring regimes and survey methods;
 - iv. Thresholds for triggering further management intervention in response to condition 6(e)ii and 6(e)iii outputs;
 - v. Grand Spider-orchid (*Caladenia huegelii*) management and translocation procedures;
 - vi. Details and funding arrangements for 'The Jandakot Rare Orchid Research Program: Integrated Conservation and Translocation of *Caladenia huegelii* – Key Concepts in the Development of an Integrated Conservation Program for Western Australian Caladenia' (Dixon and Swarts, undated);
 - vii. Justification of the road alignment through precinct 1B.
- f) Fauna management, including but not limited to:
- i. Mapping of Carnaby's Black-cockatoo (*Calyptorhynchus latirostris*), Forest Red-tailed Black-cockatoo (*Calyptorhynchus banksii naso*), Quenda (*Isoodon obesulus fusciventer*) and Western Brush Wallaby (*Macropus irma*) habitat and occurrence;
 - ii. Monitoring regimes and survey methods for Carnaby's Black-cockatoo (*Calyptorhynchus latirostris*), Forest Red-tailed Black-cockatoo (*Calyptorhynchus banksii naso*), Quenda (*Isoodon obesulus fusciventer*) and Western Brush Wallaby (*Macropus irma*);
 - iii. Thresholds for triggering further management intervention in response to condition 6(f)i and 6(f)ii outputs;
 - iv. Feral animal control measures for the protection of Quenda (*Isoodon obesulus fusciventer*) and Western Brush Wallaby (*Macropus irma*);
 - v. A fauna road crossing strategy to facilitate terrestrial fauna movement;
 - vi. A fencing strategy to facilitate terrestrial fauna movement;
 - vii. Management options for EPBC Act listed or WA priority fauna and flora species found on Jandakot Airport in the future which have not been identified as occurring on site.
- g) A strategy for public consultation and public participation in the management of the areas mentioned in condition 6(b) and 6(c).

The Conservation Management Plan must include a provision to provide an annual Compliance report to the **department** detailing progress against objectives and targets outlined in the Conservation Management Plan and in the Jandakot Airport Environment Strategy.

The Conservation Management Plan must be submitted and approved by the **Minister** before **construction** commences. The approved Conservation Management Plan must be implemented.

7. The person taking the action must develop and submit a Jandakot Groundwater Mound Management Plan which must include but not be limited to:

- a) Groundwater monitoring and reporting;
- b) Provision of groundwater monitoring reports to the Western Australian Department of Water and Water Corporation;
- c) Address all relevant measures included in the **Local Water Management Strategy**;
- d) Schedules for the independent audit of groundwater monitoring results and reports;
- e) Spill avoidance, management and rehabilitation measures and procedures;
- f) The introduction of a sewerage system;

The Jandakot Groundwater Mound Management Plan must be submitted within four (4) months of the date of this approval. **Construction** must not commence within precinct 5 until the Jandakot Groundwater Mound Management Plan has been approved by the **Minister**. The approved Jandakot Groundwater Mound Management Plan must be implemented.

8. The person taking the action must develop and submit a Construction Environment Management Plan (CEMP) to the **Minister** for approval. The plan must include but not be limited to:

- a) Establishment and maintenance of fences and signage of “**no go areas**” in areas of priority and threatened species habitat;
- b) A landscaping vegetation schedule identifying plant species to be planted. Flora species to be planted must consist of Carnaby’s Black-cockatoo (*Calyptorhynchus latirostris*) foraging plant species;
- c) Identification and implementation of erosion and sedimentation control measures during and following **clearing**;
- d) Identification and implementation of dust control measures during and following **clearing**;
- e) Identification and implementation of appropriate weed and dieback hygiene measures;
- f) Induct clearing and construction workers and contractors about requirements to protect priority and threatened species in accordance with relevant legislation;
- g) Measures to reduce impacts on listed threatened species; and
- h) Indicative environmental management checklists to assist with monitoring the implementation of environmental management obligations during **construction** works.

Unless otherwise specified, the person taking the action must submit a report of performance against the requirements of the CEMP annually until final **construction** is completed.

The CEMP must be approved by the **Minister** before **construction** commences. The approved CEMP must be implemented.

9. The person taking the action must ensure that all Major Development Plan proposals are consistent with this *Environment Protection and Biodiversity Conservation Act 1999* approval.

10. The person taking the action must ensure that all Jandakot Airport Master Plan documents and all Jandakot Airport Environment Strategy documents are consistent with this *Environment Protection and Biodiversity Conservation Act 1999* approval.

11. If the **Minister** believes that it is necessary or desirable for the better protection of the environment, the **Minister** may request that the person taking the action make specified revisions to a plan or strategy approved pursuant to conditions 4, 5, 6, 7 and 8, and submit the revised plan or measure for the **Minister**’s approval. The person taking the action must comply with any such request. If the **Minister** approves a revised plan or measure pursuant to this condition, the person taking the action must implement that plan or measure instead of the plan or measure as originally approved.

12. If the person taking the action wishes to carry out any activity other than in accordance with a plan or strategy approved pursuant to conditions 4, 5, 6, 7 and 8 the person taking the action must submit for the **Minister**’s approval a request for revision of the plan. If the **Minister** approves the revised plan or measure so submitted, the person taking the action must implement that plan or measure instead of the plan or measure as originally approved.

13. If, at any time after 5 years from the date of this approval, the **Minister** notifies the person taking the action in writing that the **Minister** is not satisfied that there has been **substantial commencement** of the development, the development must not thereafter be commenced.

14. 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 and strategies required by this approval and report upon management measures undertaken, 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.

15. 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**.

16. By 28 October of each year, commencing 2014, the person taking the action must publish an annual report on their website addressing the compliance with each of the conditions of this approval, including implementation of management plans required under the conditions. Documentary evidence providing proof of the date of publication and 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.

17. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans and strategies required under conditions 4, 5, 6, 7 and 8 on their website. Each management plan must be published on the website within 1 month of being approved by the **Minister**. These online publications must remain on the website for the duration of the approval or until otherwise accepted in writing by the **Minister**.

Definitions:

Revised:

Construction – Any **clearing** or building works undertaken within precincts 1B, 3, 4 and 5, with the exception of the following:

- Removal or translocation of listed threatened orchids as outlined in 'The Jandakot Rare Orchid Research Program: Integrated Conservation and Translocation of *Caladenia huegelii* – Key Concepts in the Development of an Integrated Conservation Program for Western Australian *Caladenia*' (Dixon and Swarts, undated); and
- Activities associated with the development of required linear infrastructure (such as powerlines and sewage but excluding roads); and
- Other minor works approved by the **Minister**.

Fauna Species – Carnaby's Black-cockatoo (*Calyptorhynchus latirostris*), Forest Red-tailed Black-cockatoo (*Calyptorhynchus banksii naso*), Quenda (*Isodon obesulus fusciventer*) and Western Brush Wallaby (*Macropus irma*).

New:

Clearing - The cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation.

Department - The Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

DPaW – The Western Australian Government's Department of Parks and Wildlife (or equivalent agency).

Local Water Management Strategy – The document titled *Local Water Management Strategy* (VDM Environmental, 2009. Issue No. 2, October 2009), or a later version of the document that has been revised due to requirements of relevant regulatory agencies.

Existing:

Fragmentation - The breaking up of a large intact area of a single vegetation or habitat type into smaller intact units.

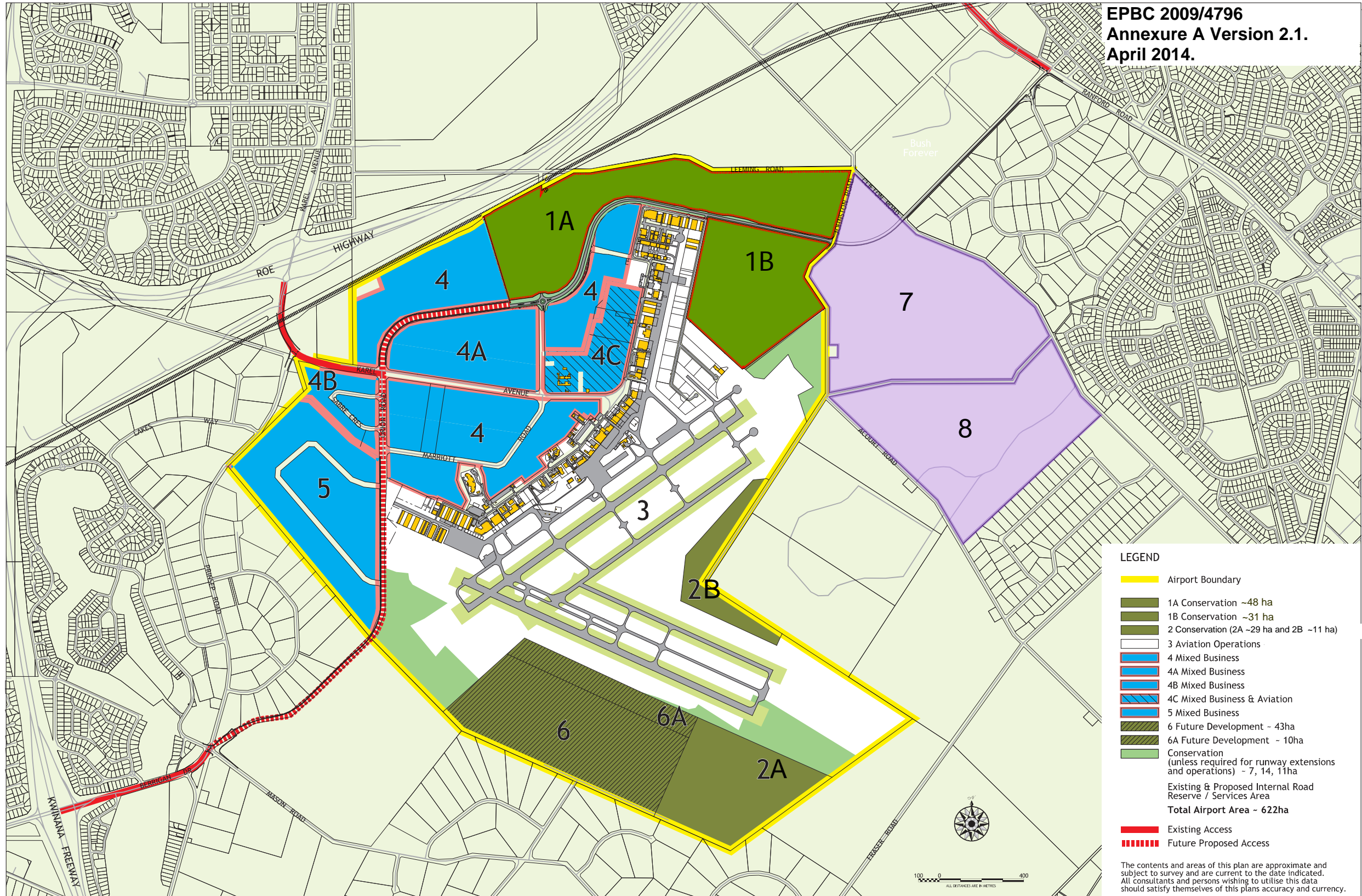
Minister - The Minister responsible for the administration of the Environment Protection and Biodiversity Conservation Act 1999 and includes a delegate of the Minister.

No Go Areas – Areas identified within the Jandakot Airport Lease which requires protection from construction and temporary impacts including: the movement of construction vehicles and machinery, stockpiling and any actions that will degrade or damage grassland species.

Substantial commencement – The construction of any infrastructure, excluding fences and signage, associated with the proposed action.

Flora Species – Grand Spider-orchid (*Caladenia huegelii*) and Glossy-leaved Hammer-orchid (*Drakaea elastica*).

**EPBC 2009/4796
Annexure A Version 2.1.
April 2014.**



EPBC 2013/7032



Approval

Jandakot Airport Precinct 6 and 6A (EPBC 2013/7032).

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 Jandakot Airport Holdings Pty Ltd

proponent's ACN (if applicable) ABN: 57 081 643 156

proposed action Clearing of 51 hectares of native vegetation within Jandakot Airport Precinct 6 and 6A [See EPBC Act referral 2013/7032].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved
Commonwealth land (sections 26 & 27A)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 30 June 2097.

Decision-maker

name and position Dr. Simon Banks
Assistant Secretary
West Assessment Branch

signature

date of decision 09 July 2014

Conditions attached to the approval

1. The person taking the action must not **clear** more than 51 hectares (ha) of native vegetation that provides **foraging habitat** for Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*) from the **proposal site** ("Precincts 6 and 6A" within the Map at Schedule 1 and 2). This clearing may only be undertaken if the **management plans** required under conditions 2 and 3 have both been approved by the **Minister**.
2. To mitigate impacts to the environment from an action on Commonwealth land, in particular the **Jandakot Groundwater Mound**, the person taking the action must prepare and submit a revised **Groundwater Management Plan** to the **Minister** for approval. The revised plan must be submitted at least 3 months prior to **commencement of the action**.

The revised plan must include, but not be limited to:

- a) the introduction of a sewerage system;
- b) provision of groundwater monitoring reports to the Western Australian Department of Water and Water Corporation;
- c) a water management strategy, specifically designed for Precincts 6 and 6A;
- d) schedules for the independent audit of groundwater monitoring results and reports;
- e) spill avoidance, management and rehabilitation measures and procedures;
- f) groundwater monitoring; and
- g) acceptable development types.

If the **Minister** approves the revised plan the approved revised plan must be implemented.

3. To mitigate impacts to the environment on Commonwealth land and Carnaby's Black Cockatoo, prior to the **commencement of the action**, the person taking the action must prepare and submit a Construction Environmental Management Plan (CEMP) to the **Minister** for approval. The CEMP must be submitted at least 3 months prior to **commencement of the action**.

The CEMP must include, but not be limited to:

- a) avoidance and mitigation measures to prevent impacts to Carnaby's Black Cockatoos following the **commencement of the action**;
- b) measures to physically delineate areas that are within **Conservation Precinct 2A** (as illustrated within the map at Schedule 1);
- c) management measures to control weeds, *Phytophthora* dieback, erosion, sedimentation, dust and construction noise;
- d) details of monitoring, reporting and contingency measures if performance indicators are not met;
- e) timeframes for the implementation of the above measures; and

- f) descriptions of the roles and responsibilities of personnel associated with implementing each of the above measures.

If the **Minister** approves the CEMP the approved CEMP must be implemented.

- 4. To offset the loss of Carnaby's Black Cockatoo **foraging habitat**, the person taking the action must:
 - a) Prior to **commencement of the action**, provide the **Department** with written evidence that funds have been provided to the Western Australian Department of Parks and Wildlife (**DPaW**) for the acquisition of at least a 600 ha **offset property** in the vicinity of Gingin, Western Australia.
 - b) Provide a textual description and map clearly defining the location and boundaries of the **offset property** and be accompanied with the **offset attributes** and **shapefiles**.
- 5. 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.
- 6. 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** 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.
- 7. If the person taking the action wishes to carry out any activity otherwise than in accordance with the **management plans** 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 the **management plans**. The varied activity shall not commence until the **Minister** has approved the varied **management plans** in writing. The **Minister** will not approve the varied **management plans** unless the revised **management plans** would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised **management plans**, the **management plans** must be implemented in place of the **management plans** originally approved.
- 8. If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, the **Minister** may request that the person taking the action make specified revisions to the **management plans** specified in the conditions and submit the revised **management plans** for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved **management plans** must be implemented. Unless the **Minister** has approved the revised **management plans**, then the person taking the action must continue to implement the **management plans** originally approved, as specified in the conditions.
- 9. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish the **management plans** referred to in these conditions of approval on their website. The **management plans** must be published on the website within one (1) month of being approved. The **management plans** must remain on the website for the duration of the action.

Definitions

Clear/Clearing is defined as the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation.

Commencement of the action, means any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures, tunnel enhancement works and the use of heavy duty equipment for demolition or other purposes relating to the action, including the breaking of ground.

Conservation Precincts, means precincts 1A, 1B, 2A and 2B (as illustrated in the Map at Schedule 1).

Department, the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

DPaW means the Western Australian Department of Parks and Wildlife or any successor agency.

EPBC Act is the *Environment Protection and Biodiversity Conservation Act 1999*.

Foraging habitat as defined in the former Department of Sustainability, Environment, Water, Population & Communities, *EPBC Act Referral Guidelines for three species of Western Australian black cockatoos: Carnaby's black cockatoo (Endangered) (Calyptorhynchus latirostris), Baudin's black cockatoo (Vulnerable) (Calyptorhynchus baudinii), Forest red-tailed black cockatoo (Calyptorhynchus banksii naso)* (October 2012).

Groundwater Management Plan is the plan named Ground Water Management plan and dated August 2011, approved by a delegate of the Minister on 19 August 2011 under condition 7 of the approved conditions for EPBC 2009/4796.

Jandakot Groundwater Mound is a shallow sand aquifer that covers an approximate area of 760 km² from the Swan River in the north to the Serpentine River in the south.

Management Plans means the Groundwater Management Plan (GMP) and the Construction Environmental Management Plan (CEMP)

Minister is the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.

Offset attributes means an '.xls' file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.

Offset property means the acquisition of a 600 ha offset property in the vicinity of Gingin, that contains at least 600 ha of Carnaby's Black Cockatoo **foraging habitat**.

Proposal site means Precincts 6 and 6A as illustrated in Schedule 2.

Shapefiles means an ESRI Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the Offset Area, including the shape, EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format and in accordance with Departmental Requirements.

