



Approval

Terrestrial Port Development, Oakajee Deepwater Port Facility, WA (EPBC 2011/5797)

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 Chief Executive
Oakajee Port and Rail Pty Ltd

proponent's ACN (if applicable) ABN: 25 117 240 007

proposed action To construct the terrestrial port facilities, including the internal port rail system, operations desalination plant, power station and related infrastructure for the Oakajee Port and Rail Project, located within the Oakajee Industrial Estate, approximately 25 km north of Geraldton, Western Australia, [see EPBC Act referral number 2011/5797].

Approval

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

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 December 2035.

Decision-maker

name and position Richard McAllister
Assistant Secretary
Environment Assessment Branch

signature

date of decision 21 September 2011

Conditions attached to the approval

1. Within 30 days after the commencement of the action, the person taking the action must advise **the Department** in writing of the actual date of commencement.
2. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the plan 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 plan 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.

The ongoing publication of the compliance report must be undertaken for ten years, or as otherwise agreed by the **Department** in writing.

4. If the person taking the action wishes to carry out any activity otherwise than in accordance with the plan 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 plan. The varied activity shall not commence until the **Minister** has approved the varied plan in writing. The **Minister** will not approve a varied plan unless the revised plan would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised plan, that plan must be implemented in place of the plan originally approved.
5. 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 plan specified in the Conditions and submit the revised plan for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved plan must be implemented. Unless the **Minister** has approved the revised plan, then the person taking the action must continue to implement the plan originally approved, as specified in the conditions.
6. If, at any time after five years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.
7. The person taking the action must develop an Offset Management Plan for the long term protection of Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*).

The Offset Management Plan must include but not be limited to:

- (a) Acquisition of 330 ha of land that supports high quality habitat for Carnaby's Black Cockatoo including:
 - i. details of the location, land purchase agreement and tenure and management arrangements of the acquired land;
 - ii. written agreement from the Western Australian Department of Environment and Conservation (DEC) that the acquired land is suitable for future placement in the DEC conservation estate;
 - iii. details of proposed rehabilitation within the acquired land including location and species, planting density and survivorship target; and
 - iv. implementation, timing, monitoring and reporting requirements.
- (b) Restoration and rehabilitation of 10 ha of Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*) habitat along the Oakajee River; including:
 - i. details of location;
 - ii. seed harvesting, topsoil management, planting density and survivorship target; and
 - iii. implementation, timing, monitoring and reporting requirements.
- (c) Improved management of the areas outlined in (a) and (b) above including:
 - i. control of noxious/invasive weeds;
 - ii. control of feral animals;
 - iii. bush fire management;
 - iv. erosion control;
 - v. fencing;
 - vi. removal of rubbish and dumped material; and
 - vii. implementation, timing and monitoring.
- (d) **Funding** of up to \$50,000 for a research project in consultation with WA Department of Environment and Conservation, to increase local knowledge on Carnaby's Black-Cockatoos (*Calyptorhynchus latirostris*), including implementation and reporting arrangements.

The Offset Management Plan must be submitted to and approved by **the Department** prior to **construction** commencing.

8. In order to protect listed threatened species and communities, the person taking the action must ensure that the action is taken in accordance with the Oakajee Port and Rail Desalination Discharge Environmental Management Plan (Revision 3 – Report No. 861_001/1), or subsequent revisions as approved by the Chief Executive Officer of the Western Australian Office of the Environmental Protection Authority.
9. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans referred to in these conditions of approval on their website. Each Management Plan must be published on the website within 1 month of being approved.

Definitions:

Construction includes any preparatory works required to be undertaken including clearing vegetation, the erection of any fences, signage or on-site temporary structures and the use of construction or excavation equipment on site for the purpose of breaking the ground for buildings or infrastructure. This excludes feasibility works including both geotechnical and ground water drilling.

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

Funding means the sum of up to \$50,000 for this project and/or EPBC 2010/5500.

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

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