

Perth Airport New Runway Project Major Development Plan

Perth Airport Pty Ltd

Conditions of Ministerial Approval

Definitions

In these conditions:

Approval of the development means the date on which approval of the draft Major Development Plan was granted under the *Airports Act* 1996 by the Minister for Infrastructure, Transport and Regional Development.

Approval of the Offset Strategy means the date on which approval of the Offset Strategy is granted by the Minister for the Environment.

Banksia Woodland of the Swan Coastal Plain means the threatened ecological community of the Banksia Woodland of the Swan Coastal Plain which is listed under the EPBC Act.

Black cockatoo(s) include(s) the EPBC Act listed Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*), Baudin's Black Cockatoo (*Calyptorhynchus baudinii*) and Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii naso*).

Black cockatoo habitat means vegetation species suitable for foraging and breeding by black cockatoos, as described by the *EPBC Act Referral Guidelines for Three Threatened Black Cockatoo Species: Carnaby's Black Cockatoo (Calyptorhynchus latirostris), Baudin's Black Cockatoo (Calyptorhynchus baudinii), and Forest Red-tailed Black Cockatoo (Calyptorhynchus banksii naso)* (October 2012).

Clear, cleared or clearing means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds - see the Australian weeds strategy 2017 to 2027 available from <http://www.agriculture.gov.au/SiteCollectionDocuments/pests-diseases-weeds/consultation/aws-final.pdf> for further guidance).

Commencement of the development means the first instance of any building activity associated with the development, including clearing and construction. Commencement of the development does not include minor physical disturbance necessary to undertake pre-clearance surveys or monitoring programs, install signage and /or temporary fencing to prevent unapproved use of the project area, protect environmental and property assets from fire, weeds and pests, including erection of temporary fencing, and maintenance of existing surface access tracks, install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the protected matters.

Construction is the undertaking of clearing of individuals or habitat for protected matters and wetlands; dewatering; the erection of any onsite temporary structures; the use of construction vehicles, plant or equipment for the purpose of breaking the ground for buildings or infrastructure; stockpiling and any actions that will degrade or damage protected matters within the project footprint. Construction excludes the erection of temporary site offices in already cleared areas within the project area, temporary fences and signage used for environmental protection, safety and information purposes.

Control of offset site(s) means to exercise effective management authority over the offset area, such that the offset management plan is implemented and any loss or degradation to values stated for the start area and quality of the offset area in the offset management plan is prevented.

Department means the Australian Government Department responsible for the *Airports Act 1996*.

Dewatering and to dewater is the deliberate extraction of water from a water body (whether underground or surficial) for the purpose of, or as a consequence of construction.

Floristic community type 23a means Central *Banksia attenuata* – *Banksia menziesii* woodlands as defined in *Environment Protection and Biodiversity Conservation Act 1999* (s 266B) Approved Conservation Advice (incorporating listing advice) for the Banksia Woodlands of the Swan Coastal Plain ecological community (2016).

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

Environmental Offsets Policy means the Department of Agriculture, Water and the Environment's *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy* (October 2012).

Environmental Management Plan Guidelines means the Department of Agriculture, Water and the Environment's *Environmental Management Plan Guidelines* (2014).

Keighery's Macarthuria is *Macarthuria keigheryi*.

Minister for the Environment means the Australian Government Minister administering the EPBC Act and his or her delegate.

Offset area(s) means the area/s of land to be secured and managed for the protected matters listed in Conditions 1.

Offset Management Plan(s) means the documents outlining the management and protection of the offset area.

Offset Strategy means the document outlining the proposed approach to offsetting protected matters that is consistent with the principles and practices of the Environmental Offsets Policy.

Plan(s) means any of the documents required to be prepared, provided to the Department of Agriculture, Water and the Environment, approved by the Minister for the Environment, implemented by the proponent and/or published on the Perth Airport Pty Ltd website in accordance with these conditions (includes action management plans and strategies).

Potential breeding trees means trees of species known to support breeding within the range of the species which are of suitable diameter at breast height (DBH) to develop a nest hollow. For most tree species, suitable DBH is 500 mm. For Salmon Gum (*Eucalyptus salmonophloia*) and Wandoo (*E. wandoo*), suitable DBH is 300 mm.

Potential nesting hollow(s) means any hollow in a potential breeding tree that is suitable for use by black cockatoos for breeding, as verified by a suitably qualified ecologist.

Project area means the area identified as "New Runway Project Area" at figure 1.1 of the draft Major Development Plan.

Propagation, Research and Monitoring Plan means the documents outlining the propagation, research and management measures for propagation of Wavy-leaved Smokebush and Keighery's Macarthuria.

Proponent means Perth Airport Pty Ltd (ABN: 24 077 153 130).

Protected matter(s) means a matter protected and habitat utilised by a matter protected under a controlling provision in Part 3 of the EPBC Act, which for the purposes of this approval are the following matters: Banksia Woodland of the Swan Coastal Plain; Black Cockatoos; trees containing potential nesting hollows; Black Cockatoo foraging habitat of a quality score of three or above; Wavy-leaved Smokebush and Keighery's Macarthuria, and the environment as it relates to wetlands and heritage.

Shapefile means location and attribute information of the development provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

Suitably qualified ecologist means a person who has professional qualifications and at least three years of work experience surveying for the relevant fauna species (either black cockatoos or the Western Swamp Tortoise) and can give authoritative assessment, advice and analysis on the presence of black cockatoos or the Western Swamp Tortoise using relevant protocols, standards, methods and/or literature.

The Environment means the 'environment' as defined in the EPBC Act and interpreted in the *Significant Impact Guideline 1.2 Actions on, or impacting upon, Commonwealth land and actions taken by Commonwealth Agencies* [Department of Sustainability, Environment, Water, Population and Communities, June 2013].

Viable population is a self-sustaining population of mature individuals capable of undergoing natural population processes such as producing viable seed and recruitment of subsequent generations and contains sufficient genetic diversity to represent the genetic composition of the individuals removed from the project area. Note that this requirement refers to the viability of the population as a whole – it is recognised that the persistence of individual plants will be affected by natural lifecycle events including seasonal dieback and senescence.

Wavy-leaved Smokebush is *Conospermum undulatum*.

Website means a set of related web pages located under a single domain name attributed to Perth Airport Pty Ltd and available to the public.

Western Swamp Tortoise means *Pseudemydura umbrina*.

Wetland – Conservation Category means wetlands that support a high level of attributes and functions and has the highest priority management measures. This classification is determined within the Geomorphic Wetlands of the Swan Coastal Plain (GWSCP) dataset accepted by Western Australian planning and regulatory bodies as the primary dataset for wetlands in the region.

Wetland – Resource Enhancement means wetlands which may have been partially modified but still support substantial ecological attributes and functions and require priority management measures. This classification is determined within the GWSCP dataset accepted by Western Australian planning and regulatory bodies as the primary dataset for wetlands in the region.

Wetland(s) means Wetland – Conservation Category and Wetland – Resource Enhancement.

Conditions

1. To manage and minimise the impacts of the development upon protected matters identified in and adjacent to the project area (and as detailed in the draft Major Development Plan for the New Runway Project submitted to the Department on 19 September 2019), in carrying out the development, the proponent must not, and must ensure that all persons involved in the development do not:
 - a. clear more than 43.3 hectares of vegetation identified as floristic community type 23a;
 - b. clear more than 232.7 hectares of Black Cockatoo habitat;
 - c. clear more than 12 trees with potential nesting hollows;
 - d. clear more Wavy-leaved Smokebush individuals than the greater of 206, or the number of individuals demonstrated by the pre-clearance surveys required under Condition 6 to be growing in the project area;
 - e. clear more Keighery's Macarthuria individuals than the greater of 855, or the number of individuals demonstrated by the pre-clearance surveys required under Condition 6 to be growing in the project area;
 - f. clear more than 97.6 hectares of wetland or
 - g. reduce the presence of surficial water or groundwater on or under more than 97.6 hectares of wetland within the project area as a result of dewatering.
2. To offset the loss of protected matters as specified in Condition 1, the proponent must submit an Offset Strategy consistent with the Environmental Offsets Policy for approval by the Minister for the Environment. The proponent must not, and must ensure that all persons involved in the development do not, undertake any activity (including clearing) which results in an impact to a protected matter until the Offset Strategy has been approved by the Minister for the Environment in writing. The proponent must ensure the Offset Strategy is fully implemented, and the Offset Strategy must:
 - a. specify the impacts to protected matters that are to be offset;
 - b. identify proposed offset area(s), including a general description of the property/ies containing the proposed offset area(s), and describe how the proposed offset area(s) will be managed and protected for conservation purposes over the long term;
 - c. detail how the proposed offset area(s) are consistent with the principles and practices of the EPBC Act Environmental Offsets Policy;
 - d. contain a schedule for implementing the Offset Strategy to ensure that implementation of the approved Offset Management Plan/s required in accordance with condition 3 will commence no later than eighteen months from the date of approval of the Offset Strategy; and
 - e. include methodologies for surveys of protected matters and for determining habitat quality scores, which must be implemented by a suitably qualified ecologist and be the same for impacted areas and offset area(s).
3. The proponent must submit an Offset Management Plan or Plans consistent with the approved Offset Strategy and Environmental Management Plan Guidelines (2014) for each offset area in sufficient time to obtain approval by the Minister for the Environment within

eighteen months of the date of approval of the Offset Strategy. The proponent must ensure that Offset Management Plan(s) are fully implemented. Offset Management Plan(s) must include (but need not be limited to):

- a. a description and quantification of the impacts to protected matters that are to be offset;
- b. a description of the offset area(s) including location, size, condition, environmental values present and surrounding land uses;
- c. baseline data and other supporting evidence that documents the presence and baseline quality of each protected matter within the proposed offset area(s);
- d. maps and shapefiles of the proposed offset area(s);
- e. specific objectives to demonstrate quality improvement or habitat quality improvement for protected matters over the period of the Offset Management Plan's implementation;
- f. specific management actions, responsibility and timeframes for implementation, to be carried out to meet specific objectives to improve the quality of the protected matters within the offset area(s);
- g. key performance indicators and completion criteria to demonstrate the improvement to the quality of the protected matter within the offset area(s);
- h. the nature, timing and frequency of monitoring to inform an adaptive management approach to determine the success of management actions against key performance indicators and completion criteria;
- i. indicative corrective actions that will be implemented in the event monitoring activities indicate key performance indicators are not likely or are unlikely to be achieved;
- j. evidence of consistency with relevant conservation advices, recovery plans and/or threat abatement plans for protected matters under the EPBC Act; and
- k. details of management measures to maintain or improve the extent and quality of habitat and populations of other co-located EPBC Act listed threatened species and ecological communities in the offset area(s).

Offset Management Plan(s) must also:

- l. be prepared in accordance with the Department of Agriculture, Water and the Environment's Environmental Management Plan Guidelines (2014); and
 - m. demonstrate how the offset area(s) will be secured and managed in perpetuity to conserve and protect the protected matters.
4. Within eighteen months of the date of approval of the Offset Strategy, the proponent must provide written evidence to the Department, to the satisfaction of the Department, that verifies it has control of the offset areas(s) and is managing the offset area(s) in accordance with the approved Offset Management Plan(s).
 5. In addition to the Offset Management Plan or Plans, to mitigate the loss of genetic diversity of Wavy-leaved Smokebush and Keighery's Macarthuria on the Swan Coastal Plain and to reduce residual significant impacts resulting from the development, the proponent must submit a Propagation, Research and Monitoring Plan in sufficient time to obtain approval by the Minister for the Environment within eighteen months of the date of approval of the Offset Strategy. The proponent must implement the approved Propagation, Research and

Monitoring Plan. The Propagation, Research and Monitoring Plan must include (but need not be limited to):

- a. a commitment to propagate, establish, secure and maintain new viable population(s) of at least 250 individuals of Wavy-leaved Smokebush and at least 1160 individuals of Keighery's Macarthuria for a specified period. These numbers will be amended based on actual impacts determined following detailed design and the most recent surveys;
 - b. a forecast of propagation progress within five years of undertaking the first activity (including clearing) which is likely to result in an impact to Wavy-leaved Smokebush or Keighery's Macarthuria;
 - c. details of the proposed methodology, sequencing and timing for propagation of individuals, rootstock and/or seedbank and establishment of the new population(s);
 - d. details of how the plan will increase scientific knowledge of the genetics and ecology of Wavy-leaved Smokebush and Keighery's Macarthuria;
 - e. evidence and criteria that will be used to demonstrate successful propagation of individuals such that viable population(s) of Wavy-leaved Smokebush and Keighery's Macarthuria are established; and
 - f. details of contingency measures that will be implemented in the event that new population(s) have not been successfully established after the five-year period.
6. To mitigate potential direct impacts to Black Cockatoos, Wavy-leaved Smokebush, Keighery's Macarthuria and the Western Swamp Tortoise, the proponent must undertake pre-clearance surveys prior to undertaking any activity (including clearing) which is likely to result in an impact to Black Cockatoos, Wavy-leaved Smokebush, Keighery's Macarthuria and/or the Western Swamp Tortoise. A report of findings must be submitted to the Minister for the Environment prior to the proponent, or any other person involved with the development, carrying out the activity. This report must provide comprehensive details and mapping of the numbers of individuals of Wavy-leaved Smokebush and Keighery's Macarthuria to be impacted by the proposed development. The following requirements apply to pre-clearance surveys in respect of particular species:
- a. For Black Cockatoos, pre-clearance surveys must be undertaken to investigate all potential nesting hollows in the project area within seven days prior to clearing any trees which may contain potential nesting hollows. All pre-clearance surveys must be undertaken by a suitably qualified ecologist. In the event that any black cockatoo is detected to be utilising any hollow in any tree, each such tree must be clearly identified, marked and its location recorded. Each such tree and any vegetation within a 10 metre radius of each such tree must not be cleared by the proponent or by any other person involved with the development unless a suitably qualified ecologist has verified that no Black Cockatoos are present in hollows at the time of clearing.
 - b. For Western Swamp Tortoise, pre-clearance surveys must be undertaken by a suitably qualified ecologist using a method suitable to trap any turtle species occurring within Munday Swamp and all other areas in the project area likely to provide suitable habitat for tortoises. In the event that any individual of the Western Swamp Tortoise is identified in the Project Area following the completion of pre-clearance surveys, the proponent must inform the Department of Agriculture, Water and the Environment in writing within 24 hours of detecting the Western Swamp Tortoise and not undertake, and must ensure that all persons involved with the development do not undertake, any works likely to

impact the habitat where the individual(s) of the Western Swamp Tortoise was/were found until otherwise advised by the Department in writing.

- c. In the event that pre-clearance surveys for Wavy-leaved Smokebush and Keighery's Macarthuria identify the presence of a greater or lesser number of individuals of either or both species than are specified in Condition 1, the proponent must update the Offset Strategy to reflect the additional or fewer individuals that will be impacted and submit a revised version to the Minister for the Environment for approval in writing.
7. The proponent must publish each plan required under this approval on the website no later than 7 business days after approval of the plan by the Minister for the Environment and must keep each plan published on the website for the period of their operation.