

Annual Compliance Report

The Trustee for Hamersley Sub Trust

Reporting Period

17 April 2023 – 16 April 2024

Report Completion Date

24 September 2026

Revision Record				
Date	Version	Description	Author	Approved By
24/09/26	1	Annual Compliance Report for reporting period 17 April 2023 – 16 April 2024	N Dalziell	J Drago

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1. Introduction

1.1. Purpose of this Document

The purpose of this document is to comply with Condition 25 of the Conditions of Approval associated with the approval of the Project (reference number 2021/9069) under the Environment Protection and Biodiversity Conservation Act, 1999 (Cth, EPBC Act), which requires development of an annual Compliance Report (the Report). The Report aims to help in ensuring that the Project is implemented as approved. The Report, following submission, also helps the Australian Government to understand how well approval conditions are being understood and applied, and contribute to improving the effectiveness of their operations.

This Report covers the 12-month period from 17 April 2023 to 16 April 2024.

This report has been produced retrospectively for the reporting period in order to correct a non-compliance identified during the 2025 Compliance Audit undertaken by DCCEEW. The audit identified that Annual Reports for the reporting periods 17 April 2023 to 16 April 2024 and 17 April 2024 to 16 April 2025 had not been submitted to the Department or uploaded to the Proponent's website for public access. This report has therefore been prepared retrospectively to address the identified reporting non-compliance and provide the required record of compliance for the relevant reporting period.

1.2. Compliance with 'Annual Compliance Report Guidelines (2014)'

The Commonwealth Government Department of Climate Change, Energy, Environment and Water (DCCEEW) maintain the Annual Compliance Report Guidelines (the Guideline), which aim to provide guidance to approval holders preparing annual compliance reports where required under a condition of their EPBC Act approval.

This Report has been prepared in accordance with the requirements of the Guideline, as described in Table 1.

Table 1 Guidelines Set Out in Annual Compliance Report Guidelines, 9781«

Guideline Requirement	Reference
Declaration of accuracy	Section 1.3
Document version control	Revision Record (Page 2)
Table of contents	Page 3
EPBC number	Title Page, Page Header, & Section 2.3
Project name	Title Page, Page Header, & Section 2.3
Approval holder and ACN or ABN	Section 2.1
The approved action	Section 2.2
Location of the project	Section 2.3
Dates for the reporting period of the report	Section 2.3
Date of preparation of the report	Section 2.3
The compliance report should demonstrate that all conditions of the EPBC approval have been considered and addressed, and list the conditions of the EPBC approval, including any variations to those conditions, noting if compliance or non-compliance with each condition has been achieved.	Section 4.3
If a management plan is required under an approval condition, the specifics in a management plan that support an approval condition should be detailed in the compliance report and material should be provided demonstrating that the requirements of that plan have been implemented	Section 4.1, & Section 4.2

1.3. Declaration of Accuracy

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 Julie Drago

Position Director, Hamersley 1 WA Pty Ltd ATF Hamersley Sub Trust

Organisation The Trustee for Hamersley Sub Trust

ABN/ACN 81 176 233 525

Date 30 / 09 / 2026

2. Description of Activities

2.1. Proponent Details

Proponent contact details associated with this Compliance Report are described in Table 2

Table 2 Proponent Details

Item	Details
Proponent	The Trustee for Hamersley Sub Trust
Australian Business Number (ABN)	81 176 233 525
Contact	Julie Drago
Address	Level 11, 108 Saint Georges terrace Perth WA 6000
Telephone	(08) 6498 9470
Email	Julie.drago@ovest.net.au

2.2. Approved Action

To construct and operate a commercial site on Lots 12 and 13 Lodge Drive, East Rockingham, Western Australia (2021/9069) [See EPBC Act referral 2021/9069].

2.3. Location of Project

EPBC Number	2021/9069
Date of Decision	17/04/2023
Project Name	Commercial Development of Lots 12 and 13 Lodge Drive, East Rockingham, WA
Approval Holder	The Trustee for Hamersley Sub Trust
Approval Holder ABN	81 176 233 525
Approved Action	To construct and operate a commercial site on Lots 12 and 13 Lodge Drive, East Rockingham, Western Australia (EPBC 2021/9069).
Location of Project	4 & 6 Lodge Drive, East Rockingham, Perth, WA, 6168
Report Period	April 17 2023 – April 16 2024
Date Report Completed	24/09/2026
Person Accepting Responsibility for Report	Julie Drago Director Hamersley 1 WA Pty Ltd ATF Hamersley Sub Trust

3. Activities Undertaken this Reporting Period

Table 0 Activities Undertaken this Reporting Period

No.	Description of Activity	Date of Activity	Associated Conditions
1	Notification of approval received: Commercial Development of Lots 12 and 13 Lodge Drive, East Rockingham, WA Ref: EPBC 2021/9069	17/04/2023	
2	Panning application for development on the clearing site considered and approved by the South Metro Outer JDAP	9/05/2023	
3	JDAP Planning approval for development on the clearing site received LG Ref: 20.2022.391.1 DAP Ref: DAP/23/02419	16/05/2023	
4	Received Clearing Permit CPS 9710/1, issued by DWER	10/08/2023	3
5	RMP Provided to the department for approval (V3)	31/08/2023	3, 4
6	Demolition of existing building on clearing site undertaken. Permit No. DPI.2022.618.1		
7	Contractor Site visit to Clearing site to scope works and go through approvals and inductions.	1/09/2023	2
8	DBCA Letter in support of Revegetation management plan received	4/09/2023	3, 5
9	DBCA Letter in support of Revegetation Management Plan sent through to DCCEEW	4/09/2023	3, 5
10	Terrestrial Ecosystems assessment of the trees in Lot 12 (6) and Lot 13 (4) Lodge Drive, East Rockingham (i.e. project area) was undertaken to determine whether Black-Cockatoo were nesting in any of the trees. Assessment undertaken by Stelleena Mackay, a zoologist with Terrestrial Ecosystems	6/09/2023	1, 2
11	Tree Clearing works undertaken. Work Dates: 6th-8th, 11th, 14th, 15th, 18th-23rd, 26th-29 th (all dates in August 2023)	6/09/2023	1, 2
12	Quote for Offset revegetation works received from Natural Area	18/12/2023	2, 3
13	Feature survey undertaken of cleared site.	13/02/2024	1, 2
14	Communication received from DCCEEW- Intent to Audit- Project Status Update Request	14/04/2024	

4. Project Compliance

4.1. Implementation of Vegetation and Fauna Management Plan

EPBC 2021/9069 Vegetation and Fauna Management Plan V2, 28 July 2022

Clearing was undertaken during this reporting period

The contractor undertaking the clearing was provided with the following documents in addition to our builders induction documentation to ensure they had a full understanding of the environmental requirements of the action:

- EPBC 2021-9069 Notification of Approval
- Clearing Permit CPS 9710/1
- EPBC 2021/9069 Vegetation and Fauna Management Plan

The extent of the clearing area was clearly defined on site by the chain link fencing that followed the boundary of the site. The location of the fencing on the boundary was confirmed using a feature survey of the site which shows the alignment of the fence to the boundaries of lot 12, and lot 13 which make up the approved clearing area. To the North, and West of the site there is also a cleared fire break with a width of approximately 5m that separates the site from the bushland and provides another clear delineation for the works area.

Before clearing works commenced, the site was attended by a Zoologist. Terrestrial Ecosystems assessment of the trees in Lot 12 (6) and Lot 13 (4) Lodge Drive, East Rockingham (i.e. project area) was undertaken to determine whether Black-Cockatoo were nesting in any of the trees. The zoologist has supplied a certification letter confirming no Black Cockatoo nesting was found in any of the trees to be cleared.

The clearing of the trees was undertaken by a subcontractor under the management of the contracted builder; Mecon Construction.

The clearing was undertaken after dust curtains/screens were implemented to protect the neighbouring protected bushland from dust, dirt, and weed seed movement.

As part of good clearing practice, and in compliance with the VFMP the following procedures were implemented during the clearing:

- All vehicles were cleaned before attending site
- Zoologist inspection before commencement of the clearing works
- Dust curtains were erected along the Western fence line
- Tree bumping was implemented before felling of each tree
- Trees clearing was undertaken in a slow, progressive manner from East to West, to allow for any fauna to move into the adjacent native vegetation
- At no point did any personnel, machinery, or vehicles enter the bushland located to the West of site.
- All work was undertaken during daylight hours

After the clearing of trees was finalised, an updated feature survey was undertaken of the site in February 2024. This survey confirmed the perimeter fence was still aligned with the boundary of lot 12, and lot 13. Aerial photographs from Nearmap confirm that no clearing was undertaken outside of the approved area.

All organic material removed from site- mulched trees, roots and understorey vegetation, as well as the mulch layer that covered much of the site- was transported from site in covered loads, exiting the site via the southern crossovers to Lodge Drive to minimise risk of dust or other materials entering the western bushland.

Table 1} Management Actions Specified in Vegetation and Fauna Management Plan

No.	Management Action	Implementation	Comments on Implementation
M1	An induction package will be presented to all personnel prior to the commencement of works outlining the objectives, procedures and management actions in the VFMP	Implemented	The builder and contractors were provided with copies of the EPBC Approval, State Clearing Permit, and the VFMP. Appendix 6: DWER Issued Clearing Permit
M2	The existing fence will have dust curtains installed along the western boundary	Implemented	Dust curtains were installed to the western boundary of the site before clearing was undertaken
M3	The fence will be maintained during construction to ensure unauthorised access is minimised	Implemented	The fencing surrounding the site was maintained during the reporting period with no damage found on weekly walk around of perimeter by site supervisor.
M4	Post construction the dust curtains will be taken down	Not Applicable	NA
M5	Native vegetation outside of the development footprint will not be removed or disturbed	Implemented	No native vegetation external to the development footprint was removed or disturbed. All clearing was undertaken within the approved area. The Existing Fire Track on the perimeter of the site acted as a buffer zone to ensure this. Appendix 3: Aerial Images Showing Clearing Activity Extents Appendix 4: 6 Lodge Drive Feature Survey- Post Clearing

M6	Fencing with dust curtains installed to prevent spread of airborne seeds as well as those that can be transported on vehicles	Implemented	Dust curtains were installed to the western boundary of the site before clearing was undertaken
M7	Any priority weeds that grow in the landscaped areas of the site will be removed during landscaping maintenance works	Not Applicable	Landscaping areas were not yet defined as construction had not taken place during this reporting period.
M8	Landscaping is to be undertaken in accordance with an approved Plan and will include, but not be limited to, species from Plants Used by Carnaby's Black Cockatoo (Groom, 2011)	Not Applicable	No Landscaping works were undertaken during this reporting period.
M9	Initial clearing works will be scheduled as much as possible in drier conditions	Implemented	Clearing works were undertaken on the following dates of August 2023: 6th-8th, 11th, 14th, 15th, 18th-23rd, 26th-29th. These days were mostly dry with rain being recorded at site on the 11th, 15th, and 21st. The rain was not heavy enough to require a stop to works. Appendix 4: 6 Lodge Drive Feature Survey- Post Clearing
M10	Soil in the construction footprint will be stabilised so it is not prone to water erosion and being washed into adjoining bushland areas	Implemented	Soil within the site was graded to ensure water flowed away from the boundary of the lot, into the development area. At no point was the ground inside of the perimeter fence at a higher level than the adjacent bushland. Appendix 4: 6 Lodge Drive Feature Survey- Post Clearing

M11	No contours will be created that will allow surface water drainage into the bushland	Implemented	Soil within the site was graded to ensure water flowed away from the boundary of the lot, into the development area. At no point was the ground inside of the perimeter fence at a higher level than the adjacent bushland. Appendix 4: 6 Lodge Drive Feature Survey- Post Clearing
M12	Stockpiles will be constructed to ensure no soil transfer occurs to the adjoining bushland	Implemented	At no point was soil stockpiled inside of the Western perimeter fence at a higher level than the adjacent bushland. Appendix 4: 6 Lodge Drive Feature Survey- Post Clearing
M13	All imported landscaping and revegetation materials (i.e. soil, mulch, seedlings) brought onsite will be weed and certified dieback free. Imported pipes, stone pitching materials and other construction materials are to be free of mud and soil	Not Applicable	No Landscaping or revegetation materials were imported to the site during the reporting period. A portion of the mulched trees from the clearing was saved on site for later use in the landscaping works as the site is already confirmed die back free.
M14	Establish and enforce vehicle speed limits for unsealed areas with an objective to minimise dust generation soil	Implemented	Speed limits were set to a maximum of 20km/h within the development area.
M15	Water cart to be present on-site during construction to dampen areas if dust is being generated and commence dust suppression immediately on visual evidence of dust lift	Implemented	A water truck was present at site from November 2023 for dust suppression.

M16	Avoid dust generating activities during unfavourable weather conditions (e.g. high wind speed) and unfavourable wind directions relative to sensitive areas, where practicable	Implemented	Dust causing activities were avoided during high winds by the builder and sub contractors. There were no noted incidents where wind conditions required the stop of works on site during the reporting period.
M17	Implement semi-permanent dust control treatments (e.g. hydro-mulching, dust stabilisers, tarps or geo-textile materials) on stockpiles that are to be left for longer than one month.	Implemented	Stockpiles of sand/soil were avoided on site to reduce the risk of dust blowing from stockpiles into the neighbouring bushland.
M18	All outdoor bins at the site office are to have self-closing lids	Implemented	Outdoor bins were avoided at site for the site office and worker amenities, instead opting for bins located within the site office, toilet block, and lunchroom. This ensured the risk of rubbish/waste being littered around the site was minimised. Bins located within the builders compound were fitted with limiters preventing the bins from being able to be left open or be opened by wind.
M19	Any waste that can become airborne to be removed from the construction site as soon as possible	Implemented	Rubbish collection was undertaken from site frequently to ensure bins capacity was always available.
M20	All road and drainage basin construction waste are to be removed at the conclusion of construction.	Not Applicable	Not applicable to this reporting period.

M21	Ensure construction is consistent with the drainage design as outlined in an approved Urban Water Management Plan .	Not Applicable	No construction was undertaken on the development site during this reporting period.
M22	All stormwater to be retained and infiltrated on site	Implemented	The development area levels were maintained to ensure stormwater was retained on site. Appendix 4: 6 Lodge Drive Feature Survey- Post Clearing
M23	No overland flow of water will be allowed from the development into the adjoining bushland areas	Implemented	Soil within the site was graded to ensure water flowed away from the boundary of the lot, into the development area. At no point was the ground inside of the perimeter fence at a higher level than the adjacent bushland. Appendix 4: 6 Lodge Drive Feature Survey- Post Clearing
M24	Implement a 20km/hr speed limit during construction and 50km/hr limit in the industrial area	Implemented	Maximum 20Km/h speed limits were maintained across the development site. The surrounding roads have a speed limit of 50Km/h.
M25	Maintain construction roads to prevent the formation of water holding structures	Not Applicable	During this reporting period there were no formalised construction road paths on the site.
M26	Install traffic alert signs in areas noted to regularly have Black Cockatoos	Not Applicable	No Black Cockatoo gatherings were noted on internal travel paths during this reporting period.

M27	A zoologist will assess the trees prior to clearing.	Implemented	Before clearing works commenced, the site was attended by a Zoologist. Terrestrial Ecosystems assessment of the trees in Lot 12 (6) and Lot 13 (4) Lodge Drive, East Rockingham (i.e. project area) was undertaken to determine whether Black-Cockatoo were nesting in any of the trees. The zoologist has supplied a certification letter confirming no Black Cockatoo nesting was found in any of the trees to be cleared. Appendix 8: Zoologist Letter
M28	Employ fauna friendly clearing protocols by bumping trees prior to felling.	Implemented	Trees were bumped prior to felling.
M29	Construction to be limited to daylight hours	Implemented	Site work hours were between 7:00am and 5:00pm.
M30	Use of cut-off lights designed to direct light onto the road and minimise off-target glare and light spill where appropriate.		As works were undertaken during daylight hours, no specific headlights were required on equipment.
M31	Visual inspection of the boundary of the development area on a weekly basis by the site manager	Implemented	A walkthrough of the site was undertaken by the site manager several times a week to check for hazards, and security issues. This walk through included a check of the perimeter fencing. The boundary was additionally visually inspected fortnightly by the project manager during their site visits.
M32	Visual inspection by the project botanist of three photo points in the adjoining bushland on an annual basis	Not Applicable	This Action is to be undertaken during construction works, which were not undertaken during this recording period.

M33	Monthly review of the hygiene register by site manager	Implemented	The register was reviewed during fortnightly site meetings while works were undertaken at site.
M34	Annual monitoring report detailing activities, any contingency actions, any remedial actions and monitoring results will be submitted in the annual compliance report.	Not Applicable	Annual compliance report was not submitted during this period as it was the first reporting period. Appendix 9: Notice of Non-Compliance-Reporting

4.2. Implementation of Revegetation Management Plan

No works were undertaken during this reporting period in relation to the Revegetation Management Plan.

4.3. Implementation of Offset Strategy

EPBC 2021/9069 Preliminary Documentation V5: Section 5 – Offset Strategy, 17 January 2023

During the reporting period, Hamersley 1 WA Pty Ltd progressed implementation of the offset strategy outlined in Section 5 of the EPBC Act Preliminary Documentation – Offset Strategy (Version 5, dated 17 January 2023).

The Offset Strategy requires the Proponent to undertake the revegetation works and manage the offset site until the nominated completion criteria are achieved. The strategy also requires the revegetation to be undertaken in consultation with DBCA and provides for the preparation of a Rehabilitation Plan to guide site preparation, planting, maintenance and monitoring.

During the reporting period, the following key actions were completed to progress implementation of the offset strategy:

DBCA approval of the Revegetation Management Plan, and planting species list

On 4 September 2023, Hamersley 1 WA Pty Ltd received formal sign-off from the Department of Biodiversity, Conservation and Attractions (DBCA) for the Revegetation Management Plan and the proposed plant species to be used for the offset site.

This is consistent with the Offset Strategy, which states that the Rehabilitation Plan is to guide the pre-planting, planting and post-planting phases of the project and that the final species list is to be endorsed by DBCA.

Confirmation of the offset site under the State clearing permit

On 10 August 2023, DWER issued Clearing Permit CPS 9710/1. Condition 6 and Figure 2 of the permit confirm the location of the offset site.

This formalises the offset location identified in the Offset Strategy, being the 3.5 ha revegetation area within Rockingham Lakes Regional Park/Bush Forever Site 356. The Offset Strategy identifies this area as the site to be revegetated to establish Tuart Woodland TEC and associated Black Cockatoo foraging habitat.

Appointment of a specialist revegetation contractor

To ensure the offset works were undertaken by a suitably experienced contractor, Hamersley 1 WA Pty Ltd sought quotations from specialist revegetation contractors. Following consideration of the available proposals, Hamersley 1 WA Pty Ltd appointed Natural Area Consulting Management Services to undertake the offset revegetation works.

Natural Area has approximately 20 years of experience undertaking revegetation within the Perth metropolitan region and has undertaken projects across wetlands, bushland, landscaped areas and foreshores. Its relevant project experience include:

- Shire of Capel: Kemerton Offset Planting Project (Kemerton) (2021 - 2022)
- Shire of Goomalling: Offset Revegetation Plant Supply and Installation (2021)
- Shire of Capel: Kemerton Offset Planting Project (Kemerton) (2021 - 2022)
- Shire of Goomalling: Offset Revegetation Plant Supply and Installation (2021)

and a range of other revegetation and natural area management projects through Western Australia's South West region.

The appointment of a specialist contractor is consistent with the Offset Strategy's requirement that the Proponent undertake and manage the revegetation works, while allowing the works to be

delivered by suitably experienced specialists. The Offset Strategy itself does not nominate a particular contractor to undertake the works

Formalisation of the five-year revegetation program

On 18 December 2023, Natural Area issued a quotation to Hamersley 1 WA Pty Ltd for a five-year program of works for the offset site. Hamersley 1 WA Pty Ltd subsequently commenced preparation of a Revegetation Services Agreement to formalise acceptance of the quotation and establish the contractual arrangements for delivery of the offset works.

The quotation was developed with reference to the applicable clearing permit requirements and the Revegetation Management Plan (Version 5), and was intended to provide the works necessary to implement the offset strategy over the nominated five-year establishment and management period.

The contract scope was outlined to include:

- Initial weed control,
- Ongoing targeted weed control,
- Site preparation,
- Supply and installation of tube stock,
- Ongoing maintenance, including:
 - Weed control,
 - Infill planting,
 - Rubbish collection and removal,
 - Fence and gate maintenance,
 - Pest control,
 - Bushfire management,
- Monitoring,
- Reporting.

This scope aligns closely with the activities identified in the Offset Strategy, including weed management, pest management, soil/site preparation, planting, ongoing maintenance, monitoring, infill planting and contingency management.

Status at the end of the reporting period

At the end of the reporting period, the administrative and contractual arrangements required to commence implementation of the offset had been substantially progressed, including confirmation of the offset site, DBCA sign-off of the Revegetation Management Plan and planting species, selection of a suitably experienced revegetation contractor, and commencement of the contractual arrangements for the five-year offset program.

During this period, no works were yet undertaken on the offset site and therefore the establishment, maintenance, monitoring and reporting activities undertaken after the reporting period will be addressed in subsequent annual compliance reporting period.

This is consistent with the Offset Strategy, which anticipates a five-year monitoring and management period and requires the Proponent to continue managing the site until the completion criteria are achieved.

4.4.Compliance with EPBC Approval Conditions

Details of approval condition compliance are noted in Table 5.

Table 2| Condition Compliance

No.	Condition Wording	Compliance	Evidence & Comments
1	To avoid and mitigate the impacts to protected matters, the approval holder must not: a) Clear outside of the development envelope. b) Clear more than 5.495 hectares (ha) of Tuart Ecological Community. c) Clear more than 1.5ha of Carnaby's Black Cockatoo foraging habitat.	Compliant	No clearing was undertaken outside the development envelope and clearing has not exceeded the approved clearing limits. Clearing was contained within the approved disturbance footprint: Tuart Ecological Community not exceeding 3.9 ha (of 5.495 ha approved) and Carnaby's Black Cockatoo foraging habitat approximately 1.4 ha (of 1.5 ha approved). This is confirmed by surveying of the property showing that no disturbance occurred outside of the perimeter fencing of the development siter which denotes the approved area. Appendix 3: Aerial Images Showing Clearing Activity Extents Appendix 4: 6 Lodge Drive Feature Survey- Post Clearing
2	To mitigate impacts to the protected matters, the approval holder must implement the Vegetation and Fauna Management Plan during the construction period.	Compliant	The Vegetation and Fauna Management Plan (VFMP 10447_017_BH V2) was implemented during the construction period. For details of this, see Table 4.
3	To compensate for the residual significant impacts of clearing on the Tuart Ecological Community and foraging habitat for the Carnaby's Black Cockatoo the approval holder must implement the Offset Strategy for the life of the approval.	Compliant	The Offset strategy was progressed during the reporting period as outlined in section 4.3 Implementation of Offset Strategy.
4	Prior to commencement of the action and to compensate for the residual significant impact under condition 3, the approval holder must submit to the department for the Minister's approval a Revegetation Management Plan (RMP). The RMP must be included as part of the Offset Strategy under condition 3. The environmental outcome of implementing the RMP must be to recreate at least 3.5 ha of the Tuart Ecological Community within the Rockingham Lakes Regional Park, 7km south of development envelope, that meets the listing criteria for high quality Tuart Ecological	Compliant	The Revegetation Management Plan (RMP) was submitted to the department on 31st August 2023, prior to commencement of the action.

Community and is self-sustaining by 30 April 2063. The RMP must be consistent with the department's Environmental Management Plan Guidelines, and include: a) Details of the relevant protected matter/s and a reference to EPBC Act approval conditions to which the plan refers. b) A table of commitments made in the plan to achieve the environmental outcomes, and a reference to exactly where these commitments are detailed in the plan. c) Commitments capable of ensuring that the environmental outcomes are achieved. These commitments must include: i. To commence revegetation across at least 3.5ha within 2 years of commencement of the action. ii. The species and their provenance, and the approximate numbers of individuals of each species to be planted and/or seeded and the approximate timing of planting/seeding and milestones and success criteria for revegetation. iii. Measures, including for hygiene, ground preparation and weed and herbivore control, and the approximate timing of the measures, to be undertaken prior to, during and following planting/seeding to ensure the success of the revegetation. d) Reporting and review mechanisms to ensure compliance with the commitments made in the plan. e) An assessment of risks relating to achieving the environmental outcomes and risk management strategies and/or mitigation measures that will be applied to address identified risks. f) Impact avoidance, mitigation and/or repair measures, and the timing of those measures. g) A monitoring program, which must include: i. measurable performance indicators and completion criteria, which must include: I. survival 40 years after planting, of at least 1.6 Tuart trees per 100m² II. at least 12 local native understorey species per 10 m x 10 m plot III. native vegetation coverage of at least 80% of the total vegetation cover at least 40 years after planting/seeding ii. trigger values for corrective actions. iii. the timing and frequency of monitoring, ensuring monitoring is capable of detecting trigger values and		
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	changes in the performance indicators. iv. proposed corrective actions if trigger values are reached. v. the timing and methods of submitting monitoring data to the department. h) Links to other relevant plans or conditions of approval (including state/local government approval conditions).		
5	When submitting the RMP to the department for the Minister's approval, the approval holder must provide the department with written evidence from the Western Australian Department Biodiversity, Conservation and Attractions (DBCA) confirming that DBCA considers that the outcomes and goals specified in the Revegetation Management Plan are achievable using the methods and within the timeframes specified in the Revegetation Management Plan.	Compliant	A letter was provided to the department confirming DBCA considers the outcomes and goals in the RMP achievable. Confirmed compliant by DCCEE audit. Appendix 5: DBCA Letter of Confirmation
6	The approval holder must not commence the action until the Minister has approved the Revegetation Management Plan in writing. The approval holder must commence implementing the approved Revegetation Management Plan within 2 years of the commencement of the action and thereafter must continue to implement the RMP until the expiry of this approval.	Non-Compliant	The action commenced on 1st September 2023, prior to the Minister's written approval of the RMP. The approval holder self-reported this non-compliance to the department by letter dated 30th March 2026. At the date of this report the RMP (Version 7) has now been approved formally by the National EPA. Appendix 10: Notice of Non-Compliance- Commencement of Action Prior to RMP Approval Appendix 7: Letter of Approval- Revegetation Management Plan V7
7	The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the revised action management plan (RAMP) in place of the previous action management plan (RAMP).	Not Applicable	

8	The approval holder may choose to revise the Vegetation and Fauna Management Plan approved by the Minister under condition 2, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act, if the taking of the Action in accordance with the revised Vegetation and Fauna Management Plan would not be likely to have a new or increased impact.	Not Applicable	
9	If the approval holder makes the choice under condition 15 to revise the Vegetation and Fauna Management Plan without submitting it for approval, the approval holder must: a) Notify the department electronically that the approved Vegetation and Fauna Management Plan has been revised and provide the department with: i. An electronic copy of the revised Vegetation and Fauna Management Plan. ii. An electronic copy of the revised Vegetation and Fauna Management Plan marked up with track changes to show the differences between the approved action management plan and the revised Vegetation and Fauna Management Plan. iii. An explanation of the differences between the approved Vegetation and Fauna Management Plan and the revised Vegetation and Fauna Management Plan. iv. The reasons the approval holder considers that taking the Action in accordance with the revised Vegetation and Fauna Management Plan would not be likely to have a new or increased impact. v. Written notice of the date on which the approval holder will implement the revised Vegetation and Fauna Management Plan (revised Vegetation and Fauna Management Plan implementation date), being at least 20 business days after the date of providing notice of the revision of the Vegetation and Fauna Management Plan, or a date agreed to in writing with the department. b) Subject to condition 15, implement the revised Vegetation and Fauna Management Plan from the revised Vegetation and Fauna Management Plan implementation date.	Not Applicable	

10	The approval holder may revoke its choice to implement a revised Vegetation and Fauna Management Plan under condition 15 at any time by giving written notice to the department. If the approval holder revokes the choice under condition 15, the approval holder must implement the Vegetation and Fauna Management Plan in force immediately prior to the revision undertaken under condition 15.	Not Applicable	
11	If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the Action in accordance with the revised Vegetation and Fauna Management Plan would be likely to have a new or increased impact, then: a) Condition 15 does not apply, or ceases to apply, in relation to the revised Vegetation and Fauna Management Plan. b) The approval holder must implement the Vegetation and Fauna Management Plan specified by the Minister in the notice.	Not Applicable	
12	At the time of giving the notice under condition 18, the Minister may also notify that for a specified period of time, condition 15 does not apply for one or more specified Action management plans.	Not Applicable	
13	The approval holder must submit all plans required by these conditions electronically to the department.	Compliant	All plans required by these conditions (VFMP, Offset Strategy, and RMP) have been submitted electronically to the department as part of the approvals process.

14	Unless otherwise agreed to in writing by the Minister, the approval holder must publish each plan on the website within 15 business days of the date: a) of this approval, if the version of the plan to be implemented is specified in these conditions; or b) the plan is approved by the Minister in writing, if the plan requires the approval of the Minister; or c) the plan is submitted to the department in accordance with a requirement of these conditions, if the plan does not require the approval of the Minister; or d) the plan is approved by a state/territory government as required under a state/territory government condition which must be complied with in accordance with these EPBC Act conditions.	Non-Compliant	This is being rectified as part of the corrective actions arising from the compliance audit and self-reported non-compliances. As of the publishing of this ACR, all applicable plans have been published on the website.
15	The approval holder must keep all published plans required by these conditions on the website until the expiry date of this approval.	Non-Compliant	This is being rectified as part of the corrective actions arising from the compliance audit and self-reported non-compliances. As of the publishing of this ACR, all applicable plans have been published on the website. Appendix 9: Notice of Non-Compliance-Reporting
16	The approval holder is required to exclude or redact sensitive ecological data from plans published on the website or otherwise provided to a member of the public.	Not Applicable	No sensitive data or plans were required to be excluded or redacted.
17	If sensitive ecological data is excluded or redacted from a plan in accordance with condition 14, the approval holder must notify the department in writing what exclusions and redactions have been made in the version published on the website.	Not Applicable	No sensitive data or plans were required to be excluded or redacted.

18	The approval holder must notify the department electronically of the date of commencement of the Action, within 5 business days of commencement of the Action.	Non-Compliant	The action commenced on 1 September 2023, but the department was not notified within 5 business days. The approval holder self-reported this non-compliance by letter dated 7th July 2025. Appendix 11: Notice of Non-Compliance- Notification of Commencement of Action
19	If the commencement of the Action does not occur within 5 years from the date of this approval, then the approval holder must not commence the Action without the prior written agreement of the Minister.	Not Applicable	Action Commenced within the 5 year period. Appendix 11: Notice of Non-Compliance- Notification of Commencement of Action
20	The approval holder must maintain accurate and complete compliance records.	Non-Compliant	Corrective actions, including calendarisation of reporting deadlines and assignment of internal accountability, have been implemented. Including the retroactive creation of this compliance report. Appendix 9: Notice of Non-Compliance-Reporting
21	If the department makes a request in writing, the approval holder must provide electronic copies of compliance records to the department within the timeframe specified in the request.	Not Applicable	No requests were made by the Department during this reporting period for documents.
22	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the department's <i>Guidelines for biological survey and mapped data</i> (2018), or any subsequent official version or as otherwise specified by the Minister in writing.	Not Applicable	

23	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the department's <i>Guide to providing maps and boundary data for EPBC Act projects</i> (2021), or any subsequent official version or as otherwise specified by the Minister in writing.	Compliant	Maps and boundary data have been prepared in accordance with the department's Guide to providing maps and boundary data for EPBC Act projects (2021).
24	The approval holder must submit all monitoring data (including sensitive ecological data), surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the department in accordance with the requirements of the Vegetation and Fauna Management Plan and the Revegetation Management Plan.	Compliant	Monitoring data and species occurrence records have been created in compliance with the requirements and are being submitted to the department through this report.
25	The approval holder must prepare a compliance report for each 12-month period following the date of this approval, or as otherwise agreed to in writing by the Minister.	Not Applicable	As this is the first period post the approval, a report was not created during this period for the preceding 12 months.
26	Each compliance report must be consistent with the department's <i>Annual Compliance Report Guidelines</i> (2014), or any subsequent official version.	Not Applicable	As this is the first period post the approval, a report was not created during this period for the preceding 12 months.
27	Each compliance report must include: a) Accurate and complete details of compliance and any non-compliance with the conditions and the plans, and any incidents. b) One or more shapefile showing all clearing of any protected matters, and/or their habitat, undertaken within the 12-month period at the end of which that compliance report is prepared. c) A schedule of all plans in existence in relation to these conditions and accurate and complete details of how each plan is being implemented.	Not Applicable	As this is the first period post the approval, a report was not created during this period for the preceding 12 months.

28	The approval holder must: a) Publish each compliance report on the website within 60 business days following the end of the 12-month period for which that compliance report is required. b) Notify the department electronically, within 5 business days of the date of publication that a compliance report has been published on the website. c) Provide the weblink for the compliance report in the notification to the department. d) Keep all published compliance reports required by these conditions on the website until the expiry date of this approval. e) Exclude or redact sensitive ecological data from compliance reports published on the website or otherwise provided to a member of the public. f) If sensitive ecological data is excluded or redacted from the published version, submit the full compliance report to the department within 5 business days of its publication on the website and notify the department in writing what exclusions and redactions have been made in the version published on the website.	Not Applicable	As this is the first period post the approval, a report was not created during this period for the preceding 12 months.
29	The approval holder must notify the department electronically, within 2 business days of becoming aware of any incident and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a plan.	Not Applicable	There were no incidents understood to be non-compliances during the reporting period.

30	The approval holder must specify in the notification: a) Any condition or commitment made in a plan which has been or may have been breached. b) A short description of the incident and/or potential non-compliance and/or actual non-compliance. c) The location (including co-ordinates), date, and time of the incident and/or potential non-compliance and/or actual non-compliance.	Not Applicable	No Notifications were made during this reporting period.
31	The approval holder must provide to the department in writing, within 12 business days of becoming aware of any incident and/or potential non-compliance and/or actual non-compliance, the details of that incident and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a plan. The approval holder must specify: a) Any corrective action or investigation which the approval holder has already taken. b) The potential impacts of the incident and/or non-compliance and/or non-compliance. c) The method and timing of any corrective action that will be undertaken by the approval holder.	Not Applicable	There were no incidents understood to be non-compliances during the reporting period.
32	The approval holder must ensure that an independent audit of compliance with the conditions is conducted for every five-year period following the commencement of the Action until this approval expires, unless otherwise specified in writing by the Minister.	Not Applicable	A 5 year period has not lapsed since the action, therefore no independent audit has been required.

33	For each independent audit, the approval holder must: a) Provide the name and qualifications of the nominated independent auditor, the draft audit criteria, and proposed timeframe for submitting the audit report to the department prior to commencing the independent audit. b) Only commence the independent audit once the nominated independent auditor, audit criteria and timeframe for submitting the audit report have been approved in writing by the department. c) Submit the audit report to the department for approval within the timeframe specified and approved in writing by the department. d) Publish each audit report on the website within 15 business days of the date of the department's approval of the audit report. e) Keep every audit report published on the website until this approval expires.	Not Applicable	A 5 year period has not lapsed since the action, therefore no independent audit has been required.
34	Each audit report must report for the five-year period preceding that audit report.	Not Applicable	A 5 year period has not lapsed since the action, therefore no independent audit has been required.
35	Each audit report must be completed to the satisfaction of the Minister and be consistent with the department's <i>Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines</i> (2019), or any subsequent official version.	Not Applicable	A 5 year period has not lapsed since the action, therefore no independent audit has been required.
36	The approval holder must notify the department electronically 60 business days prior to the expiry date of this approval, that the approval is due to expire.	Not Applicable	A 5 year period has not lapsed since the action, therefore no independent audit has been required.

37	Within 20 business days after the completion of the Action, and, in any event, before this approval expires, the approval holder must notify the department electronically of the date of completion of the Action and provide completion data.	Not Applicable	The action was not completed during the reporting period. The action will be completed once the final occupancy certificate is received for the development from the City of Rockingham and all works have been completed on the site in relation to landscaping.
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5. Corrections of Non-Compliance

5.1. Non-Compliances from Previous Reporting Periods

As this report covers the first reporting period, there are no non-compliances for periods previous.

5.2. Non-Compliances from this Reporting Period

Table 3} Non-Compliances from This Reporting Period

Non-Compliance	Corrective Actions
Clearing Action undertaken without RMP sign off by Minister	Corrective actions were not undertaken during this reporting period as the approval holder was not aware of the non compliance at this time
Department not notified within 5 business days of clearing works starting	Corrective actions were not undertaken during this reporting period as the approval holder was not aware of the non compliance at this time
All Plans that form part of this approval were not published to approval holders website within 15 business days of approval.	Corrective actions were not undertaken during this reporting period as the approval holder was not aware of the non compliance at this time
All Plans were not available on approval holders website until expiry of the approval	Corrective actions were not undertaken during this reporting period as the approval holder was not aware of the non compliance at this time

6. New Environmental Risks

No new environmental risks were identified during this reporting period.

7. Other Information

No additional information.

8. References

DCCEEW. 2014. Annual Compliance Report Guidelines,
<https://www.awe.gov.au/sites/default/files/documents/annual-compliance-report-guidelinesrevised.pdf>,
Australian Government Department of the Environment.

DCCEEW. 2018. Guidelines for Biological Survey and Mapped Data,
<https://www.dcceew.gov.au/sites/default/files/documents/guidelines-biological-survey-mapped-data.pdf>,
Australian Government Department of the Environment.

9. Appendixes

9.1. Appendix 1: JDAP Approval Notice for Development Site



LG Ref: 20.2022.391.1
DAP Ref: DAP/23/02419

Enquiries: (08) 6551 9919

Mr Oliver Basson
Planning Solutions
GPO Box 2709
Cloisters Square PO WA 6850

Dear Mr Basson,

**METRO OUTER JDAP - CITY OF ROCKINGHAM - DAP APPLICATION -
20.2022.391.1 - DETERMINATION**

Property Location:	Lot 12 (No.4) & 13 (No.6) Lodge Drive East Rockingham
Application Details:	Proposed tyre recycling facility

Thank you for your Form 1 Development Assessment Panel (DAP) application and plans submitted to the City of Rockingham on 23 January 2023 for the above-mentioned development.

This application was considered by the Metro Outer JDAP at its meeting held on 9 May 2023, where in accordance with the provisions of the City of Rockingham Local Planning Scheme No.2, it was resolved to **approve** the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, an application may be made to amend or cancel this planning approval in accordance with regulation 17 and 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Please also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the conditions of approval, please contact Mr Marius Le Grange on behalf of the City of Rockingham on 08 9528 0387.

Yours sincerely,

DAP Secretariat

16 May 2023

Encl. DAP Determination Notice
Approved Plans

Cc: Mr Marius Le Grange
City of Rockingham



Planning and Development Act 2005

City of Rockingham Local Planning Scheme No.2

Metro Outer Joint Development Assessment Panel

**Determination on Development Assessment Panel
Application for Planning Approval**

Property Location: Lot 12 (No.4) & 13 (No.6) Lodge Drive East Rockingham

Application Details: Proposed tyre recycling facility

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 9 May 2023, subject to the following:

Approve DAP Application reference DAP/22/02419 and the accompanying plans received on 5 December 2023 and Amended Plans received on 20 February 2023:

- Aerial Underlay Site Plan - Drawing no. A.02(F), Dated 20/03/2023;
- Site Plan - Drawing no. A.03(AL), Dated 20/03/2023;
- Zoomed Office Plan - Drawing no. A.04(C), Dated 18/11/2022;
- Estate Plan - Drawing no. A.06(B), Dated 01/03/2023;
- Site Elevations - Drawing no. E.01(F), Dated 22/02/2023;
- Main Building Elevations - Drawing no. E.02(D), Dated 22/02/2023;

In accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following conditions as follows:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Prior to applying for a building permit, satisfactory arrangements must be made to the City of Rockingham for the approved development to be reflected on a separate Certificate of Title in accordance with the Subdivision Approval dated 2 February 2023
3. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for approval. All stormwater generated by the development must be managed in accordance with Local Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.



4. Prior to applying for a Building Permit, a Construction Management Plan is to be submitted to and approved by the City of Rockingham addressing but not limited to:
 - (i) Hours of construction
 - (ii) Temporary Fencing
 - (iii) Traffic Management including, a Traffic Management Plan addressing site access, egress and parking arrangement for staff and contractors;
 - (iv) Management of vibration and dust
 - (v) Management of construction noise and other site generated noise.
5. Prior to applying for an Occupancy Permit, the Applicant must submit full detailed engineering drawings showing the various pavement types and cross sectional profiles to be adopted across the entire development site and adjoining road reserves, for review and approval by the City of Rockingham.
6. Prior to applying for a Building Permit, a Sign Strategy must be prepared (which must include the information required by Planning Policy 3.3.1, Control of Advertisements) to the satisfaction of the City of Rockingham and it must thereafter be implemented for the duration of the development.
7. Prior to occupation of the development, pavement marking and signage must be provided at the vehicular crossover locations, to the satisfaction of the City of Rockingham, to clearly delineate the intended traffic flow within the site as follows:
 - (i) Restricted entry/exit only for heavy vehicles at 10m and 12m wide crossovers;
 - (ii) Full movement entry and exit for staff and visitor vehicles only at the 6m crossover for the administration building;
8. The buildings must be designed, constructed and maintained to BAL- 29 as specified in Australian Standard AS3959-2018: Construction of Buildings in Bushfire-Prone Areas (AS3959). The building must be maintained in accordance with the specified requirements of the BAL for the duration of the development.
9. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
 - (i) the location of bin storage areas and bin collection areas;
 - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (iv) frequency of bin collections.All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.
10. Prior to applying for a Building Permit, bin storage area/s must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham. The bin storage area/s must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the Development.



11. Prior to applying for a Building Permit, a Landscaping Plan must be submitted and approved to the satisfaction of the City of Rockingham and shall include the following detail:
 - (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) any lawns to be established and areas to be mulched;
 - (iii) any natural landscape areas to be retained;
 - (iv) those areas to be reticulated or irrigated;
 - (v) the provision of shade trees at a ratio of 1 tree per 4 car bays;
 - (vi) use of species consistent with the prescribed plant species list in the East Rockingham Development Guidelines;
 - (vii) fencing type, height and alignment, demonstrating that the street frontage fencing is located behind the extent of the Landscaped setback area;
 - (viii) internal footpath and kerb ramps providing linkages between car parking areas to the main office, including any proposed lighting; and
 - (ix) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.
12. The landscaping (including all verge landscaping) must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.
13. Prior to the occupation of the development, the recommendations in the Bushfire Management Plan prepared by Eco Logical dated 24 March 2023 shall be implemented in the design, construction and ongoing operation of the development at all times to the satisfaction of the City of Rockingham including but not limited to the following requirements:
 - (i) Ensure proposed buildings are located outside of areas subject to BAL-FZ and BAL-40.
 - (ii) Ensure all APZs are established and maintained to the standard in the Guidelines.
 - (iii) Six (6) fire hydrants and monitoring systems are installed and extend reticulated water supply to appropriate areas.
 - (iv) Construct the internal road network as per the approved development plans.
14. Prior to the occupation of the development, the recommendations in the Bushfire Risk Management Plan prepared by Eco Logical dated 23 January 2023 shall be implemented in the design, construction and ongoing operation of the development at all times to the satisfaction of the City of Rockingham including but not limited to the following requirements:
 - (i) The proposed building will be fitted with a sprinkler system, automatic fire detection system and automatic smoke exhaust system
 - (ii) Bund areas (where truck and passenger tyres will be collected and stored prior to processing) will be:
 - (iii) Fitted with radiometric thermal cameras (operating 24 hours a day, 7 days a week), which when activated will trigger an automatic response to the nominated emergency services;
 - (iv) Limiting storage areas to Passenger Tyre Storage - 3,840m² and Truck Tyre Storage - 3,840m²
 - (v) Bund walls to be 7m in height and constructed from fireproof material



15. Prior to the occupation of the development, the car parking areas must:
 - (i) provide a minimum of 80 car parking spaces;
 - (ii) be designed, constructed, sealed, kerbed, drained and line marked in accordance with User Class 1A for staff parking, User Class 2 for visitor bays, User Class 4 for universal bays of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to commencement of development;
 - (iii) provide One (1) car parking space(s) dedicated to people with disability, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
 - (iv) be constructed, sealed, kerbed, drained and clearly marked prior to the development being occupied and maintained thereafter;
 - (v) have lighting installed, prior to the occupation of development;
 - (vi) any semi-trailer parking bays shall be clearly line marked and designed in accordance with AS2890.2 for the purposes of parking trailers only at all times; and
 - (vii) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282-1997, Control of the obtrusive effects of outdoor lighting, at all times.
16. Prior to the occupation of the development and in accordance with City of Rockingham Local Planning Policy 3.3.14 - Bicycle parking and End of Trip Facilities, at least two (2) showers and change rooms must be provided for the development which must be designed in accordance with that Policy and approved by the City of Rockingham. The showers, change rooms and lockers must be retained and maintained in good and safe condition for the duration of the development.
17. Prior to the occupation of the development, eight permanent (8) bicycle parking spaces must be designed in accordance with AS2890.3-1993, Parking facilities, Part 3: Bicycle parking facilities, and located within the development to the satisfaction of the City of Rockingham.
18. The Environmental Noise Report prepared by Herring Storer Acoustics dated March 2023 shall be reviewed within 30 days of the occupation of the development to determine compliance with the Environmental (Noise) Regulations 1997.
19. No vegetation within the Conservation Area (Reserve ID R/52979 – Alumina Reserve) shall be removed or disturbed during development works, including any secondary impacts from works to provide infrastructure and drainage.
20. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
21. Crossovers shall be designed and constructed in accordance with the City's Commercial Crossover Specifications.



22. Materials, sea containers, goods or bins must not be stored within the carpark areas at any time. Car parks shall remain freely accessible at all times.

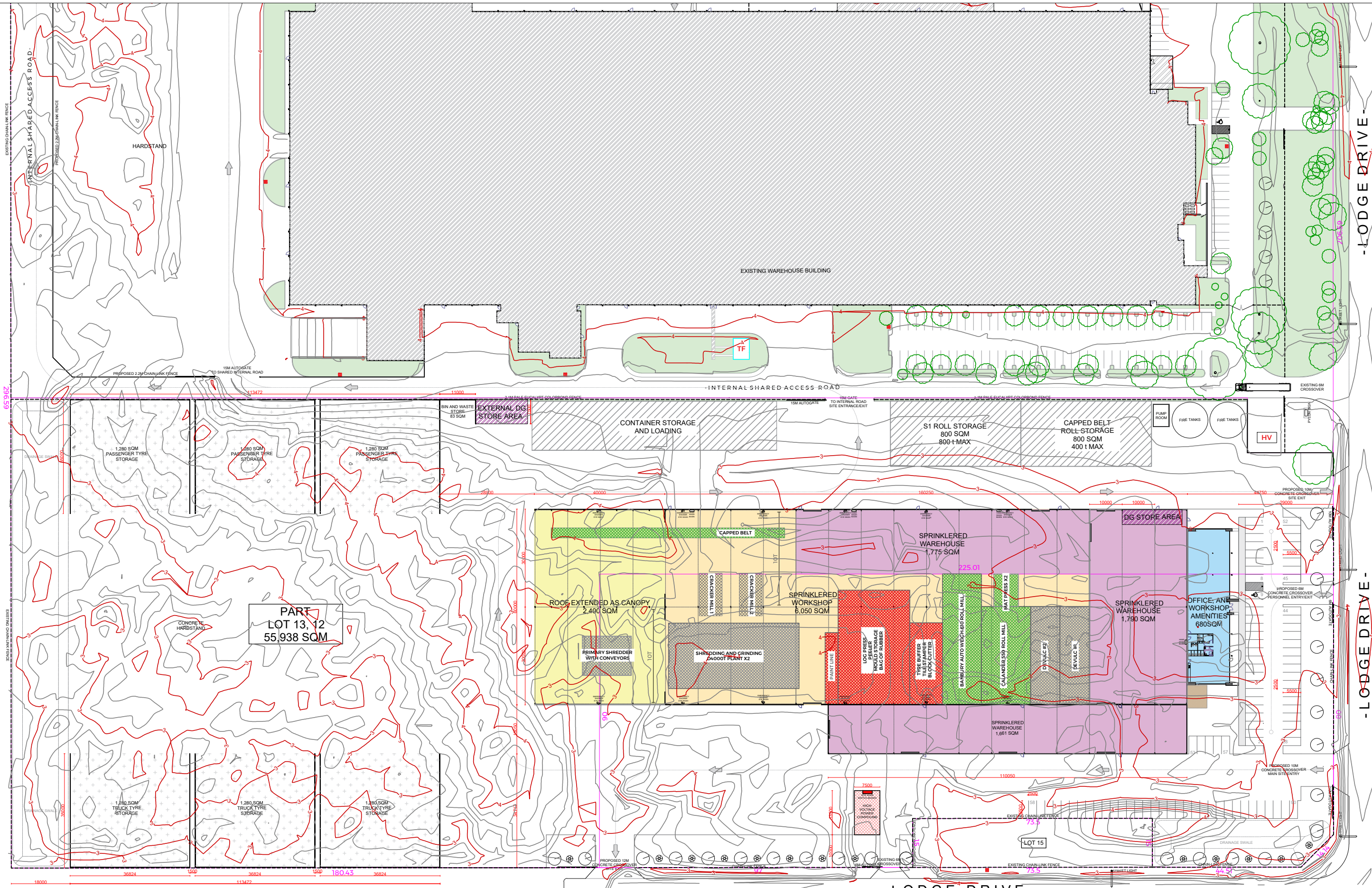
Advice Notes

- This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Development Approval must be submitted to the City.
- In relation to Condition 3, dust management is to be in accordance with the Department of Environment and Conservation Guideline: A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.
- It is advised that the applicant is required to obtain a Works Approval license from the Department of Water and Environmental Regulation before commencing operations at the site. The applicant is encouraged to liaise directly with Department of Water and Environmental to ensure compliance with all relevant regulations and requirements.
- The proponent is advised that this approval is not a building permit, which constitutes a separate legislative requirement. Prior to any building work commencing on site, a building permit must be obtained.
- A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant and owner should liaise with the City's Building Services in this regard.
- With respect to the Landscape Plan and Stormwater Management Plan, the applicant is to liaise with the City's Land Development and Infrastructure Services in this regard.
- All works in the road reserve, including construction of a crossover or footpath and any other works to the road carriageway must be to the specifications of the City of Rockingham. The Applicant should liaise with the City of Rockingham's Land and Development Infrastructure Services and Engineering Services in this regard.
- No battering, fill or waste shall be deposited within the Conservation Area (Reserve ID R/52979 - Alumina Reserve). The landowner/applicant must immediately report any fill or construction waste that is deposited within the Conservation Area (Reserve ID R/52979 - Alumina Reserve) to the Department of Biodiversity, Conservation and Attractions.
- The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant and owner should liaise with the Water Corporation in this regard.
- The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City of Rockingham's Health Services in this regard.



- All vehicle access to the site via Scandium Way must be provided by the internal access road to be constructed prior to occupation of the development pursuant to the Subdivision Approval issued by WAPC (ref 160809).

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.



PART
LOT 13, 12
55,938 SQM

DEVELOPMENT
ASSESSMENT PANEL

APPROVED
09-May-2023

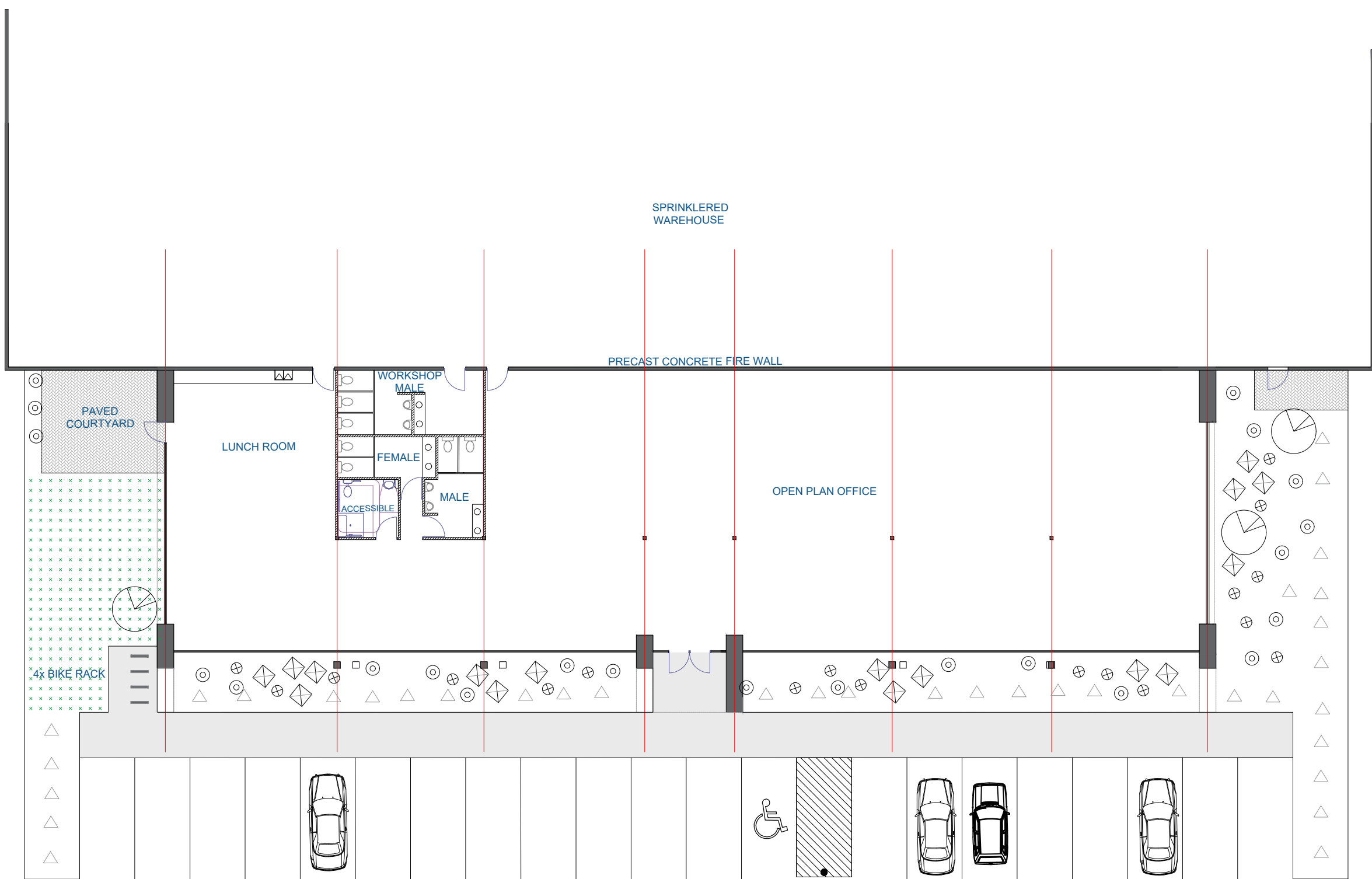
CONTOUR UNDERLAY SITE PLAN
REALSIDE OVEST
4-6 LODGE DRIVE
EAST ROCKINGHAM WA 6168

A.02[F] 1:1000 @ A3 20/03/23

REALSIDE
OVEST
Level 6, 1008 Hay Street
Perth 6000

Mobile - 0466 506 802
Email - nick.dalziel@ovest.net.au





DEVELOPMENT
ASSESSMENT PANEL

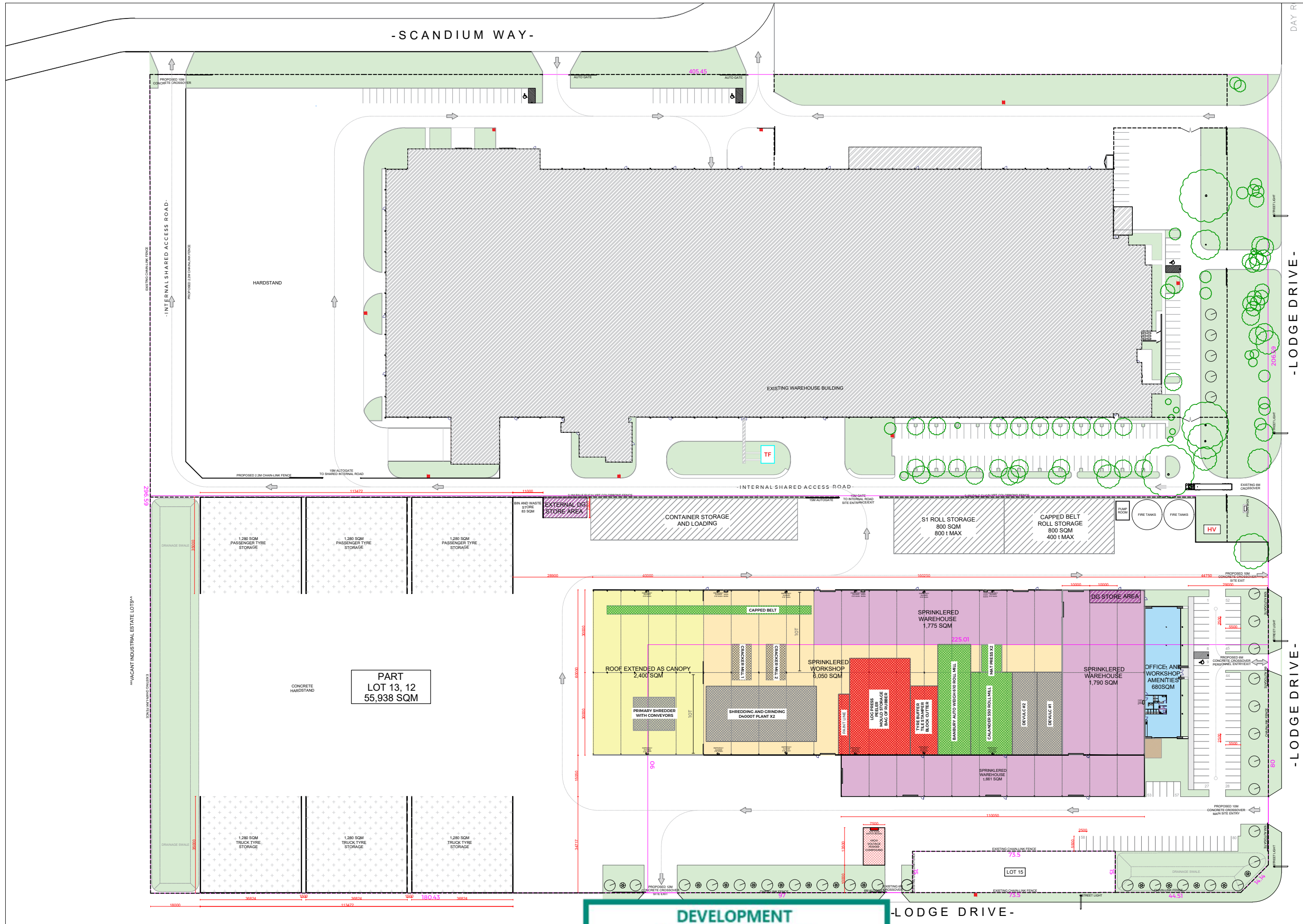
APPROVED

09-May-2023

0 5 10m



ZOOMED OFFICE PLAN REALSIDE OVEST 4-6 LODGE DRIVE EAST ROCKINGHAM WA 6168			REALSIDE OVEST Level 6, 1008 Hay Street Perth 6000 Mobile - 0466 506 802 Email - nick.dalziel@ovest.net.au
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PART
LOT 13, 12
55,938 SQM

DEVELOPMENT
ASSESSMENT PANEL

APPROVED

09-May-2023



ESTATE PLAN
REALSIDE OVEST
4-6 LODGE DRIVE
EAST ROCKINGHAM WA 6168

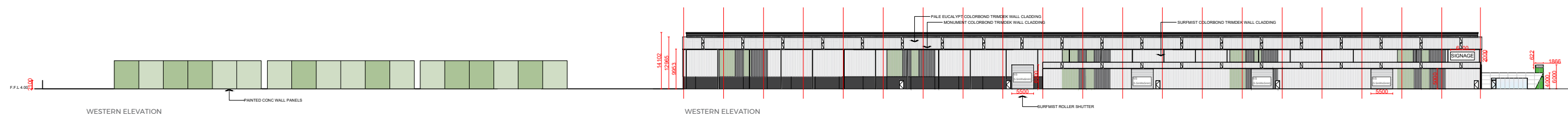
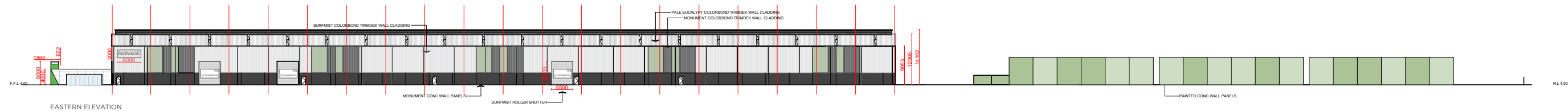
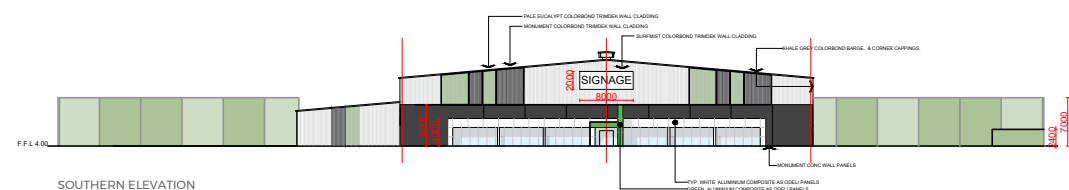
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REALSIDE
OVEST

Level 6, 1008 Hay Street
Perth 6000

Mobile - 0466 506 802

Email - nick.dalziel@ovest.net.au



**DEVELOPMENT
ASSESSMENT PANEL**

APPROVED
09-May-2023

SITE ELEVATIONS
REALSIDE OVEST
4-6 LODGE DRIVE
EAST ROCKINGHAM WA 6168

E.01[F]

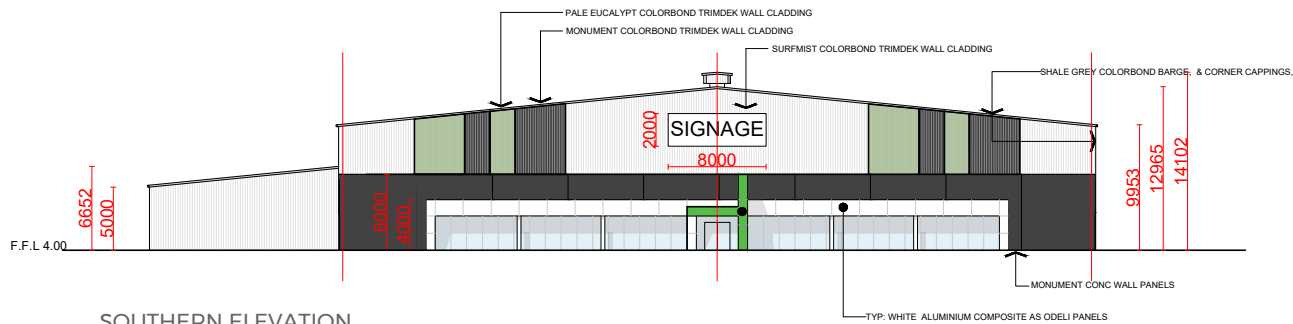
1:000 @ A3

22/02/23

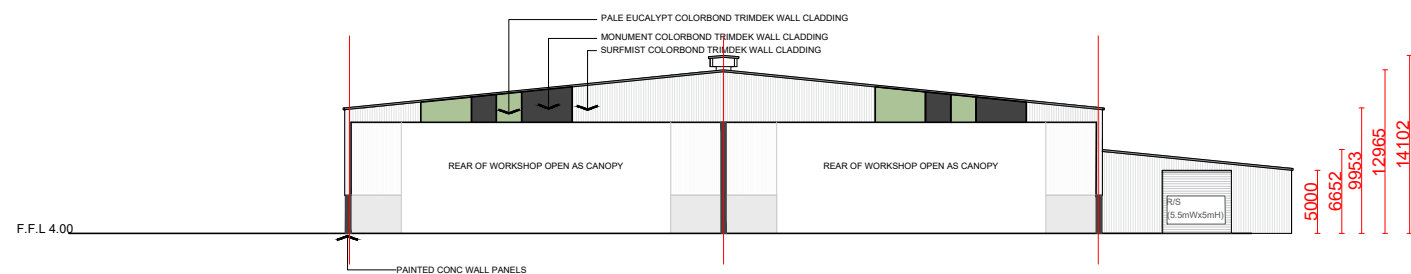
REALSIDE
OVEST

Level 6, 1008 Hay Street
Perth 6000

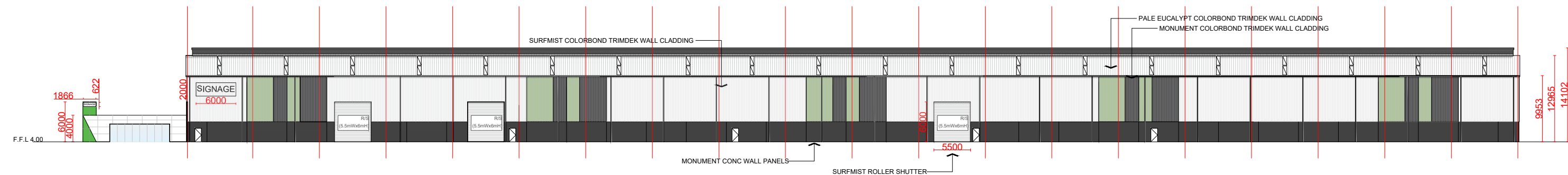
Mobile - 0466 506 802
Email - nick.dalziell@ovest.net.au



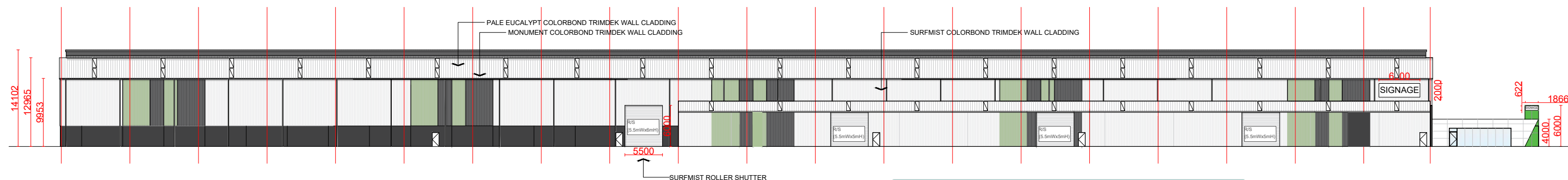
SOUTHERN ELEVATION



NORTHERN ELEVATION



EASTERN ELEVATION



WESTERN ELEVATION



DEVELOPMENT ASSESSMENT PANEL

APPROVED

09-May-2023

MAIN BUILDING ELEVATIONS
 REALSIDE OVEST
 4-6 LODGE DRIVE
 EAST ROCKINGHAM WA 6168

E.02[D]

1:600 @ A3

22/02/23

**REALSIDE
OVEST**

Level 6, 1008 Hay Street
 Perth 6000

Mobile - 0466 506 802
 Email - nick.dalziel@ovest.net.au

9.2. Appendix 2: Demolition Permit

Demolition permit

Building Act 2011, section 25
Building Regulations 2012, regulation 4, 22

Permit number
DP1.2022.618.1

1. Demolition contractor details

Demolition contractor's name	Mecon Construction			
Street address (provide lot number where street number is not known)	Unit no	Street no	Level	Lot no
	Street name 3/915 Cockburn Road HENDERSON WA 6166		Street type	Street suffix
	Suburb	State	Postcode	Country (if not Australia)
OR				
PO Box address	PO Box no			
	Suburb	State	Postcode	Country (if not Australia)
Demolition licence number	Issued under the Occupational Safety and Health Regulations 1996 (if applicable)			

2. Details of demolition work

Property street address (provide lot number where street number is not known)	Unit no	Street no	Level	Lot no LOT: 12 DP: 23754
	Street name 6 Lodge Drive EAST ROCKINGHAM 6168		Street type	Street suffix
	Suburb		State	Postcode
Demolition permit application number	1.2022.618.1			
Nature of the demolition work	Demolition of Existing Waste Water treatment plant			
Full or partial demolition	☒ Full ☐ Partial			
Stage(s) of work	Details Demolition of Waste Water treatment			

3. Permit details

All demolition work permitted by this permit:

1. Must be carried out in accordance with the details set out in the demolition permit application.
2. Must be carried out in accordance with any conditions set out below:

Conditions

Under the Section 33 of the Building Act 2011, the contractor must lodge to the City, a Notice of Completion (BA 7) within 7days of completion of the works contained in this Permit.
Penalty : a fine of \$10 000.

3. All non-bonded (friable) asbestos, of any amount, and all bonded (non-friable) asbestos over 10m² must be removed by an appropriate asbestos removal licence holder.
4. A permit granted to do one or more stages of demolition work does not automatically entitle a person to be granted a further demolition permit for any other stage of the building work.
5. This permit is valid for two years from the date of this permit **OR** valid until

Date

Issuing officer

Name Erica King	Job title Manager Health and Building Services
Signature 	Date 24.03.2022

Permit authority

City of Rockingham

9.3. Appendix 3: Aerial Images Showing Clearing Activity Extents



Figure 1:4 Lodge Drive highlighted, with nearmaps website showing the image is from August 30th 2023, before the clearing action was undertaken.

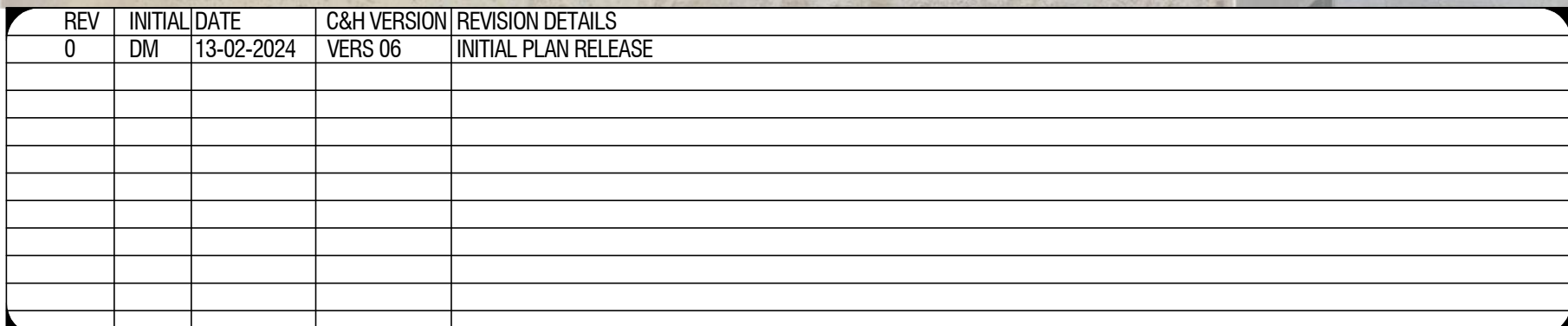


Figure 2:6 Lodge Drive highlighted, with nearmaps website showing the image is from August 30th 2023, before the clearing commenced



Figure 3:4 and 6 Lodge Drive highlighted, with nearmaps website showing the image is from October 15th 2023, after the clearing action was undertaken.

9.4. Appendix 4: 6 Lodge Drive Feature Survey- Post Clearing



CROSSLAND & HARDY PTY LTD
CONSULTING LICENSED SURVEYORS
177 RAILWAY PARADE, MAYLANDS 6051
TEL 08 9272 2214 FAX 08 9370 3547
EMAIL info@chsurvey.com.au
A.B.N. 46 008 745 542

SCALE 1:750 REVISION 0

9.5. Appendix 5: DBCA Letter of Confirmation



Your ref: PS 8088
Our ref: 2019/001643
Enquiries: Catherine Prideaux
Phone: 08 9442 0300
Email: Catherine.Prideaux@dbca.wa.gov.au

Mr Oliver Basson
Senior Planner
Planning Solutions
Level 1, 251 St Georges Terrace
PERTH WA 6000

Dear Mr Basson

TUART TEC REVEGETATION MANAGEMENT PLAN – LOT 333 ROCKINGHAM LAKES REGIONAL PARK

I refer to the notification of approval for commercial development of Lots 12 and 13 Lodge Drive, East Rockingham under section 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (EPBC 2021/9069). The approval decision was made on 17 April 2023 subject to conditions that are specific to the action.

Condition 4 of the approval notice requires the approval holder to submit a Revegetation Management Plan (RMP) to the Department of Climate Change, Energy, the Environment and Water (DCCEEW). The environmental outcome of implementing the RMP must be to recreate at least 3.5 ha of the Tuart Ecological Community (TEC) within the Rockingham Lakes Regional Park that meets the listing criteria for high quality Tuart Ecological Community and is self-sustaining by 30 April 2063.

Condition 5 of the approval notice requires the approval holder to provide DCCEEW with written evidence from the Department of Biodiversity, Conservation and Attractions (DBCA) confirming that the offset outcomes and goals are achievable as specified in the RMP.

In accordance with condition 5, DBCA's Swan Region has reviewed the '*EPBC 2021/9069 Offset: Lot 333 Mandurah Road Warnbro - Tuart TEC Revegetation Management Plan v3*' (Prepared by PGV Environmental, 30 August 2023) and considers that the outcomes and goals specified in the RMP are achievable using the methods and within the timeframes specified in the RMP. It is noted however that the RMP is proposed to be implemented for an initial 10-year period with a review of outcomes at five years, which is inconsistent with the timeframe specified in condition 4. If it is proposed that conditional requirements have been met prior to 30 April 2063, it is DBCA's expectation that the approval holder and DCCEEW would seek advice from DBCA regarding the acceptability of the transfer of the site to DBCA management, prior to seeking early completion of the project.

DBCA also wishes to emphasise that, should early completion be agreed by DCCEEW, there should be no expectation for DBCA to actively manage the site to ensure ongoing compliance with listed completion criteria.

Swan Region
Cnr Australia II Drive and Hackett Drive, Crawley WA 6009
Locked Bag 104, Bentley Delivery Centre, Western Australia 6983
catherine.prideaux@dbca.wa.gov.au
www.dbca.wa.gov.au

Should you require any further information from DBCA please contact Planning Officer Catherine Prideaux of this office on telephone 9442 0300 or by email catherine.prideaux@dbca.wa.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Benson Todd', written in a cursive style.

Benson Todd
REGIONAL MANAGER

4 September 2023

cc. Robin Nielsen, Post Approvals Section, DCCEEW
Belinda Heath, PGV Environmental

9.6. Appendix 6: DWER Issued Clearing Permit



Your ref:
Our ref: CPS 9710/1
Enquiries: Clare Bartle
Phone: 6364 6416
Email: info@dwer.wa.gov.au

Ms Julie Drago
Director
Hamersley 1 WA Pty Ltd
3/915 Cockburn Road
Henderson WA 6166

Attn: Ms Belinda Heath

via email: Julie.drago@ovest.net.au
belinda@pgv.net.au

Dear Ms Drago,

APPLICATION TO CLEAR NATIVE VEGETATION UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986* – CLEARING PERMIT CPS 9710/1 GRANTED

I refer to Hamersley 1 WA Pty Ltd's application for a permit under section 51E(1) of the *Environmental Protection Act 1986* (the EP Act), to clear 3.961 hectares of native vegetation within Lot 12 and Lot 13 on Deposited Plan 23754, East Rockingham, for the purpose of a tyre recycling facility. The application was received by the Department of Water and Environmental Regulation (DWER) on 20 April 2022, and assigned the reference CPS 9710/1.

The Delegated Officer has assessed Hamersley 1 WA Pty Ltd's application and determined that a clearing permit be granted under section 51E(5) of the EP Act. This permit authorises the permit holder to clear native vegetation, subject to the terms, conditions, and restrictions specified.

A copy of the permit and the associated decision report are attached to this notification, and are now also available on DWER's website (at <https://www.der.wa.gov.au/our-work/clearing-permits/clearing-permits-available-for-public-appeal>) for the public to view, as required under regulation 8 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

Please read the conditions on the permit carefully and note that there are penalties for non-compliance with those conditions. If you wish to discuss this permit and/or its conditions, please contact DWER.

Subject to compliance with any pre-clearing conditions on the permit, clearing must not be undertaken before the permit duration commencement date stated on the permit.

Please also note that in undertaking the clearing authorised under this permit, the permit holder must have regard to avoiding clearing, minimising clearing, and reducing the impacts of clearing on any environmental value.

Please note that as the permit requires the submission of a report on specified matters, this should be provided electronically via email to: info@dwer.wa.gov.au.

If Hamersley 1 WA Pty Ltd are aggrieved by any of the conditions of the permit, you may lodge an appeal with the Appeals Convenor setting out your appeal grounds within 21 days of receiving this letter. Appeals can be lodged online at www.appealsconvenor.wa.gov.au or emailed to admin@appealsconvenor.wa.gov.au. Please note that late appeals cannot be accepted.

A third party may also lodge an appeal against the grant of this permit or its conditions. If a third party appeals the grant of the permit, the permit is deemed not to have been granted and clearing cannot commence until the appeal is determined. If a third party appeal relates only to the conditions of the permit, the conditions continue to have effect pending the appeal decision.

Please contact the Office of the Appeals Convenor on 6364 7990 if you require more information on appeals.

For more information about complying with your permit to clear native vegetation, please refer to *Fact Sheet 4: Complying with your clearing permit* found at: <https://www.der.wa.gov.au/our-work/clearing-permits/49-fact-sheets>.

Compliance with the terms, conditions, or restrictions of this permit does not absolve the permit holder from responsibility for compliance with the requirements of all Commonwealth, State, and local government legislation.

If you have any queries, please contact the Environmental Officer, as listed above.

Yours sincerely



Jessica Burton
A/MANAGER
NATIVE VEGETATION REGULATION

*Officer delegated under section 20
of the Environmental Protection Act 1986*

10 August 2023

Attached: Clearing permit (CPS 9710/1)
 Decision report for CPS 9710/1

9.7. Appendix 7: Letter of Approval- Revegetation Management Plan V7



Australian Government

National Environmental Protection Agency

EPBC 2021/9069

Julie Drago
The Trustee for Hamersley Sub Trust
Chief Executive Officer
Email: julie.drago@ovest.net.au

Approval of Tuart TEC Revegetation Management Plan for Commercial Development of Lots 12 and 13 Lodge Drive, East Rockingham, WA

Dear Ms Drago

Thank you for your email of 17 June 2026 to the National Environmental Protection Agency seeking approval of the Revegetation Management Plan in accordance with conditions 4 and 5 of the approval for the Commercial Development of Lots 12 and 13 Lodge Drive, East Rockingham, Western Australia, under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The agency has reviewed the Revegetation Management Plan against the requirements of the approval conditions and provided advice to me on its adequacy. Having considered that advice, and as a delegate of the Minister for the Environment and Water, I have decided to approve the *Tuart TEC Revegetation Management Plan, Version 7, 23 June 2026*.

The approved plan must now be implemented in accordance with the approval conditions. The plan must also be published as required by the conditions of approval.

As you are aware, the agency has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the agency on request.

Should you require any further information please contact Michele Greenfield by email at PostApproval@nationalepa.gov.au.

Yours sincerely,

A handwritten signature in black ink, reading 'Julie Kennett'.

Julie Kennett
Acting Branch Head
Environment Assessments West Branch
Environment Regulation Division
20 September 2026

9.8. Appendix 8: Zoologist Letter

18 September 2023

Oliver Basson
Senior Planner
Planning Solutions (Aust) Pty Ltd
GPO Box 2709
Cloisters Square PO 6850

Re: Fauna management – Lot 12 (6) and Lot 13 (4) Lodge Drive, East Rockingham

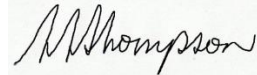
Dear Oliver

This letter reports on the results of Terrestrial Ecosystems assessment of the trees in Lot 12 (6) and Lot 13 (4) Lodge Drive, East Rockingham (i.e. project area) to determine whether Black-Cockatoo were nesting in any of the trees.

Stelleena Mackay, a zoologist with Terrestrial Ecosystems, undertook the assessment on 6 September 2023 and there were no Black-Cockatoos recorded nesting in any of the trees in the project area.

Please do not hesitate to contact the undersigned on 0407 385 239 or Dr Graham Thompson (0438 491 227) should you have any queries.

Yours faithfully



Dr Scott Thompson
Principal Zoologist and Partner

Disclaimer

This document is prepared in accordance with and subject to an agreement between Terrestrial Ecosystems and the client, Planning Solutions. It has been prepared and is restricted to those issues that have been raised by the client in its engagement of Terrestrial Ecosystems and prepared using the standard of skill and care ordinarily exercised by environmental scientists in the preparation of such reports.

Persons or agencies that rely on or use this document for purposes or reasons other than those agreed by Terrestrial Ecosystems and its client without first obtaining prior consent, do so at their own risk and Terrestrial Ecosystems denies all liability in tort, contract or otherwise for any loss, damage or injury of any kind whatsoever (whether in negligence or otherwise) that may be suffered as a consequence.

9.9. Appendix 9: Notice of Non-Compliance-Reporting

Department of Climate Change,
Energy, the Environment and Water
GPO Box 3090
Canberra ACT 2601
Australia

31/03/26

Dear Compliance Monitoring Team,

Re: Notification of Non-Compliance – EPBC Approval 2021/9069
Commercial Development of Lots 12 and 13 Lodge Drive, East Rockingham, WA

In accordance with Conditions 29–31 of EPBC Approval 2021/9069, this correspondence serves as formal notification of a non-compliance identified in relation to annual compliance reporting obligations.

Approval Holder: The Trustee for Hamersley Sub Trust
ABN: 81 176 233 525

Project: Commercial Development of Lots 12 and 13 Lodge Drive, East Rockingham, WA
(EPBC 2021/9069)

Contact: Nick Dalziell
Senior Development Manager
Realside Ovest
Level 11, 108 St Georges Terrace, Perth WA

Condition Breached

The non-compliance relates to Conditions 25–28, which require the preparation, publication, and notification of annual compliance reports.

Description of Non-Compliance

The approval holder did not prepare, publish, or submit annual compliance reports for the following reporting periods:

April 2023 – April 2024
April 2024 – April 2025

The non-compliance was identified following correspondence from the department during the current audit process, in which it was noted that annual compliance reports could not be located.

The approval holder had engaged an external environmental consultant (PGV Environmental) to support environmental compliance for the project. It was understood that preparation and coordination of the annual compliance reports formed part of the consultant's scope, based on prior discussions and indicative timelines provided.

Following identification of the issue, the approval holder contacted the consultant. Correspondence received on 30 March 2026 confirmed that the consultant previously responsible for the project (now retired) had commenced preparation of the reports but did not complete or submit them.

Notwithstanding this, the approval holder acknowledges that responsibility for compliance with these conditions remains with the approval holder.

Timing and Location of Non-Compliance

Date of awareness of non-compliance: 30/03/26 when confirmation on non-compliance received from environmental consultant.

Extent and Impact of Non-Compliance

The non-compliance relates to administrative and reporting requirements only.

No additional clearing, physical disturbance, or environmental impact has arisen as a result of the failure to prepare and publish the annual compliance reports. The approval holder has maintained internal records of project activities, environmental management actions, and implementation of approval conditions throughout the relevant periods.

Impact Assessment:

The approval holder considers the environmental impact of this non-compliance to be low, noting that the issue is limited to reporting and documentation rather than implementation of on-ground measures.

Corrective Actions Undertaken

Since becoming aware of the non-compliance, the following actions have been taken:

- Immediate engagement with PGV Environmental to confirm the status of the outstanding reports
- Internal review of compliance obligations and reporting requirements under the approval
- Compilation of relevant project records and data required to complete the outstanding reports
- Implemented internal controls, including formal calendarisation of all compliance reporting deadlines
- Established clearer oversight of consultant responsibilities, with internal verification prior to submission deadlines
- Assigned direct accountability within the organisation for tracking and delivery of compliance reporting obligations

Proposed Corrective Actions

The approval holder will undertake the following actions:

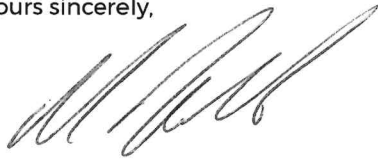
- Complete the outstanding annual compliance reports for the following periods:
 - April 2023 – April 2024
 - April 2024 – April 2025
- Ensure reports are prepared in accordance with the department's Annual Compliance Report Guidelines (2014)
- Submit the completed reports to the department and publish them on the project website as soon as practicable following internal review and sign-off

- Provide notification to the department with relevant weblinks in accordance with Condition 28

The approval holder will ensure all future compliance reports are prepared, published, and notified within the required statutory timeframes.

We respectfully submit this notice in good faith and remain committed to full compliance with all conditions of EPBC 2021/9069. Please contact the undersigned should you require any additional information or clarification.

Yours sincerely,



Nick Dalziell
Senior Development Manager
Realside Ovest
nick.dalziell@ovest.net.au | 0466 506 802

9.10. Appendix 10: Notice of Non-Compliance- Commencement of Action Prior to RMP Approval

Department of Climate Change,
Energy, the Environment and Water
GPO Box 3090
Canberra ACT 2601
Australia

30/03/26

Dear Compliance Monitoring Team,

Re: Notification of Non-Compliance – EPBC Approval 2021/9069
Commercial Development of Lots 12 and 13 Lodge Drive, East Rockingham, WA

In accordance with Conditions 29–31 of EPBC Approval 2021/9069, this correspondence serves as formal notification of a non-compliance identified in relation to the above approval.

Approval Holder	The Trustee for Hamersley Sub Trust ABN: 81 176 233 525
Project	Commercial Development of Lots 12 and 13 Lodge Drive, East Rockingham, WA (EPBC 2021/9069)
Contact	Nick Dalziell Senior Development Manager Realside Ovest Level 11, 108 St Georges Terrace, Perth WA

Condition Breached

The non-compliance relates to Condition 6, which states:

“The approval holder must not commence the action until the Minister has approved the Revegetation Management Plan in writing.”

The action, including site clearing, construction of the industrial workshop and warehouse facility, and associated development works, and revegetation works on the offset site, was commenced prior to formal written approval of the Revegetation Management Plan (RMP) by the Minister.

Description of Non-Compliance

The non-compliance was identified during a detailed internal review undertaken in response to a departmental audit.

The approval holder's understanding was that submission and progression of the RMP through departmental review allowed for commencement of the action through a misinterpretation of condition 4, which only asked for the submission of the RMP before action commenced. There is also the context of multiple concurrent approvals. These include the DCCEE decision notice, JDAP approval for the clearing and development of the site, a building permit issued by the local authority for construction commencement, and a clearing permit issued by DWER.

The RMP has undergone multiple iterations and ongoing engagement with the department, as summarised below:

RMP V3 submitted: Late 2023
DCCEEW feedback on RMP V3 received: April 2024
RMP V4 submitted: April 2024
DCCEEW feedback on RMP V4 received: April 2024
RMP V5 submitted: March 2025

Since submission of Version 5, limited feedback has been received, with advice indicating resourcing constraints within the department and no confirmed timeframe for when any assessment of the revisions will be started or completed.

An external environmental consultant, PVG Environmental, has been engaged throughout this process and has undertaken regular follow-up with the department.

Notwithstanding the above, it is now acknowledged that commencement of the action prior to formal written approval of the RMP constitutes a breach of Condition 6.

We also note that the offset revegetation works were begun to keep in line with the requirements of both the DCCEEW, and DWER clearing approvals which required the revegetation works to be commenced within 2 years of the action being commenced. We note that these works have been completed with oversight from the DBCA through approvals of the planting species selection, and methodology.

Timing and Location of Non-Compliance

Location: 6 Lodge Drive, East Rockingham, Western Australia

Key dates:

- Site clearing undertaken: September 2023
- Construction commenced (industrial workshop and warehouse facility): October 2024
- Construction completed: January 2026
- Revegetation works commenced at offset site: May 2025

Date of awareness of non-compliance with condition 6:

- Approximately 5 business days prior to this notification: 24/03/2026

This notification is submitted outside the 2-business day period specified under Condition 29. The delay is attributable to internal verification and confirmation of the compliance position following identification during the audit process. We regret the delay but wanted to ensure we had a full and comprehensive response prepared.

Extent and Impact of Non-Compliance

Clearing Works

- Tuart Ecological Community:
Approved to be cleared: 5.495 ha (within development site)
Actual cleared: within approved disturbance footprint and not exceeding 3.9 ha
- Carnaby's Black Cockatoo Foraging Habitat:
Approved to be cleared: 1.5 ha
Actual cleared: approximately 1.4 ha, within the defined development site

No clearing occurred outside the area approved under the DCCEEW approval nor the DWER approval.

The clearing of the site was completed in compliance with the methods required by the permits.

Construction Works

- The Tyre recycling facility approved by JDAP determination: 20.2022.391.1 issued by the Western Australian Development Assessment Panels, and Building Permit: 1.2024.2272.1 issued by Rockingham Council, was constructed in full on the subject site.

Offset Revegetation Works

- Access Permit for the offset site has been obtained through a licence with DBCA
- Species selection has been confirmed and approved with DBCA inclusive of replacement species due to seasonal stock issues
- Fencing of the offset site has been completed as per the RMP V5
- Revegetation works for the offset have been undertaken by our external contractor Natural Area as per the RMP V5, in coordination with DBCA for access and works approvals.

Impact Assessment

The approval holder considers the environmental impact of the non-compliance to be low, on the basis that:

The clearing and development were approved under both State and Commonwealth processes
The non-compliance relates to procedural timing (approval of the RMP), rather than the extent or nature of clearing undertaken

The RMP is well advanced and has undergone multiple rounds of detailed review by the department, with only minor revisions requested in the most recent feedback

Revegetation and offset works are already underway and subject to long-term management obligations (40 years)

Revegetation works were commenced in May 2025 to comply with both State and Commonwealth approval requirements, which require revegetation to be initiated within two years of commencement of the action. The works have been completed and internally audited to comply with the RMP V5 and guidance from DBCA.

Corrective Actions Undertaken

Since becoming aware of the non-compliance, the following actions have been taken:

- Completion of a comprehensive internal compliance review of all approval conditions
- Engagement with the project's environmental consultant to confirm compliance status and ongoing requirements
- Continued follow-up with the department regarding assessment and approval of the RMP (Version 5)

Proposed Corrective Actions

The approval holder will undertake the following actions to address the non-compliance:

- Continue active engagement with the department to facilitate assessment and formal approval of the RMP (Version 5)
- Respond promptly to any further requests for information or revisions to the RMP
- Implement any required amendments to the RMP immediately upon approval
- Continue and adapt revegetation works at the offset site in accordance with the final approved RMP

- Maintain ongoing oversight through the project's environmental consultant to ensure full compliance moving forward

The approval holder considers that, upon approval of the RMP and implementation of any final requirements, the project will be brought into full compliance with Condition 6.

We respectfully submit this notice in good faith and remain committed to full compliance with all conditions of EPBC 2021/9069. Please contact the undersigned should you require any additional information or clarification.

Yours sincerely,



Nick Dalziell
Senior Development Manager
Realside Ovest
nick.dalziell@ovest.net.au | 0466 506 802

9.11. Appendix 11: Notice of Non-Compliance- Notification of Commencement of Action

Department of Climate Change,
Energy, the Environment and Water
GPO Box 3090
Canberra ACT 2601
Australia

08/07/2025

Dear Compliance Monitoring Team,

I am writing on behalf of The Trustee for Hamersley Sub Trust, the approval holder for EPBC 2021/9069 – Commercial Development of Lots 12 and 13 Lodge Drive, East Rockingham, WA.

This notification is being provided in accordance with Conditions 18 and 29-31 of the EPBC approval. It has come to our attention that we did not provide the required written notification to the Department within 5 business days of the commencement of the Action, as required under Condition 18.

Details of the Breach:

- Condition Breached: Condition 18 – Notification of Commencement
- Date of Commencement of the Action (clearing): 1 September 2023
- Date Breach Identified: 7 July 2025
- Date of Notification: 8 July 2025

We acknowledge that this represents a technical non-compliance. The failure to submit timely notification was the result of an administrative oversight and not an intentional breach. No environmental impacts outside of the approved development envelope or conditions have occurred.

Corrective and Preventative Actions:

- This incident has been logged in our internal compliance register.
- We are implementing a revised compliance tracking system that includes automated reminders for key EPBC conditions and reporting deadlines.
- Relevant personnel will undergo refresher training on compliance obligations under the EPBC Act.

We respectfully submit this notice in good faith and remain committed to full compliance with all conditions of EPBC 2021/9069. Please advise if further information or corrective actions are required from our side in relation to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nick Dalziell", written over a faint background map of Australia.

Nick Dalziell
Senior Development Manager
Realside Ovest as representative for The Trustee for Hamersley Sub Trust
0466 506 802
nick.dalziell@ovest.net.au

9.12. Appendix 12: DCCEE Letter- Intent to Audit

OFFICIAL



Australian Government

Department of Climate Change, Energy,
the Environment and Water

EPBC Ref: 2021/9069

Contact Officer: Jacinta Wilson
Contact number: 0481 906 391
Email: audit@dcceew.gov.au

Leandra
3/915 Cockburn Road
Henderson WA 6166

Via email: leandra@mecon.net.au

Dear Leandra

Audit of Commercial Development of Lots 12 and 13 Lodge Drive, East Rockingham, WA (EPBC 2021/9069)

I am writing in relation to Commercial Development of Lots 12 and 13 Lodge Drive, East Rockingham, WA (EPBC 2021/9069), which was approved with conditions on 17 April 2023, under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The department has an annual audit program for projects approved under the EPBC Act. Audits help us ensure approval holders are meeting their conditions of approval with the objective of protecting matters of national environmental significance.

Your project has been selected for an audit by the department in 2024.

Departmental records indicate the action is yet to commence, this letter is to request a status update of your project.

Once this is received, should the department require further information we will be in contact with details of the audit and request information relevant to the audit scope. Attached is a factsheet about departmental audits.

Should you have any queries about the audit, or if you are not the correct contact for this matter, please contact Jacinta Wilson at audit@dcceew.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Helen Hodgkins'.

Helen Hodgkins

Assistant Director
Environmental Audit Section
Compliance and Enforcement Branch

15 April 2024

DCCEEW.gov.au

John Gorton Building, King Edward Terrace, Parkes ACT 2600 Australia
GPO Box 3090 Canberra ACT 2601 ABN: 63 573 932 849

OFFICIAL

9.13. Appendix 13: Submission of RMP to Department

Nick Dalziell

From: Belinda Heath <belinda@pgv.net.au>
Sent: Thursday, 31 August 2023 1:12 PM
To: Oliver Basson
Cc: Julie Drago; Nick Dalziell; Jackie Cabot; Paul van der Moezel
Subject: RE: NOTIFICATION - CPS 9710-1 - APPLICATION FOR A CLEARING PERMIT - DECISION [PS 8088]

Hi Oliver

I have finalised the document and lodged with DCCEEW for approval. I have sent the marked up word version to Catherine Prideaux along with the response schedule and asked for their sign off on the management plan. I have asked that they CC DCCEEW into the correspondence and we will also advise them once we have received the correspondence from Catherine.

Kind regards
Bel

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From: Belinda Heath
Sent: Thursday, August 31, 2023 10:16 AM
To: Oliver Basson <oliver.basson@planningsolutions.com.au>
Cc: Julie Drago <julie.drago@ovest.net.au>; Nick Dalziell <nick.dalziell@ovest.net.au>; Jackie Cabot <jackie@pgv.net.au>; Paul van der Moezel <paul@pgv.net.au>
Subject: RE: NOTIFICATION - CPS 9710-1 - APPLICATION FOR A CLEARING PERMIT - DECISION [PS 8088]

Oliver it is all done, Paul is going to have a quick review of the changes and we will lodge this afternoon.

Regards
Bel

Belinda Heath
Senior Environmental Consultant