Australian Government
Department of Agriculture, Water and the Environment

APPROVAL

Residential Development on Lot 11 and 74 Beenyup Road, Banjup, WA (EPBC 2017/7923)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (the EPBC Act). Note that section 134(1A) of the EPBC Act applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

Details

Person to whom the approval is granted (approval holder)	The Trustee for The Bellridge Trust
ACN or ABN of approval holder	ABN: 12 585 998 898
Action	To clear vegetation to develop Lots 11 and 74 Beenyup Road, Banjup, Western Australia, for residential housing [See EPBC Act Referral 2017/7923].

Proposed Approval decision

My decision on whether or not to approve the taking of the action for the purposes of the controlling provision for the action is as follows.

Controlling Provisions

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve

Period for which the approval has effect

This approval has effect until 31 December 2050

Decision-maker

Name and position	Kylie Calhoun Assistant Secretary Environment Assessments West (WA, SA, NT) Branch Environment Approvals Division Department of Agriculture, Water and the Environment
Signature	
Date of decision	**15 September 2021**

Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

Avoidance and mitigation

1. To minimise impacts to the **Carnaby's Black Cockatoo** and the **Banksia Woodlands**, the approval holder must not **clear** more than 8.27 hectares (ha) in total of either **Carnaby's Black Cockatoo breeding habitat**, **Carnaby's Black Cockatoo foraging habitat** or **Banksia Woodlands** within the **Proposed Development Area**.
2. The approval holder must not **clear** beyond the **Proposed Development Area**.
3. The approval holder must not **commence** the action until the **Western Australian Planning Committee** has agreed to change the zoning of the **urban deferred area** from **urban deferred zoning** to **urban zoning**. The approval holder must submit written **evidence** to the department of the **Western Australian Planning Committee** decision within ten (10) business days of the approval holder being notified by the **Western Australian Planning Committee** of their decision.
4. The approval holder must notify the **department** in writing of the date of **commencement** of the action at the **urban deferred area** within ten (10) **business days** of the date of **commencement** at the **urban deferred area**.
5. The approval holder must not **clear** the **proposed urban area** until:
    a. the approval holder has completed **clearing** of the **urban deferred area**; and
    b. the approval holder has provided written **evidence** to the **department** that the **Perth Metropolitan Regional Scheme** has been amended to reflect the zoning of the **proposed urban area** from **rural zoning** to **urban zoning**.
6. The approval holder must notify the **department** in writing of the date of **commencement** of the action within the **proposed urban area** within ten (10) **business days** of the date of **commencement** of the action within the **proposed urban area**.
7. To mitigate the impacts on **Carnaby's Black Cockatoo**, should **clearing** be undertaken during the **breeding season**, at least six (6) months prior to any **clearing,** an assessment of **Carnaby's Black Cockatoo breeding habitat** must be undertaken by a **suitably qualified ecologist** to identify **suitable nesting hollow/s**. The approval holder must submit a report to the **department** confirming the total number of **suitable nesting hollow/s** identified as a result of the assessment**,** and the number of **suitable nesting hollow/s** to be **cleared** as a result of the action. If any **Carnaby's Black Cockatoo** is detected utilising any **suitable nesting hollow/s**, the approval holder must:
    a. clearly identify, mark and record the location of each **suitable nesting hollow/s** being used by **Carnaby's Black Cockatoo**;
    b. report the location of any **suitable nesting hollow/s** being used by **Carnaby's Black Cockatoo** to the **DBCA** within one week of the use by **Carnaby's Black Cockatoo** being detected;

c. not **clear** the identified **suitable nesting hollow/s**, or any vegetation within a 10-metre radius of the identified **suitable nesting hollow/s**, until a **suitably qualified ecologist** has verified that **suitable nesting hollow/s** have not been used by **Carnaby's Black Cockatoo** for more than 48 hours; and

d. must not undertake any activity intended or likely to cause **Carnaby's Black Cockatoo** to leave the identified **suitable nesting hollow/s**.

8. To mitigate the impacts on **Carnaby's Black Cockatoo breeding habitat**, **Carnaby's Black Cockatoo foraging habitat** and **Banksia Woodlands**, the approval holder must not undertake any **clearing** in the **proposed urban area** until:

    a. written **evidence** has been submitted to the **department** confirming the **Parks and Recreation reserve** has been ceded to the **approved management authority** for conservation purposes, including the name of the **approved management authority**; and

    b. the **Minister** has approved in writing the **approved management authority** in condition 8a.

9. To compensate for the loss of any **suitable nesting hollow/s** within the **project area**, the approval holder must install within the **Parks and Recreation reserve**, in accordance with the **artificial hollow installation guidelines,** at least 3 artificial nesting hollows for every **suitable nesting hollow** that will be **cleared**. To maximise the likelihood of the installed artificial nesting hollows being used by **Carnaby's Black Cockatoo**, the approval holder must:

    a. install the artificial nesting hollows at least three (3) months prior to the commencement of **clearing suitable nesting hollow/s;**

    b. provide the **department** and the **DBCA** with written **evidence** of the installation of the artificial nest hollows at least twenty (20) **business days** prior to commencement of **clearing** any **suitable nesting hollow/s**;

    c. undertake **adaptive management** of the artificial nesting hollows and, as a component of **adaptive management**, ensure that each installed artificial hollow is:

        i. monitored and maintained in accordance with the **artificial hollow maintenance guidelines** for the life of the approval, or an earlier date agreed to by the **department** in writing, with maintenance actions undertaken outside of the breeding season; and

        ii. not installed in a manner that requires additional **clearing** of **Carnaby's Black Cockatoos breeding habitat** or **Carnaby's Black Cockatoo foraging habitat**, or within ten (10) metres of any edge of road seals or buildings, to reduce the risk of vehicle strike and human disturbance.

    d. ensure that each installed artificial nesting hollow is inspected at least twice each year, and at least four (4) weeks apart, by a **suitably qualified ecologist** during the **peak breeding season** for the life of the approval, or an earlier date agreed to by the **department** in writing, commencing within one (1) year of their installation, to record **evidence of use** by **Carnaby's Black Cockatoo** and to identify any maintenance requirements. The findings of this monitoring program must be provided to the **department** in each **compliance report**.

    e. If after four (4) years, the monitoring reports confirm that no **Carnaby's Black Cockatoo** are breeding in the **Parks and Recreation reserve**, the approval holder must, relocate all

artificial nest hollows that are not being utilised to alternative locations within the breeding range of the species where there is evidence that breeding has been successful but where hollow numbers are limiting for **Carnaby's Black Cockatoo** breeding.

Offsets

10. To compensate for the residual significant impact on the **Banksia Woodlands** and the **Carnaby's Black Cockatoo**, the approval holder must:

    a. acquire and **secure** the **offset site** within twenty-four (24) months of this approval; and

    b. provide written **evidence** to the **department** that the **offset site** has been acquired and **secured**, in accordance with condition 10a. The written **evidence** must also confirm the **securing** mechanism by which the **offset site** will be permanently protected for conservation.

Contingency Offset Plan

11. If the approval holder fails to **secure** the **offset site** identified in Condition 10 within twenty-four (24) months of the date of this approval, then the approval holder must submit a Contingency Offset Plan to the **department** for approval by the **Minister** within thirty (30) months of the date of this approval. The Contingency Offset Plan must include, but not limited to:

    a. An evaluation of the compensatory value provided by the nominated offset proposal in accordance with the **EPBC Environmental Offsets Policy**, with explanation and evidence to support the choice of all input values for the **Offsets Assessment Guide**. If evidence is not provided to support input values for the **Offsets Assessment Guide**, then values must be proposed on a precautionary basis that assume lower conservation gains.

    b. Explanation as to how the Contingency Offset Plan is consistent with the **EPBC Environmental Offsets Policy** and, in addition to any other offset proposals, fully compensates for the residual significant impacts of the proposed action.

    c. A contingency process that will be implemented in every situation where a proposed **offset site**, which has not yet been **secured** by the approval holder, becomes unavailable or unworkable. The contingency process must outline the steps that will be taken to **secure** one or more alternative **offset site**.

    d. Identify the **securing** mechanism by which the new nominated **offset site/s** will be permanently protected for conservation.

    e. An Offset Management Plan for each new **offset site** developed in accordance with the requirements of Condition 13. A single Offset Management Plan covering multiple new contingencies **offset sites** may be provided.

12. The most recent Contingency Offset Plan approved by the **Minister** must be implemented from the date of its approval. If the Contingency Offset Plan has not been approved by the **Minister** in writing within 30 months of the date of this approval, and the **Minister** notifies the approval holder that the submitted Contingency Offset Plan is not suitable for approval, the **Minister** may, at least two months after notifying the approval holder, approve a version of the Contingency Offset Plan revised by the **department**. The approval holder must implement the approved Contingency Offset Plan.

Offset Management Plan

13. The approval holder must submit for the **Minister**'s approval, within 24 months of the date of approval of the Contingency Offset Strategy, an Offset Management Plan for each offset site or sites specified in the approved Contingency Offset Strategy. Each Offset Management Plan must be prepared in consultation with the **approved management authority**, be consistent with the **Environmental Management Plan Guidelines**, and must include the following:

    a. A summary of the residual significant impacts to **protected matters** that will be compensated for by the offset. This summary must include the area(s) of habitat for **protected matters** and its condition and quality at all impact sites which the particular offset is to address.

    b. The environmental objectives, relevant **protected matters** and a reference to the **EPBC Act** approval conditions to which the Offset Management Plan refers.

    c. A table of commitments made in the Offset Management Plan to achieve the environmental objectives, and a reference to where the commitments are detailed in the Offset Management Plan.

    d. Reporting and review mechanisms, and documentation standards to demonstrate with the commitments in the Offset Management Plan.

    e. An assessment of risks to achieving environmental objectives and risk management strategies that will be applied.

    f. Impact avoidance, mitigation and/or repair measures, and their timing.

    g. A monitoring program, which must include:

        i. measurable performance indicators

        ii. the timing and frequency of monitoring to detect trigger values and changes in the performance indicators

        iii. trigger values for corrective actions.

        iv. proposed corrective actions if trigger values are reached.

    h. Links to referenced plans and applicable conditions of approval (including State approval conditions).

    i. Each Offset Management Plan, as approved by the Minister in writing, must be implemented.

14. If the Offset Management Plan for the **offset site** has not been approved by the **Minister** in writing within 24 months of the approval of the Offset Strategy, and the **Minister** notifies the approval holder that one or more submitted Offset Management Plans are not suitable for approval, the **Minister** may, at least two months after notifying the approval holder, approve a version of the Offset Management Plan revised by the **department**. The approval holder must implement each approved Offset Management Plan for the life of the approval.

Vegetation Management Plan

15. To avoid and mitigate the impacts of **clearing**, weeds and Dieback, prior to the **commencement** of the action, the approval holder must submit a Vegetation Management Plan (VMP) to the **department** for approval by the **Minister**. The approval holder must not **commence** the action unless the **Minister** has approved the VMP in writing. The approval holder must implement the approved VMP.

16. The VMP must be consistent with the **Environmental Management Plan Guidelines**, be consistent with **Phytophthora abatement best practice**, be approved by the **approved management authority**, and must include:

    a. reference to relevant **EPBC Act protected matter/s** and appropriate environmental objectives;

    b. a table of commitments to achieve the environmental objectives, and a reference to where these commitments are detailed in the VMP**;**

    c. reporting and review mechanisms, and documentation standards that will enable the approval holder to demonstrate compliance with the VMP;

    d. an assessment of risks to achieving the environmental objectives and risk management strategies that will be applied;

    e. impact avoidance, mitigation and/or repair measures, and their timing for implementation;

    f. A monitoring program, which must include:

        i. measurable performance indicators;

        ii. the timing and frequency of monitoring to detect triggers and changes in the performance indicators;

        iii. trigger values for corrective actions; and

        iv. proposed corrective actions if trigger values are reached; and

    g. provide any links to other plans or conditions of approval (including State/Territory approval conditions).

Part B – Standard administrative conditions

Notification of date of commencement of the action

17. If the **commencement** of the action does not occur within five (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**.

Compliance records

18. The approval holder must maintain accurate and complete **compliance records**.

19. 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.

Note: **Compliance records** may be subject to audit by the **department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **department's** website or through the general media.

Submission and publication of plans

20. The approval holder must:

    a. submit **plans** electronically to the **department**

    b. publish each **plan** on the **website** within twenty (20) **business days** of the date the **plan** is approved by the **Minister** or of the date a revised action management plan is submitted to the **Minister** or the **department**, unless otherwise agreed to in writing by the **Minister**

c. exclude or redact **sensitive ecological data** from **plans** published on the **website** or provided to a member of the public

d. keep **plans** published on the **website** until the end date of this approval.

21. The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under conditions of this approval, is prepared in accordance with the **department** *Guidelines for biological survey and mapped data* (2018) and submitted electronically to the **department** and the **DBCA** within the same timeframe as the relevant report.

Annual compliance reporting

22. The approval holder must prepare a **compliance report** for each twelve (12) month period following the date of **commencement of the action**, or otherwise in accordance with an annual date that has been agreed to in writing by the **Minister**. The approval holder must:

    a. publish each **compliance report** on the **website** within sixty (60) **business days** following the relevant twelve (12) month period

    b. notify the **department** by email that a **compliance report** has been published on the **website** and provide the weblink for the **compliance report** within five (5) **business days** of the date of publication

    c. keep all **compliance reports** publicly available on the **website** until this approval expires

    d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**

    e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **department** within five (5) **business days** of publication.

Note: **Compliance reports** may be published on the **department**'s website.

Reporting non-compliance

23. The approval holder must notify the **department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than two (2) **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:

    a. any condition which is or may be in breach

    b. a short description of the **incident** and/or non-compliance

    c. the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.

24. The approval holder must provide to the **department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:

    a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future

    b. the potential impacts of the **incident** or non-compliance

    c. the method and timing of any remedial action that will be undertaken by the approval holder.

Independent audit

25. The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for the three-year period from this approval decision and subsequently when requested in writing by the **Minister**.

26. For each **independent audit**, the approval holder must:

    a. provide the name and qualifications of the independent auditor and the draft audit criteria to the **department**

    b. only commence the **independent audit** once the audit criteria have been approved in writing by the **department**

    c. submit an audit report to the **department** within the timeframe specified in the approved audit criteria.

27. The approval holder must publish the audit report on the **website** within 10 **business days** of receiving the **department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

Revision of management plans

28. The approval holder may at any time apply to the **Minister** for a variation to the management plan approved by the **Minister** under Conditions 11,13 and 15 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 the revised management plan (RMP) then, from the date specified, the approval holder must implement the RMP in place of the previous management plan.

29. The approval holder may choose to revise a management plan approved by the **Minister** under conditions 11, 13 and 15, 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 RMP would not be likely to have a **new or increased impact**.

30. If the approval holder makes the choice under condition 29 to revise the management plan without submitting it for approval, the approval holder must:

    a. notify the **department** in writing that the approved management plan has been revised and provide the **department** with:

        i. an electronic copy of the RMP

        ii. an electronic copy of the RMP marked up with track changes to show the differences between the approved action management plan and the RMP

        iii. an explanation of the differences between the approved action management plan and the RMP

        iv. the reasons the approval holder considers that taking the action in accordance with the RMP 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 RMP (RMP implementation date), being at least twenty (20) **business days** after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the **department**.

    b. subject to condition 32, implement the RMP from the RMP implementation date.

31. The approval holder may revoke their choice to implement a VMP under condition 29 at any time by giving written notice to the **department**. If the approval holder revokes the choice under condition 29, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 29.
32. 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 RMP would be likely to have a **new or increased impact**, then:
    a. Condition 29 does not apply, or ceases to apply, in relation to the RMP
    b. the approval holder must implement the action management plan specified by the **Minister** in the notice.
33. At the time of giving the notice under condition 32, the **Minister** may also notify that for a specified period of time, condition 29 does not apply for one or more specified action management plans.

Note: conditions 29, 30, 31 and 32 are not intended to limit the operation of section 143A of the **EPBC Act** which allows the approval holder to submit a revised action management plan, at any time, to the **Minister** for approval.

Completion of the action

34. Within thirty (30) **business days** after the **completion of the action**, the approval holder must notify the **department** in writing and provide **completion data**.

Part C - Definitions

In these conditions, except where contrary intention is expressed, the following definitions are used:

Adaptive management means, in response to learnings identified during the installation and management of the artificial nest hollows and/or any new information, systematically trying different actions or improving the implementation of current actions to improve the likelihood of achieving **Carnaby's Black Cockatoo nesting** in at least one artificial nesting hollow for each **suitable nesting hollow** lost.

Approved management authority means the management authority that is, or will be, responsible for managing the **Parks and Recreation reserve**, including the Conservation Category Wetland, and may include, but may not be limited to, the **DBCA** and/or the **City of Cockburn**.

Artificial hollow installation guidelines mean the WA Department of Parks and Wildlife publication titled *Artificial hollows for Carnaby's cockatoo: How to design and place artificial hollows for Carnaby's cockatoo* (2015), or as otherwise updated from time to time.

Artificial hollow maintenance guidelines mean the WA Department of Parks and Wildlife publications *How to monitor and maintain artificial hollows for Carnaby's cockatoo* (2015), or as otherwise updated from time to time.

Banksia Woodlands means the EPBC listed Banksia Woodlands of the Swan Coastal Plain threatened ecological community as defined in *Approved Conservation Advice (incorporating listing advice) for the Banksia Woodlands of the Swan Coastal Plain ecological community* (2016).

Breeding season means, for the **Carnaby's Black Cockatoo**, the period on and after 1 July or on or before 28 February in any calendar year.

Business day(s) means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

Carnaby's Black Cockatoo means the **EPBC Act** listed Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*) also known as the Short-billed Black Cockatoo.

Carnaby's Black Cockatoo breeding habitat means trees species, including Jarrah (*Eucalyptus marginata*) and Flooded Gum (*E. Rudis*) that are known to support breeding within the range of the Carnaby's Black Cockatoo which have a suitable diameter at breast height (DBH) to develop a nest hollow. A suitable DBH is 500 millimetres as described in the *EPBC Act Referral Guidelines for Three Threatened Black Cockatoo Species: Carnaby's Black Cockatoo (Calyptorhynchus latirostris) (Endangered), Baudin's Black Cockatoo (Calyptorhynchus baudinii) (Vulnerable), and Forest Red-tailed Black Cockatoo (Calyptorhynchus banksii naso) (Vulnerable) (October 2012)*.

Carnaby's Black Cockatoo foraging habitat means feeding habitat, including but not limited to, **Banksia Woodlands**, Jarrah (*Eucalyptus marginata*), Flooded Gum (*Eucalyptus Rudis*), Candlestick Banksia (*Banksia attenuata*), Firewood Banksia (*Banksia menziesii*), Holly-Leaved Banksia (*Banksia ilicifolia*), She oak (*Allocasuarina fraseriana*) and Balga (*Xanthorrhoea preissii*) *species.*

City of Cockburn means the local governing body for the local government area, Western Australia.

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

Commence or Commencement means the first instance of any specified activity associated with the action including **clearing** and **construction**. Commencement does not include minor physical disturbance necessary to:

i. undertake pre-clearance surveys or monitoring programs

ii. install signage and /or temporary fencing to prevent unapproved use of the project area

iii. protect environmental and property assets from fire, weeds and pests, including installation of temporary fencing, and use of existing surface access tracks

iv. install temporary site facilities for persons undertaking pre-**commencement** activities so long as these are located where they have no impact on the **protected matters**

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The **department**'s preferred spatial data format is **shapefile**.

Completion of the action means the date on which all specified activities associated with the action have permanently ceased and the Minister has agreed to in writing.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.

Compliance report(s) means written reports:

i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plans**

ii. consistent with the **department's** *Annual Compliance Report Guidelines* (2014)

iii. include a **shapefile** of any clearance of any **protected matters**, or their habitat, undertaken within the relevant 12 month period

iv. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period.

Construction means the erection of a building, road or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building, road or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

DBCA means the Western Australian Department of Biodiversity, Conservation and Attractions responsible for managing lands and waters described in the *Conservation and Land Management Act 1984*.

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

EPBC Environmental Offsets Policy means the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy (October 2012)*, or as updated from time to time.

Environmental Management Plan Guidelines means the *Environmental Management Plan Guidelines (2014)*, or as updated from time to time.

Evidence means written report, including photographic material and maps.

Evidence of use means the presence of **Carnaby's Black Cockatoo** chew marks, nestlings, eggs (hatched or unhatched), nest and feather debris and/or scratchings in either natural or artificial hollows that indicates their suitability for, and use of by, breeding **Carnaby's Black Cockatoos**.

Incident means any event which has the potential to, or does, impact on one or more **protected matter(s)** other than as authorised by this approval.

Independent audit means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2019)**.**

Monitoring data means the data required to be recorded under the conditions of this approval.

Minister means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

New or increased impact means a new or increased environmental impact or risk relating to any **protected matter**, when compared to the likely impact of implementing the action management plan that has been approved by the **Minister**, including any subsequent revisions approved by the **Minister,** as outlined in the *Guidance on 'New or Increased Impact' relating to changes to approved management plans under EPBC Act environmental approvals (2017).*

Offsets Assessment Guide means the Excel spreadsheet which is used to evaluate the offset provided for impacts to **EPBC Act** protected matters: available at https://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy.

Offset site means the proposed area of land at least 59.5 hectares in size at Lot 2 Pin pin road, Beermullah, Gingin, Western Australia (being the area outlined in green and designated as "Banjup Offset" at Attachment B) that will be **secured** and managed to maintain or improve the **Carnaby's Black Cockatoo breeding habitat and/or Carnaby's Black Cockatoo foraging habitat** and **Banksia Woodlands** at the **offset site**.

Parks and Recreation reserve means the area shaded green and identified in the key as 'Parks and recreation' on the map in Attachment A

Peak breeding season means, for the **Carnaby's Black Cockatoo**, the period between 1 September and 31 December of any year.

Perth Metropolitan Region Scheme means the scheme that provides the legal basis for future land use planning throughout the Perth metropolitan region, including the **project area**.

Phytophthora abatement best practice means the measures recommended in *Management of Phytophthora cinnamomi for Biodiversity Conservation in Australia, National Best Practice Guidelines*. A report funded by the commonwealth Government Department of the Environment and Heritage by the Centre for Phytophthora Science and Management, Murdoch University, Western Australia.

Plan(s) means any of the documents required to be prepared, approved by the **Minister**, implemented by the approval holder and published on the **website** in accordance with these conditions (includes action management plans and/or strategies).

Project area means the 41.4 ha area referred to as the **Project area** in the map at Attachment A.

Proposed Development Area means both the **Urban deferred area** (stage 1) and the **Proposed urban area** (stage 2) outlined in red and referred to as **Proposed Development Area** in the map at Attachment A**.**

Proposed urban area means area shaded red (marked stage 2) and designated as 'Proposed Urban' in the 'map at Attachment A.

Protected matter(s) means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

Rural zoning means land in which a range of agricultural, extractive and conservation uses are undertaken.

Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0.*

Secure/secured/securing a legal mechanism to permanently protect, under relevant legislation, for conservation of the **protected matters** and their habitat.

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

Suitable nesting hollow/s means any natural or artificial hollow that is deep enough and with an opening large enough that is in use or showing historical **evidence of use** by **Carnaby's Black Cockatoo** for breeding, as verified by a **suitably qualified ecologist**.

Suitably qualified ecologist means a person who has relevant professional qualifications and at least three (3) years of work experience designing and implementing surveys for use of tree hollows by **Carnaby's Black Cockatoo** and can give an authoritative assessment and advice on the presence of **Carnaby's Black Cockatoo** using tree hollows by using relevant protocols, standards, methods and/or literature.

Suitably qualified person means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice, and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

Urban zoning means areas in which a range of activities are undertaken, including residential, commercial recreational and light industry.

Urban deferred area means the area referred to as 'Urban deferred' in the map at Attachment A, as shaded orange and marked stage 1.

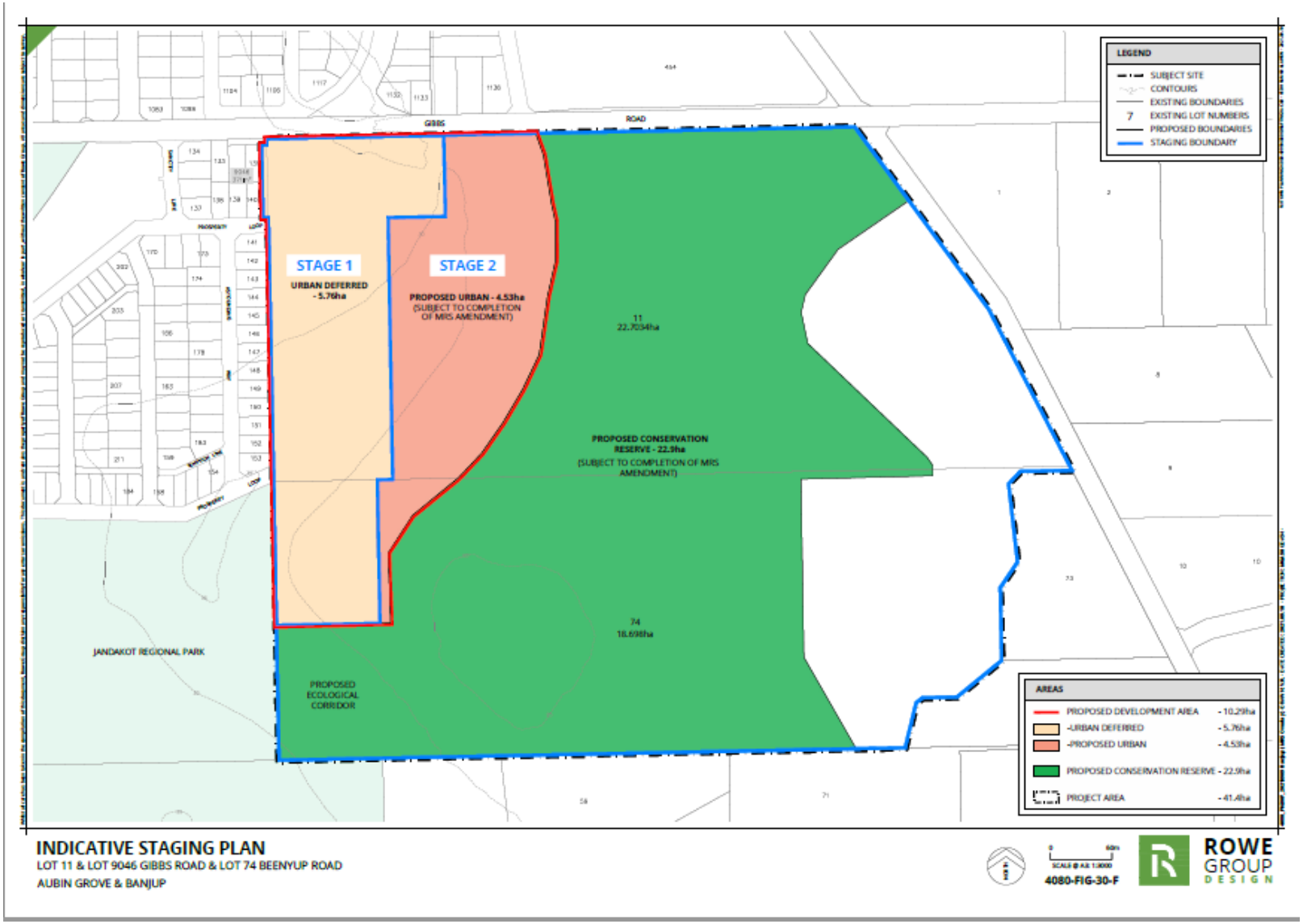
Urban deferred zoning means the area referred to as **urban deferred area** in the **proposed development area** that has been identified for future urban uses and is currently under review by the **Western Australian Planning Committee**, to change from **Urban deferred zoning** to **Urban zoning**.

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Western Australian Planning Committee means the Western Australian Planning Commissions regulatory decision-making body authorised to regulate land use planning and development under the *Planning and Development Act 2005*.

ATTACHMENTS

Attachment A



Attachment B