



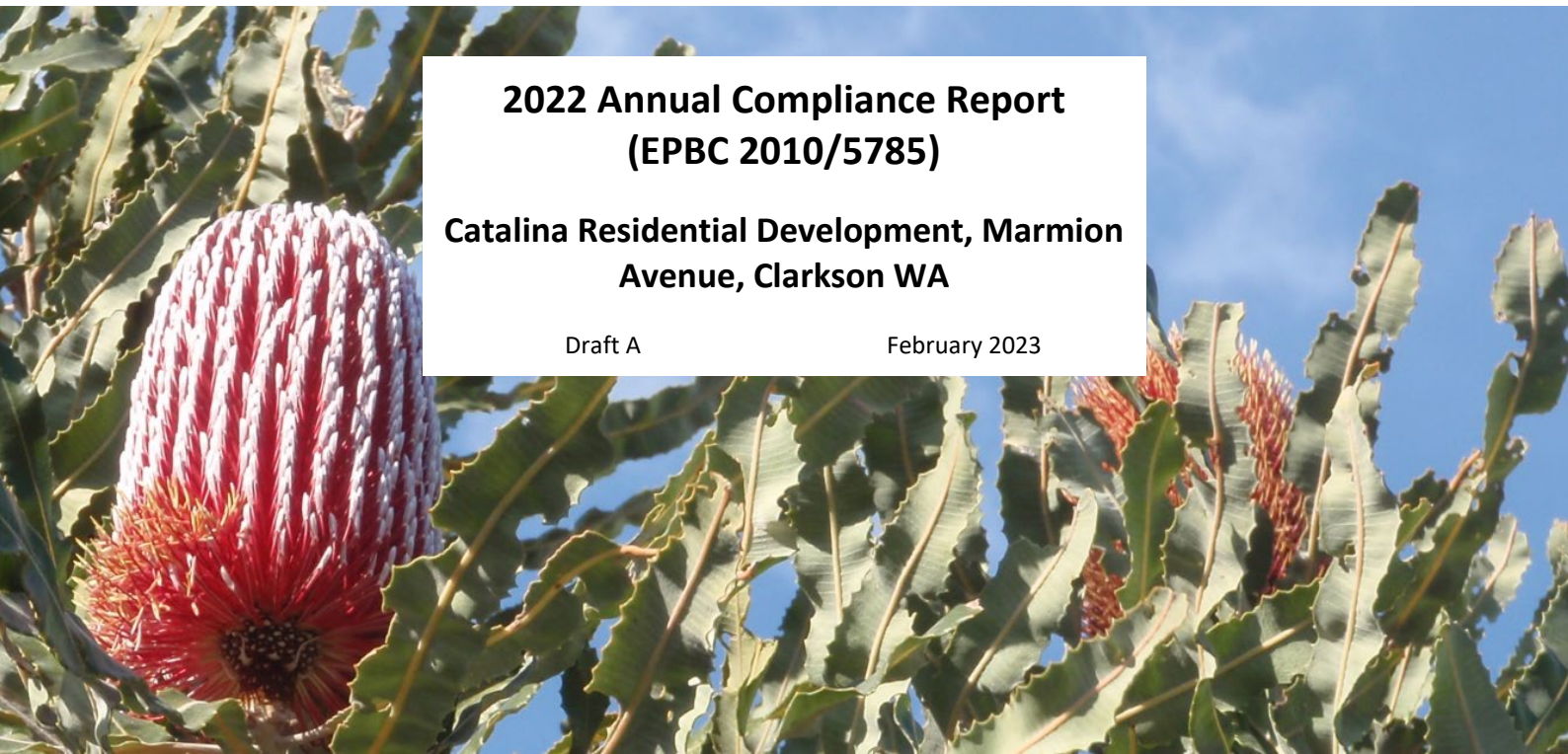
COTERRA
ENVIRONMENT

**2022 Annual Compliance Report
(EPBC 2010/5785)**

**Catalina Residential Development, Marmion
Avenue, Clarkson WA**

Draft A

February 2023



CALIBRE | COMMITMENT | COLLABORATION

This report was prepared by: Coterra Pty Ltd trading as COTERRA ENVIRONMENT

ABN: ABN: 92 143 411 456

Our Ref: SATCAT30

Author(s): C. Rea & C. Norman

Reviewer: K. Watts

Report Version: Draft A

Date: February 2023

This report was prepared for:

Tamala Park Regional Council
2/369 Scarborough Beach Road
Innaloo WA 6018

Contents

1	Introduction	4
1.1	Background	4
1.2	Description of Activities	4
1.2.1	Person responsible for the report	5
1.2.2	Dates for Reporting Period	5
2	EPBC Compliance	6
2.1	Variations and Management Plans	6
2.2	Compliance Reporting	7
2.3	Compliance definitions.....	7
2.4	Non-compliances.....	8
2.5	New or Increased Environmental Risks.....	8
3	Conclusion	9
4	References	10

Tables

Table 1-1	EPBC Approval 2010/5785	4
Table 2-1:	Variation applications sought through section 143 of the EPBC Act	6
Table 2-2:	Summary of management plans prepared in support of the approval	7

Figures

Figure 1	Figure 1: Site Location
Figure 2	Figure 2: EPBC Black Cockatoo Clearing and Retention Areas
Figure 3	Figure 3: BCA Compliance Areas
Figure 4	Figure 4: BCA North
Figure 5	Figure 5: BCA South
Figure 6	Figure 6: Estate Layout and Staging Plan
Figure 7	Site aerial photography

Appendices

Appendix 1	Consolidated EPBC Approval (EPBC 2010/5785)
Appendix 2	Compliance Tables

1 Introduction

1.1 Background

Catalina Residential Development is a 180 ha area of land being developed at former Lot 9504, 1700 Marmion Avenue, Clarkson (Figure 1). The proposed land usage includes predominantly residential housing, mixed/commercial use, a school precinct, Public Open Space (POS) and Conservation areas. The site is 34 km north of the Perth Central Business District and is dissected by Marmion Avenue and Connolly Drive, which divide the site into central (Catalina Central), western (Catalina Beach) and eastern (Catalina Green) precincts.

The site is fringed by Bush Forever (BF) Site 323 to the south, BF Site 322 to the west and across the freeway on the eastern boundary, BF Site 383, which comprises a section of Neerabup National Park. BF Site 323 contains the Mindarie Regional Council (MRC) waste management facility.

The project was referred under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and received approval under this legislation on 10 August 2011 (EPBC Ref: 2010/5785). A copy of the current consolidated approval is provided in Appendix 1.

Vegetation clearing required for the development includes habitat suitable for Carnaby's Black Cockatoo (*Zanda latirostris*) (Figure 2). The site contains 0.5% of the total habitat for Carnaby's Black Cockatoo within the City of Wanneroo and upon initial survey in 2009 undertaken by Eco Logical, chewed nuts and flowers were recorded on site, however no evidence of nesting or breeding were noted. A number of the EPBC Act approval conditions specifically relate to this species.

In addition, the site was also identified as providing habitat for the Graceful Sun-moth (*Synemon gratiosa*). At the time of the project referral this species was listed as Endangered under the EPBC Act, but this species was later deleted from the EPBC Act list of threatened species. The project EPBC approval was subsequently updated to remove conditions relating to this species.

The site contains two Biodiversity Conservation Areas (BCAs) (Figure 3) within the Catalina Central precinct, which are identified as the Northern BCA (Figure 4) and Southern BCA (Figure 5). The BCAs are subject to Conservation Area Management Plans (CAMPs) which are referred to in the approval.

The residential development is being progressed in accordance with a Staging Plan (Figure 6). Current development is evident through recent aerial photography (Figure 7).

1.2 Description of Activities

Tamala Park Regional Council (TPRC) with the assistance of Satterley Property Group Pty Ltd (SPG) have been implementing the Catalina Residential Development in accordance with EPBC Approval 2010/5785 since 2013. Details of the proponent and approved actions are presented on Table 1-1.

Table 1-1 EPBC Approval 2010/5785

Approval	Details
Person to whom approval is granted	Tamala Park Regional Council
ABN	77 069 468 271
Approved action	Clearing of native vegetation on Lot 9504 and the construction of a residential development at 1700 Marmion Avenue, Clarkson, WA
Variation of conditions of approval	Refer to Table 2-1
Date of decision	10 August 2011

Approval	Details
Date of consolidated approval notice	1 December 2017
Date of effect	5 October 2018

1.2.1 Person responsible for the report

Coterra Environment Pty Ltd have prepared this report on behalf of TPRC and SPG.

This report has been prepared in compliance with condition 7 of the Catalina EPBC Approval which states:

“Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the department at the same time as the compliance report is published.”

1.2.2 Dates for Reporting Period

This annual compliance report is being prepared for the period 1 January 2022 to 31 December 2022.

2 EPBC Compliance

2.1 Variations and Management Plans

TPRC has adhered to all conditions and variations to conditions of EPBC Approval 2010/5785. A summary of the variations sought is provide on Table 2-1.

Several management plans were prepared in support of EPBC Approval 2010/5785 as listed on Table 2-2.

Table 2-1: Variation applications sought through section 143 of the EPBC Act

Variation number	Summary	Date Lodged	Date approved by DotEE
Variation 1	Application for realignment of the entry road to the east of Marmion Avenue due to engineering and planning constraints.	September 2011	14 October 2011
Supplementary Variation request	Redefining the boundary of the western cell to exclude area that is not Black Cockatoo habitat in the boundary which is constrained by Condition 5 and 6 of the approval.	January 2012	No formal/final decision was issued, an alternate location for the site was secured.
Variation 2	Application to clear three patches of POS containing Black Cockatoo habitat, compensated by an increase in POS previously identified for retention. This amendment also sought to remove conditions associated with the de-listed Graceful Sunmoth.	August 2013	October 2013
Variation 3	Application to clear a small patch of isolated Carnaby's Black Cockatoo habitat, subject to edge effects.	October 2014	1 February 2014
Variation 4	Application to enable management of the Biodiversity Conservation Areas contained within access pathway areas.	February 2015	20 May 2015
Variation 5	Application to clear a partially degraded area containing Black Cockatoo habitat to replace with higher quality habitat.	November 2017	1 December 2017
Variation 6	Application to change the number of plants required to be used in street-scaping and other public areas for the improved safety of the Carnaby's Black Cockatoo.	July 2018	5 October 2018

Source: Ecological (2021)

Table 2-2: Summary of management plans prepared in support of the approval

Management Plan	Author	Reason for Amendment	Date approved by DotEE	Status
Mitigation and Offsets Management Plan	Eco Logical (2010)	Not applicable (N/A)	10 August 2011	Current/Completed
Catalina Biodiversity Conservation Area Phase One (North) – Conservation Area Management Plan	Strategen Environmental Consultants (2012).	N/A		Current
Clearing and Revegetation Management Plan	Eco Logical (2013)	N/A	February 2013	Superseded
Catalina Biodiversity Conservation Area Phase Two (South) Conservation Area Management Plan	Eco Logical (2014)	N/A		Current
Clearing and Revegetation Management Plan Version 2	Eco Logical (2015)	To facilitate Variation 3 and Variation 4 (refer Table 2-1)	16 November 2015	Superseded
Clearing and Revegetation Management Plan Version 3	Eco Logical (2017)	To facilitate Variation 5 (refer Table 2-1)	18 January 2018	Superseded
Clearing and Revegetation Management Plan Version 4	Eco Logical (2018)	To facilitate compliance with condition (8) of the EPBC Act and Variation 6 (refer Table 2-1)	20 December 2018	Current

2.2 Compliance Reporting

Compliance tables which provide details of current project and approval status are presented in Appendix 2.

2.3 Compliance definitions

The following designations have been used to record findings in compliance reports:

- Compliant
 - ‘Compliance’ is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
- Non-compliant

- A designation of ‘non-compliance’ should be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
- Not applicable
 - A designation of ‘not applicable’ should be given where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period.

These definitions are outlined in the *Annual Compliance Report Guidelines 2014* (Commonwealth of Australia).

2.4 Non-compliances

In accordance with the conditions of approval provided by the Department of the Environment and Energy (DotEE) (now the Department of Climate Change, Energy, the Environment and Water; DCCEEW) and associated monitoring reports, works conducted to date do not indicate any non-compliances in the Catalina Residential Development project.

2.5 New or Increased Environmental Risks

There are no new or increased environmental risks identified in the reporting period for the site. Should any future instances of environmental risks arise, appropriate management plans will be implemented.

3 Conclusion

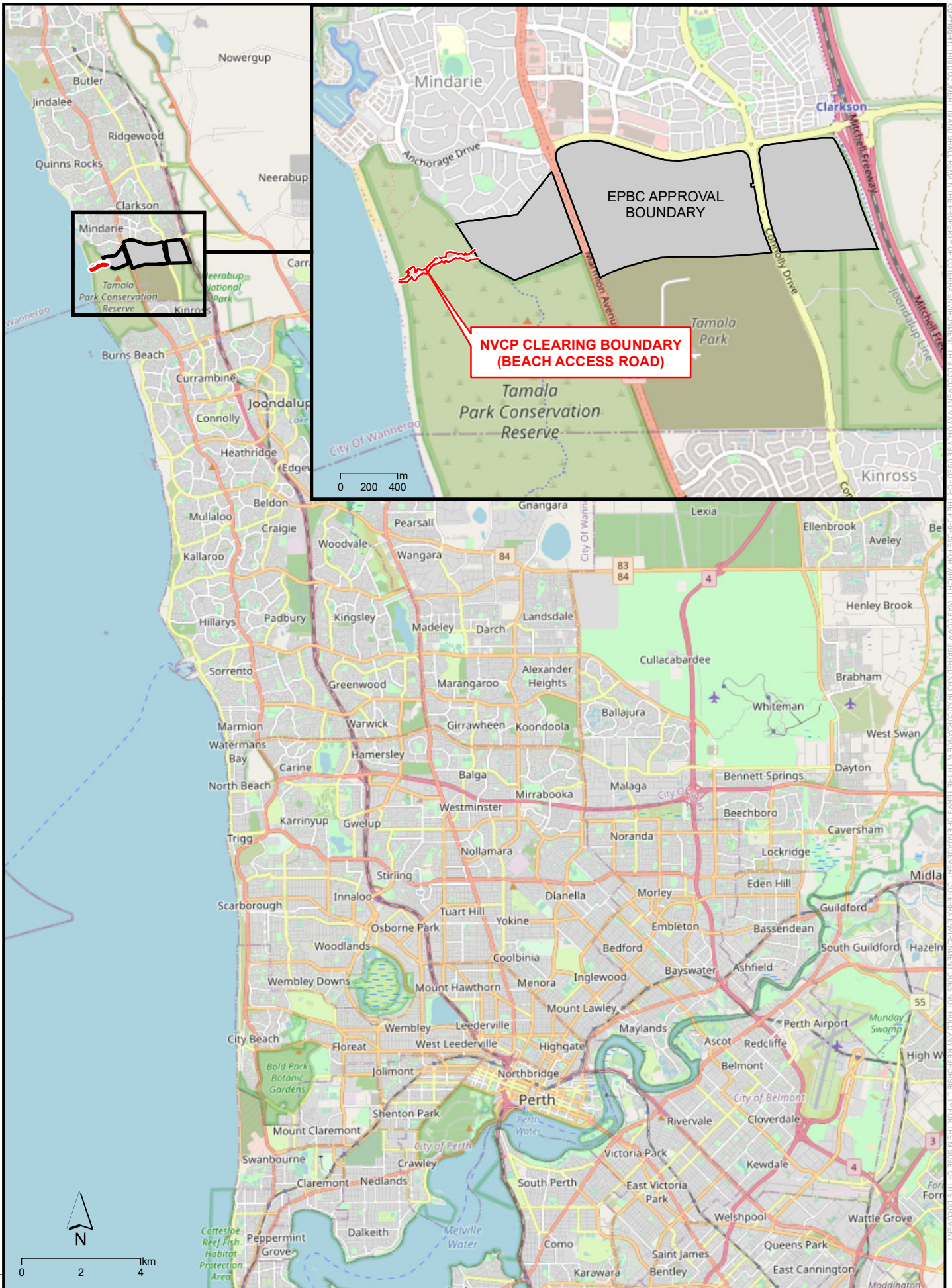
This report details continued compliance of TPRC's Catalina Residential Development in accordance with EPBC Approval 2010/5785.

4 References

- Commonwealth of Australia (2014). *Annual compliance Report Guidelines*. Guidelines were prepared as part of the *Environmental Protection and Biodiversity Conservation Act 1999 Guidelines*. Australian Government, Department of the Environment.
- Eco Logical Australia (2010). *Mitigation and Offsets Management Plan – Catalina Residential Development*. Report prepared for Tamala Park Regional Council. Ecological Australia, Perth, Western Australia.
- Eco Logical Australia (2013). *Clearing and Revegetation Management Plan – Catalina Residential Development (Version 1)*. Report prepared for Tamala Park Regional Council, Perth, Western Australia.
- Eco Logical (2014). *Catalina Biodiversity Conservation Area Phase Two (South) Conservation Area Management Plan*. Report prepared for Tamala Park Regional Council, Perth, Western Australia.
- Eco Logical Australia (2015). *Clearing and Revegetation Management Plan – Catalina Residential Development (Version 2)*. Report prepared for Tamala Park Regional Council, Perth, Western Australia.
- Eco Logical Australia (2017). *Clearing and Revegetation Management Plan – Catalina Residential Development (Version 3)*. Report prepared for Tamala Park Regional Council, Perth, Western Australia.
- Eco Logical Australia (2018). *Clearing and Revegetation Management Plan – Catalina Residential Development (Version 4)*. Report prepared for Tamala Park Regional Council, Perth, Western Australia.
- Eco Logical Australia (2021). *Catalina Estate: Annual Compliance Report 2021*. Report prepared for Tamala Park Regional Council, Perth, Western Australia
- Strategen Environmental Consultants (2012). *Catalina Biodiversity Conservation Area Phase One (North) – Conservation Area Management Plan*, Report prepared for Satterley Property Group, Perth, Western Australia.



Figures





LEGEND

- Catalina Estate Boundary
- Biodiversity Conservation Area

Carnaby's Black Cockatoo Habitat

- Loss (72.44 ha)
- Retention (14.41 ha)

N

0 62.5 125 250 375 500 m

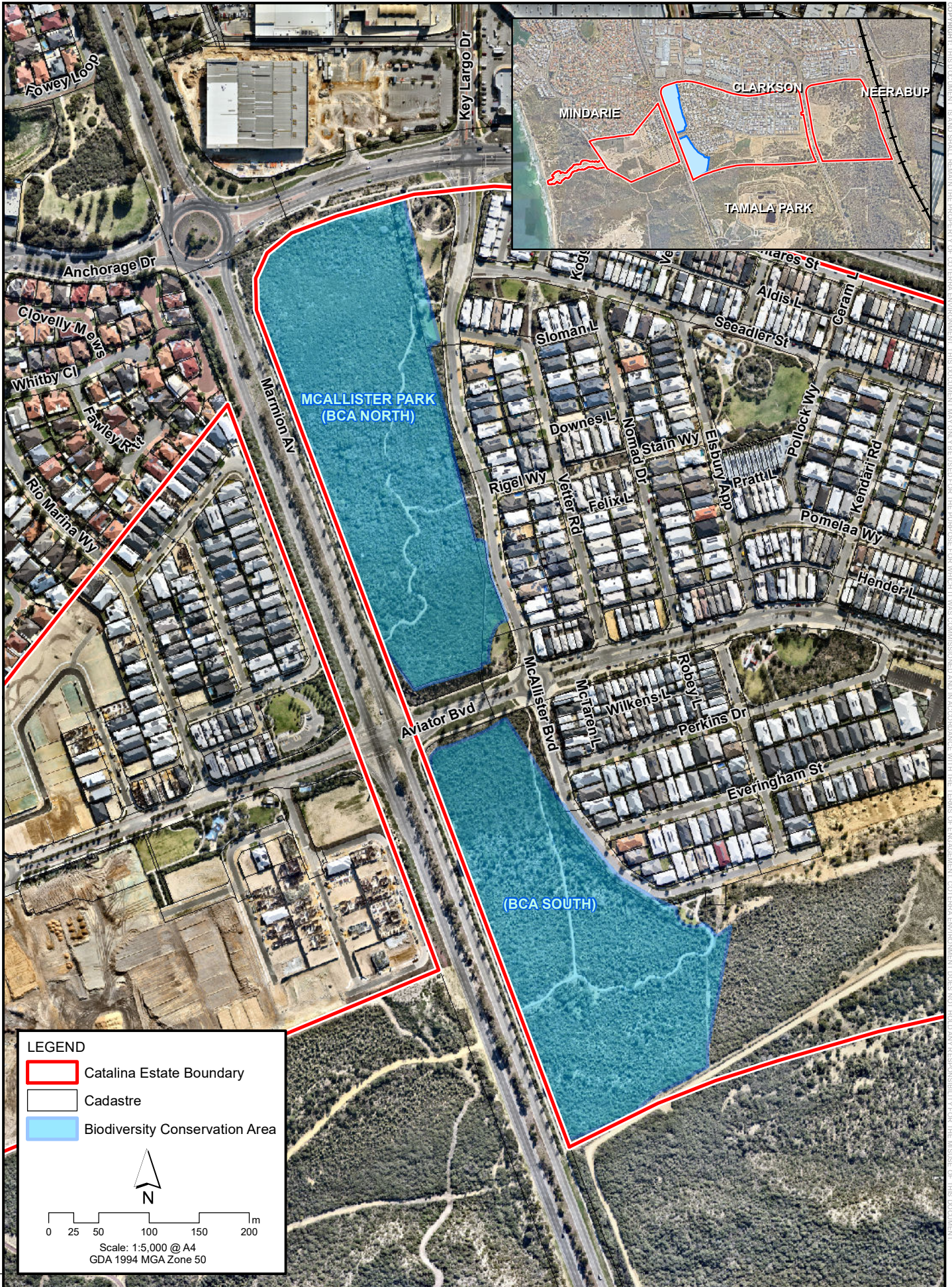
Scale: 1:10,000 @ A3
GDA 1994 MGA Zone 50

ENVIRONMAPS | 0406 590 006
Environmental Mapping Solutions | www.environmaps.com.au

Source: Cadastre - Landgate
Orthophoto - NearMaps, 2021
CBC Habitat - Ecological

<p>COTERRA ENVIRONMENT</p>	<p>Job: SATCAT30 Doc: 002 Date: 21/02/2023 Ph: (08) 9381 5513 Fax: (08) 9381 5514 E: info@coterra.com.au</p>	<p>Tamala Park Regional Council EPBC COMPLIANCE REPORT 2022 CATALINA RESIDENTIAL DEVELOPMENT</p> <p>EPBC BLACK COCKATOO CLEARING AND RETENTION AREAS</p>	<p>Figure 2</p>
---------------------------------------	--	---	------------------------

C:\GIS\Users\Coterra\SATCAT30 - Catalina Estate, EPBC Compliance Report 2022\Figures\SATCAT30_F02 EPBC Black Cockatoo Clearing and Retention Areas_230221.mxd





LEGEND

- Catalina Estate Boundary
- Cadastre
- Biodiversity Conservation Area

Scale: 1:2,000 @ A4
GDA 1994 MGA Zone 50








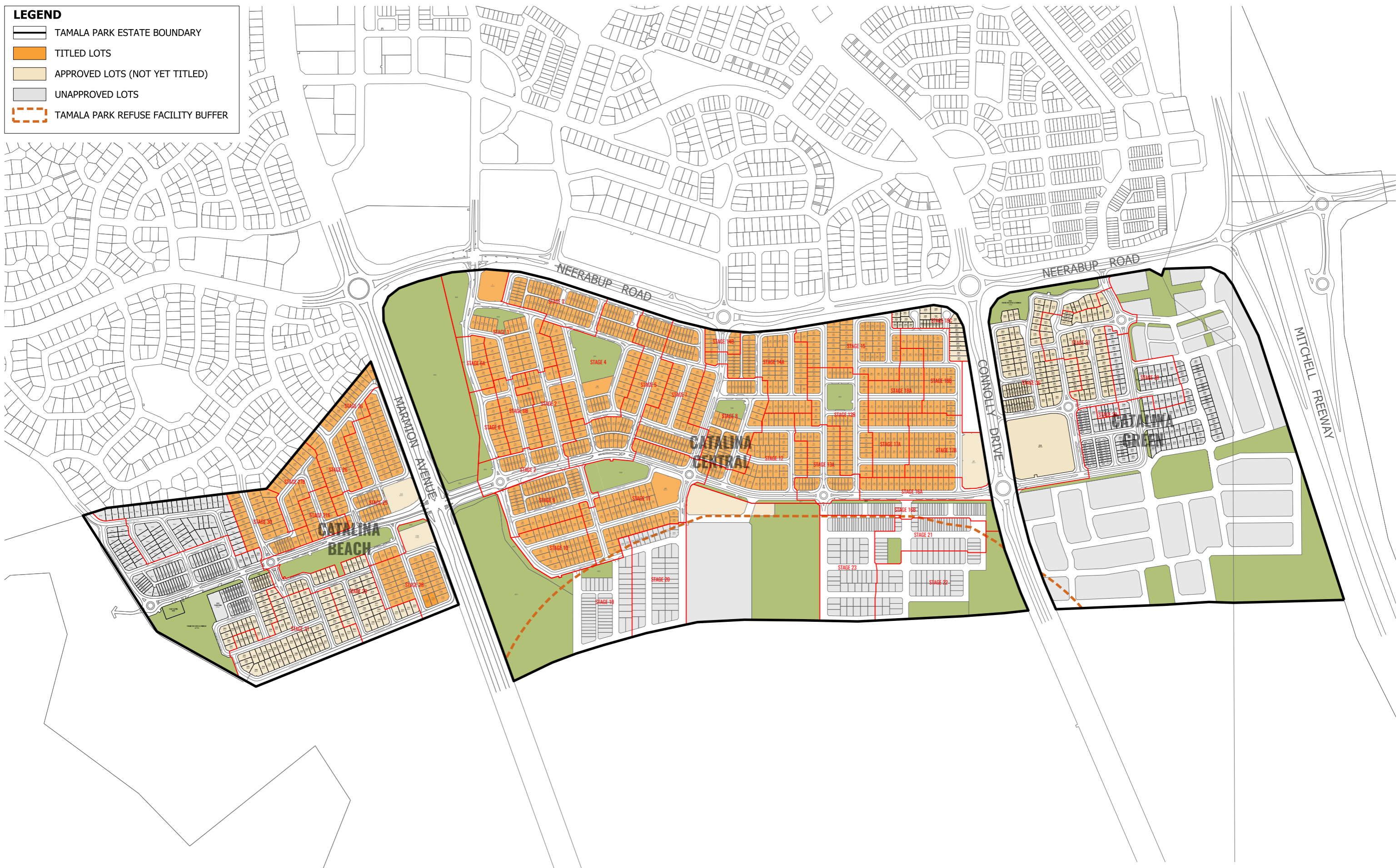
LEGEND

- Catalina Estate Boundary
- Cadastre
- Biodiversity Conservation Area

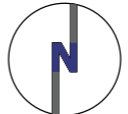
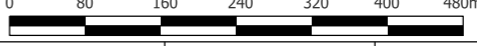
Scale: 1:2,000 @ A4
GDA 1994 MGA Zone 50

LEGEND

-  TAMALA PARK ESTATE BOUNDARY
-  TITLED LOTS
-  APPROVED LOTS (NOT YET TITLED)
-  UNAPPROVED LOTS
-  TAMALA PARK REFUSE FACILITY BUFFER



ESTATE LAYOUT & STAGING PLAN
Catalina Estate, TAMALA PARK

Aerial supplied by:			
Aerial Date Stamp:		Scale: 1:8000 @A3	Date Issued: 05.07.2022
Survey supplied by: MNG		©Niche Planning Studio	
Plan Number: NPS1059 - 023		<small>DISCLAIMER: Town Planning compliance is subject to approval from the Tamala Park Regional Council and a suitable town planner will need to be appointed. All Dimensions, Areas and Calculations are subject to Detailed Survey and Design before Town Planning Permit application. B/L: Form is illustrative only and subject to Architectural Design and approval from an RATA qualified architect. This plan has been prepared for illustrative purposes only and should not be used as a means to judge any properties value or yield potential.</small>	
Revision Number:			
Drawn By: JP			
Client: Tamala Park Regional Council			





LEGEND

- Catalina Estate Boundary
- Biodiversity Conservation Area
- Carnaby's Black Cockatoo Habitat
- Retention (14.41 ha)

N

0 62.5 125 250 375 500 m

Scale: 1:10,000 @ A3
GDA 1994 MGA Zone 50

ENVIRONMAPS | T: 0406 590 006
 Environmental Mapping Solutions | www.environmaps.com.au

Source: Cadastre - Landgate
 CBC Habitat - Ecological
 Orthophoto - NearMaps, 14.01.23

COTERRA

ENVIRONMENT

Job: SATCAT30
 Doc: 007
 Date: 22/02/2023
 Ph: (08) 9381 5513
 Fax: (08) 9381 5514
 E: info@coterra.com.au

Tamala Park Regional Council
 EPBC COMPLIANCE REPORT 2022
 CATALINA RESIDENTIAL DEVELOPMENT

SITE AERIAL PHOTOGRAPHY

Figure 7

C:\GIS\Users\Coterra\SATCAT30 - Catalina Estate, EPBC Compliance Report 2022\Figures\SATCAT30_F07 Site Aerial Photography_230222.mxd



Appendix 1 Consolidated EPBC Approval (EPBC 2010/5785)



CONSOLIDATED APPROVAL NOTICE

Catalina residential development, Marmion Avenue, Clarkson, WA (EPBC 2010/5785)

The attached notice (Attachment A) is provided to consolidate the approval conditions for the above project, approved on 10 August 2011. The approval conditions were subject to variation at various times during the post approval phase. These decisions are publicly available on the Department's website at <http://epbcnotices.environment.gov.au/referralslist/>

The publication of this notice does not alter the dates of: effect for the approval; the variations to conditions; the expiry date of the approval; or any other dates mentioned in conditions. The consolidated approval notice is for ease of reference only.

Name and position	Greg Manning Assistant Secretary Assessments (WA, SA, NT) and Post Approvals Branch
--------------------------	---

Date of Consolidated Approval Notice	1 / 12 / 2017
---	---------------



Australian Government

Department of the Environment and Energy

**Catalina residential development, Marmion Avenue, Clarkson, WA
(EPBC 2010/5785)**

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted Tamala Park Regional Council

proponent's ABN 77 069 468 271

proposed action Clearing of native vegetation on Lot 9504 and the construction of a residential development at 1700 Marmion Avenue, Clarkson, WA [See EPBC Act referral 2010/5785].

Approval

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

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 December 2036

Decision-maker

name and position Barbara Jones
Assistant Secretary
Environment Assessment Branch

signature **SIGNED**

Conditions attached to the approval

1. Within 30 days after the **commencement** of the action, the person taking the action must advise the **Department** in writing of the actual date of commencement.
2. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plan required by this approval, and must make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
3. To protect habitat for **listed threatened species**, the person taking the action must ensure that:
 - a) no more than 72.5 ha of **foraging habitat** and 11 ha of **potential breeding habitat** for Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*) is **cleared**;
 - b) no **clearing** of native vegetation is undertaken in the areas marked with the numbers '2' and '3' in Attachment A, except for maintenance of necessary management or **formalisation** of passive use pathways within the Northern and Southern Biodiversity Conservation Areas (BCAs). These areas are to be maintained as **natural bushland** as per the Northern and Southern Conservation Area Management Plans (CAMPs);
 - c) all previously **cleared** or disturbed land in areas marked with the numbers '2' and '3' in Attachment A, and at least 50% of the previously cleared land in the area marked with number '1' in Attachment A are **revegetated**;
 - d) no **clearing** of native vegetation that is potential foraging or breeding habitat for Carnaby's Black Cockatoo is undertaken within the areas marked in dark blue in Attachment B, except for maintenance or **formalisation** of necessary management or passive use pathways within the Northern and Southern Biodiversity Conservation Areas (BCAs). These areas are to be maintained as **natural bushland** per the Northern and Southern CAMPs;
 - e) within 2 years of the **commencement** of the action, the areas marked with the numbers '2' and '3' in Attachment A must be protected in perpetuity under an irrevocable conservation covenant: and
 - f) at least 50% of plantings of trees and shrubs in street-scaping and other public areas (excluding the areas described in condition 3.c) must consist of plant species known to be **primary feeding plants** for Carnaby's Black Cockatoo.
4. To offset the loss of habitat for Carnaby's Black Cockatoo, the person taking the action must:
 - a) within 6 months after the commencement of the action, provide funds to the **DEC** for the acquisition of the offset as described on pages 6 - 8 of the Eco Logical Australia report Catalina Residential Development Assessment Documentation – Further Information dated March 2011, and the offset as described on page 3 of a letter by Tamala Park Regional Council dated 23 June 2011; or
 - b) if the abovementioned offsets cannot be acquired, the person taking the action must provide details of an alternative offset package to the **Department**. Any alternative offset package must include one or more land parcels that contain a total of at least 420 ha of Carnaby's Black Cockatoo foraging habitat and 66 ha of

Carnaby's Black Cockatoo **potential breeding habitat**. If the **Department** considers that an alternative offset package does not provide sufficient Carnaby's Black Cockatoo habitat to compensate for the impacts of the action, then the person taking the action must provide details of further alternative offset package to the **Department**. Once the written approval of the **Department** has been obtained for an alternative offset package, the person taking the action must provide sufficient funds to **DEC** to acquire the land parcel(s) in the offset package within 6 months of the **Department's** written approval.

5. The person taking the action must prepare and submit a *Clearing and Revegetation Management Plan* for the **Minister's** approval to demonstrate how the impact of **clearing** of habitat for **listed threatened species** will be minimised. The plan must detail how:
 - on-site **revegetation** will be undertaken;
 - seed from native vegetation will be collected from the area contained within the red lines marked in Attachment C;
 - topsoil obtained from the **clearing** of native vegetation on the proposal site within the red lines marked in Attachment C will be used for **revegetation** on-site or stored and made available for the **DEC** or other conservation agencies for the purpose of **revegetation** elsewhere; and
 - the **DEC**, or other conservation agencies, have been consulted in the development of the plan to determine the optimal time for **clearing** and provision of seed or soil for **revegetation**.

If the **Minister** approves the plan then the approved plan must be implemented

6. The person taking the action must not undertake any **clearing** in the area within the red lines marked in Attachment C unless:
 - the *Clearing and Revegetation Management Plan* described in condition 5 has been approved by the **Minister**; and
 - evidence has been provided to the **Department** confirming that the purchase(s) of the land parcels required for offsets under condition 4a or condition 4b has been completed.
7. Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published.
8. The person taking the action may choose to revise a Plan approved by the **Minister** under condition 5 without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the action in accordance with the revised Plan would not be likely to have a new or increased impact. If the person taking the action makes this choice they must:
 - a) notify the **Department** in writing that the approved Plan has been revised and provide the **Department** with an electronic copy of the revised Plan;
 - b) implement the revised Plan from the date that the Plan is submitted to the Department; and
 - c) for the life of this approval, maintain a record of the reasons the person taking the action considers that taking the action in accordance with the revised Plan would not be likely to have a **new or increased impact**.

8A. The person taking the action may revoke their choice under condition 8 at any time by notice to the **Department**. If the person taking the action revokes the choice to implement a revised Plan, without approval under section 143A of the **EPBC Act**, the Plan approved by the **Minister** must be implemented.

8B. If the **Minister** gives a notice to the person taking the action that the **Minister** is satisfied that the taking of the action in accordance with the revised Plan would be likely to have a **new or increased impact**, then:

- a) condition 8 does not apply, or ceases to apply, in relation to the revised Plan; and
 - c) the person taking the action must implement the Plan approved by the **Minister**.
- To avoid any doubt, this condition does not affect any operation of conditions 8 and 8A in the period before the day the notice is given.

At the time of giving the notice the **Minister** may also notify that, for a specified period of time, condition 8 does not apply for one or more specified Plans required under the approval.

8C. Conditions 8, 8A and 8B are not intended to limit the operation of section 143A of the **EPBC Act** which allows the person taking the action to submit a revised Plan to the **Minister** for approval.

9. If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species to do so, the **Minister** may request that the person taking the action make specified revisions to the management plan specified in the conditions and submit the revised management plan for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved management plan must be implemented. Unless the **Minister** has approved the revised management plan, then the person taking the action must continue to implement the management plan originally approved, as specified in the conditions.
10. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish the management plan referred to in these conditions of approval on their website. The management plan must be published on the website within 30 calendar days of being approved.
11. If, at any time after 5 years from the date of this approval, the person taking the action has not **commenced** the action, then the person taking the action must not **commence** the action without the written agreement of the **Minister**.

Definitions

Clearing: The removal of vegetation.

Commencement of the action is the commencement of **construction**.

Construction includes **clearing** associated with the proposed action or the erection/building of any infrastructure, excluding fences and signage.

DEC: is the Western Australian Government's Department of Environment and Conservation (or equivalent agency).

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

Diameter-at-breast-height is a measurement of tree diameter, which measures the diameter of the widest part of the tree at approximately 1.3m from the ground.

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

Foraging habitat for Carnaby's Black Cockatoo is any vegetation community that is known to provide foraging resources for Carnaby's Black Cockatoo.

Formalisation includes the mapping of tracks, potential signage and defining the specific geographic layout.

Listed Threatened Species: Species listed under the **EPBC Act** including Carnaby's Black-Cockatoo (*Calyptorhynchus latirostris*).

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

Natural bushland must have a tree canopy, an understorey and ground cover of native vegetation.

New or increased impact means a new or increased environmental impact or risk relating to any **Listed Threatened Species**, when compared to the likely impact under an management plan that has been 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) available from <http://www.environment.gov.au/epbc/publications/new-increased-impact-guidance>.

Potential breeding habitat for Carnaby's Black Cockatoo includes any known tree of a species known to be used by Carnaby's Black Cockatoo for breeding that are greater than 500mm **diameter-at-breast-height**. In the project area Tuart (*Eucalyptus gomphocephala*) is a species known to be used for breeding by Carnaby's Black Cockatoo. In mapping and calculating areas, the **Department** considers potential breeding habitat to be any 0.5 ha patch of native vegetation that contains 3 or more trees that are greater than 500mm **diameter-at-breast-height**.

Preliminary documentation is the referral submitted to the **Department** 21 December 2010, including figures and attachments and the additional information provided to the Department on 28 March 2011 including figures and attachments.

Primary feeding plants for Carnaby's Black Cockatoo include: any *Banksia* sp., any plants identified in a web search of the Department of Biodiversity, Conservation and Attractions "Plants for Carnaby's Search Tool", or other plants approved in writing by the **Department**.

Revegetation is the removal of weeds and the establishment of native vegetation.

Attachment A



Attachment B



Attachment C





Appendix 2 Compliance Tables



Our Ref: SATCAT30
Date: 22 February 2023

EPBC Compliance Conditions and Evidence

PROJECT NAME:	Catalina Residential Development
PROJECT ADDRESS:	Lot 9504, 1700 Marmion Avenue, Clarkson
REPORT NAME:	EPBC Compliance Report 2023
COMPLIANCE ASSESSMENT PERIOD:	1 January 2022 to 31 December 2022

Condition Number	Condition	Compliant/Non-Compliant/Not Applicable	Evidence/Comments
1	Within 30 days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.	Compliant	On 15 September 2011, Tamala Park Regional Council advised DotEE (now DCCEEW) on the commencement of the project.
2	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plan required by this approval, and must make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with	Compliant	Record keeping is ongoing and satisfactory to date.

Condition Number	Condition	Compliant/Non-Compliant/Not Applicable	Evidence/Comments
	the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.		
3	<p>To protect habitat for listed threatened species, the person taking the action must ensure that:</p> <p>3a) No more than 72.5 ha of foraging habitat and 11 ha of potential breeding habitat for Carnaby's Black Cockatoo (<i>Calyptorhynchus latirostris</i>) is cleared</p> <p>3b) No clearing of native vegetation is undertaken in the areas marked with the numbers '2' and '3' in Attachment A, except for maintenance of necessary management or formalisation of passive use pathways within the Northern and Southern Biodiversity Conservation Areas (BCAs). These areas are to be maintained as natural bushland as per the Northern and Southern Conservation Area Management Plans (CAMPs)</p> <p>3c) All previously cleared or disturbed land in areas marked with the numbers '2' and '3' in Attachment A, and at least 50% of the previously cleared land in the area marked with number '1' in Attachment A are revegetated;</p>	<p>Not Applicable Condition commenced but not completed within this reporting period.</p> <p>Compliant</p> <p>Complaint</p>	<p>In 2022, clearing was undertaken in Stages 29 and 30 (Figure 6). The project remains in compliance with the maximum clearing extent allowed, but the requirements of the condition fall outside the scope of this reporting period. Full compliance will be confirmed once clearing for the development has been completed.</p> <p>A cumulative total of Carnaby's Black Cockatoo foraging habitat and breeding trees which has been cleared across the whole development will be reconciled closer to completion of the project.</p> <p>The site contains two Biodiversity Conservation Areas (BCAs) that have not been developed for the purposes of retention of Black Cockatoo habitat. Conservation Area Management Plans (CAMP) has been prepared and implemented in relation to BCA North (Area 2) (Strategen, 2012) and BCA South (Area 3) (Ecological, 2014).</p> <p>Northern BCA (Area 2) revegetation works were completed in 2017, and the southern BCA (Area 3) area revegetation works were completed in 2021.</p> <p>Area 1 is currently not proposed for development as it is contained within the TPRC landfill buffer. These areas are fenced and inaccessible to the public. No works have been undertaken in the south-eastern portions of the site (pers. comm, A. Feher, TDL, 6 February 2023; Figure 7).</p>

Condition Number	Condition	Compliant/Non-Compliant/Not Applicable	Evidence/Comments
	3d) No clearing of native vegetation that is potential foraging or breeding habitat for Carnaby's Black Cockatoo is undertaken within the areas marked in dark blue in Attachment B, except for maintenance or formalisation of necessary management or passive use pathways within the Northern and Southern Biodiversity Conservation Areas (BCAs). These areas are to be maintained as natural bushland per the Northern and Southern CAMPs.	Compliant	Clearing has not been undertaken in identified Carnaby's Black Cockatoo retention areas in the south-eastern portions of the site (pers. comm, A. Feher, TDL, 6 February 2023; Figure 7). Northern and Southern BCAs have been retained and managed in accordance with relevant CAMPs.
	3e) Within 2 years of the commencement of the action, the areas marked with the numbers '2' and '3' in Attachment A must be protected in perpetuity under an irrevocable conservation covenant	Not Applicable. Condition commenced but not completed within this reporting period.	Area 2 was vested as a Reserve for Conservation on 15 September 2014. Area 3 was vested (subject to dealing) as a Reserve for Conservation in 2022. Areas 2 and 3 are expected to be handed over to the City of Wanneroo in 2023. City of Wanneroo ownership of the BCAs in addition to the conservation vesting will ensure the long-term protection of these areas.
	3f) Plantings of trees and shrubs in street-scaping and other public areas (excluding the areas described in condition 3c) include a minimum of 1,600 trees (including <i>Xanthorrhoea preissii</i>) and 20,000 shrubs that are primary feeding plants for Carnaby's Black Cockatoo.	Not Applicable Condition commenced but not completed within this reporting period.	Planting works have been progressed in accordance with conditions required by the approval. In 2022, 213 trees and 12,769 shrubs that are considered <i>primary feeding plants for Carnaby's Black Cockatoo</i> were planted in streetscapes and other public areas throughout the project area (pers. comm. A. Feher, TDL, 6 February 2023). A cumulative total of tree and shrub plantings across the whole development will be reconciled closer to completion of the project.
4	4a) To offset the loss of habitat for Carnaby's Black cockatoo, the person taking the action must: <ul style="list-style-type: none"> • Within 6 months after the commencement of the action, provide funds to the DEC for the acquisition of the offset 	Compliant	Funds transfer was completed in June 2013.

Condition Number	Condition	Compliant/Non-Compliant/Not Applicable	Evidence/Comments
	<p>as described on pages 6 - 8 of the Eco Logical Australia report Catalina Residential Development Assessment Documentation - Further Information dated March 2011, and the offset as described on page 3 of a letter by Tamala Park Regional Council dated 23 June 2011</p>		
	<p>4b) If the abovementioned offsets cannot be acquired, the person taking the action must provide details of an alternative offset package to the Department. Any alternative offset package must include one or more land parcels that contain a total of at least 420 ha of Carnaby's Black Cockatoo foraging habitat and 66 ha of Carnaby's Black Cockatoo potential breeding habitat. If the Department considers that an alternative offset package does not provide sufficient Carnaby's Black Cockatoo habitat to compensate for the impacts of the action, then the person taking the action must provide details of further alternative offset package to the Department. Once the written approval of the Department has been obtained for an alternative offset package, the person taking the action must provide sufficient funds to DEC to acquire the land parcel(s) in the offset package within 6 months of the Department's written approval</p>	<p>Compliant</p>	<p>Abovementioned offsets have been acquired.</p>
<p>5</p>	<p>The person taking the action must prepare and submit a Clearing and Revegetation Management Plan for the Minister's approval to demonstrate how the impact of clearing of habitat for listed threatened species will be minimised. The plan must detail how:</p> <ul style="list-style-type: none"> ▪ On-site revegetation will be undertaken; ▪ Seed from native vegetation will be collected from the area contained within the red lines marked in Attachment C; 	<p>Not Applicable. Condition commenced but not completed within this reporting period.</p>	<p>An updated and revised Clearing and Revegetation Management Plan (CRMP (V4); Ecological, 2018) was approved on 20 December 2018.</p> <p>Seed collection from the Attachment C area was undertaken in 2012, 2014, 2018 and 2020 (EcoLogical, 2021). No additional seed collection has been undertaken within the red lines marked in Attachment C in the 2022 reporting period.</p> <p>Seed West has confirmed seed collection occurred at the in land south of the Catalina Beach access road between October 2021</p>

Condition Number	Condition	Compliant/Non-Compliant/Not Applicable	Evidence/Comments
	<ul style="list-style-type: none"> ▪ Topsoil obtained from the clearing of native vegetation on the proposal site within the red lines marked in Attachment C will be used for revegetation onsite or stored and made available for the DEC or other conservation agencies for the purpose of revegetation elsewhere; and ▪ The DEC, or other conservation agencies, have been consulted in the development of the plan to determine the optimal time for clearing and provision of seed or soil for revegetation. <p>If the Minister approves the plan, then the approved plan must be implemented</p>		<p>and March 2022, in association with State environmental approvals (Native Vegetation Clearing Permit CPS 8794/1). Seed was collected at the optimum time during spring and summer, as per industry standards.</p> <p>During the earthworks stage, it was noted that the topsoil had a high sand and low organic content (estimated to be below 2%) (pers. comm. A. Feher, TDL, 29 June 2022). It has also been observed that there are a number of 'general weeds' within the clearing boundaries, consistent with information reported in the Earthworks RMP. Based on the soil's low organic content and combined with the risk of future high weed germination from using topsoil, it was determined that imported soil conditioners would prove more beneficial to revegetation planting success, in providing adequate nutrition to the plants (pers. comm. A. Feher, 29 June 2022). As such, topsoil was not utilised for works in 2022. It is proposed that topsoil be offered to the City of Wanneroo for use. If the topsoil is not taken by the City, it is proposed to blend it to deep fill future earthworks.</p>
6	<p>The person taking the action must not undertake any clearing in the area within the red lines marked in Attachment C unless:</p> <ul style="list-style-type: none"> ▪ The Clearing and Revegetation Management Plan described in condition 5 has been approved by the Minister; and ▪ Evidence has been provided to the Department confirming that the purchase(s) of the land parcels required for offsets under conditions 4a of condition 4b has been completed. 	Compliant	<p>Plans have been approved (Condition 5) and offsets are secured (Condition 4a).</p> <p>2022 clearing works have not encroached upon Black Cockatoo retention areas.</p>
7	<p>Within three months of every 12 month anniversary of the commencement of the action, the person taking the action</p>	Compliant	<p>This report addresses the requirements of Condition 7.</p>

Condition Number	Condition	Compliant/Non-Compliant/Not Applicable	Evidence/Comments
	<p>must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published.</p>		<p>Previous reports can be found at: http://www.tamalapark.wa.gov.au/</p>
8	<p>The person taking the action may choose to revise a Plan approved by the Minister under condition 5 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised Plan would not be likely to have a new or increased impact. If the person taking the action makes this choice, they must:</p> <ul style="list-style-type: none"> i) Notify the Department in writing that the approved Plan has been revised and provide the Department with an electronic copy of the revised Plan; ii) Implement the revised Plan from the date that the Plan is submitted to the Department; and iii) For the life of this approval, maintain a record of the reasons the person taking the action considers that taking the action in accordance with the revised Plan would not be likely to have a new or increased impact. 	Compliant	<p>No changes to approved plans have been sought on the project since 2018.</p> <p>Approved management plans (CAMPs and CRMP) are continuing to be implemented across the project.</p>
	<p>8a) The person taking the action may revoke their choice under condition 8 at any time by notice to the Department. If the person taking the action revokes the choice to implement a revised Plan, without approval under section 143A of the EPBC Act, the Plan approved by the Minister must be implemented.</p>	Complaint	Noted.
	<p>8b) If the Minister gives a notice to the person taking the action that the Minister is satisfied that the taking of the</p>	Complaint	Noted.

Condition Number	Condition	Compliant/Non-Compliant/Not Applicable	Evidence/Comments
	<p>action in accordance with the revised Plan would be likely to have a new or increased impact, then:</p> <p>a) Condition 8 does not apply, or ceases to apply, in relation to the revised Plan; and</p> <p>c) The person taking the action must implement the Plan approved by the Minister. To avoid any doubt, this condition does not affect any operation of conditions Band BA in the period before the day the notice is given. At the time of giving the notice the Minister may also notify that, for a specified period of time, condition 8 does not apply for one or more specified Plans required under the approval</p>		
	<p>8c) Conditions 8, 8A and 8B are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised Plan to the Minister for approval.</p>	<p>Compliant</p>	<p>Noted.</p>
<p>9</p>	<p>If the Minister believes that it is necessary or convenient for the better protection of listed threatened species to do so, the Minister may request that the person taking the action make specified revisions to the management plan specified in the conditions and submit the revised management plan for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plan must be implemented. Unless the Minister has approved the revised management plan, then the person taking the action must continue to implement the management plan originally approved, as specified in the conditions.</p>	<p>Not Applicable</p>	<p>Nil requested to date.</p>
<p>10</p>	<p>Unless otherwise agreed to in writing by the Minister, the person taking the action must publish the management plan referred to in these conditions of approval on their website.</p>	<p>Complaint</p>	<p>The most recent CRMP is available at https://www.tamalapark.wa.gov.au/council/governance/Public-Documents.aspx</p>

Condition Number	Condition	Compliant/Non-Compliant/Not Applicable	Evidence/Comments
	The management plan must be published on the website within 30 calendar days of being approved.		The CAMPs are available on request.
11	If, at any time after 5 years from the date of this approval, the person taking the action has not commenced the action, then the person taking the action must not commence the action without the written agreement of the Minister	Compliant	The project commenced within the timeframe.

COTERRA ENVIRONMENT

Level 1, 98 Colin Street
West Perth WA 6005

T (08) 9381 5513

www.coterra.com.au
info@coterra.com.au

