



COTERRA
ENVIRONMENT

**2023 Annual Compliance Report
(EPBC 2010/5785)**

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

REV 0

March 2024

CALIBRE | COMMITMENT | COLLABORATION

This report was prepared by: Coterra Pty Ltd trading as COTERRA ENVIRONMENT
ABN: ABN: 92 143 411 456
Our Ref: SATCAT35
Author(s): C. Norman
Reviewer: C. Rea
Report Version: REV 0
Date: March 2024

This report was prepared for:
Catalina Regional Council
2/369 Scarborough Beach Road
Innaloo WA 6018

Contents

1	Introduction	5
1.1	Background	5
1.2	Protected Matters.....	5
1.3	Compliance Reporting History	5
1.3.1	Proponent Details.....	5
1.3.2	Person responsible for the report	6
1.3.3	Dates for Reporting Period.....	6
1.3.4	Previous Compliance Reporting	6
2	EPBC Compliance	7
2.1	Variations and Management Plans	7
2.2	Compliance Reporting.....	8
2.3	Compliance definitions.....	8
2.4	Non-compliances.....	9
2.5	New or Increased Environmental Risks.....	9
3	Conclusion	10
4	References	11

Tables

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

Figures

Figure 1	Site Location
Figure 2	EPBC Black Cockatoo Clearing and Retention Areas
Figure 3	BCA Compliance Areas
Figure 4	BCA North
Figure 5	BCA South
Figure 6	Estate Layout and Staging Plan
Figure 7	Site aerial photography
Figure 8	Black Cockatoo Loss Areas 2023

Appendices

Appendix 1	Consolidated EPBC Approval (EPBC 2010/5785)
------------	---



Appendix 2	Notification of name change from TPRC to CRC
Appendix 3	Compliance Table
Appendix 4	BCA North and South Certificates of Title

1 Introduction

1.1 Background

Catalina Residential Development comprises a 180 ha area of land being developed at former Lot 9504 Marmion Avenue, Clarkson (Figure 1; the site). The development comprises current and future land uses consisting of 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 project was referred and assessed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and was approved on 10 August 2011, subject to conditions in relation to listed threatened species and communities (section 18 & 18A) (EPBC Ref: 2010/5785; Appendix 1). Several variations to the approval have been sought and granted since (Section 2.1).

1.2 Protected Matters

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 whilst foraging evidence was recorded on site, no evidence of nesting or breeding were recorded (Eco Logical, 2009). A number of the EPBC Act approval condition specifically relate to this species.

The site was also identified as providing habitat for the Graceful Sun-moth (*Synemon gratiosa*), which was listed as Endangered under the EPBC Act at the time of referral. This species was later removed from the EPBC Act listed of threatened species and the projects EPBC approval was amended to remove conditions relating to this species.

The site contains two Biodiversity Conservation Areas (BCAs) (Figure 3) within the Catalina Central precinct, being 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 EPBC Act approval (Strategen, 2012; Eco Logical, 2014).

The residential development is being progressed in accordance with a Staging Plan (Figure 6). Current development has been largely completed through Catalina Central, and is progressing in both Catalina Beach and Catalina Green precincts (Figure 7).

1.3 Compliance Reporting History

Catalina Regional Council (CRC) have been progressing the Catalina Residential Development in accordance with EPBC Approval 2010/5785 since 2013 (Table 1-1).

1.3.1 Proponent Details

The Tamala Park Regional Council (TPRC) has historically been the project proponent for the Catalina Estate. As of 1 August 2023, the TPRC became the CRC.

The Department of Water and Environmental Regulation (DWER) were advised of this change in September 2023. The Department of Climate Change, Energy, the Environment and Water was notified of the name change on 1 August 2023 (Appendix 2).

For the purposes of the project, CRC functions in the same manner as TPRC.

Table 1-1 EPBC Approval 2010/5785

Approval	Details
Person to whom approval is granted	Catalina Regional Council (formerly 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
Date of consolidated approval notice	1 December 2017
Date of effect	5 October 2018

1.3.2 Person responsible for the report

Coterra Environment Pty Ltd (Coterra) have prepared this report on behalf of CRC.

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.”

1.3.3 Dates for Reporting Period

This annual compliance report is being prepared for the period 1 January 2023 to 31 December 2023.

1.3.4 Previous Compliance Reporting

Annual compliance reporting has been undertaken since 2013 (Table 1-2).

Table 1-2: Historical EPBC reporting

Report Title	Author	Reporting Period
<i>Catalina EPBC Annual Compliance Report 2013</i>	Eco Logical	2013
<i>Catalina EPBC Annual Compliance Report 2014</i>	Eco Logical	2014
<i>Catalina EPBC Annual Compliance Report 2015</i>	Eco Logical	2015
<i>Catalina EPBC Annual Compliance Report 2016</i>	Eco Logical	2016
<i>Catalina EPBC Annual Compliance Report 2017</i>	Eco Logical	2017
<i>Catalina EPBC Annual Compliance Report 2018</i>	Eco Logical	2018
<i>Catalina EPBC Annual Compliance Report 2019</i>	Eco Logical	2019
<i>Catalina EPBC Annual Compliance Report 2020</i>	Eco Logical	2020
<i>Catalina EPBC Annual Compliance Report 2021</i>	Eco Logical	2021
<i>2022 Annual Compliance report (EPBC 2010/5785) – Catalina residential Development</i>	Coterra Environment	2022

2 EPBC Compliance

2.1 Variations and Management Plans

Several variations have been sought in relation to condition from 2011 – 2018 (Table 2-1). No variations have been sought since 2018.

Several management plans were prepared in support of EPBC Approval 2010/5785. Where required, management plans were updated in concurrence with variations to conditions (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: Eco Logical (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)	N/A	10 August 2011	Currently implemented/Completed

Management Plan	Author	Reason for Amendment	Date approved by DotEE	Status
Catalina Biodiversity Conservation Area Phase One (North) – Conservation Area Management Plan	Strategen Environmental Consultants (2012).	N/A	-	Currently implemented
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	-	Currently implemented
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	Currently implemented

2.2 Compliance Reporting

CRC has adhered to all conditions and variations to conditions of EPBC Approval 2010/5785 (Appendix 2).

2.3 Compliance definitions

Compliance definitions (Commonwealth of Australia, 2014) have been used to assess project status, as follows:

- 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.

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 relation to the 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

The project is progressing in compliance with the EPBC Approval 2010/5785.

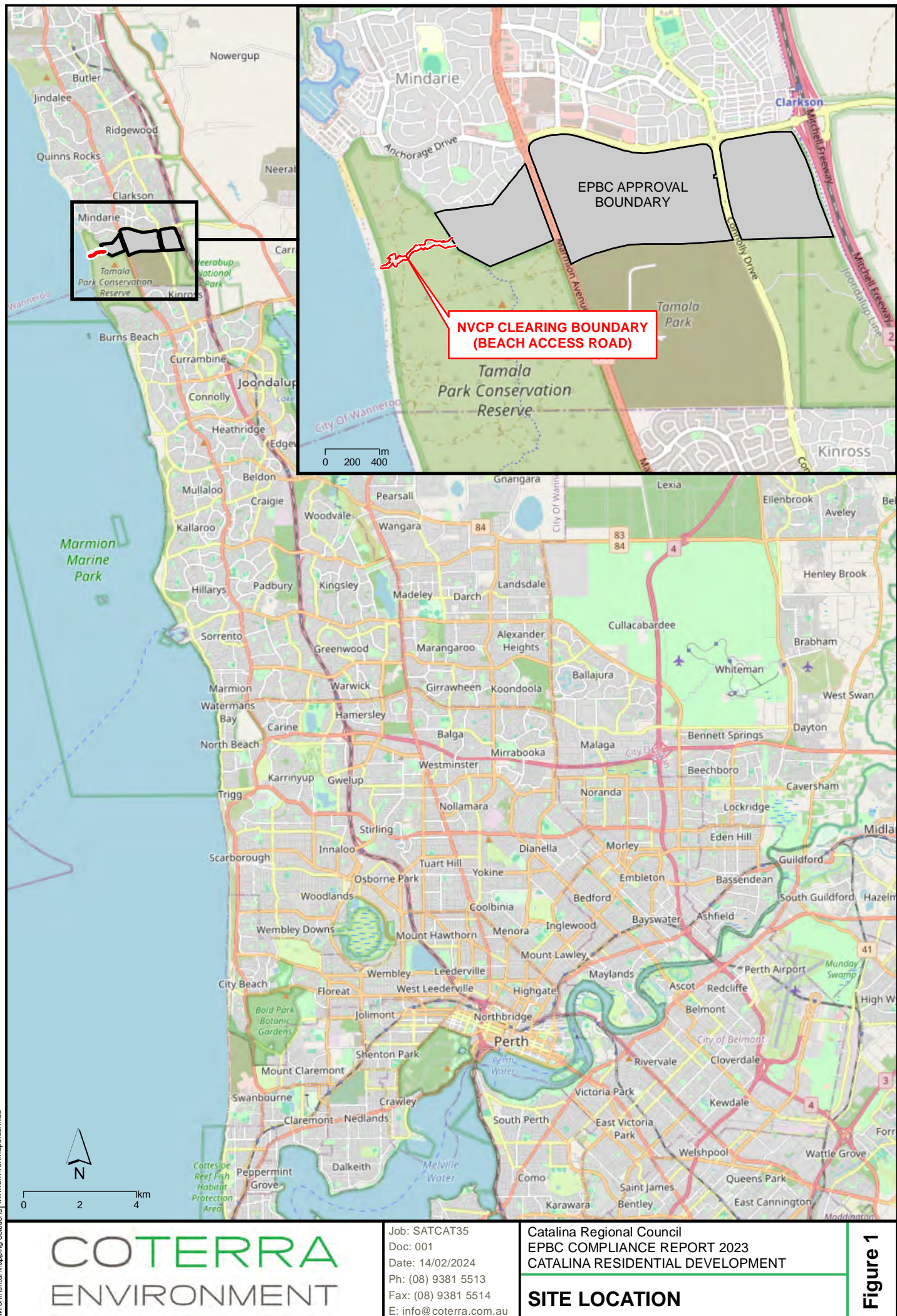
This report details continued compliance of CRC's Catalina Residential Development.

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, 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



COTERRA
ENVIRONMENT

Job: SATCAT35
Doc: 001
Date: 14/02/2024
Ph: (08) 9381 5513
Fax: (08) 9381 5514
E: info@coterra.com.au

Catalina Regional Council
EPBC COMPLIANCE REPORT 2023
CATALINA RESIDENTIAL DEVELOPMENT

SITE LOCATION

Figure 1

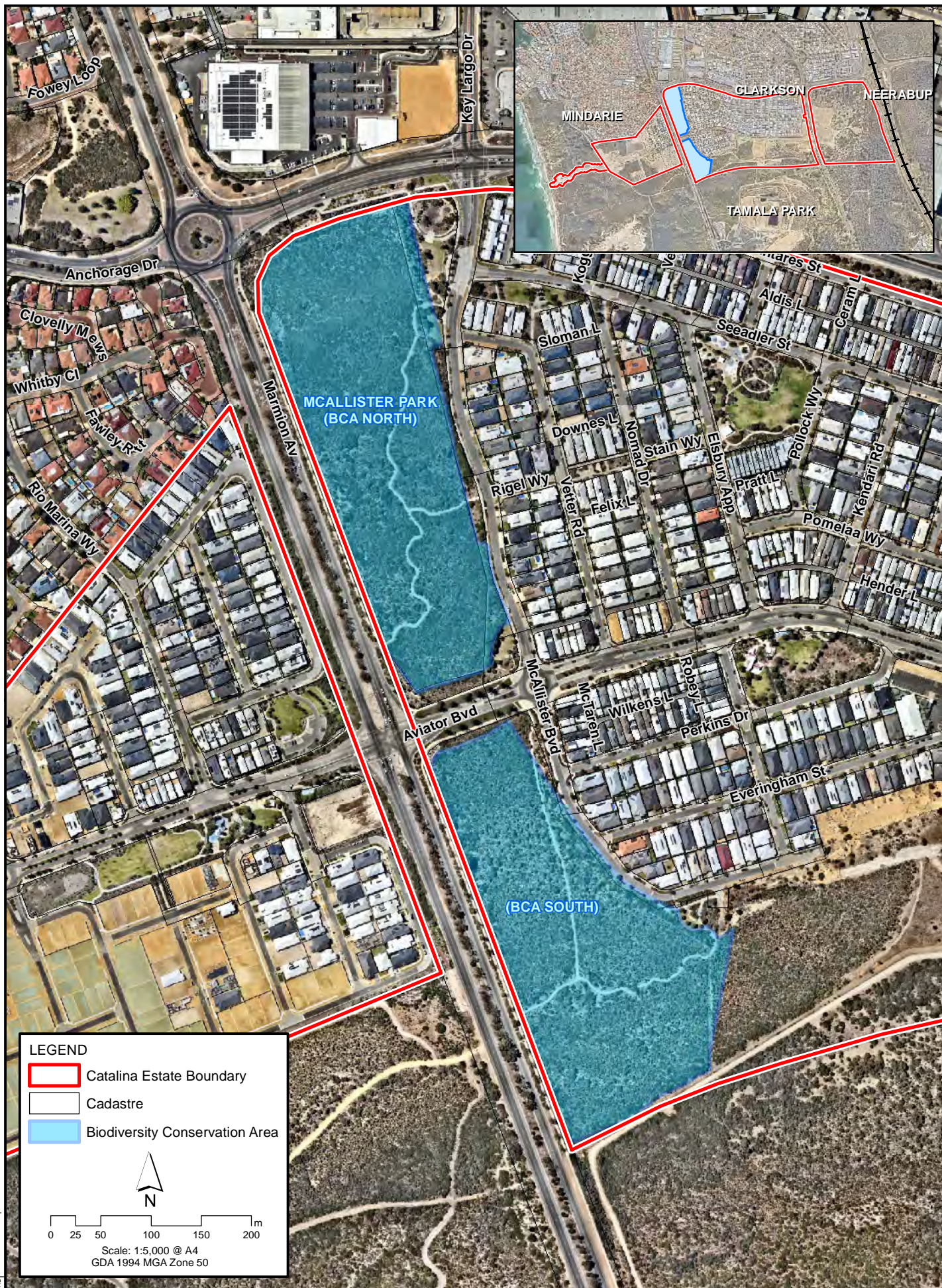


LEGEND

- Catalina Estate Boundary
- Biodiversity Conservation Area
- Carnaby's Black Cockatoo Habitat
 - Loss (72.44 ha)
 - Retention (14.41 ha)

0 62.5 125 250 375 500 m

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







LEGEND

- Catalina Estate Boundary
- Cadastre
- Biodiversity Conservation Area

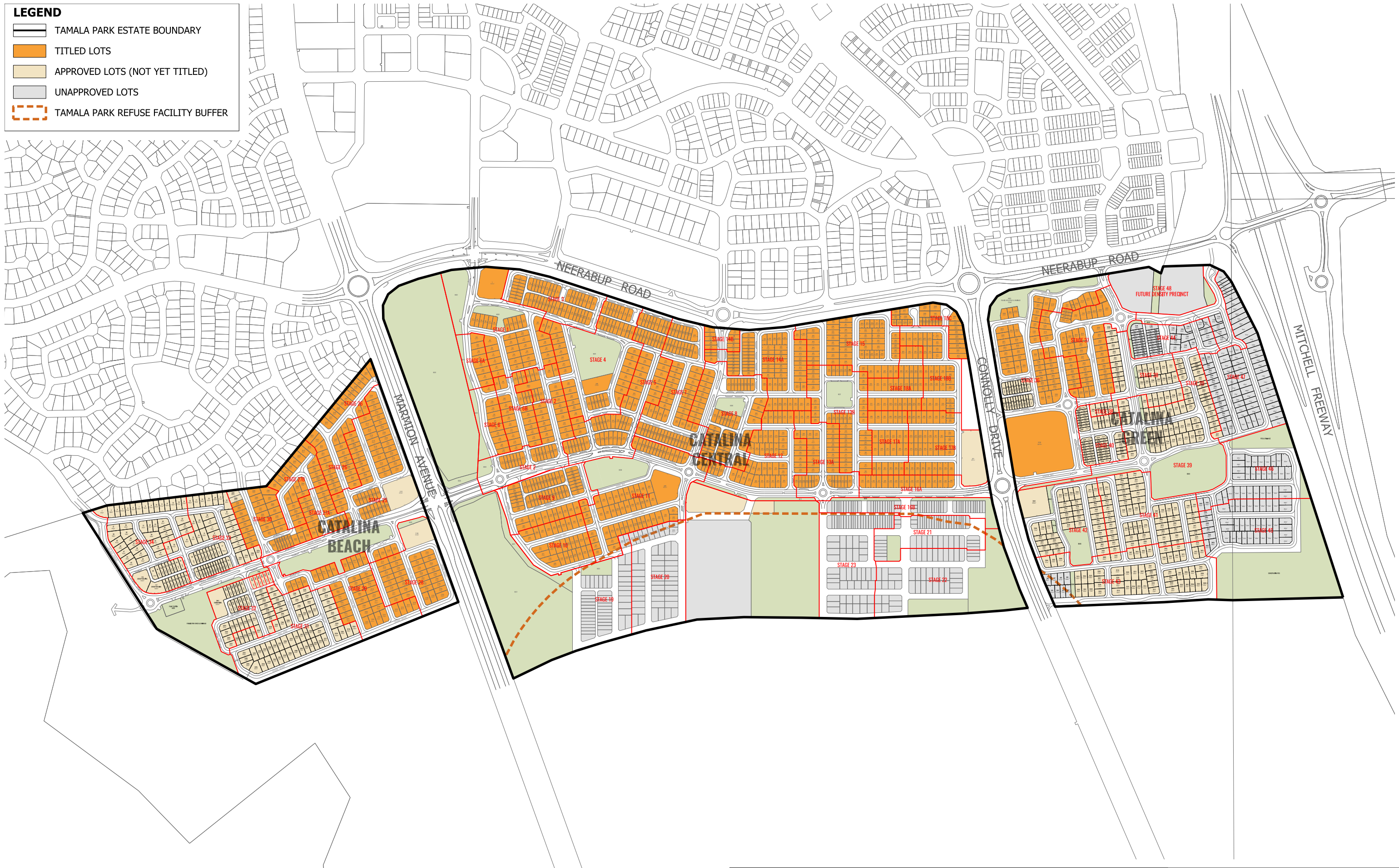
N

0 10 20 40 60 80 m

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

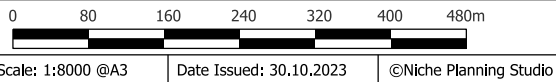
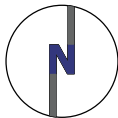
LEGEND

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



ESTATE LAYOUT & STAGING PLAN
Catalina Estate, CATALINA REGIONAL COUNCIL

Aerial supplied by:
Aerial Date Stamp:
Survey supplied by: MNG
Plan Number: NPS1059 - 023
Revision Number: D
Drawn By: JP
Client: Catalina Regional Council



DISCLAIMER:
Town Planning compliance is subject to approval from the Catalina 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.
BULK Form is illustrative only and subject to Architectural Design and approval from an RAA 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.





Source: Cadastre - Landgate
CBC Habitat - Ecological
Orthophoto - NearMaps, 03.02.24

COTERRA
ENVIRONMENT

Job: SATCAT35
Doc: 007
Date: 14/02/2024
Ph: (08) 9381 5513
Fax: (08) 9381 5514
E: info@coterra.com.au

Catalina Regional Council
EPBC COMPLIANCE REPORT 2023
CATALINA RESIDENTIAL DEVELOPMENT, MINDARIE

SITE AERIAL PHOTOGRAPHY

LEGEND

- Catalina Estate Boundary
- Biodiversity Conservation Area
- 2023 Clearing Area
- Carnaby's Black Cockatoo Habitat
 - Loss (72.44 ha)
 - Retention (14.41 ha)

North arrow pointing up with 'N' label.

Scale bar: 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.environmentmaps.com.au

Source: Cadastre - Landgate
CBC Habitat - Ecological
Orthophoto - NearMaps, 03.02.24

C:\GIS\Jobs\Coterra\SATCAT35 - Catalina Estate, EPBC Compliance Report 2023\Figures\SATCAT35_F08 Black Cockatoo Loss Areas 2023_240301.mxd

COTERRA ENVIRONMENT	Job: SATCAT35 Doc: 008 Date: 1/03/2024 Ph: (08) 9381 5513 Fax: (08) 9381 5514 E: info@coterra.com.au	Catalina Regional Council EPBC COMPLIANCE REPORT 2023 CATALINA RESIDENTIAL DEVELOPMENT, MINDARIE	Figure 8
	BLACK COCKATOO LOSS AREAS 2023		



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 Notification of name change from TPRC to CRC

Our Ref: D-23-0003966

15 September 2023

Accounts Department
Department of Climate Change, Energy, the Environment and Water
John Gordon Building
Kind Edward Terrace
PARKES ACT 2600

Transmitted via email: ewater@dcceew.gov.au

Dear Accounts,

RE: TAMALA PARK REGIONAL COUNCIL - NAME CHANGE to CATALINA REGIONAL COUNCIL

We wish to notify you that on Tuesday, 1 August 2023, the Tamala Park Regional Council became the Catalina Regional Council.

The Catalina Regional Council's primary function will continue to be to progress the development of Catalina Estate on behalf of the seven-member council owners.

All current contractual and operational obligations will remain the same. Please ensure all future invoices and other correspondence are addressed to the new Council name.

We look forward to continuing to work with you. Should you require any additional information, please contact us on (08) 9205 7500.

Yours sincerely



Chris Adams
CHIEF EXECUTIVE OFFICER



Appendix 3 Compliance Table



Our Ref: SATCAT35
Date: 18 March 2024

EPBC Compliance Conditions and Evidence

PROJECT NAME:	Catalina Residential Development
PROJECT ADDRESS:	Lot 9504 Marmion Avenue, Clarkson
REPORT NAME:	EPBC Compliance Report 2024
COMPLIANCE ASSESSMENT PERIOD:	1 January 2023 to 31 December 2023

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 the conditions of approval.	Compliant	Record keeping is ongoing and satisfactory to date and can be provided if requested.

Condition Number	Condition	Compliant/Non-Compliant/Not Applicable	Evidence/Comments
	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:	Not Applicable Condition commenced but not completed within this reporting period.	In 2023, clearing was undertaken in Stages 31, 38, 39 and 41 (Figure 8), being a total area of 16.96 ha. The project remains in compliance with the maximum clearing extent allowed, as less than 72.5 ha of Carnaby's Black Cockatoo potential breeding habitat has been cleared to date. The extent of this condition falls outside the scope of this reporting period and full compliance will be confirmed once clearing for the development has been completed. A cumulative total of Carnaby's Black Cockatoo foraging habitat and breeding trees which have been cleared across the whole development will be reconciled closer to completion of the project.
	3a) No more than 72.5 ha of foraging habitat and 11 ha of potential breeding habitat for Carnaby's Black Cockatoo (<i>Calyptrorhynchus latirostris</i>) is cleared.		
	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).	Compliant	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 (CAMPs) have been prepared and implemented in relation to BCA North (Area '2') (Strategen, 2012) and BCA South (Area '3') (Eco Logical, 2014). BCAs are being managed in accordance with CAMPs. No clearing has been undertaken in these areas during 2023.
	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.	Compliant	Northern BCA (Area '2') revegetation works were completed in 2017, and the southern BCA (Area '3') revegetation works were completed in 2021, although some revegetation works are progressing in the southern portion of that area. Area 1 is currently not proposed for development as it is contained within the Mindarie Regional Council's landfill

Condition Number	Condition	Compliant/Non-Compliant/Not Applicable	Evidence/Comments
			waste disposal facility buffer. These areas are fenced and inaccessible to the public.
	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	<p>On 1 December 2017 a variation to the EPBC approval was approved to amend the location of areas identified for retention for Carnaby's (dark blue in Attachment B). No clearing has been undertaken in the amended areas identified for retention in 2023 (Figure 8).</p> <p>Northern and Southern BCAs have been retained and managed in accordance with relevant CAMPs.</p>
	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.	<p>Area 2 was registered to the State of Western Australia as a Reserve for Conservation on 11 March 2016 (Certificate of Title: LR3164/683, Reserve Number: 52272) (Appendix 3). The City of Wanneroo accepted handover for Area 2 on 13 June 2023.</p> <p>Area 3 was registered to the State of Western Australia as a Reserve for Conservation in 2022 (Certificate of Title: LR3174/223, Reserve Number: 54032) (Appendix 3). Area 3 is expected to be handed over to the City of Wanneroo in 2024.</p> <p>The BCAs have been vested with the City of Wanneroo for management.</p> <p>This vesting and conservation reserve listing will ensure the long-term protection of these areas.</p>
	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.	<p>Planting works have been progressed in accordance with conditions required by the approval.</p> <p>In 2023, 30 trees and 684 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), Sept 2023).</p>

Condition Number	Condition	Compliant/Non-Compliant/Not Applicable	Evidence/Comments
			<p>A total of 245 trees for Carnaby's and 14,463 shrubs for Carnaby's have been planted across the project, representing approximately 50% of the completion target to date. A cumulative total of tree and shrub plantings across the whole development will be confirmed closer to completion of the project.</p> <p>Planting works for 2024 will commence in March/April to work toward the above target.</p>
4	<p>4a) To offset the loss of habitat for Carnaby's Black cockatoo, the person taking the action must:</p> <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 as described on pages 6 - 8 of the Eco Logical Australia report <i>Catalina Residential Development Assessment Documentation - Further Information</i> dated March 2011, and the offset as described on page 3 of a letter by Tamala Park Regional Council dated 23 June 2011 	Compliant	Funds transfer was completed in June 2013.
	<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</p>	Compliant	Abovementioned offsets have been acquired.

Condition Number	Condition	Compliant/Non-Compliant/Not Applicable	Evidence/Comments
	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	<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; 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>	Not Applicable. Condition commenced but not completed within this reporting period.	<p>An updated and revised Clearing and Revegetation Management Plan (CRMP (V4); Eco Logical, 2018) was approved on 20 December 2018.</p> <p>Seed collection from the Attachment C area was undertaken in 2012, 2014, 2018 and 2020 (Eco Logical, 2021). No additional seed collection has been undertaken within the red lines marked in Attachment C in the 2023 reporting period.</p> <p>Seed West has undertaken seed collection for the Catalina Beach access road between October 2021 and April 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>Topsoil has been collected in all stages cleared in 2023. The topsoil collected for Catalina Beach has been stockpiled north of Portofino Promenade in the balance area, with the intention to blend this into deep fill in future stages mid-2024. The topsoil collected as part of Catalina Green will be blended into the deep fill in early 2024 (pers. com. T. Learmonth, 13 Feb 2024).</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 	Compliant	<p>Plans have been approved (Condition 5) and offsets are secured (Condition 4a).</p> <p>No clearing has been undertaken in the identified retention areas utilised as offset areas in 2023.</p>

Condition Number	Condition	Compliant/Non-Compliant/Not Applicable	Evidence/Comments
	<ul style="list-style-type: none"> 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. 		
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.	Compliant	This report addresses the requirements of Condition 7. Previous reports can be found at: https://www.catalina.wa.gov.au/
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>

Condition Number	Condition	Compliant/Non-Compliant/Not Applicable	Evidence/Comments
	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.	Compliant	Noted.
	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 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	Compliant	Noted.
	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.	Compliant	Noted.
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	Not Applicable	Nil requested to date.

Condition Number	Condition	Compliant/Non-Compliant/Not Applicable	Evidence/Comments
	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.	Compliant	The most recent CRMP is available at https://www.catalina.wa.gov.au/council/governance/public-documents.aspx 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.



Appendix 4 BCA North and South Certificates of Title

WESTERN



AUSTRALIA

TITLE NUMBER

Volume Folio

LR3164 683

**RECORD OF CERTIFICATE
OF
CROWN LAND TITLE**
UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997

The undermentioned land is Crown land in the name of the STATE OF WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 8001 ON DEPOSITED PLAN 402700

STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)

STATUS ORDER/INTEREST: RESERVE UNDER MANAGEMENT ORDER

PRIMARY INTEREST HOLDER: CITY OF WANNEROO OF LOCKED BAG 1 WANNEROO WA 6946
(XE N273835) REGISTERED 11/3/2016

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. EXCEPT AND RESERVING METALS, MINERALS, GEMS AND MINERAL OIL SPECIFIED IN TRANSFER 7033/1940
2. N273834 RESERVE 52272 FOR THE PURPOSE OF CONSERVATION REGISTERED 11/3/2016.
N273835 MANAGEMENT ORDER. CONTAINS CONDITIONS TO BE OBSERVED. REGISTERED 11/3/2016.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:	DP402700
PREVIOUS TITLE:	2839-731
PROPERTY STREET ADDRESS:	2K NEERABUP RD, CLARKSON.
LOCAL GOVERNMENT AUTHORITY:	CITY OF WANNEROO
RESPONSIBLE AGENCY:	DEPARTMENT OF PLANNING, LANDS AND HERITAGE (SLSD)

END OF PAGE 1 - CONTINUED OVER

ORIGINAL CERTIFICATE OF CROWN LAND TITLE

REGISTER NUMBER: 8001/DP402700 VOLUME/FOLIO: LR3164-683

PAGE 2

NOTE 1: N273834 CORRESPONDENCE FILE 00855-2015-01RO

WESTERN



AUSTRALIA

TITLE NUMBER

Volume Folio

LR3174 223

**RECORD OF CERTIFICATE
OF
CROWN LAND TITLE**
UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997

The undermentioned land is Crown land in the name of the STATE OF WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 8021 ON DEPOSITED PLAN 422785

STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)

STATUS ORDER/INTEREST: RESERVE WITHOUT MANAGEMENT ORDER

PRIMARY INTEREST HOLDER: STATE OF WESTERN AUSTRALIA

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. P374114 RESERVE 54032 FOR THE PURPOSE OF CONSERVATION REGISTERED 1/12/2022.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:	DP422785
PREVIOUS TITLE:	4007-807
PROPERTY STREET ADDRESS:	135 ROULETTES PDE, CLARKSON.
LOCAL GOVERNMENT AUTHORITY:	CITY OF WANNEROO
RESPONSIBLE AGENCY:	DEPARTMENT OF PLANNING, LANDS AND HERITAGE (SLSD)

NOTE 1: P374114 CORRESPONDENCE FILE 00106-2022

COTERRA ENVIRONMENT

Level 1, 98 Colin Street
West Perth WA 6005

T (08) 9381 5513

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

