

To: Declan O'Connor-Cox, Acting Assistant Secretary
 Through: s22, Director, Post Approvals Section

FOI 200303
 Document 1

s22

19/2/2019

Variations for EPBC 2010/5515 (Point Grey Marina, WA) and EPBC 2011/5825 (Point Grey Residential Development, WA) to extend commencement and other changes, and consequent Notices to extend period of approval.

Timing: 15 March 2019 – There is a statutory timeframe of 20 business days to make a decision regarding the extension of the period of an approval once a request is received. This request was received on 15 February 2019.

Recommendations:

1. That you agree to vary the conditions attached to the EPBC Act approval and to extend the period of approval for EPBC approval 2010/5515, in accordance with the decision instruments at **Attachment A** and **Attachment B**.

Agreed / Please discuss

2. If you agree to Recommendation 1, that you sign the Variation decision instrument at **Attachment A** for publication.

Signed / Not signed

3. If you agree to Recommendation 1, that you sign the Notice to extend the approval at **Attachment B**.

Signed / Not signed

4. That you agree to vary the conditions attached to the EPBC Act approval and to extend the period of approval for EPBC approval 2011/5825, in accordance with the decision instruments at **Attachment C** and **Attachment D**.

Agreed / Please discuss

5. If you agree to Recommendation 4, that you sign the Variation decision instrument at **Attachment C** for publication.

Signed / Not signed

6. If you agree to Recommendation 4, that you sign the Notice to extend the approval at **Attachment D**.

Signed / Not signed

7. That you sign the letter at **Attachment E** notifying the approval holder of your decision.

Signed / Not signed



Signatory: Greg Manning, Assistant Secretary
 Assessments (WA, SA, NT) & Post Approvals Branch

Date: 15/3/ 2019

Comments:

Background

1. The Minister has delegated you as decision maker for this matter pursuant to section 515 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
2. On 24 April 2012, a delegate of the Minister approved with conditions a proposal to establish a residential development at Point Grey, near Mandurah, WA (EPBC 2011/5825) (**Attachment G**). The approval holder, Port Bouvard Limited, now trades as Tian An Limited.
3. On 28 June 2014, a delegate of the Minister approved with conditions an adjacent proposal to develop an on shore marina, including associated boating access channel, car park and boat ramps, at Lot 672 and Lot 1132, near Mandurah, WA (EPBC 2010/5515) (**Attachment F**). The approval holder, Point Grey Development Company Pty Ltd, is a wholly owned subsidiary of Tian An.
4. For both projects, the controlling provisions are: wetlands of international importance (sections 16 and 17B) (Peel-Yalgorup); listed threatened species and communities (Sections 18 & 18A); and listed migratory species (sections 20 & 20A). The conditions of approval provide for the protection of Black Cockatoo and the Peel-Yalgorup wetlands.

The proposed variations

5. On 6 December 2018 Andrew Hall, as the representative of the approval holders, emailed the Minister requesting that the conditions of both approvals be varied so as to delay by five years the date by which the projects must have commenced if they are to not require separate written permission by the Minister (**Attachment H**). The approval conditions currently require Ministerial approval in writing unless commencement has occurred prior to:
 - EPBC 2011/5825 – Point Grey Residential, 24 April 2017;
 - EPBC 2010/5515 – Point Grey Marina, 28 June 2019.
6. The request seeks to extend each time frame from five years to ten years (i.e. until approximately four or five years from now) because:
 - The marina project has been delayed by a State process to conduct a detailed environmental Protection Act Inquiry which commenced in mid-2017 and was finalised in September 2018.
 - The residential project has been delayed by a combination of the marine project planning inquiry and the depressed state of the WA property market.
7. The Department and the approval holder subsequently identified further variations that will update the approval to current standards. These are principally in relation to compliance reporting and to include the revised management plan suite of conditions. In response to the delayed commencements and anticipated slow progress of the projects, the Department suggested that the approval holder request to extend the period of each approval.
8. On 15 February 2019, the approval holder agreed to draft notices of variation and formally requested that the period of each approval be extended by five years (**Attachment I**).

Proposed variation decisions

9. The Department considers the conditions attached to the approval after the proposed variations are necessary or convenient for protecting the relevant matters protected, in accordance with section 143(1)(c) of the EPBC Act.
10. A table that summarises and provides justification for the proposed variations and extensions of the period of the approvals has been prepared (**Attachment J**).
11. In summary, the significant variation requested for both projects is to extend the time for commencement without requiring separate Ministerial approval in writing from five years after approval to ten years. These variations will allow the approval holder to commence the marina in accordance with the State's current approval conditions, and commence the residential development as market conditions allow. They will also provide sufficient time for the various management plans required under the conditions to be prepared and approved prior to commencement. The variation will also update condition wording in relation to commencement to the current standard and remove the term "substantially commence".

12. For both projects, the variations also include new conditions and definitions as applied to contemporary approval decisions that relate to compliance monitoring and reporting, and to streamline revised management plan arrangements. Where necessary, references to State Departments have been updated and definitions have been added.
13. The variations will also allow for some required plans to be provided in stages corresponding to the staged development of the project. This will allow for updates of plans, and minimise the approval holder's pre-commencement investment, as not all stages may proceed.

Proposed extension of the expiry dates of approval

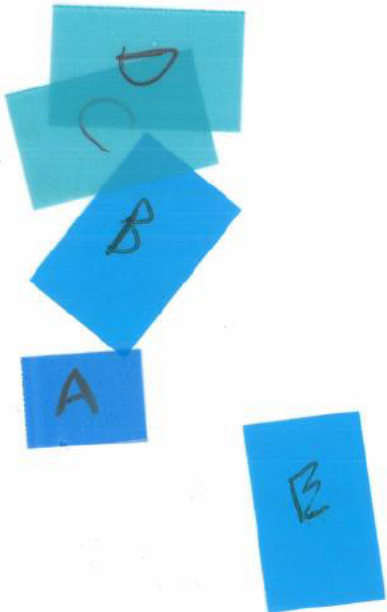
14. The approval holder formally confirmed on 15 February 2019, its verbal advice that it wishes to extend the period of the approvals by 5 years (**Attachment I**).
15. The EPBC Act's information requirements for extending period of approval have been met (**Attachment K**).
16. The Department has reviewed the information provided and considers that the request should be supported. The extension of the expiry date of both approvals will provide sufficient time for the measures in the conditions of approval to have the full intended effect.
17. The Act specifies a statutory timeframe of 20 business days after receiving such a request for the Minister (or a delegate) to decide in writing whether or not to extend the approval period. This period requires a decision on the extension requests by **15 March 2019**.
18. On the above basis, the Department recommends that you:
 - agree to vary the conditions of approval and extend the period of approval for EPBC 2010/5515, in accordance with the decision instruments at **Attachment A** and **Attachment B**;
 - sign the variation decision instrument at **Attachment A**;
 - sign the notice to extend the approval at **Attachment B**;
 - agree to vary the conditions of approval and extend the period of approval for EPBC 2011/5825, in accordance with the decision instruments at **Attachment C** and **Attachment D**;
 - sign the variation decision instrument at **Attachment C**;
 - sign the notice to extend the approval at **Attachment D**;
 - sign the letter to Andrew Hall representing Tian An Ltd (formerly Port Bouvard Ltd) and Point Grey Development Company Pty Ltd at **Attachment E**.

ATTACHMENTS

- A:** Proposed variation decision instrument for EPBC 2010/5515 (**for signature**)
- B:** Proposed notice to extend the period of approval for EPBC 2010/5515 (**for signature**)
- C:** Proposed variation decision instrument for EPBC 2011/5825 (**for signature**)
- D:** Proposed notice to extend the period of approval for EPBC 2011/5825 (**for signature**)
- E:** Draft letter to Andrew Hall representing Tian An Ltd (formerly Port Bouvard Ltd) and Point Grey Development Company Pty Ltd (**for signature**)
- F:** Approval conditions for EPBC 2010/5515 (**for information**)
- G:** Approval conditions for EPBC 2011/5825 (**for information**)
- H:** Email from Andrew Hall dated 6 December 2018 representing Tian An Ltd (formerly Port Bouvard Ltd) and Point Grey Development Company Pty Ltd (**for information**)
- I:** Email from Andrew Hall on 15 February 2019 confirming agreement to draft variation notices and seeking extension of the periods of approval for EPBC 2010/5515 and EPBC 2011/5825 (**for information**)

J: Table summarising variations for EPBC 2010/5515 and EPBC 2011/5825 **(for information)**

K: Table showing how the legal requirements for extension of the periods of approval for EPBC 2010/5515 and EPBC 2011/5825 have been met **(for information)**





**VARIATION OF CONDITIONS ATTACHED TO APPROVAL
POINT GREY MARINA PROJECT, WESTERN AUSTRALIA
(EPBC 2010/5515)**

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).


Approved action

Person to whom the approval is granted	Point Grey Development Company Pty Ltd ABN: 89 122 607 845
Approved action	To develop an onshore marina, including the associated boating access channel, car park and boat ramps, at Lot 672 and Lot 1132, Point Grey [See EPBC Act referral 2010/5515]

Variation

Variation of conditions attached to approval	<p>The variation is:</p> <p>Delete conditions 1, 6, 7, 10, 12 and 14, and substitute with conditions 1, 6, 7, 10, 12 and 14 specified in the table below.</p> <p>Add new conditions 10A, 10B, 11A, 11B, 12A, 12B, 12C, 12D, and 12E specified in the table below.</p> <p>Delete the definition of shapefile attached to the approval and substitute with the definition specified in the table below</p> <p>Add new definitions of business days, commencement, compliance report, incident, independent audit, new or increased impact, plan(s), protected matter sensitive ecological data and website specified in the table below.</p>
Date of effect	This variation has effect on the date the instrument is signed.

Person authorised to make decision

Name and position	Greg Manning Assistant Secretary Assessments (WA, SA, NT) and Post Approvals
Signature	
Date of decision	15/3/2019

Date of decision	Conditions attached to approval
As varied on the date of this notice	<p>1. At least three months prior to commencement of the capital dredging component of the action, the person taking the action must prepare and submit a Capital Dredging and Spoil Disposal Management Plan (CDSMDP) for the Minister's approval, to mitigate the potential impacts from the capital dredging activities and for the protection of the Peel-Yalgorup Wetlands and habitat for listed migratory species and listed threatened species. The person taking the action must not commence the capital dredging and disposal activities unless the Minister has approved the CDSMDP. The approved CDSMDP must be implemented. The CDSMDP must include:</p> <ul style="list-style-type: none"> a. Objectives; b. Description of the channel (length, width, depth and angle of batters); c. Description of the capital dredging and disposal program; d. Methodology including timing and staging, with no dredging to be undertaken between 1 November and 30 April; e. Disposal techniques including location(s) of dredge spoil disposal site(s); f. Baseline mapping of seagrass prior to dredging commencing; g. Baseline monitoring of water quality and the parameters to be measured. The parameters to be measured must include indicators relevant to the detection of Monosulfidic Black Ooze; h. Methodology (including timing, frequency and location) for water quality, turbidity and seagrass monitoring; i. Spoil disposal sediment monitoring and the parameters to be measured, following treatment in the treatment basin; j. Bathymetric surveys of channel annually for first five years, or up until first maintenance dredging; k. Trigger levels including contingency measures in the event monitoring shows potential impacts to water quality and seagrass; l. Post construction sediment and water quality monitoring, including parameters to be measured, trigger levels and contingency responses. The parameters to be measured must include indicators relevant to the detection of Monosulfidic Black Ooze; m. Post construction monitoring for algal mat and seagrass accumulation, including trigger levels and contingency responses; and n. Roles and responsibilities, including timeframes for implementation and reporting.
Original dated 28/6/2014	<p>2. No capital dredged or maintenance dredged material or excavated material from the marina, entrance channel or navigational channel is to be disposed of in the Peel Inlet or Harvey Estuary.</p>
Original dated 28/6/2014	<p>3. At least three months prior to the commencement of capital dredging, the person taking the action must prepare and submit an Acid Sulfate Soils and Dewatering Management Strategy (ASSDMS), for the Minister's approval to mitigate the potential impacts from the capital dredging and dewatering activities and for the protection of the Peel-Yalgorup Wetlands and habitat for listed migratory species and listed threatened species. The person taking the action must not commence the capital dredging and disposal activities unless the Minister has approved the ASSDMS. The approved ASSDMS must be implemented.</p> <p>The ASSDMS must include:</p> <ul style="list-style-type: none"> a. Objectives; b. Methodology for the construction of the marina and groyne, including timing and staging; c. Mitigation and management measures for managing dewatering volume discharge, groundwater drawdown, and water quality;

Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> d. Mitigation and management measures for excavating, handling, treating and stock piling materials associated with acid sulphate soils; e. Vegetation monitoring prior to, during and post dewatering; f. Trigger levels including contingency measures; and g. Roles and responsibilities, including timeframes for implementation and reporting.
Original dated 28/6/2014	<p>4. At least six months prior to the commencement of any maintenance dredging program the person taking the action must develop and submit a Maintenance Dredging and Spoil Disposal Management Plan (MDSMDP), for approval by the Minister, to mitigate the potential impacts from the maintenance dredging and disposal activities and for the protection of the Peel-Yalgorup Wetlands and habitat for listed migratory species and listed threatened species. The person taking the action must not commence maintenance dredging program unless the Minister has approved the MDSMDP. The approved MDSMDP must be implemented.</p> <p>The MDSMDP must include:</p> <ul style="list-style-type: none"> a. Objectives; b. Description of the maintenance dredging proposal, including timing, dredging areas and the volume of material to be dredged (in cubic metres); c. Details of the physical and chemical description of the material to be dredged; d. Methodology for dredging and disposal; e. A description of the disposal site(s) and adjacent areas, including the rationale for the location; f. Identification of potential impacts from the maintenance dredging and disposal activities including possible effects on other users of the area; g. Mitigation and management measures to be implemented during maintenance dredging and disposal including timing and staging to mitigate the potential impacts identified in 4(f); h. Methodology (including timing, frequency and location) for water quality, turbidity and seagrass monitoring measures; i. Trigger levels including contingency measures; j. Details of post dredging and disposal monitoring; k. Roles and responsibilities, including timeframes for implementation and reporting; and l. Discussion with other Government agencies and community groups on the proposal.
Original dated 28/6/2014	<p>5. To protect the Peel-Yalgorup Wetlands, habitat for listed migratory species and habitat for Black Cockatoos, the person taking the action must:</p> <ul style="list-style-type: none"> a. Not clear more than 7.06 ha of foraging habitat and potential breeding habitat for Black Cockatoos. b. Prior to construction commencing, either acquire land(s) or provide funding to DPaW for the acquisition of 22 ha of foraging and potential breeding habitat for Black Cockatoos, to be managed in perpetuity by DPaW. Written confirmation of DPaW's agreement to the land acquired or the transfer of monies to DPaW must be provided to the Department. c. Provide the Department with a textual description and map to clearly define the location and boundaries of the offset property described in condition 5(b). This must be accompanied with the offset attributes and a shapefile. d. Undertake rehabilitation of 4.76 ha of vegetation as outlined in the Construction Environment Management Plan specified in Condition 6 and shown at the map at Attachment A. e. Prior to construction commencing, transfer 10.6 ha of foreshore vegetation zoned as rural, as shown in Attachment A, to the State of

Date of decision	Conditions attached to approval
	<p>Western Australia for conservation and recreational purposes. Written confirmation of the transfer of land to the State of Western Australia must be provided to the Department.</p>
<p>As varied on the date of this notice</p>	<p>6. At least three months prior to the commencement of the action the person taking the action must develop and submit a Construction Environment Management Plan (CEMP), to the Minister for approval to mitigate the potential impacts during construction and to protect the Peel-Yalgorup Wetlands and habitat for listed migratory species and listed threatened species. The plan may be submitted in stages to reflect the staged development of the project. The person taking the action must not commence construction unless the Minister has approved the CEMP which addresses that stage of the action. The approved CEMP must be implemented.</p> <p>The CEMP must include:</p> <ol style="list-style-type: none"> a. Objective; b. Staging of clearing of habitat; c. Exclusion periods for construction; d. Methodology for marina and Groyne construction, including type and source of material; e. Description and location of disposal site(s) for marina excavated material; f. Assessment of potential impacts on Peel-Yalgorup Wetlands and habitat for listed migratory species and listed threatened species from the disposal of marina excavated material at the above identified sites; g. Mitigation and management measures to address the above identified potential impacts; h. Mitigation and management measures for lighting, dust, noise, smoke; i. Procedures for handling, storage and spill management of hazardous materials; j. Water quality and seagrass monitoring during groyne construction; k. Fencing, including vehicle and human access; l. Vegetation and rehabilitation management and monitoring, including diagrams of sites and completion criteria; m. Contingency measures; and n. Roles and responsibilities, including timeframes for implementation and reporting.
<p>As varied on the date of this notice</p>	<p>7. At least three months prior to the commencement of the action the person taking the action must develop and submit a Foreshore Management Plan (FMP), to the Minister for approval to protect the Peel-Yalgorup Wetlands and habitat for listed migratory species and listed threatened species. The plan may be submitted in stages to reflect the staged development of the project. The person taking the action must not commence construction unless the Minister has approved the FMP which addresses that stage of the action. The approved FMP must be implemented.</p> <p>The FMP must include:</p> <ol style="list-style-type: none"> a. Objectives; b. Description of foreshore management zone, including diagram; c. Vegetation and plant disease monitoring and management; d. Waterbird and Fauna monitoring and management including identifying waterbird usage of habitat area including patterns of roosting , nesting, feeding and mating; e. Stormwater management; f. Monitoring, reporting and rectifying any areas of shoreline erosion on Point Grey caused by the presence of the marina and its associated infrastructure;

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	<ul style="list-style-type: none"> g. In line with the results of monitoring undertaken at d) above, management of the following to protect sensitive areas: Public access, vehicle access, parking, fencing, public facilities, education signage, rubbish dumping and domestic pets access; h. Bush fire management; i. Mosquito management; j. Ongoing weed and feral animal control; k. Contingency measures; and l. Roles and responsibilities, including timeframes for implementation and reporting.
Original dated 28/6/2014	8. 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 .
Original dated 28/6/2014	9. 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 plans and strategy required by this approval, and 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 Departments website . The results of audits may also be publicised through the general media.
As varied on the date of this notice	<p>10. The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must:</p> <ul style="list-style-type: none"> a. publish each compliance report on the website within 60 business days following the relevant 12 month period; b. notify the Department by email that a compliance report has been published on the website within five business days of the date of publication; c. keep all compliance reports publicly available on the website until this approval expires; d. <u>exclude</u> or redact sensitive ecological data from compliance reports published on the website; and e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication. <p>Note: The first compliance report may report a period less than 12 months so that it and subsequent compliance reports align with the similar requirement under state approval. Compliance reports may be published on the Department's website.</p>
As varied on the date of this notice	<p>10A. The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <ul style="list-style-type: none"> a. the condition which is or may be in breach; and b. a short description of the incident and/or non-compliance.
As varied on the date of this notice	10B. The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:

Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b. the potential impacts of the incident or non-compliance; and c. the method and timing of any remedial action that will be undertaken by the approval holder.
Original dated 28/6/2014	11. Upon the direction of the Minister , the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister . The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister .
As varied on the date of this notice	11A. For each independent audit , the approval holder must: <ul style="list-style-type: none"> a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.
As varied on the date of this notice	11B. The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.
As varied on the date of this notice	12. The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister under conditions 1, 3, 4, 6, and 7 or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act . If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.
As varied on the date of this notice	12A. The approval holder may choose to revise an action management plan approved by the Minister under conditions 1, 3, 4, 6, and 7, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act , if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact .
As varied on the date of this notice	12B. If the approval holder makes the choice under condition 12A to revise an action management plan without submitting it for approval, the approval holder must: <ul style="list-style-type: none"> a. notify the Department in writing that the approved action management plan has been revised and provide the Department with: <ul style="list-style-type: none"> i. an electronic copy of the RAMP; ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP; iii. an explanation of the differences between the approved action management plan and the RAMP; iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a new or increased impact; and

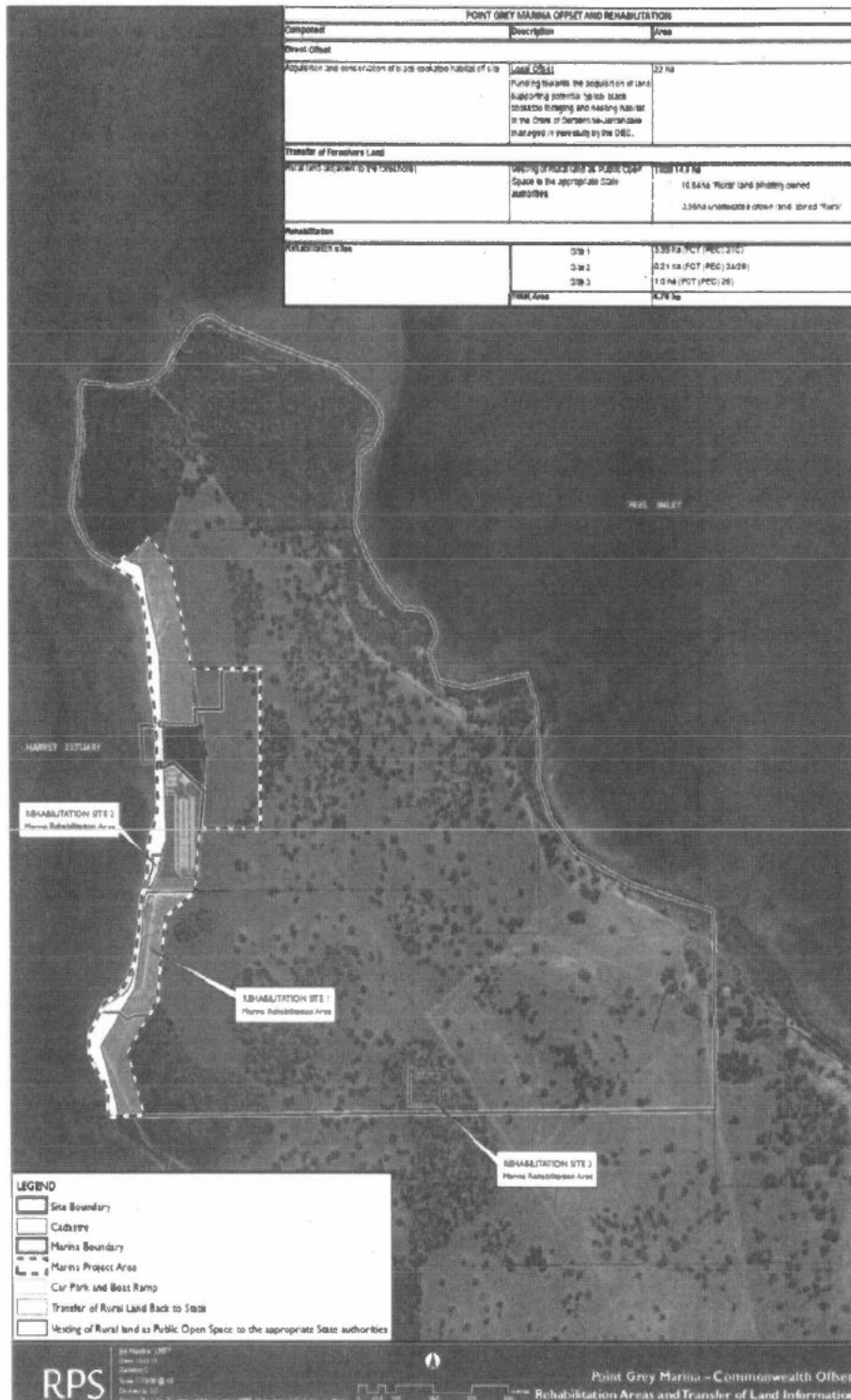
Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department. b. subject to condition 12E, implement the RAMP from the RAMP implementation date.
As varied on the date of this notice	12C. The approval holder may revoke its choice to implement a RAMP under condition 12A at any time by giving written notice to the Department . If the approval holder revokes the choice under condition 12A, the approval holder must implement the previous action management plan approved by the Minister .
As varied on the date of this notice	12D. If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact , then: <ul style="list-style-type: none"> a. condition 12A does not apply, or ceases to apply, in relation to the RAMP; and b. the approval holder must implement the action management plan specified by the Minister in the notice.
As varied on the date of this notice	12E. At the time of giving the notice under condition 12D, the Minister may also notify that for a specified period of time, condition 12A does not apply for one or more specified action management plans. Note: conditions 12A, 12B, 12C and 12D are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised action management plan, at any time, to the Minister for approval.
Original dated 28/6/2014	13. If the Minister believes that it is necessary or convenient for the better protection of Peel-Yalgorup Wetlands , listed migratory species and listed threatened species, the Minister may request that the person taking the action make specified revisions to the management plans or strategy, specified in the conditions and submit the revised management plans or strategy, for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plans or strategy must be implemented. Unless the Minister has approved the revised management plans or strategy, then the person taking the action must continue to implement the management plans or strategy, originally approved, as specified in the conditions.
As varied on the date of this notice	14. If the commencement of the action does not occur within 10 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister .
Original dated 28/6/2014	15. Unless otherwise agreed to in writing by the Minister , the person taking the action must publish all management plans and/or strategy, referred to in these conditions of approval on their website. Each management plan and/or strategy, must be published on the website within 1 month of being approved. The person taking the action must notify the Department within five (5) business days of publishing the management plan(s) on their website. The management plan(s) must remain on their website for the period this approval has effect.

Date of decision	Definitions attached to approval
Varied as at the date of this notice	Approval holder means person taking the action and person to whom the approval is granted.

Date of decision	Definitions attached to approval
Original dated 28/6/2014	Black Cockatoo/s means the EPBC listed threatened Carnabys Black Cockatoo (<i>Calyptorhynchus latirostris</i>), Baudins Black Cockatoo (<i>Calyptorhynchus baudinii</i>) and Forest Red-tailed Black Cockatoo (<i>Calyptorhynchus banksii naso</i>).
As varied on the date of this notice	Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
Original dated 28/6/2014	Capital dredging - dredging to create, enlarge or deepen existing channels and create new marina.
As varied on the date of this notice	<p>Commence/ment of the action means the first instance of any specified activity associated with the action including clearance of vegetation and construction of any infrastructure. Commencement does not include minor physical disturbance necessary to:</p> <ul style="list-style-type: none"> i. undertake pre-clearance surveys or monitoring programs; ii. install signage and /or temporary fencing to prevent unapproved use of the project area; iii. protect environmental and property assets from fire, weeds and pests, including erection or construction of fencing and signage, and maintenance or use of existing surface access tracks, if agreed in writing by the Department.
As varied on the date of this notice	<p>Compliance report means a written report:</p> <ul style="list-style-type: none"> i. providing accurate and complete details of compliance, incidents, and non-compliance with the conditions and the plans; ii. consistent with the Department's Annual Compliance Report Guidelines (2014); iii. include a shapefile of any clearance of any protected matters, or their habitat, undertaken within the relevant 12 month period; and iv. annexing a schedule of all plans prepared and in existence in relation to the conditions during the relevant 12 month period.
Original dated 28/6/2014	Construction includes any preparatory works required to be undertaken including clearing vegetation, the use of construction or excavation/dredging equipment within the project area for the purpose of breaking the ground for buildings or infrastructure, entrance channel, navigation channel and marina.
Original dated 28/6/2014	Department means the Australian Government Department administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Original dated 28/6/2014	DPaW means the WA Department of Parks and Wildlife.
Original dated 28/6/2014	EPBC Act is the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Original dated 28/6/2014	Foreshore Management Zone is the Marina Project Area excluding the Marina Boundary as shown in Attachment A.
As varied on the date of this notice	Incident means any event which has the potential to, or does, impact on protected matter(s) .
As varied on the date of this notice	Independent audit: means an audit conducted by an independent and suitably qualified person as detailed in the <i>Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines (2015)</i>
Original dated 28/6/2014	Maintenance dredging - dredging to ensure entrance channel, navigation channel and marina are maintained at their designed dimensions.
Original dated 28/6/2014	Minister means the Minister administering the Environment Protection and Biodiversity Conservation Act 1999 and includes a delegate of the Minister.
As varied on the date of this notice	New or increased impact means a new or increased environmental impact or risk relating to any protected matter , when compared to the likely impact of implementing the action management plan that has been approved by the Minister under conditions 1, 3, 4, 6, and 7, including any subsequent revisions approved by the Minister , as outlined in the <i>Guidance on 'New or Increased</i>

Date of decision	Definitions attached to approval
	<i>Impact' relating to changes to approved management plans under EPBC Act environmental approvals (2017).</i>
Original dated 28/6/2014	Offset attributes means an .xls file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.
Original dated 28/6/2014	Peel-Yalgorup Wetlands is the Peel-Yalgorup System (Ramsar Wetland).
As varied on the date of this notice	Plan(s) means any of the documents required to be prepared, approved by the Minister , and/or implemented by the approval holder and published on the website in accordance with these conditions (includes action management plans and/or strategies);
As varied on the date of this notice	Protected matter means a matter protected under a controlling provision in Part 3 of the EPBC Act for which this approval has effect.
Varied as at the date of this notice	Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) <i>Sensitive Ecological Data – Access and Management Policy V1.0</i> .
Varied as at the date of this notice	Shapefile means an ESRI Shapefile containing .shp, .shx, .dbf and prj files and other files capturing attributes of the Offset Area, including the shape (including specification of the projection or coordinate system used), EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in .xls format.
As varied on the date of this notice	Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Date of decision	Attachments
Original dated 28/6/2014	Attachment A below





Notification of Extension of Period of Effect of Approval

Point Grey Marina Project, Western Australia (EPBC 2010/5515)

This decision is made under section 145D of the *Environment Protection and Biodiversity Conservation Act 1999*.

person to whom the approval is granted	Point Grey Development Company Pty Ltd
ABN of approval holder	ABN: 89 122 607 845
approved action	To develop an onshore marina, including the associated boating access channel, car park and boat ramps, at Lot 672 and Lot 1132 Point Grey [See EPBC Act referral 2010/5515].

Extension of Period of Effect of Approval

The period of effect of the approval has been extended under section 145D(4) of the EPBC Act as described below.

New expiry date of approval	This approval has effect until 31 December 2057.
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Decision-maker

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

date of decision

15/3/2019

Conditions attached to the approval

The conditions shown below are the conditions applicable to the approval on the date this extension of period of effect of approval was made. They include a variation to conditions under section 143 of the EPBC Act on 15 March 2019.

These decisions are publicly available on the Department's website at <http://epbcnotices.environment.gov.au/referralslist/>

Conditions

Date of decision	Conditions attached to approval
As varied on the date of this notice	<p>3. At least three months prior to commencement of the capital dredging component of the action, the person taking the action must prepare and submit a Capital Dredging and Spoil Disposal Management Plan (CSDSDMP) for the Minister's approval, to mitigate the potential impacts from the capital dredging activities and for the protection of the Peel-Yalgorup Wetlands and habitat for listed migratory species and listed threatened species. The person taking the action must not commence the capital dredging and disposal activities unless the Minister has approved the CSDSDMP. The approved CSDSDMP must be implemented. The CSDSDMP must include:</p> <ul style="list-style-type: none"> a. Objectives; b. Description of the channel (length, width, depth and angle of batters); c. Description of the capital dredging and disposal program; d. Methodology including timing and staging, with no dredging to be undertaken between 1 November and 30 April; e. Disposal techniques including location(s) of dredge spoil disposal site(s); f. Baseline mapping of seagrass prior to dredging commencing; g. Baseline monitoring of water quality and the parameters to be measured. The parameters to be measured must include indicators relevant to the detection of Monosulfidic Black Ooze; h. Methodology (including timing, frequency and location) for water quality, turbidity and seagrass monitoring; i. Spoil disposal sediment monitoring and the parameters to be measured, following treatment in the treatment basin; j. Bathymetric surveys of channel annually for first five years, or up until first maintenance dredging; k. Trigger levels including contingency measures in the event monitoring shows potential impacts to water quality and seagrass; l. Post construction sediment and water quality monitoring, including parameters to be measured, trigger levels and contingency responses. The parameters to be measured must include indicators relevant to the detection of Monosulfidic Black Ooze; m. Post construction monitoring for algal mat and seagrass accumulation, including trigger levels and contingency responses; and n. Roles and responsibilities, including timeframes for implementation and reporting.
Original dated 28/6/2014	<p>4. No capital dredged or maintenance dredged material or excavated material from the marina, entrance channel or navigational channel is to be disposed of in the Peel Inlet or Harvey Estuary.</p>
Original dated 28/6/2014	<p>5. At least three months prior to the commencement of capital dredging, the person taking the action must prepare and submit an Acid Sulfate Soils and Dewatering Management Strategy (ASSDMS), for the Minister's approval to mitigate the potential impacts from the capital dredging and dewatering activities and for the protection of the Peel-Yalgorup Wetlands and habitat for listed migratory species and listed threatened species. The person taking the action must not commence the capital dredging and disposal activities unless the Minister has approved the ASSDMS. The approved ASSDMS must be implemented.</p> <p>The ASSDMS must include:</p> <ul style="list-style-type: none"> a. Objectives; b. Methodology for the construction of the marina and groynes, including timing and staging; c. Mitigation and management measures for managing dewatering volume discharge, groundwater drawdown, and water quality;

Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> d. Mitigation and management measures for excavating, handling, treating and stock piling materials associated with acid sulphate soils; e. Vegetation monitoring prior to, during and post dewatering; f. Trigger levels including contingency measures; and g. Roles and responsibilities, including timeframes for implementation and reporting.
Original dated 28/6/2014	<p>6. At least six months prior to the commencement of any maintenance dredging program the person taking the action must develop and submit a Maintenance Dredging and Spoil Disposal Management Plan (MDSMDMP), for approval by the Minister, to mitigate the potential impacts from the maintenance dredging and disposal activities and for the protection of the Peel-Yalgorup Wetlands and habitat for listed migratory species and listed threatened species. The person taking the action must not commence maintenance dredging program unless the Minister has approved the MDSMDMP. The approved MDSMDMP must be implemented.</p> <p>The MDSMDMP must include:</p> <ul style="list-style-type: none"> a. Objectives; b. Description of the maintenance dredging proposal, including timing, dredging areas and the volume of material to be dredged (in cubic metres); c. Details of the physical and chemical description of the material to be dredged; d. Methodology for dredging and disposal; e. A description of the disposal site(s) and adjacent areas, including the rationale for the location; f. Identification of potential impacts from the maintenance dredging and disposal activities including possible effects on other users of the area; g. Mitigation and management measures to be implemented during maintenance dredging and disposal including timing and staging to mitigate the potential impacts identified in 4(f); h. Methodology (including timing, frequency and location) for water quality, turbidity and seagrass monitoring measures; i. Trigger levels including contingency measures; j. Details of post dredging and disposal monitoring; k. Roles and responsibilities, including timeframes for implementation and reporting; and l. Discussion with other Government agencies and community groups on the proposal.
Original dated 28/6/2014	<p>7. To protect the Peel-Yalgorup Wetlands, habitat for listed migratory species and habitat for Black Cockatoos, the person taking the action must:</p> <ul style="list-style-type: none"> a. Not clear more than 7.06 ha of foraging habitat and potential breeding habitat for Black Cockatoos. b. Prior to construction commencing, either acquire land(s) or provide funding to DPaW for the acquisition of 22 ha of foraging and potential breeding habitat for Black Cockatoos, to be managed in perpetuity by DPaW. Written confirmation of DPAW's agreement to the land acquired or the transfer of monies to DPaW must be provided to the Department. c. Provide the Department with a textual description and map to clearly define the location and boundaries of the offset property described in condition 5(b). This must be accompanied with the offset attributes and a shapefile. d. Undertake rehabilitation of 4.76 ha of vegetation as outlined in the Construction Environment Management Plan specified in Condition 6 and shown at the map at Attachment A. e. Prior to construction commencing, transfer 10.6 ha of foreshore vegetation zoned as rural, as shown in Attachment A, to the State of Western Australia for conservation and recreational purposes. Written

Date of decision	Conditions attached to approval
	confirmation of the transfer of land to the State of Western Australia must be provided to the Department .
As varied on the date of this notice	<p>8. At least three months prior to the commencement of the action the person taking the action must develop and submit a Construction Environment Management Plan (CEMP), to the Minister for approval to mitigate the potential impacts during construction and to protect the Peel-Yalgorup Wetlands and habitat for listed migratory species and listed threatened species. The plan may be submitted in stages to reflect the staged development of the project. The person taking the action must not commence construction unless the Minister has approved the CEMP which addresses that stage of the action. The approved CEMP must be implemented.</p> <p>The CEMP must include:</p> <ol style="list-style-type: none"> a. Objective; b. Staging of clearing of habitat; c. Exclusion periods for construction; d. Methodology for marina and Groyne construction, including type and source of material; e. Description and location of disposal site(s) for marina excavated material; f. Assessment of potential impacts on Peel-Yalgorup Wetlands and habitat for listed migratory species and listed threatened species from the disposal of marina excavated material at the above identified sites; g. Mitigation and management measures to address the above identified potential impacts; h. Mitigation and management measures for lighting, dust, noise, smoke; i. Procedures for handling, storage and spill management of hazardous materials; j. Water quality and seagrass monitoring during groyne construction; k. Fencing, including vehicle and human access; l. Vegetation and rehabilitation management and monitoring, including diagrams of sites and completion criteria; m. Contingency measures; and n. Roles and responsibilities, including timeframes for implementation and reporting.
As varied on the date of this notice	<p>9. At least three months prior to the commencement of the action the person taking the action must develop and submit a Foreshore Management Plan (FMP), to the Minister for approval to protect the Peel-Yalgorup Wetlands and habitat for listed migratory species and listed threatened species. The plan may be submitted in stages to reflect the staged development of the project. The person taking the action must not commence construction unless the Minister has approved the FMP which addresses that stage of the action. The approved FMP must be implemented.</p> <p>The FMP must include:</p> <ol style="list-style-type: none"> a. Objectives; b. Description of foreshore management zone, including diagram; c. Vegetation and plant disease monitoring and management; d. Waterbird and Fauna monitoring and management including identifying waterbird usage of habitat area including patterns of roosting , nesting, feeding and mating; e. Stormwater management; f. Monitoring, reporting and rectifying any areas of shoreline erosion on Point Grey caused by the presence of the marina and its associated infrastructure; g. In line with the results of monitoring undertaken at d) above, management of the following to protect sensitive areas: Public access,

Date of decision	Conditions attached to approval
	<p>vehicle access, parking, fencing, public facilities, education signage, rubbish dumping and domestic pets access;</p> <ul style="list-style-type: none"> h. Bush fire management; i. Mosquito management; j. Ongoing weed and feral animal control; k. Contingency measures; and l. Roles and responsibilities, including timeframes for implementation and reporting.
Original dated 28/6/2014	10. 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 .
Original dated 28/6/2014	11. 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 plans and strategy required by this approval, and 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 Departments website . The results of audits may also be publicised through the general media.
As varied on the date of this notice	<p>12. The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must:</p> <ul style="list-style-type: none"> a. publish each compliance report on the website within 60 business days following the relevant 12 month period; b. notify the Department by email that a compliance report has been published on the website within five business days of the date of publication; c. keep all compliance reports publicly available on the website until this approval expires; d. <u>exclude or redact sensitive ecological data from compliance reports published on the website</u>; and e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication. <p>Note: The first compliance report may report a period less than 12 months so that it and subsequent compliance reports align with the similar requirement under state approval. Compliance reports may be published on the Department's website.</p>
As varied on the date of this notice	<p>10A. The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <ul style="list-style-type: none"> a. the condition which is or may be in breach; and b. a short description of the incident and/or non-compliance.
As varied on the date of this notice	<p>10B. The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <ul style="list-style-type: none"> a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;

Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> b. the potential impacts of the incident or non-compliance; and c. the method and timing of any remedial action that will be undertaken by the approval holder.
Original dated 28/6/2014	13. Upon the direction of the Minister , the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister . The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister .
As varied on the date of this notice	<p>11A. For each independent audit, the approval holder must:</p> <ul style="list-style-type: none"> a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.
As varied on the date of this notice	11B. The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.
As varied on the date of this notice	14. The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister under conditions 1, 3, 4, 6, and 7 or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act . If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.
As varied on the date of this notice	12A. The approval holder may choose to revise an action management plan approved by the Minister under conditions 1, 3, 4, 6, and 7, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act , if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact .
As varied on the date of this notice	<p>12B. If the approval holder makes the choice under condition 12A to revise an action management plan without submitting it for approval, the approval holder must:</p> <ul style="list-style-type: none"> a. notify the Department in writing that the approved action management plan has been revised and provide the Department with: <ul style="list-style-type: none"> i. an electronic copy of the RAMP; ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP; iii. an explanation of the differences between the approved action management plan and the RAMP; iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a new or increased impact; and v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the

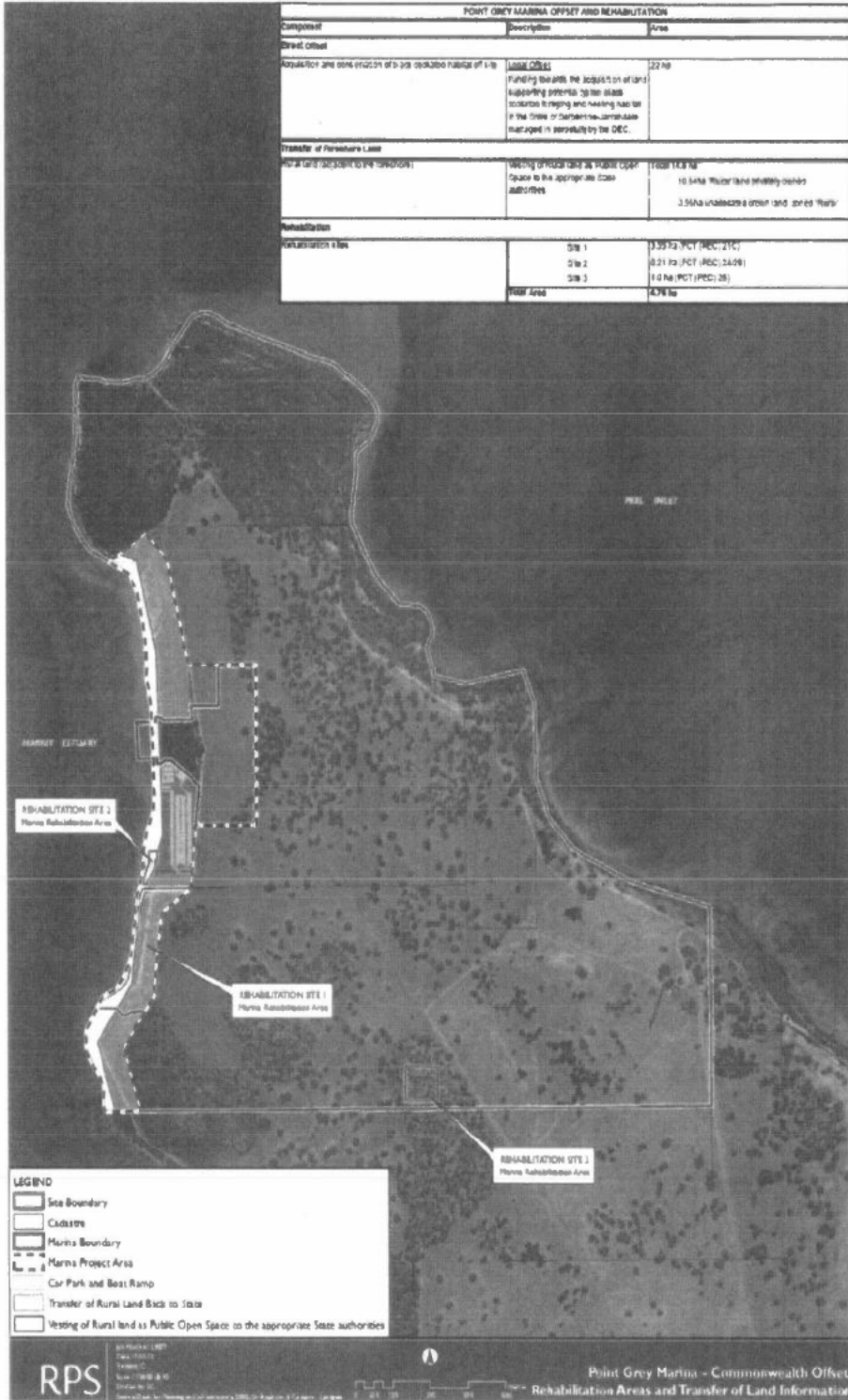
Date of decision	Conditions attached to approval
	<p>revision of the action management plan, or a date agreed to in writing with the Department.</p> <p>b. subject to condition 12E, implement the RAMP from the RAMP implementation date.</p>
As varied on the date of this notice	12C. The approval holder may revoke its choice to implement a RAMP under condition 12A at any time by giving written notice to the Department . If the approval holder revokes the choice under condition 12A, the approval holder must implement the previous action management plan approved by the Minister .
As varied on the date of this notice	<p>12D. If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact, then:</p> <p>a. condition 12A does not apply, or ceases to apply, in relation to the RAMP; and</p> <p>b. the approval holder must implement the action management plan specified by the Minister in the notice.</p>
As varied on the date of this notice	<p>12E. At the time of giving the notice under condition 12D, the Minister may also notify that for a specified period of time, condition 12A does not apply for one or more specified action management plans.</p> <p>Note: conditions 12A, 12B, 12C and 12D are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised action management plan, at any time, to the Minister for approval.</p>
Original dated 28/6/2014	15. If the Minister believes that it is necessary or convenient for the better protection of Peel-Yalgorup Wetlands, listed migratory species and listed threatened species, the Minister may request that the person taking the action make specified revisions to the management plans or strategy, specified in the conditions and submit the revised management plans or strategy, for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plans or strategy must be implemented. Unless the Minister has approved the revised management plans or strategy, then the person taking the action must continue to implement the management plans or strategy, originally approved, as specified in the conditions.
As varied on the date of this notice	16. If the commencement of the action does not occur within 10 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister .
Original dated 28/6/2014	17. Unless otherwise agreed to in writing by the Minister , the person taking the action must publish all management plans and/or strategy, referred to in these conditions of approval on their website. Each management plan and/or strategy, must be published on the website within 1 month of being approved. The person taking the action must notify the Department within five (5) business days of publishing the management plan(s) on their website. The management plan(s) must remain on their website for the period this approval has effect.

Date of decision	Definitions attached to approval
Varied as at the date of this notice	Approval holder means person taking the action and person to whom the approval is granted.
Original dated 28/6/2014	Black Cockatoo/s means the EPBC listed threatened Carnabys Black Cockatoo (<i>Calyptorhynchus latirostris</i>), Baudins Black Cockatoo (<i>Calyptorhynchus baudinii</i>) and Forest Red-tailed Black Cockatoo (<i>Calyptorhynchus banksii naso</i>).

Date of decision	Definitions attached to approval
As varied on the date of this notice	Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
Original dated 28/6/2014	Capital dredging - dredging to create, enlarge or deepen existing channels and create new marina.
As varied on the date of this notice	<p>Commence/ment of the action means the first instance of any specified activity associated with the action including clearance of vegetation and construction of any infrastructure. Commencement does not include minor physical disturbance necessary to:</p> <ul style="list-style-type: none"> i. undertake pre-clearance surveys or monitoring programs; ii. install signage and /or temporary fencing to prevent unapproved use of the project area; iii. protect environmental and property assets from fire, weeds and pests, including erection or construction of fencing and signage, and maintenance or use of existing surface access tracks, if agreed in writing by the Department.
As varied on the date of this notice	<p>Compliance report means a written report:</p> <ul style="list-style-type: none"> i. providing accurate and complete details of compliance, incidents, and non-compliance with the conditions and the plans; ii. consistent with the Department's Annual Compliance Report Guidelines (2014); iii. include a shapefile of any clearance of any protected matters, or their habitat, undertaken within the relevant 12 month period; and iv. annexing a schedule of all plans prepared and in existence in relation to the conditions during the relevant 12 month period.
Original dated 28/6/2014	Construction includes any preparatory works required to be undertaken including clearing vegetation, the use of construction or excavation/dredging equipment within the project area for the purpose of breaking the ground for buildings or infrastructure, entrance channel, navigation channel and marina.
Original dated 28/6/2014	Department means the Australian Government Department administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Original dated 28/6/2014	DPaW means the WA Department of Parks and Wildlife.
Original dated 28/6/2014	EPBC Act is the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Original dated 28/6/2014	Foreshore Management Zone is the Marina Project Area excluding the Marina Boundary as shown in Attachment A.
As varied on the date of this notice	Incident means any event which has the potential to, or does, impact on protected matter(s) .
As varied on the date of this notice	Independent audit : means an audit conducted by an independent and suitably qualified person as detailed in the <i>Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines (2015)</i>
Original dated 28/6/2014	Maintenance dredging - dredging to ensure entrance channel, navigation channel and marina are maintained at their designed dimensions.
Original dated 28/6/2014	Minister means the Minister administering the Environment Protection and Biodiversity Conservation Act 1999 and includes a delegate of the Minister.
As varied on the date of this notice	New or increased impact means a new or increased environmental impact or risk relating to any protected matter , when compared to the likely impact of implementing the action management plan that has been approved by the Minister under conditions 1, 3, 4, 6, and 7, including any subsequent revisions approved by the Minister , as outlined in the <i>Guidance on 'New or Increased Impact' relating to changes to approved management plans under EPBC Act environmental approvals (2017)</i> .
Original dated 28/6/2014	Offset attributes means an .xls file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the

Date of decision	Definitions attached to approval
	offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.
Original dated 28/6/2014	Peel-Yalgorup Wetlands is the Peel-Yalgorup System (Ramsar Wetland).
As varied on the date of this notice	Plan(s) means any of the documents required to be prepared, approved by the Minister , and/or implemented by the approval holder and published on the website in accordance with these conditions (includes action management plans and/or strategies);
As varied on the date of this notice	Protected matter means a matter protected under a controlling provision in Part 3 of the EPBC Act for which this approval has effect.
Varied as at the date of this notice	Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) <i>Sensitive Ecological Data – Access and Management Policy V1.0</i> .
Varied as at the date of this notice	Shapefile means an ESRI Shapefile containing .shp, .shx, .dbf and prj files and other files capturing attributes of the Offset Area, including the shape (including specification of the projection or coordinate system used), EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in .xls format.
As varied on the date of this notice	Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Date of decision	<u>Attachments</u>
Original dated 28/6/2014	Attachment A below





VARIATION OF CONDITIONS ATTACHED TO APPROVAL
Point Grey Urban Residential Development – Terrestrial Component
(EPBC 2011/5825)

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).


Approved action

Person to whom the approval is granted	Port Bouvard Limited (now Tian An Australia Ltd) ACN: 009 134 114
Approved action	To establish a residential development at Point Grey, Western Australia [See EPBC Act referral 2011/5825].

Variation

Variation of conditions attached to approval	<p>The variation is:</p> <p>Delete conditions 3, 4, 6, 9, 10, 11, 12, 13, 15 attached to the approval and substitute with the conditions specified in the table below.</p> <p>Add new conditions 3A, 3B, 4A, 4B, 4C and 4D specified in the table below.</p> <p>Delete definition of DEC attached to the approval.</p> <p>Delete definitions of commencement, known habitat plants and shapefile, and substitute with the definitions specified in the table below.</p> <p>Add new definitions of ANZG (2018), approval holder, business day, commencement, compliance reports, DPAW, incident, new or increased impact, sensitive ecological data and shapefile specified in the table below.</p>
Date of effect	This variation has effect on the date the instrument is signed

Person authorised to make decision

Name and position	Greg Manning Assistant Secretary Assessments (WA, SA, NT) and Post Approvals Branch
Signature	
Date of decision	15/3/2019

Date of decision	Conditions attached to approval
Original dated 24/4/2012	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 .
Original dated 24/4/2012	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 plans and strategy required by this approval, and 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.
As varied on the date of this notice	3. The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister . The approval holder must: <ul style="list-style-type: none"> a. publish each compliance report on the website within 60 business days following the relevant 12 month period; b. notify the Department by email that a compliance report has been published on the website within five business days of the date of publication; c. keep all compliance reports publicly available on the website until this approval expires; d. exclude or redact sensitive ecological data from compliance reports published on the website; and e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication. <p>Note: Compliance reports may be published on the Department's website. The first compliance report may report a period less than 12 months so that it and subsequent compliance reports align with the similar requirement under state approval.</p>
As varied on the date of this notice	3A. The approval holder must notify the Department in writing of any: incident ; non-compliance with the conditions; or non-compliance with the commitments made in plans . The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify: <ul style="list-style-type: none"> a. the condition which is or may be in breach; and b. a short description of the incident and/or non-compliance.
As varied on the date of this notice	3B. The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying: <ul style="list-style-type: none"> a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b. the potential impacts of the incident or non-compliance; and c. the method and timing of any remedial action that will be undertaken by the approval holder.
As varied on the date of this notice	4. The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister under conditions 9, 12, 13, 14 and 15, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act . If the Minister approves a revised action management plan

Date of decision	Conditions attached to approval
	(RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.
As varied on the date of this notice	4A. The approval holder may choose to revise an action management plan approved by the Minister under conditions 9, 12, 13, 14 and 15, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act , if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact .
As varied on the date of this notice	<p>4B. If the approval holder makes the choice under condition 4A to revise an action management plan without submitting it for approval, the approval holder must:</p> <ul style="list-style-type: none"> a. notify the Department in writing that the approved action management plan has been revised and provide the Department with: <ul style="list-style-type: none"> i. an electronic copy of the RAMP; ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP; iii. an explanation of the differences between the approved action management plan and the RAMP; iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a new or increased impact; and v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department. b. subject to condition 4D, implement the RAMP from the RAMP implementation date.
As varied on the date of this notice	4C. The approval holder may revoke its choice to implement a RAMP under condition 4A at any time by giving written notice to the Department . If the approval holder revokes the choice under condition 4A, the approval holder must implement the previous action management plan approved by the Minister .
As varied on the date of this notice	<p>4D. If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> a. condition 4A does not apply, or ceases to apply, in relation to the RAMP; and b. the approval holder must implement the action management plan specified by the Minister in the notice. At the time of giving the notice under condition 4D, the Minister may also notify that for a specified period of time, condition 4A does not apply for one or more specified action management plans. <p>Note: conditions 4A, 4B, 4C and 4D are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised action management plan, at any time, to the Minister for approval.</p>
Original dated 24/4/2012	5. If the Minister believes that it is necessary or convenient for the better protection of Wetlands of international importance (under sections 16 & 17B), listed threatened species and communities (sections 18 & 18A) and listed migratory species (sections 20 & 20A) to do so, the Minister may request that the person taking the action make specified revisions to the management plans/strategy specified in the conditions and submit the revised management plan/strategy for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plan/strategy must be implemented. Unless the Minister has approved the revised management plan/strategy then the person taking the action must continue to implement the management plan/strategy originally approved, as specified in the conditions.

Date of decision	Conditions attached to approval
Varied as at the date of this notice	6. If commencement of the action does not occur within 10 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister .
Original dated 24/4/2012	7. Unless otherwise agreed to in writing by the Minister , the person taking the action must publish all management plans and strategy referred to in these conditions of approval on their website . Each management plan and strategy must be published on the website within 1 month of being approved.
Original dated 24/4/2012	8. The approval does not include the area for the proposed Point Grey Marina proposal (EPBC 2010/5515), shown as the area marked as 'Marina Footprint and Adjacent Foreshore' in <u>Attachment A</u> .
Varied as at the date of this notice	<p>9. Foreshore Protection and Management</p> <p>(a) To protect the Peel-Yalgorup Wetlands and habitat for listed migratory species, the person taking the action must include a permanent <i>foreshore buffer zone</i> between the residential area and the wetland shoreline. The foreshore buffer zone must include the areas marked as 'Foreshore' in <u>Attachment A</u>.</p> <p>For the foreshore buffer zone:</p> <ul style="list-style-type: none"> i. public access must be limited to <i>clearly designated public access points</i> (the details of which must be described in the <i>Foreshore Management Plan</i> required under condition 9 (b)); ii. there must be no clearing of native vegetation or construction within the foreshore buffer zone except for in designated public access points; iii. all of the foreshore buffer zone must be fully revegetated, except for in designated public access points; iv. ensure that for all revegetation in the foreshore buffer zone, a plant survival rate of 85 % is achieved within 3 years of replanting. If after three years from the date of replanting, a survival rate of 85% of the plants is not achieved, all replanted plants that have not survived must be replaced within 12 months, and maintained with a survival rate of at least 85% for a minimum of a further two years; v. there must be a physical barrier at or just within the land-side boundary of the foreshore buffer zone, in the form of dog-proof fencing and gates; and vi. measures such as signage, and management of the fencing and gates must be implemented to minimise the risk of domestic animals entering the foreshore buffer zone. <p>(b) To protect the Peel-Yalgorup Wetlands and habitat for listed migratory species, the person taking the action must prepare and submit a Foreshore Management Plan (FMP) for the Minister's approval. The plan may be submitted in stages to reflect the staged development of the project. The person taking the action must not commence construction of any stage of the project unless the Minister has approved the FMP which addresses that stage of the action.</p> <p>The FMP must describe in detail the proposed management of land within the foreshore buffer zone and the wetland shoreline adjacent to the proposal, but excluding the western foreshore within the area marked as 'Marina Footprint and Adjacent Foreshore' in <u>Attachment A</u>.</p> <p>The FMP must include but not be limited to:</p> <ul style="list-style-type: none"> i. describing how all aspects of approval condition 9 (a) will be implemented; ii. how the wetland shoreline of the eastern shore of the site (and the Peel Inlet shoreline to the east, within at least 2km of the site) will be managed to cope with indirect impacts to matters protected under the EPBC Act,

Date of decision	Conditions attached to approval
	<p>including areas adjacent to Carrabungup Road where the public may have access to the Harvey Estuary shoreline;</p> <ul style="list-style-type: none"> iii. how any urban lighting will be designed to minimise penetrating into the foreshore buffer zone; iv. permanent signage that will be erected to inform people that the area is internationally protected bird habitat and where people and pets are excluded; v. on-going weed and feral animal control; vi. measures to avoid disturbance of habitat for listed migratory species and other waterbirds that make up the ecological character of the Ramsar wetland; vii. bushfire management; viii. measures to ensure long-term management of the foreshore buffer zone; ix. how waterbird monitoring required under condition 15 will be used to inform foreshore management; x. measures to minimise the environmental impacts of pest insect control; xi. a map showing where revegetation will be undertaken; xii. details of how revegetation will be undertaken, including flora species to be planted, monitoring of survival rates and contingency plans; xiii. if controlled bush regeneration is to be used as revegetation technique, how weeds will be suppressed, regeneration monitored, and what contingency measures (such as planting) be implemented; xiv. the provenance of plants used for revegetation; xv. roles and responsibilities, including timeframes for implementation; and xvi. if required, written agreements from any relevant third parties confirming that they have agreed to implement or support any elements of the plan; xvii. how and where dog-proof fencing (required under condition 9 (a) (v)) will be installed. <p>If approved by the Minister, the approved FMP must be implemented.</p>
<p>Varied as at the date of this notice</p>	<p>10. Black Cockatoo Habitat Protection, Mitigation and Offsets</p> <p>To protect habitat for Black Cockatoos, the person taking the action must:</p> <ul style="list-style-type: none"> (a) not clear more than 10 ha of foraging and/or potential breeding habitat for Black Cockatoos within 3 years of the commencement of the action, and not clear more than a total 38.5 ha of such habitat; (b) within 12 months of the commencement of the action, install at least 15 plastic nesting boxes for Black Cockatoos. The nesting hollows must be located near known or likely Black Cockatoo breeding habitat, either in a conservation area managed by the DPAW or another area which has been approved in writing by the Department and the approval holder must ensure that these are maintained in a condition suitable for use by Black Cockatoos for the life of the approval. <p>In order to offset the impact of clearing of Black Cockatoo habitat, the person taking the action must:</p> <ul style="list-style-type: none"> (c) Provide funds to the DPAW sufficient to acquire either: <ul style="list-style-type: none"> • an offset package that must include: <ul style="list-style-type: none"> i. a property with at least 60 ha of Black Cockatoo foraging habitat located within 50 km of the project site (and provide the funds for

Date of decision	Conditions attached to approval
	<p>the acquisition of this property within 12 months of the commencement of the action); and</p> <p>ii. a property with at least 300 ha of Black Cockatoo foraging habitat (and provide the funds for the acquisition of this property within 3 years of the commencement of the action); or</p> <ul style="list-style-type: none"> • an alternative offset package that has been approved in writing by the Department (and provide funds for this within a period that has been approved in writing by the Department, but in any case no longer than two years after the commencement of the action). <p>(d) For each component of condition 10 (c), within the same timeframes for which funds must be provided to the DPAW under condition 10 (c), provide to the Department:</p> <ul style="list-style-type: none"> • documentary evidence that funds have been provided to the DPAW to acquire each offset component; and • a textual description and map (accompanied with the offset attributes and a shapefile) to clearly define the location and boundaries of each offset component.
Varied as at the date of this notice	<p>11. Additional Habitat Restoration and Conservation Measures</p> <p>To protect the Peel-Yalgorup Wetlands, habitat for listed migratory species and listed threatened species, the person taking the action must:</p> <p>(a) ensure that the revegetation on the site includes the planting of at least 1100 trees that are either Tuart (<i>Eucalyptus gomphocephala</i>), Marri (<i>Corimbia calophylla</i>) or Jarrah (<i>Eucalyptus marginata</i>), and at least 3 ha is planted at a density of 1 plant per square metre with known habitat plants for Black Cockatoos;</p> <p>(b) ensure that for the revegetation described in condition 11 (a), a plant survival rate of 85% is achieved within 3 years of replanting. If after three years from the date of replanting, a survival rate of 85% of the plants is not achieved, all replanted plants that have not survived must be replaced within 12 months, and maintained with a survival rate of at least 85% for a minimum of a further two years;</p> <p>(c) salvage hollow limbs and trunks from hollow-bearing trees subject to clearing and use these to create on-site habitat for hollow-dependant fauna;</p> <p>(d) ensure that within 4 years of the commencement of the action, all parts of the site being protected for conservation purposes (including all of the foreshore buffer zone required under condition 9) are permanently protected by either:</p> <ul style="list-style-type: none"> • an irrevocable conservation covenant; or • a conservation reserve that will be managed by the DPAW; or • any other means that has been approved in writing by the Department.
Varied as at the date of this notice	<p>12. Construction Management Plan</p> <p>To minimise impacts to the Peel-Yalgorup Wetlands, habitat for listed migratory species and listed threatened species, the person taking the action must prepare and submit a Construction Management Plan (CMP) for the Minister's approval. The plan may be submitted in stages to reflect the staged development of the project. The person taking the action must not commence construction of any stage of the project unless the Minister has approved the CMP which addresses that stage of the action.</p> <p>The CMP must include but not be limited to the following requirements:</p> <p>(a) a map showing where construction will be undertaken, and showing the foreshore buffer zone required under condition 9;</p>

Date of decision	Conditions attached to approval
	<p>(b) how construction workers will be excluded from the foreshore buffer zone;</p> <p>(c) construction-related pollution containment measures, sediment control and stormwater management;</p> <p>(d) how impacts relating acid sulphate soils will be managed on the site;</p> <p>(e) how temporary fencing around the perimeter of all protected areas, and permanent fencing around the foreshore buffer zone will be constructed and maintained;</p> <p>(f) management of weeds during the construction phase; and</p> <p>(g) roles and responsibilities, including timeframes for implementation.</p> <p>If approved by the Minister, the approved CMP must be implemented.</p>
<p>Varied as at the date of this notice</p>	<p>13. Local Water Management Strategy</p> <p>To protect the Peel-Yalgorup Wetlands and habitat for listed migratory species, the person taking the action must prepare and submit a Local Water Management Strategy (LWMS) for the Minister's approval. The plan may be submitted in stages to reflect the staged development of the project. The person taking the action must not commence construction of any stage of the project unless the Minister has approved the LWMS which addresses that stage of the action.</p> <p>The LWMS must include but not be limited to:</p> <p>(a) the engineering and landscaping methods employed to manage urban runoff and on-going management of sediment, nutrients, acid sulphate soils and erosion control;</p> <p>(b) how stormwater will be recycled or treated to minimise water pollution;</p> <p>(c) how sewerage will be treated and managed;</p> <p>(d) details of a water quality monitoring program, water quality trigger values and contingency plans necessary to maintain water quality;</p> <p>(e) community education, including ongoing household education program regarding best management practices for water use, fertilizer use, and other activities that may impact on water quality;</p> <p>(f) how the plan will comply with ANZG guidelines (or equivalent guidelines), and the Water Quality Improvement Plan by the Western Australian Environmental Protection Authority; and</p> <p>(g) roles and responsibilities, including timeframes for implementation.</p> <p>If approved by the Minister, the approved LWMS must be implemented.</p>
<p>Original dated 24/4/2012</p>	<p>14. Groundwater Extraction</p> <p>To protect the Peel-Yalgorup Wetlands and habitat for listed migratory species the person taking the action must:</p> <p>(a) develop and implement groundwater extraction rates that will:</p> <ul style="list-style-type: none"> • result in no discernible groundwater drawdown from Lake McLarty, Lake Mealup or the lake described in the final Preliminary Documentation package as 'Reserve 4990'; and • make the risk of impact to all littoral vegetation of the Peel-Yalgorup Wetlands no greater than 'low' (according to the methodology of Froend and Loomes 2004 described on pages 25-27 of the groundwater bore assessment report). <p>(b) prepare and submit a Groundwater Management Plan (GMP) for the Minister's approval. The person taking the action must not commence</p>

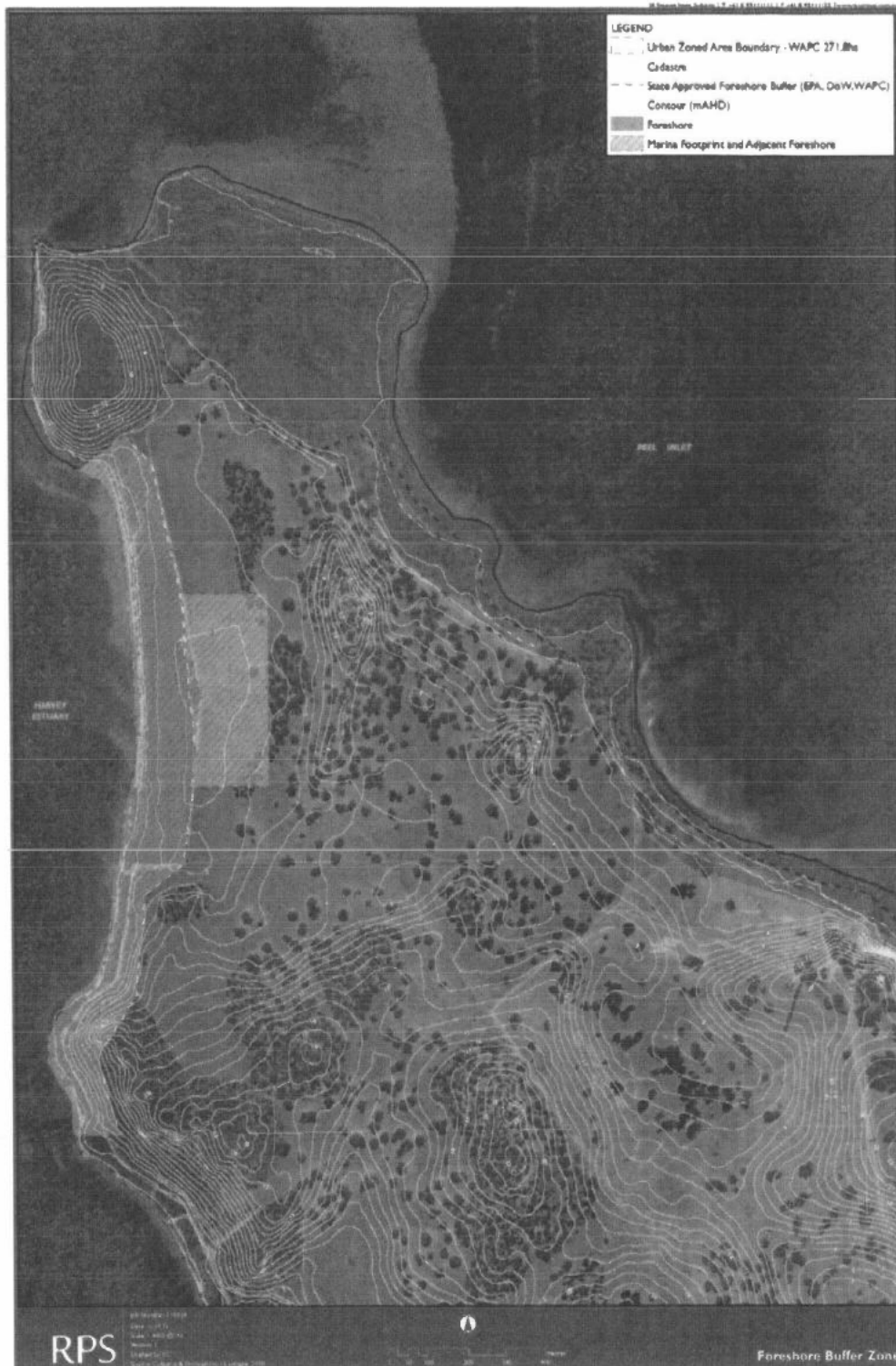
Date of decision	Conditions attached to approval
	<p>extraction of groundwater (other than what is required for construction purposes) unless the Minister has approved the GMP.</p> <p>The GMP must include but not be limited to:</p> <ol style="list-style-type: none"> i. a detailed description of the hydrology of the area; ii. modelling of drawdown from groundwater extraction that shows that the proposed extraction rates will be compliant with condition 14 (a); iii. how groundwater extraction limits will be implemented; iv. an analysis to determine if groundwater extraction is likely to provide the long-term water needs for the development; v. if domestic bores for landholders will be permitted, how control of those bores will be implemented; vi. long term monitoring of groundwater levels, establishment of trigger levels for drawdown to Lake McLarty, Lake Mealup or the wetland described in the final Preliminary Documentation package as 'Reserve 4990', and contingency measures if discernible drawdown is detected; and vii. roles and responsibilities, including timeframes for implementation. <p>If approved by the Minister, the approved GMP must be implemented.</p>
<p>Varied as at the date of this notice</p>	<p>15. Waterbird Management Plan</p> <p>To protect the habitat for listed migratory species and birds that are part of the ecological character of the Peel-Yalgorup Wetlands, the person taking the action must prepare and submit a Waterbird Management Plan (WMP) for the Minister's approval. The plan may be submitted in stages to reflect the staged development of the project. The person taking the action must not commence construction of any stage of the project unless the Minister has approved the WMP which addresses that stage of the action.</p> <p>The WMP must include but not be limited to:</p> <ol style="list-style-type: none"> (a) identification of key waterbird habitat, including that used for roosting, feeding or breeding; (b) describe in detail all potential impacts to waterbirds, including from pedestrians, vehicles, domestic animals, and watercraft; (c) management measures to minimise potential impacts; (d) measures to prevent people and dogs from entering the wetland shoreline; (e) measures to control domestic and feral animals, including cat eradication in foreshore areas, to remove any uncontrolled domestic cats or feral cats in the foreshore buffer zone; (f) baseline surveys and monitoring program for waterbird abundance and waterbird habitat values, for any impacts that may be attributable to the action affecting key waterbird habitat identified in condition 15 (a); (g) trigger levels for further actions in the event that monitoring, as required under condition 15 (f), detects a decline in waterbird abundance or habitat values attributable to the development, and details of any contingency measures; (h) roles and responsibilities, including timeframes for implementation; and (i) if required, written agreements from any relevant third parties confirming that they have agreed to implement or support any elements of the plan. <p>If approved by the Minister, the approved WMP must be implemented.</p>

Date of decision	Definitions attached to approval
Varied as at the date of this notice	ANZG (2018) means the Australian and New Zealand Guidelines for Fresh and Marine Water Quality. Australian and New Zealand Governments and Australian state and territory governments. Canberra ACT, Australia.
Varied as at the date of this notice	Approval holder means the person to whom the approval is granted and is an equivalent term to 'person taking the action'.
Original dated 24/4/2012	Black Cockatoos means the nationally listed threatened Carnaby's Black Cockatoo (<i>Calyptorhynchus latirostris</i>), Baudin's Black Cockatoo (<i>Calyptorhynchus baudinii</i>) and Forest Red-tailed Black Cockatoo (<i>Calyptorhynchus banksii naso</i>).
Varied as at the date of this notice	Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
Original dated 24/4/2012	Clear / Clearing is the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation.
Varied as at the date of this notice	<p>Commence/ment of the action means the first instance of any specified activity associated with the action including clearance of vegetation and construction of any infrastructure. Commencement does not include minor physical disturbance necessary to:</p> <ul style="list-style-type: none"> i. undertake pre-clearance surveys or monitoring programs; ii. install signage and /or temporary fencing to prevent unapproved use of the project area; iii. protect environmental and property assets from fire, weeds and pests, including erection or construction of fencing and signage, and maintenance or use of existing surface access tracks, if agreed in writing by the Department
Varied as at the date of this notice	<p>Compliance reports means written reports:</p> <ul style="list-style-type: none"> i. providing accurate and complete details of compliance, incidents, and non-compliance with the conditions and the plans; ii. consistent with the Department's Annual Compliance Report Guidelines (2014); iii. include a shapefile of any clearance of any protected matters, or their habitat, undertaken within the relevant 12 month period; and iv. annexing a schedule of all plans prepared and in existence in relation to the conditions during the relevant 12 month period.
Original dated 24/4/2012	Construction includes preparatory works required to be undertaken including clearing native vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for buildings or infrastructure.
Original dated 24/4/2012	Controlled bush regeneration is a method of revegetation using natural regeneration, which can be undertaken where natural regeneration is already occurring or where there is a high level of native seed stock in the soil.
Varied as at the date of this notice	DPAW is the Western Australian Government's Department of Parks and Wildlife (formerly Department of Conservation and Land Management - DEC) or other WA Government agency with responsibility for threatened species management.
Original dated 24/4/2012	The Department is the Australian Government Department administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Original dated 24/4/2012	EPBC Act is the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .

Date of decision	Definitions attached to approval
Original dated 24/4/2012	Groundwater bore assessment report is the report, supplied as part of the Preliminary Documentation information, dated May 2011 and prepared by RPS entitled "Upper Leederville Aquifer Groundwater Bore Abstraction Assessment – Point Grey Development".
Varied as at the date of this notice	Incident means any event which has the potential to, or does, impact on protected matter(s) .
Varied as at the date of this notice	Known habitat plants for Black Cockatoos includes any plants identified in a relevant search of the DPAW's Plants for Carnaby's Search application (see https://www.dpaw.wa.gov.au/); or other plants approved in writing by the Department .
Original dated 24/4/2012	Littoral vegetation is all the native vegetation within areas mapped as being one of the vegetation units listed as 'Wetlands and Damplands (including transitional uplands)' in Figure 2 of the flora report in the Preliminary Documentation (<i>Level 2 Flora and Vegetation Survey</i> , prepared by RPS, dated October 2009).
Original dated 24/4/2012	Minister is the Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and includes a delegate of the Minister.
Original dated 24/4/2012	Offset attributes mean an '.xls' file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.
Original dated 24/4/2012	Nesting hollow guidelines are the DEC's guidelines <i>Artificial hollows for Carnaby's cockatoo</i> . Available at: http://www.dec.wa.gov.au/content/view/6333/2361/
Varied as at the date of this notice	New or increased impact means a new or increased environmental impact or risk relating to any protected matter , when compared to the likely impact of implementing the action management plan that has been approved by the Minister under conditions 9, 12, 13, 14 and 15, including any subsequent revisions approved by the Minister , as outlined in the <i>Guidance on 'New or Increased Impact' relating to changes to approved management plans under EPBC Act environmental approvals (2017)</i> .
Original dated 24/4/2012	Peel-Yalgorup Wetlands is the Peel-Yalgorup System (Ramsar Wetland).
Original dated 24/4/2012	Plastic nesting boxes are those made of PVC or suitable plastic material, as described in the DEC's nesting hollow guidelines .
Original dated 24/4/2012	Revegetation is the removal and suppression of weeds and the establishment of native vegetation.
Varied as at the date of this notice	Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) <i>Sensitive Ecological Data – Access and Management Policy V1.0</i> .
Varied as at the date of this notice	Shapefile means an ESRI Shapefile containing '.shp', '.shx', '.dbf' and '.prj' files and other files capturing attributes of the Offset Area, including the shape (including specification of the projection or coordinate system used), EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format.
Original dated 24/4/2012	Water Quality Improvement Plan is the <i>Water Quality Improvement Plan for the Rivers and Estuary of the Peel-Harvey System – Phosphorus Management</i> published by the Western Australian Environmental Protection Authority, 2008.
Original dated 24/4/2012	Wetland shoreline is the area between the lowest astronomical tide and highest astronomical tide mark.

Date of decision	<u>ATTACHMENTS</u>
Original dated 24/4/2012	Attachment A - Map provided to the Department by Port Bouvard Limited on 13 April 2012.

Attachment A





Notification of Extension of Period of Effect of Approval

Project (EPBC 2011/5825)

This decision is made under section 145D of the *Environment Protection and Biodiversity Conservation Act 1999*.

person to whom the approval is granted Port Bouvard Limited

ACN of approval holder ACN 009 134 114

approved action To establish a residential development at Point Grey, Western Australia [See EPBC Act referral 2011/5825].

Extension of Period of Effect of Approval

The period of effect of the approval has been extended under section 145D(4) of the EPBC Act as described below.

New expiry date of approval This approval has effect until 31 December 2041.

Decision-maker

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

signature

date of decision

15/3/ 2019

Conditions attached to the approval

The conditions shown below are the conditions applicable to the approval on the date this extension of period of effect of approval was made. They include a previous variation to conditions made under section 143 of the EPBC Act on 15 March 2019.

These decisions are publicly available on the Department's website at <http://epbcnotices.environment.gov.au/referralslist/>

Date of decision	Conditions attached to approval
Original dated 24/4/2012	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 .
Original dated 24/4/2012	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 plans and strategy required by this approval, and 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.
As varied on the date of this notice	3. The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister . The approval holder must: <ul style="list-style-type: none"> a. publish each compliance report on the website within 60 business days following the relevant 12 month period; b. notify the Department by email that a compliance report has been published on the website within five business days of the date of publication; c. keep all compliance reports publicly available on the website until this approval expires; d. exclude or redact sensitive ecological data from compliance reports published on the website; and e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication. <p>Note: Compliance reports may be published on the Department's website. The first compliance report may report a period less than 12 months so that it and subsequent compliance reports align with the similar requirement under state approval.</p>
As varied on the date of this notice	3A. The approval holder must notify the Department in writing of any: incident ; non-compliance with the conditions; or non-compliance with the commitments made in plans . The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify: <ul style="list-style-type: none"> a. the condition which is or may be in breach; and b. a short description of the incident and/or non-compliance.
As varied on the date of this notice	3B. The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying: <ul style="list-style-type: none"> a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b. the potential impacts of the incident or non-compliance; and c. the method and timing of any remedial action that will be undertaken by the approval holder.
As varied on the date of this notice	4. The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister under conditions 9, 12, 13, 14 and 15, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act . If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.

Date of decision	Conditions attached to approval
As varied on the date of this notice	4A. The approval holder may choose to revise an action management plan approved by the Minister under conditions 9, 12, 13, 14 and 15, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act , if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact .
As varied on the date of this notice	<p>4B. If the approval holder makes the choice under condition 4A to revise an action management plan without submitting it for approval, the approval holder must:</p> <ul style="list-style-type: none"> a. notify the Department in writing that the approved action management plan has been revised and provide the Department with: <ul style="list-style-type: none"> i. an electronic copy of the RAMP; ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP; iii. an explanation of the differences between the approved action management plan and the RAMP; iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a new or increased impact; and v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department. b. subject to condition 4D, implement the RAMP from the RAMP implementation date.
As varied on the date of this notice	4C. The approval holder may revoke its choice to implement a RAMP under condition 4A at any time by giving written notice to the Department . If the approval holder revokes the choice under condition 4A, the approval holder must implement the previous action management plan approved by the Minister .
As varied on the date of this notice	<p>4D. If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> a. condition 4A does not apply, or ceases to apply, in relation to the RAMP; and b. the approval holder must implement the action management plan specified by the Minister in the notice. At the time of giving the notice under condition 4D, the Minister may also notify that for a specified period of time, condition 4A does not apply for one or more specified action management plans. <p>Note: conditions 4A, 4B, 4C and 4D are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised action management plan, at any time, to the Minister for approval.</p>
Original dated 24/4/2012	5. If the Minister believes that it is necessary or convenient for the better protection of Wetlands of international importance (under sections 16 & 17B), listed threatened species and communities (sections 18 & 18A) and listed migratory species (sections 20 & 20A) to do so, the Minister may request that the person taking the action make specified revisions to the management plans/strategy specified in the conditions and submit the revised management plan/strategy for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plan/strategy must be implemented. Unless the Minister has approved the revised management plan/strategy then the person taking the action must continue to implement the management plan/strategy originally approved, as specified in the conditions.
Varied as at the date of this notice	6. If commencement of the action does not occur within 10 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister .

Date of decision	Conditions attached to approval
Original dated 24/4/2012	7. Unless otherwise agreed to in writing by the Minister , the person taking the action must publish all management plans and strategy referred to in these conditions of approval on their website . Each management plan and strategy must be published on the website within 1 month of being approved.
Original dated 24/4/2012	8. The approval does not include the area for the proposed Point Grey Marina proposal (EPBC 2010/5515), shown as the area marked as 'Marina Footprint and Adjacent Foreshore' in <u>Attachment A</u> .
Varied as at the date of this notice	<p>9. Foreshore Protection and Management</p> <p>(a) To protect the Peel-Yalgorup Wetlands and habitat for listed migratory species, the person taking the action must include a permanent <i>foreshore buffer zone</i> between the residential area and the wetland shoreline. The foreshore buffer zone must include the areas marked as 'Foreshore' in <u>Attachment A</u>.</p> <p>For the foreshore buffer zone:</p> <ol style="list-style-type: none"> i. public access must be limited to <i>clearly designated public access points</i> (the details of which must be described in the <i>Foreshore Management Plan</i> required under condition 9 (b)); ii. there must be no clearing of native vegetation or construction within the foreshore buffer zone except for in designated public access points; iii. all of the foreshore buffer zone must be fully revegetated, except for in designated public access points; iv. ensure that for all revegetation in the foreshore buffer zone, a plant survival rate of 85 % is achieved within 3 years of replanting. If after three years from the date of replanting, a survival rate of 85% of the plants is not achieved, all replanted plants that have not survived must be replaced within 12 months, and maintained with a survival rate of at least 85% for a minimum of a further two years; v. there must be a physical barrier at or just within the land-side boundary of the foreshore buffer zone, in the form of dog-proof fencing and gates; and vi. measures such as signage, and management of the fencing and gates must be implemented to minimise the risk of domestic animals entering the foreshore buffer zone. <p>(b) To protect the Peel-Yalgorup Wetlands and habitat for listed migratory species, the person taking the action must prepare and submit a Foreshore Management Plan (FMP) for the Minister's approval. The plan may be submitted in stages to reflect the staged development of the project. The person taking the action must not commence construction of any stage of the project unless the Minister has approved the FMP which addresses that stage of the action.</p> <p>The FMP must describe in detail the proposed management of land within the foreshore buffer zone and the wetland shoreline adjacent to the proposal, but excluding the western foreshore within the area marked as 'Marina Footprint and Adjacent Foreshore' in <u>Attachment A</u>.</p> <p>The FMP must include but not be limited to:</p> <ol style="list-style-type: none"> i. describing how all aspects of approval condition 9 (a) will be implemented; ii. how the wetland shoreline of the eastern shore of the site (and the Peel Inlet shoreline to the east, within at least 2km of the site) will be managed to cope with indirect impacts to matters protected under the EPBC Act, including areas adjacent to Carrabungup Road where the public may have access to the Harvey Estuary shoreline; iii. how any urban lighting will be designed to minimise penetrating into the foreshore buffer zone;

Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> iv. permanent signage that will be erected to inform people that the area is internationally protected bird habitat and where people and pets are excluded; v. on-going weed and feral animal control; vi. measures to avoid disturbance of habitat for listed migratory species and other waterbirds that make up the ecological character of the Ramsar wetland; vii. bushfire management; viii. measures to ensure long-term management of the foreshore buffer zone; ix. how waterbird monitoring required under condition 15 will be used to inform foreshore management; x. measures to minimise the environmental impacts of pest insect control; xi. a map showing where revegetation will be undertaken; xii. details of how revegetation will be undertaken, including flora species to be planted, monitoring of survival rates and contingency plans; xiii. if controlled bush regeneration is to be used as revegetation technique, how weeds will be suppressed, regeneration monitored, and what contingency measures (such as planting) be implemented; xiv. the provenance of plants used for revegetation; xv. roles and responsibilities, including timeframes for implementation; and xvi. if required, written agreements from any relevant third parties confirming that they have agreed to implement or support any elements of the plan; xvii. how and where dog-proof fencing (required under condition 9 (a) (v) will be installed. <p>If approved by the Minister, the approved FMP must be implemented.</p>
Varied as at the date of this notice	<p>10. Black Cockatoo Habitat Protection, Mitigation and Offsets</p> <p>To protect habitat for Black Cockatoos, the person taking the action must:</p> <ul style="list-style-type: none"> (a) not clear more than 10 ha of foraging and/or potential breeding habitat for Black Cockatoos within 3 years of the commencement of the action, and not clear more than a total 38.5 ha of such habitat; (b) within 12 months of the commencement of the action, install at least 15 plastic nesting boxes for Black Cockatoos. The nesting hollows must be located near known or likely Black Cockatoo breeding habitat, either in a conservation area managed by the DPAW or another area which has been approved in writing by the Department and the approval holder must ensure that these are maintained in a condition suitable for use by Black Cockatoos for the life of the approval. <p>In order to offset the impact of clearing of Black Cockatoo habitat, the person taking the action must:</p> <ul style="list-style-type: none"> (c) Provide funds to the DPAW sufficient to acquire either: <ul style="list-style-type: none"> • an offset package that must include: <ul style="list-style-type: none"> i. a property with at least 60 ha of Black Cockatoo foraging habitat located within 50 km of the project site (and provide the funds for the acquisition of this property within 12 months of the commencement of the action); and ii. a property with at least 300 ha of Black Cockatoo foraging habitat (and provide the funds for the acquisition of this property within 3 years of the commencement of the action); or

Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> • an alternative offset package that has been approved in writing by the Department (and provide funds for this within a period that has been approved in writing by the Department, but in any case no longer than two years after the commencement of the action). <p>(d) For each component of condition 10 (c), within the same timeframes for which funds must be provided to the DPAW under condition 10 (c), provide to the Department:</p> <ul style="list-style-type: none"> • documentary evidence that funds have been provided to the DPAW to acquire each offset component; and • a textual description and map (accompanied with the offset attributes and a shapefile) to clearly define the location and boundaries of each offset component.
Varied as at the date of this notice	<p>11. Additional Habitat Restoration and Conservation Measures</p> <p>To protect the Peel-Yalgorup Wetlands, habitat for listed migratory species and listed threatened species, the person taking the action must:</p> <p>(a) ensure that the revegetation on the site includes the planting of at least 1100 trees that are either Tuart (<i>Eucalyptus gomphocephala</i>), Marri (<i>Corimbia calophylla</i>) or Jarrah (<i>Eucalyptus marginata</i>), and at least 3 ha is planted at a density of 1 plant per square metre with known habitat plants for Black Cockatoos;</p> <p>(b) ensure that for the revegetation described in condition 11 (a), a plant survival rate of 85% is achieved within 3 years of replanting. If after three years from the date of replanting, a survival rate of 85% of the plants is not achieved, all replanted plants that have not survived must be replaced within 12 months, and maintained with a survival rate of at least 85% for a minimum of a further two years;</p> <p>(c) salvage hollow limbs and trunks from hollow-bearing trees subject to clearing and use these to create on-site habitat for hollow-dependant fauna;</p> <p>(d) ensure that within 4 years of the commencement of the action, all parts of the site being protected for conservation purposes (including all of the foreshore buffer zone required under condition 9) are permanently protected by either:</p> <ul style="list-style-type: none"> • an irrevocable conservation covenant; or • a conservation reserve that will be managed by the DPAW; or • any other means that has been approved in writing by the Department.
Varied as at the date of this notice	<p>12. Construction Management Plan</p> <p>To minimise impacts to the Peel-Yalgorup Wetlands, habitat for listed migratory species and listed threatened species, the person taking the action must prepare and submit a Construction Management Plan (CMP) for the Minister's approval. The plan may be submitted in stages to reflect the staged development of the project. The person taking the action must not commence construction of any stage of the project unless the Minister has approved the CMP which addresses that stage of the action.</p> <p>The CMP must include but not be limited to the following requirements:</p> <p>(a) a map showing where construction will be undertaken, and showing the foreshore buffer zone required under condition 9;</p> <p>(b) how construction workers will be excluded from the foreshore buffer zone;</p> <p>(c) construction-related pollution containment measures, sediment control and stormwater management;</p> <p>(d) how impacts relating acid sulphate soils will be managed on the site;</p>

Date of decision	Conditions attached to approval
	<p>(e) how temporary fencing around the perimeter of all protected areas, and permanent fencing around the foreshore buffer zone will be constructed and maintained;</p> <p>(f) management of weeds during the construction phase; and</p> <p>(g) roles and responsibilities, including timeframes for implementation.</p> <p>If approved by the Minister, the approved CMP must be implemented.</p>
<p>Varied as at the date of this notice</p>	<p>13. Local Water Management Strategy</p> <p>To protect the Peel-Yalgorup Wetlands and habitat for listed migratory species, the person taking the action must prepare and submit a Local Water Management Strategy (LWMS) for the Minister's approval. The plan may be submitted in stages to reflect the staged development of the project. The person taking the action must not commence construction of any stage of the project unless the Minister has approved the LWMS which addresses that stage of the action.</p> <p>The LWMS must include but not be limited to:</p> <p>(a) the engineering and landscaping methods employed to manage urban runoff and on-going management of sediment, nutrients, acid sulphate soils and erosion control;</p> <p>(b) how stormwater will be recycled or treated to minimise water pollution;</p> <p>(c) how sewerage will be treated and managed;</p> <p>(d) details of a water quality monitoring program, water quality trigger values and contingency plans necessary to maintain water quality;</p> <p>(e) community education, including ongoing household education program regarding best management practices for water use, fertilizer use, and other activities that may impact on water quality;</p> <p>(f) how the plan will comply with ANZG guidelines (or equivalent guidelines), and the Water Quality Improvement Plan by the Western Australian Environmental Protection Authority; and</p> <p>(g) roles and responsibilities, including timeframes for implementation.</p> <p>If approved by the Minister, the approved LWMS must be implemented.</p>
<p>Original dated 24/4/2012</p>	<p>14. Groundwater Extraction</p> <p>To protect the Peel-Yalgorup Wetlands and habitat for listed migratory species the person taking the action must:</p> <p>(a) develop and implement groundwater extraction rates that will:</p> <ul style="list-style-type: none"> • result in no discernible groundwater drawdown from Lake McLarty, Lake Mealup or the lake described in the final Preliminary Documentation package as 'Reserve 4990'; and • make the risk of impact to all littoral vegetation of the Peel-Yalgorup Wetlands no greater than 'low' (according to the methodology of Froend and Loomes 2004 described on pages 25-27 of the groundwater bore assessment report). <p>(b) prepare and submit a Groundwater Management Plan (GMP) for the Minister's approval. The person taking the action must not commence extraction of groundwater (other than what is required for construction purposes) unless the Minister has approved the GMP.</p> <p>The GMP must include but not be limited to:</p> <ol style="list-style-type: none"> i. a detailed description of the hydrology of the area; ii. modelling of drawdown from groundwater extraction that shows that the proposed extraction rates will be compliant with condition 14 (a);

Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> iii. how groundwater extraction limits will be implemented; iv. an analysis to determine if groundwater extraction is likely to provide the long-term water needs for the development; v. if domestic bores for landholders will be permitted, how control of those bores will be implemented; vi. long term monitoring of groundwater levels, establishment of trigger levels for drawdown to Lake McLarty, Lake Mealup or the wetland described in the final Preliminary Documentation package as 'Reserve 4990', and contingency measures if discernible drawdown is detected; and vii. roles and responsibilities, including timeframes for implementation. <p>If approved by the Minister, the approved GMP must be implemented.</p>
Varied as at the date of this notice	<p>15. Waterbird Management Plan</p> <p>To protect the habitat for listed migratory species and birds that are part of the ecological character of the Peel-Yalgorup Wetlands, the person taking the action must prepare and submit a Waterbird Management Plan (WMP) for the Minister's approval. The plan may be submitted in stages to reflect the staged development of the project. The person taking the action must not commence construction of any stage of the project unless the Minister has approved the WMP which addresses that stage of the action.</p> <p>The WMP must include but not be limited to:</p> <ul style="list-style-type: none"> (a) identification of key waterbird habitat, including that used for roosting, feeding or breeding; (b) describe in detail all potential impacts to waterbirds, including from pedestrians, vehicles, domestic animals, and watercraft; (c) management measures to minimise potential impacts; (d) measures to prevent people and dogs from entering the wetland shoreline; (e) measures to control domestic and feral animals, including cat eradication in foreshore areas, to remove any uncontrolled domestic cats or feral cats in the foreshore buffer zone; (f) baseline surveys and monitoring program for waterbird abundance and waterbird habitat values, for any impacts that may be attributable to the action affecting key waterbird habitat identified in condition 15 (a); (g) trigger levels for further actions in the event that monitoring, as required under condition 15 (f), detects a decline in waterbird abundance or habitat values attributable to the development, and details of any contingency measures; (h) roles and responsibilities, including timeframes for implementation; and (i) if required, written agreements from any relevant third parties confirming that they have agreed to implement or support any elements of the plan. <p>If approved by the Minister, the approved WMP must be implemented.</p>

Date of decision	Definitions attached to approval
Varied as at the date of this notice	<p>ANZG (2018) means the Australian and New Zealand Guidelines for Fresh and Marine Water Quality. Australian and New Zealand Governments and Australian state and territory governments. Canberra ACT, Australia.</p>
Varied as at the date of this notice	<p>Approval holder means the person to whom the approval is granted and is an equivalent term to 'person taking the action'.</p>

Date of decision	Definitions attached to approval
Original dated 24/4/2012	Black Cockatoos means the nationally listed threatened Carnaby's Black Cockatoo (<i>Calyptorhynchus latirostris</i>), Baudin's Black Cockatoo (<i>Calyptorhynchus baudinii</i>) and Forest Red-tailed Black Cockatoo (<i>Calyptorhynchus banksii naso</i>).
Varied as at the date of this notice	Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
Original dated 24/4/2012	Clear / Clearing is the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation.
Varied as at the date of this notice	<p>Commence/ment of the action means the first instance of any specified activity associated with the action including clearance of vegetation and construction of any infrastructure. Commencement does not include minor physical disturbance necessary to:</p> <ul style="list-style-type: none"> i. undertake pre-clearance surveys or monitoring programs; ii. install signage and /or temporary fencing to prevent unapproved use of the project area; iii. protect environmental and property assets from fire, weeds and pests, including erection or construction of fencing and signage, and maintenance or use of existing surface access tracks, if agreed in writing by the Department
Varied as at the date of this notice	<p>Compliance reports means written reports:</p> <ul style="list-style-type: none"> i. providing accurate and complete details of compliance, incidents, and non-compliance with the conditions and the plans; ii. consistent with the Department's Annual Compliance Report Guidelines (2014); iii. include a shapefile of any clearance of any protected matters, or their habitat, undertaken within the relevant 12 month period; and iv. annexing a schedule of all plans prepared and in existence in relation to the conditions during the relevant 12 month period.
Original dated 24/4/2012	Construction includes preparatory works required to be undertaken including clearing native vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for buildings or infrastructure.
Original dated 24/4/2012	Controlled bush regeneration is a method of revegetation using natural regeneration, which can be undertaken where natural regeneration is already occurring or where there is a high level of native seed stock in the soil.
Varied as at the date of this notice	DPAW is the Western Australian Government's Department of Parks and Wildlife (formerly Department of Conservation and Land Management - DEC) or other WA Government agency with responsibility for threatened species management.
Original dated 24/4/2012	The Department is the Australian Government Department administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Original dated 24/4/2012	EPBC Act is the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Original dated 24/4/2012	Groundwater bore assessment report is the report, supplied as part of the Preliminary Documentation information, dated May 2011 and prepared by RPS entitled " <i>Upper Leederville Aquifer Groundwater Bore Abstraction Assessment – Point Grey Development</i> ".
Varied as at the date of this notice	Incident means any event which has the potential to, or does, impact on protected matter(s) .

Date of decision	Definitions attached to approval
Varied as at the date of this notice	Known habitat plants for Black Cockatoos includes any plants identified in a relevant search of the DPAW's Plants for Carnaby's Search application (see https://www.dpaw.wa.gov.au/); or other plants approved in writing by the Department .
Original dated 24/4/2012	Littoral vegetation is all the native vegetation within areas mapped as being one of the vegetation units listed as ' <i>Wetlands and Damplands (including transitional uplands)</i> ' in Figure 2 of the flora report in the Preliminary Documentation (<i>Level 2 Flora and Vegetation Survey</i> , prepared by RPS, dated October 2009).
Original dated 24/4/2012	Minister is the Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and includes a delegate of the Minister.
Original dated 24/4/2012	Offset attributes mean an '.xls' file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.
Original dated 24/4/2012	Nesting hollow guidelines are the DEC's guidelines <i>Artificial hollows for Carnaby's cockatoo</i> . Available at: http://www.dec.wa.gov.au/content/view/6333/2361/
Varied as at the date of this notice	New or increased impact means a new or increased environmental impact or risk relating to any protected matter , when compared to the likely impact of implementing the action management plan that has been approved by the Minister under conditions 9, 12, 13, 14 and 15, including any subsequent revisions approved by the Minister , as outlined in the <i>Guidance on 'New or Increased Impact' relating to changes to approved management plans under EPBC Act environmental approvals (2017)</i> .
Original dated 24/4/2012	Peel-Yalgorup Wetlands is the Peel-Yalgorup System (Ramsar Wetland).
Original dated 24/4/2012	Plastic nesting boxes are those made of PVC or suitable plastic material, as described in the DEC's nesting hollow guidelines .
Original dated 24/4/2012	Revegetation is the removal and suppression of weeds and the establishment of native vegetation.
Varied as at the date of this notice	Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) <i>Sensitive Ecological Data – Access and Management Policy V1.0</i> .
Varied as at the date of this notice	Shapefile means an ESRI Shapefile containing '.shp', '.shx', '.dbf' and '.prj' files and other files capturing attributes of the Offset Area, including the shape (including specification of the projection or coordinate system used), EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format.
Original dated 24/4/2012	Water Quality Improvement Plan is the <i>Water Quality Improvement Plan for the Rivers and Estuary of the Peel-Harvey System – Phosphorus Management</i> published by the Western Australian Environmental Protection Authority, 2008.
Original dated 24/4/2012	Wetland shoreline is the area between the lowest astronomical tide and highest astronomical tide mark.

Date of decision	ATTACHMENTS
Original dated 24/4/2012	Attachment A - Map provided to the Department by Port Bouvard Limited on 13 April 2012.

Attachment A





Ref: 2010/5515
2011/5825

Mr Andrew Hall
State Manager WA
Point Grey Development Company Pty Ltd
Level 6, 533 Hay Street
Perth WA 6000

Variation of conditions and Extension of period of approval for EPBC approvals 2010/5515 and 2011/5825

Dear Mr Hall

Thank you for your letter dated 28 November 2018 to the Hon Melissa Price MP, Minister for the Environment, requesting variation of the conditions of approval of EPBC approvals 2010/5515 and 2011/5825. I acknowledge that you have also subsequently requested an extension of the period of approval of both EPBC approvals. Officers of this Department have reviewed these requests.

As delegate of the Minister, I have varied various conditions of both EPBC approvals 2010/5515 and 2011/5825 under section 143(1)(c) of the *Environment Protection and Biodiversity Conservation Act 1999*.

As delegate of the Minister, I have also extended by five years the period of approval for both EPBC approvals 2020/5515 and 2011/5825.

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

Should you require any further information please contact s22 [redacted] Project Officer, Post Approvals Section, on s22 [redacted] by email: post.approvals@environment.gov.au.

Yours sincerely

Greg Manning
Assistant Secretary
Assessments (WA, SA and NT) and Post Approvals Branch
Environment Standards Division

15 March 2019



Approval

Point Grey Marina Project, Western Australia (EPBC 2010/5515)

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 Point Grey Development Company Pty Ltd

proponent's ACN (if applicable) ABN: 89 122 607 845

proposed action To develop an onshore marina, including the associated boating access channel, car park and boat ramps, at Lot 672 and Lot 1132 Point Grey [See EPBC Act referral 2010/5515].

Approval

Controlling Provision	Decision
Wetlands of international importance (sections 16 & 17B)	Approved
Listed threatened species and communities (sections 18 & 18A)	Approved
Listed migratory species (sections 20 & 20A)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 December 2052.

Decision-maker

name and position Dr Simon Banks
Assistant Secretary
West Assessment Branch

signature

date of decision

28/06/14

Conditions attached to the approval

1. At least three months prior to commencement of the action, the person taking the action must prepare and submit a Capital Dredging and Spoil Disposal Management Plan (CSDSDMP) for the Minister's approval, to mitigate the potential impacts from the **capital dredging** activities and for the protection of the **Peel-Yalgorup Wetlands** and habitat for listed migratory species and listed threatened species. The person taking the action must not commence the **capital dredging** and disposal activities unless the **Minister** has approved the CSDSDMP. The approved CSDSDMP must be implemented.

The CSDSDMP must include:

- a) Objectives;
 - b) Description of the channel (length, width, depth and angle of batters);
 - c) Description of the **capital dredging** and disposal program;
 - d) Methodology including timing and staging, with no dredging to be undertaken between 1 November and 30 April;
 - e) Disposal techniques including location(s) of dredge spoil disposal site(s);
 - f) Baseline mapping of seagrass prior to dredging commencing;
 - g) Baseline monitoring of water quality and the parameters to be measured. The parameters to be measured must include indicators relevant to the detection of Monosulfidic Black Ooze;
 - h) Methodology (including timing, frequency and location) for water quality, turbidity and seagrass monitoring;
 - i) Spoil disposal sediment monitoring and the parameters to be measured, following treatment in the treatment basin;
 - j) Bathymetric surveys of channel annually for first five years, or up until first **maintenance dredging**;
 - k) Trigger levels including contingency measures in the event monitoring shows potential impacts to water quality and seagrass;
 - l) Post construction sediment and water quality monitoring, including parameters to be measured, trigger levels and contingency responses. The parameters to be measured must include indicators relevant to the detection of Monosulfidic Black Ooze;
 - m) Post construction monitoring for algal mat and seagrass accumulation, including trigger levels and contingency responses; and
 - n) Roles and responsibilities, including timeframes for implementation and reporting.
2. No **capital dredged** or **maintenance dredged** material or excavated material from the marina, entrance channel or navigational channel is to be disposed of in the Peel Inlet or Harvey Estuary.
 3. At least three months prior to the commencement of **capital dredging**, the person taking the action must prepare and submit an Acid Sulfate Soils and Dewatering Management Strategy (ASSDMS), for the Minister's approval to mitigate the potential impacts from the **capital dredging** and dewatering activities and for the protection of the **Peel-Yalgorup Wetlands** and habitat for listed migratory species and listed threatened species. The person taking the action must not commence the **capital dredging** and disposal activities unless the **Minister** has approved the ASSDMS. The approved ASSDMS must be implemented.

The ASSDMS must include:

- a) Objectives;
- b) Methodology for the construction of the marina and groynes, including timing and staging;

- c) Mitigation and management measures for managing dewatering volume discharge, groundwater drawdown, and water quality;
 - d) Mitigation and management measures for excavating, handling, treating and stock piling materials associated with acid sulphate soils;
 - e) Vegetation monitoring prior to, during and post dewatering;
 - f) Trigger levels including contingency measures; and
 - g) Roles and responsibilities, including timeframes for implementation and reporting.
4. At least six months prior to the commencement of any **maintenance dredging** program the person taking the action must develop and submit a Maintenance Dredging and Spoil Disposal Management Plan (MDSDMP), for approval by the **Minister**, to mitigate the potential impacts from the **maintenance dredging** and disposal activities and for the protection of the **Peel-Yalgorup Wetlands** and habitat for listed migratory species and listed threatened species. The person taking the action must not commence **maintenance dredging** program unless the **Minister** has approved the MDSDMP. The approved MDSDMP must be implemented.

The MDSDMP must include:

- a) Objectives;
 - b) Description of the **maintenance dredging** proposal, including timing, dredging areas and the volume of material to be dredged (in cubic metres);
 - c) Details of the physical and chemical description of the material to be dredged;
 - d) Methodology for dredging and disposal;
 - e) A description of the disposal site(s) and adjacent areas, including the rationale for the location;
 - f) Identification of potential impacts from the maintenance dredging and disposal activities including possible effects on other users of the area;
 - g) Mitigation and management measures to be implemented during **maintenance dredging** and disposal including timing and staging to mitigate the potential impacts identified in 4(f);
 - h) Methodology (including timing, frequency and location) for water quality, turbidity and seagrass monitoring measures;
 - i) Trigger levels including contingency measures;
 - j) Details of post dredging and disposal monitoring;
 - k) Roles and responsibilities, including timeframes for implementation and reporting; and
 - l) Discussion with other Government agencies and community groups on the proposal.
5. To protect the **Peel-Yalgorup Wetlands**, habitat for listed migratory species and habitat for **Black Cockatoos**, the person taking the action must:
- a) Not clear more than 7.06 ha of foraging habitat and potential breeding habitat for **Black Cockatoos**.
 - b) Prior to construction commencing, either acquire land(s) or provide funding to **DPaW** for the acquisition of 22 ha of foraging and potential breeding habitat for **Black Cockatoos**, to be managed in perpetuity by **DPaW**. Written confirmation of **DPaW**'s agreement to the land acquired or the transfer of monies to **DPaW** must be provided to the **Department**.
 - c) Provide the **Department** with a textual description and map to clearly define the location and boundaries of the offset property described in condition 5(b). This must be accompanied with the **offset attributes** and a **shapefile**.

- d) Undertake rehabilitation of 4.76 ha of vegetation as outlined in the Construction Environment Management Plan specified in Condition 6 and shown at the map at Attachment A.
 - e) Prior to construction commencing, transfer 10.6 ha of foreshore vegetation zoned as rural, as shown in Attachment A, to the State of Western Australia for conservation and recreational purposes. Written confirmation of the transfer of land to the State of Western Australia must be provided to the **Department**.
6. At least three months prior to the commencement of the action the person taking the action must develop and submit a Construction Environment Management Plan (CEMP), to the **Minister** for approval to mitigate the potential impacts during construction and to protect the **Peel-Yalgorup Wetlands** and habitat for listed migratory species and listed threatened species. The person taking the action must not commence **construction** unless the **Minister** has approved the CEMP. The approved CEMP must be implemented.

The CEMP must include:

- a) Objective;
 - b) Staging of clearing of habitat;
 - c) Exclusion periods for **construction**;
 - d) Methodology for marina and Groyne **construction**, including type and source of material;
 - e) Description and location of disposal site(s) for marina excavated material;
 - f) Assessment of potential impacts on **Peel-Yalgorup Wetlands** and habitat for listed migratory species and listed threatened species from the disposal of marina excavated material at the above identified sites;
 - g) Mitigation and management measures to address the above identified potential impacts;
 - h) Mitigation and management measures for lighting, dust, noise, smoke;
 - i) Procedures for handling, storage and spill management of hazardous materials;
 - j) Water quality and seagrass monitoring during groyne construction;
 - k) Fencing, including vehicle and human access;
 - l) Vegetation and rehabilitation management and monitoring, including diagrams of sites and completion criteria;
 - m) Contingency measures; and
 - n) Roles and responsibilities, including timeframes for implementation and reporting.
7. At least three months prior to the commencement of the action the person taking the action must develop and submit a Foreshore Management Plan (FMP), to the **Minister** for approval to protect the **Peel-Yalgorup Wetlands** and habitat for listed migratory species and listed threatened species. The person taking the action must not commence **construction** unless the **Minister** has approved the FMP. The approved FMP must be implemented.

The FMP must include:

- a) Objectives;
- b) Description of **foreshore management zone**, including diagram;
- c) Vegetation and plant disease monitoring and management;
- d) Waterbird and Fauna monitoring and management including identifying waterbird usage of habitat area including patterns of roosting , nesting, feeding and mating;
- e) Stormwater management;
- f) Monitoring, reporting and rectifying any areas of shoreline erosion on Point Grey caused by the presence of the marina and its associated infrastructure;

- g) In line with the results of monitoring undertaken at d) above, management of the following to protect sensitive areas: Public access, vehicle access, parking, fencing, public facilities, education signage, rubbish dumping and domestic pets access;
 - h) Bush fire management;
 - i) Mosquito management;
 - j) Ongoing weed and feral animal control;
 - k) Contingency measures; and
 - l) Roles and responsibilities, including timeframes for implementation and reporting.
8. 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.
 9. 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 plans and strategy required by this approval, and 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.
 10. By 31 December of each year after the commencement of the action, the person taking the action must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of the management plans and strategy as specified in the conditions. The compliance report must remain on the proponent's website for a minimum of 12 months (beginning on the date of publication). Potential or actual contraventions of the conditions of the approval must be reported to the **Department** in writing within 2 business days of the person taking the action becoming aware of the actual or potential contravention. All contraventions must also be included in the compliance report.
 11. Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.
 12. If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plans and strategy as specified in the conditions, the person taking the action must submit to the **Department** for the **Minister's** written approval a revised version of that management plan or strategy. The varied activity shall not commence until the **Minister** has approved the varied management plan or strategy in writing. The **Minister** will not approve a varied management plan or strategy unless the revised management plan or strategy, would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised management plan or strategy that management plan or strategy must be implemented in place of the management plan or strategy originally approved.
 13. If the **Minister** believes that it is necessary or convenient for the better protection of **Peel-Yalgorup Wetlands**, listed migratory species and listed threatened species, the Minister may request that the person taking the action make specified revisions to the management plans or strategy, specified in the conditions and submit the revised management plans or strategy, for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved management plans or strategy must be implemented. Unless the **Minister** has approved the revised

management plans or strategy, then the person taking the action must continue to implement the management plans or strategy, originally approved, as specified in the conditions.

14. If, at any time after five years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.
15. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans and/or strategy, referred to in these conditions of approval on their website. Each management plan and/or strategy, must be published on the website within 1 month of being approved. The person taking the action must notify the **Department** within five (5) business days of publishing the management plan(s) on their website. The management plan(s) must remain on their website for the period this approval has effect.

Definitions

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

Capital dredging – Dredging to create, enlarge or deepen existing channels and create new marina.

Commencement means the start of **Construction**.

Construction includes any preparatory works required to be undertaken including clearing vegetation, the use of construction or excavation/dredging equipment within the project area for the purpose of breaking the ground for buildings or infrastructure, entrance channel, navigation channel and marina.

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

DPaW means the WA Department of Parks and Wildlife.

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

Foreshore Management Zone is the Marina Project Area excluding the Marina Boundary as shown in Attachment A.

Maintenance dredging – Dredging to ensure entrance channel, navigation channel and marina are maintained at their designed dimensions.

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

Offset attributes mean an '.xls' file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.

Peel-Yalgorup Wetlands is the Peel-Yalgorup System (Ramsar Wetland).

Shapefile means an ESRI Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the Offset Area, including the shape, EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format.

POINT GREY MARINA OFFSET AND REHABILITATION										
Component	Description	Area								
Direct Offset										
Acquisition and conservation of black cockatoo habitat off site	Local Offset Funding towards the acquisition of land supporting potential typical black cockatoo foraging and nesting habitat in the Sirene of Serpentine-Jarrahdale managed in perpetuity by the DEC.	22 ha								
Transfer of Foreshore Land										
Rural land (adjacent to the foreshore)	Vesting of Rural land as Public Open Space to the appropriate State authorities	Total 14.8 ha: <ul style="list-style-type: none"> □ 10.64ha 'Rural' land privately owned □ 3.55ha unallocated crown land zoned 'Rural' 								
Rehabilitation										
Rehabilitation sites	<table border="1"> <tr> <td>Site 1</td> <td>3.55 ha (FCT (PEC) 21C)</td> </tr> <tr> <td>Site 2</td> <td>0.21 ha (FCT (PEC) 24/29)</td> </tr> <tr> <td>Site 3</td> <td>1.0 ha (FCT (PEC) 25)</td> </tr> <tr> <td>Total Area</td> <td>4.76 ha</td> </tr> </table>	Site 1	3.55 ha (FCT (PEC) 21C)	Site 2	0.21 ha (FCT (PEC) 24/29)	Site 3	1.0 ha (FCT (PEC) 25)	Total Area	4.76 ha	
Site 1	3.55 ha (FCT (PEC) 21C)									
Site 2	0.21 ha (FCT (PEC) 24/29)									
Site 3	1.0 ha (FCT (PEC) 25)									
Total Area	4.76 ha									



LEGEND

- Site Boundary
- Cadastre
- Marina Boundary
- Marina Project Area
- Car Park and Boat Ramp
- Transfer of Rural Land Back to State
- Vesting of Rural land as Public Open Space to the appropriate State authorities

Job Number: L9877
 Date: 11/01/11
 Revision: C
 Scale: 1:1000 @ A3
 Drawn by: SC
 Source: Dept for Planning and Infrastructure, 2002, Ormrod & Co. Aerials - Lidar data

Point Grey Marina – Commonwealth Offset,
 Rehabilitation Areas and Transfer of Land Information



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Approval

**Point Grey Urban Residential Development – Terrestrial Component
(EPBC 2011/5825)**

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	Port Bouvard Limited
proponent's ACN (if applicable)	ACN 009 134 114
proposed action	To establish a residential development at Point Grey, Western Australia [See EPBC Act referral 2011/5825].

Approval decision

Controlling Provision	Decision
Wetlands of international importance (sections 16 & 17B)	Approve
Listed threatened species and communities (sections 18 & 18A)	Approve
Listed migratory species (sections 20 & 20A)	Approve


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	
date of decision	24 April 2012

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 plans and strategy required by this approval, and 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. 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 and strategy 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.
4. If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plans and strategy as specified in the conditions, the person taking the action must submit to the **Department** for the **Minister's** written approval a revised version of that management plan/strategy. The varied activity shall not commence until the **Minister** has approved the varied management plan/strategy in writing. The **Minister** will not approve a varied management plan/strategy unless the revised management plan/strategy would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised management plan/strategy that management plan/strategy must be implemented in place of the management plan/strategy originally approved.
5. If the **Minister** believes that it is necessary or convenient for the better protection of Wetlands of international importance (under sections 16 & 17B), listed threatened species and communities (sections 18 & 18A) and listed migratory species (sections 20 & 20A) to do so, the **Minister** may request that the person taking the action make specified revisions to the management plans/strategy specified in the conditions and submit the revised management plan/strategy for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved management plan/strategy must be implemented. Unless the **Minister** has approved the revised management plan/strategy then the person taking the action must continue to implement the management plan/strategy originally approved, as specified in the conditions.
6. If, at any time after five years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.
7. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans and strategy referred to in these conditions of approval on their website. Each management plan and strategy must be published on the website within 1 month of being approved.
8. The approval does not include the area for the proposed Point Grey Marina proposal (EPBC 2010/5515), shown as the area marked as 'Marina Footprint and Adjacent Foreshore' in Attachment A.

9. Foreshore Protection and Management

(a) To protect the **Peel-Yalgorup Wetlands** and habitat for listed migratory species, the person taking the action must include a permanent *foreshore buffer zone* between the residential area and the **wetland shoreline**. The foreshore buffer zone must include the areas marked as 'Foreshore' in Attachment A.

For the foreshore buffer zone:

- i. public access must be limited to *clearly designated public access points* (the details of which must be described in the *Foreshore Management Plan* required under condition 9 (b));
- ii. there must be no **clearing** of native vegetation or **construction** within the foreshore buffer zone except for in designated public access points;
- iii. all of the foreshore buffer zone must be fully **revegetated**, except for in designated public access points;
- iv. ensure that for all **revegetation** in the foreshore buffer zone, a plant survival rate of 85 % is achieved within 3 years of replanting. If after three years from the date of replanting, a survival rate of 85% of the plants is not achieved, all replanted plants that have not survived must be replaced within 12 months, and maintained with a survival rate of at least 85% for a minimum of a further two years;
- v. there must be a physical barrier at or just within the land-side boundary of the foreshore buffer zone, in the form of dog-proof fencing and gates; and
- vi. measures such as signage, and management of the fencing and gates must be implemented to minimise the risk of domestic animals entering the foreshore buffer zone.

(b) To protect the **Peel-Yalgorup Wetlands** and habitat for listed migratory species, the person taking the action must prepare and submit a Foreshore Management Plan (FMP) for the **Minister's** approval. The person taking the action must not commence **construction** unless the **Minister** has approved the FMP.

The FMP must describe in detail the proposed management of land within the foreshore buffer zone and the **wetland shoreline** adjacent to the proposal, but excluding the western foreshore within the area marked as 'Marina Footprint and Adjacent Foreshore' in Attachment A.

The FMP must include but not be limited to:

- i. describing how all aspects of approval condition 9 (a) will be implemented;
- ii. how the **wetland shoreline** of the eastern shore of the site (and the Peel Inlet shoreline to the east, within at least 2km of the site) will be managed to cope with indirect impacts to matters protected under the **EPBC Act**, including areas adjacent to Carrabungup Road where the public may have access to the Harvey Estuary shoreline;
- iii. how any urban lighting will be designed to minimise penetrating into the foreshore buffer zone;
- iv. permanent signage that will be erected to inform people that the area is internationally protected bird habitat and where people and pets are excluded;
- v. on-going weed and feral animal control;
- vi. measures to avoid disturbance of habitat for **listed migratory species** and other waterbirds that make up the ecological character of the Ramsar wetland;
- vii. bushfire management;
- viii. measures to ensure long-term management of the foreshore buffer zone;
- ix. how waterbird monitoring required under condition 15 will be used to inform foreshore management;

- x. measures to minimise the environmental impacts of pest insect control;
- xi. a map showing where **revegetation** will be undertaken;
- xii. details of how **revegetation** will be undertaken, including flora species to be planted, monitoring of survival rates and contingency plans;
- xiii. if **controlled bush regeneration** is to be used as **revegetation** technique, how weeds will be suppressed, regeneration monitored, and what contingency measures (such as planting) be implemented;
- xiv. the provenance of plants used for **revegetation**;
- xv. roles and responsibilities, including timeframes for implementation; and
- xvi. if required, written agreements from any relevant third parties confirming that they have agreed to implement or support any elements of the plan;
- xvii. how and where dog-proof fencing (required under condition 9 (a) (v)) will be installed.

If approved by the **Minister**, the approved FMP must be implemented.

10. **Black Cockatoo Habitat Protection, Mitigation and Offsets**

To protect habitat for **Black Cockatoos**, the person taking the action must:

- (a) not **clear** more than 10 ha of foraging habitat and potential breeding habitat for **Black Cockatoos** within 3 years of the **commencement** of the action, and not permanently **clear** more than a total 38.5 ha of such habitat;
- (b) within 12 months of the **commencement** of the action, install at least 15 **plastic nesting boxes** for **Black Cockatoos**. The nesting hollows must be located near known or likely **Black Cockatoo** breeding habitat, either in a conservation area managed by the **DEC** or another area which has been approved in writing by the **Department**.

In order to offset the impact of clearing of **Black Cockatoo** habitat, the person taking the action must:

- (c) Provide funds to the **DEC** sufficient to acquire either:
 - an offset package that must include:
 - i. a property with at least 60 ha of **Black Cockatoo** foraging habitat located within 50 km of the project site (and provide that funding within 12 months of the **commencement** of the action); and
 - ii. a property with at least 300 ha of **Black Cockatoo** foraging habitat (and provide that funding within 3 years of the **commencement** of the action);
 or
 - an alternative offset package that has been approved in writing by the **Department** (and provide that funding within a period that has been approved in writing by the **Department**).
- (d) For each component of condition 10 (c), within the same timeframes for which funding must be provided to the **DEC** under condition 10 (c), provide to the **Department**:
 - documentary evidence that funds have been provided to the **DEC** to acquire that offset component; and
 - a textual description and map (accompanied with the **offset attributes** and a **shapefile**) to clearly define the location and boundaries of that offset component.

11. Additional Habitat Restoration and Conservation Measures

To protect the **Peel-Yalgorup Wetlands**, habitat for listed migratory species and listed threatened species, the person taking the action must:

- (a) ensure that the **revegetation** on the site includes the planting of at least 1100 trees that are either Tuart (*Eucalyptus gomphocephala*), Marri (*Corimbia calophylla*) or Jarrah (*Eucalyptus marginata*), and at least 3 ha must be planted with a density of 1 plant per square metre with **known habitat plants for Black Cockatoos**;
- (b) ensure that for the **revegetation** described in condition 11 (a), a plant survival rate of 85 % is achieved within 3 years of replanting. If after three years from the date of replanting, a survival rate of 85% of the plants is not achieved, all replanted plants that have not survived must be replaced within 12 months, and maintained with a survival rate of at least 85% for a minimum of a further two years;
- (c) hollow limbs and trunks from hollow-bearing trees must be salvaged and used to create on-site habitat for hollow-dependant fauna;
- (d) ensure that within 4 years of the **commencement** of the action, all parts of the site being protected for conservation purposes (including all of the foreshore buffer zone required under condition 9) are permanently protected by either:
 - an irrevocable conservation covenant; or
 - a conservation reserve that will be managed by the **DEC**; or
 - any other means that has been approved in writing by the **Department**.

12. Construction Management Plan

To minimise impacts to the **Peel-Yalgorup Wetlands**, habitat for listed migratory species and listed threatened species, the person taking the action must prepare and submit a Construction Management Plan (CMP) for the **Minister's** approval. The person taking the action must not commence **construction** unless the **Minister** has approved the CMP.

The CMP must include but not be limited to the following requirements:

- (a) a map showing where **construction** will be undertaken, and showing the foreshore buffer zone required under condition 9;
- (b) how **construction** workers will be excluded from the foreshore buffer zone;
- (c) **construction**-related pollution containment measures, sediment control and stormwater management;
- (d) how impacts relating acid sulphate soils will be managed on the site;
- (e) how temporary fencing around the perimeter of all protected areas, and permanent fencing around the foreshore buffer zone will be **constructed** and maintained;
- (f) management of weeds during the **construction** phase; and
- (g) roles and responsibilities, including timeframes for implementation.

If approved by the **Minister**, the approved CMP must be implemented.

13. Local Water Management Strategy

To protect the **Peel-Yalgorup Wetlands** and habitat for listed migratory species, the person taking the action must prepare and submit a Local Water Management Strategy (LWMS) for the **Minister's** approval. The person taking the action must not commence **construction** unless the **Minister** has approved the LWMS.

The LWMS must include but not be limited to:

- (a) the engineering and landscaping methods employed to manage urban runoff and on-going management of sediment, nutrients, acid sulphate soils and erosion control;
 - (b) how stormwater will be recycled or treated to minimise water pollution;
 - (c) how sewerage will be treated and managed;
 - (d) details of a water quality monitoring program, water quality trigger values and contingency plans necessary to maintain water quality;
 - (e) community education, including ongoing household education program regarding best management practices for water use, fertilizer use, and other activities that may impact on water quality;
 - (f) how the plan will comply with **ANZECC guidelines**, and the **Water Quality Improvement Plan** by the Western Australian Environmental Protection Authority; and
 - (g) roles and responsibilities, including timeframes for implementation.
- If approved by the **Minister**, the approved LWMS must be implemented.

14. Groundwater Extraction

To protect the **Peel-Yalgorup Wetlands** and habitat for listed migratory species the person taking the action must:

- (a) develop and implement groundwater extraction rates that will:
 - result in no discernible groundwater drawdown from Lake McLarty, Lake Mealup or the lake described in the final Preliminary Documentation package as 'Reserve 4990'; and
 - make the risk of impact to all **littoral vegetation of the Peel-Yalgorup Wetlands** no greater than 'low' (according to the methodology of Froend and Loomes 2004 described on pages 25-27 of the **groundwater bore assessment report**).
- (b) prepare and submit a Groundwater Management Plan (GMP) for the **Minister's** approval. The person taking the action must not commence extraction of groundwater (other than what is required for construction purposes) unless the **Minister** has approved the GMP.

The GMP must include but not be limited to:

- i. a detailed description of the hydrology of the area;
- ii. modelling of drawdown from groundwater extraction that shows that the proposed extraction rates will be compliant with condition 14 (a);
- iii. how groundwater extraction limits will be implemented;
- iv. an analysis to determine if groundwater extraction is likely to provide the long-term water needs for the development;
- v. if domestic bores for landholders will be permitted, how control of those bores will be implemented;
- vi. long term monitoring of groundwater levels, establishment of trigger levels for drawdown to Lake McLarty, Lake Mealup or the wetland described in the final Preliminary Documentation package as 'Reserve 4990', and contingency measures if discernible drawdown is detected; and
- vii. roles and responsibilities, including timeframes for implementation.

If approved by the **Minister**, the approved GMP must be implemented.

15. Waterbird Management Plan

To protect the habitat for listed migratory species and birds that are part of the ecological character of the **Peel-Yalgorup Wetlands**, the person taking the action must prepare and submit a Waterbird Management Plan (WMP) for the **Minister's** approval. The person taking the action must not commence **construction** unless the **Minister** has approved the WMP.

The WMP must include but not be limited to:

- (a) identification of key waterbird habitat, including that used for roosting, feeding or breeding;
- (b) describe in detail all potential impacts to waterbirds, including from pedestrians, vehicles, domestic animals, and watercraft;
- (c) management measures to minimise potential impacts;
- (d) measures to prevent people and dogs from entering the **wetland shoreline**;
- (e) measures to control domestic and feral animals, including cat eradication in foreshore areas, to remove any uncontrolled domestic cats or feral cats in the foreshore buffer zone;
- (f) baseline surveys and monitoring program for waterbird abundance and waterbird habitat values, for any impacts that may be attributable to the action affecting key waterbird habitat identified in condition 15 (a);
- (g) trigger levels for further actions in the event that monitoring, as required under condition 15 (f), detects a decline in waterbird abundance or habitat values attributable to the development, and details of any contingency measures;
- (h) roles and responsibilities, including timeframes for implementation; and
- (i) if required, written agreements from any relevant third parties confirming that they have agreed to implement or support any elements of the plan.

If approved by the **Minister**, the approved WMP must be implemented.

Definitions:

ANZECC guidelines are the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000).

Black Cockatoo/s means the nationally listed threatened Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*), Baudin's Black Cockatoo (*Calyptorhynchus baudinii*) and Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii naso*).

Clear / Clearing is the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation.

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

Construction includes preparatory works required to be undertaken including **clearing** native vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for buildings or infrastructure.

Controlled bush regeneration is a method of **revegetation** using natural regeneration, which can be undertaken where natural regeneration is already occurring or where there is a high level of native seed stock in the soil.

DEC is the Western Australian Government's Department of Environment and Conservation.

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

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

Groundwater bore assessment report is the report, supplied as part of the Preliminary Documentation information, dated May 2011 and prepared by RPS entitled "*Upper Leederville Aquifer Groundwater Bore Abstraction Assessment – Point Grey Development*".

Known habitat plants for Black Cockatoos includes any plants identified in a relevant search of the DEC's Plants for Carnaby's Search Tool (at <http://www.dec.wa.gov.au/content/view/5983/1556/>); or other plants approved in writing by the **Department**.

Littoral vegetation is all the native vegetation within areas mapped as being one of the vegetation units listed as '*Wetlands and Damplands (including transitional uplands)*' in Figure 2 of the flora report in the Preliminary Documentation (*Level 2 Flora and Vegetation Survey*, prepared by RPS, dated October 2009).

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

Offset attributes mean an '.xls' file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.

Peel-Yalgorup Wetlands is the Peel-Yalgorup System (Ramsar Wetland).

Plastic nesting boxes are those made of PVC or suitable plastic material, as described in the **DEC's nesting hollow guidelines**.

Nesting hollow guidelines are the **DEC's** guidelines *Artificial hollows for Carnaby's cockatoo*. Available at: <http://www.dec.wa.gov.au/content/view/6333/2361/>

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

Shapefile means an ESRI Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the Offset Area, including the shape, EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format.

Water Quality Improvement Plan is the *Water Quality Improvement Plan for the Rivers and Estuary of the Peel-Harvey System – Phosphorus Management* published by the Western Australian Environmental Protection Authority, 2008.

Wetland shoreline is the area between the lowest astronomical tide and highest astronomical tide mark.

Attachment A

(on following page)

Map provided to the Department by Port Bouvard Limited on 13 April 2012.

Attachment A

38 Station Street, Subiaco, W.A. 6008
Tel: +61 8 92111111 | Fax: +61 8 92111172 | www.rps.com.au

LEGEND

- Urban Zoned Area Boundary - WAPC 271.8ha Cadastre
- State Approved Foreshore Buffer (EPA, DoW, WAPC) Contour (mAHD)
- Foreshore
- Marina Footprint and Adjacent Foreshore



RPS

Job Number: L10328
Date: 12/04/12
Scale: 1:8000 (© AJ)
Version: 1
Drawn by: JC
Source: Callister & Christophoro - Landgate, 2010



Foreshore Buffer Zone

s22

From: Price, Melissa (MP) <Melissa.Price.MP@aph.gov.au>
Sent: Friday, 7 December 2018 4:47 PM
To: MinisterialCorrespondence
Subject: MC18-028239 Point Grey Western Australia - Commonwealth Environmental Approvals EPBC 2010/5515 and EPBC 2011/5825-ESD
Attachments: 21 Sep 2018 1621 Statement 1082 Ministers Determination to Extend Approval.pdf; Commonwealth Government Marina Approval Conditions - 28 June 2014.pdf; Commonwealth EPBC Terrestrial 2011-5825-approval (002).pdf; Letter to Hon M Price MP 28 Nov 2018.pdf

Categories: AA-Min Price

From: Andrew Hall [mailto:s47F]
Sent: Thursday, 6 December 2018 4:18 PM
To: Price, Melissa (MP)
Cc: Hastie, Andrew (MP)
Subject: Point Grey Western Australia - Commonwealth Environmental Approvals EPBC 2010/5515 and EPBC 2011/5825

Dear Minister

Point Grey Development Company Pty Ltd and Tian An Australia Ltd. (formally Port Bouvard Ltd.) are the owners & developers of the land at Point Grey W.A.

We have attached a letter seeking your consent to extend the time authorisation for both environmental approvals to harmonise it with the recently extended state environmental approval.

There a number of reasons for the request but not least because of: a) the depressed state of the development market in the Peel region that has stymied implementation; b) the time realistically necessary to work with both state and federal government authorities to sign off all the environmental conditions necessary to commence any works on the land; and c) the company obtaining certainty around the marina state environmental approval.

The Point Grey Marina project contextually is very important to the overall development staging, as it is the catalyst and key enabler given Point Grey's remoteness and the state of the current residential market. The Point Grey project will be a significant economic and social contributor to the Peel region over its development timeframe.

On the matter of the marina approval certainty, the W.A. Minister for Environment has now approved a five (5) year time extension to the existing approval for this component of the project (to August 2022) after the completion of lengthy and exhaustive Inquiry undertaken by the W.A. Environmental Protection Agency at his behest.

Therefore we respectfully seek your consent to extend the time authorisation period for both existing Commonwealth environmental approvals (terrestrial and marina), so that the company can fully focus on the detailed planning and pre-commencement work required to satisfy the relevant environmental conditions and start works on the marina as soon as practicable.

We would be happy to facilitate a site visit in the new year.

Please do not hesitate to contact me if further information is necessary.

We look forward to your decision.

Yours faithfully

Andrew J. Hall
State Manager W.A.

Tian An Australia Limited

T 02 8243 9700 | M **s47F** | F 02 8243 9799 | E **s47F** | W www.tianan.com.au | Level 5, 99 Macquarie Street, Sydney NSW 2000 | Level 6, 533 Hay Street, Perth WA 6000 (Perth Office)

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Point Grey Development Company Pty Ltd

28 November 2018

Hon. Melissa Price MP
Minister for the Environment
C/- Suite M1-19
Parliament House
Canberra ACT 2600

RE: Commonwealth Environmental Approvals - EPBC 2010/5515 and EPBC 2011/5825, Point Grey W.A.

Dear Minister

The Point Grey project is a proposed large-scale integrated tourism and residential master planned community to be built on 275 hectares of land within the Shire of Murray W.A. The project will target the development of an integrated retail and tourism hub, 3 000 plus residential dwellings, a primary school, extensive open and recreational space together with a 300 berth on-shore marina.

The marina component is an essential catalyst for the overall project to proceed, due to the site's relatively remote location.

With respect to the Point Grey Marina Project state environmental approval granted in 2012, it was subject to detailed environmental Protection Act Inquiry (instigated by the Minister of Environment in mid-2017 under s.46 of the EPA Act 1986) to examine whether any new scientific evidence or environmental factors would justify re-assessment for the proposal to proceed as previously approved.

The W.A. Environmental Protection Agency (EPA), after reviewing all the evidence and submissions presented to the Inquiry, concluded that:

- there are no changes to the proposal;
- there is no significant new or additional information that justifies the reassessment of the issues raised by the proposal;
- there has been no new significant change in the relevant environmental factors since the proposal was assessed by the EPA in Report 1420 (December 2011);
- no new significant environmental factors have arisen since its assessment of the proposal; and
- the impacts to the key environmental factors are considered manageable, based on the requirements of existing conditions, and the imposition of the attached recommended conditions.

Therefore, the EPA unequivocally recommended to the Minister that the time authorisation implementation condition should be extended by a further five years.

Following the EPA's key findings and recommendation, the Minister for Environment Hon. Stephen Dawson MLC issued his determination on 21 September 2018 (Ministerial Statement 1802) and granted the request for an extension until 1 August 2022 to implement the marina works.

The Point Grey Marina Project also received Commonwealth approval under sections 130(1) and 133 of the EPBC Act 1999 (EPBC 2010/5515) in June 2014.

This approval is also subject to a time authorisation period in which substantial commencement must be actioned (prior to 28th June 2019) after which Ministerial written consent is required to commence any works on the marina site.

To provide consistency and harmonisation between the jurisdictional environmental approvals, we would respectfully ask the Ministers' consent to extend the time authorisation date in which the company must achieve substantial commencement for the marina project to align its timing with the amended state approval ie. June 2022.

We also note that a Commonwealth environmental approval for the terrestrial component to allow for any residential development to occur on the remainder of the project land was granted under sections 130(1) and 133 of the EPBC Act 1999 (EPBC 2011/5825) in April 2012.

Given the effluxion of time, this will now require written Ministerial consent for any works to commence due to the operation of Condition 6 of this approval.

No development has commenced because of persistent depressed state of the residential subdivision property market and the length of time taken to resolve the s.46 Inquiry and Minister's decision around the state marina approval time authorisation.

This combined with the expected length of time realistically needed to achieve satisfaction of all environmental conditions contained within the terrestrial approval EPBC 2011/5825, we would also respectfully ask if the terrestrial environmental approval time authorisation (Condition 6) could also be extended by a further five years.

This will afford the company the requisite time to undertake the substantive planning, design and detailed feasibility work fundamental for a project of this scale and complexity to proceed.

We look forward to your decision.

Yours faithfully

Point Grey Development Company Pty Ltd



Andrew Hall
State Manager W.A.

Attached: Commonwealth Approvals EPBC 2010/5515 and 2011/5825
Point Grey Marina Statement 1802 issued under section 46 of the W.A. Environmental Protection Act 1986

Cc: Andrew Hastie MP, Federal Member for Canning.

THIS DOCUMENT

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Published on: 21 September 2018

Statement No. 1082

**STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS
APPLYING TO A PROPOSAL
(Section 46 of the *Environmental Protection Act 1986*)**

POINT GREY MARINA

Proposal: The proposal is for the construction of an onshore marina (and associated boating infrastructure e.g. boat pens, jetties, navigational aids, entrance channel, protective groynes, public boat ramps and car parks) on the western side of the Point Grey peninsula. The proposal also includes the construction of a 2.5 kilometre navigation channel across the Harvey Estuary from the marina to the Dawesville Channel.

Proponent: Point Grey Development Company Pty Ltd
Australian Company Number 122 607 845

Proponent Address: Level 5, 99 Macquarie Street
SYDNEY NSW 2000

Report of the Environmental Protection Authority: 1621

Previous Assessment Numbers: 1751, 2106

Previous Report Numbers: 1420, 1595

Preceding Statement/s Relating to this Proposal: 906

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by section 46(8), it has been agreed that the implementation conditions set out in Ministerial Statement No. 906, be changed as specified in this Statement.

Condition 3 of Ministerial Statement 906 is deleted and replaced with:

3 Time Limit for Substantial Commencement

3-1 The proposal shall not commence implementation of the proposal after 1 August 2022, and any commencement, prior to this date, must be substantial.

3-2 The proponent must provide to the CEO* documentary evidence demonstrating that it has complied with condition 3-1 no later than 30 days after 1 August 2022.

* "CEO" is the Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the *Environmental Protection Act 1986*, or his delegate.

[Signed on 21 September 2018]

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT

From: Andrew Hall
To: s22
Cc:
Subject: RE: Point Grey projects - variation and extension of the expiry dates [SEC=UNCLASSIFIED]
Date: Friday, 15 February 2019 11:38:28 AM

Dear s22

In response to your email of 13 February 2019, on behalf of Point Grey Development Company Pty Ltd and Tian An Australia Ltd as the approval holders, we formally:

- Agree to the variation notices as drafted as specified in Attachments A and C
- Request the extension to the expiry date of both approvals as specified in Attachments B and D
- Request that notices and extensions are issued to the Delegate for consideration and ratification.

Regards

Andrew J. Hall

State Manager W.A.

Tian An Australia Limited

T 02 8243 9700 | M s47F | F 02 8243 9799 | E s47F | W www.tianan.com.au | Level 5, 99 Macquarie Street, Sydney NSW 2000 | Level 6, 533 Hay Street, Perth WA 6000 (Perth Office)

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From: s22

Sent: Wednesday, 13 February 2019 4:50 AM

To: Andrew Hall s47F <>

s22

Subject: Point Grey projects - variation and extension of the expiry dates [SEC=UNCLASSIFIED]

Hi Andrew

I am writing to you regarding your request to vary the commencement conditions for EPBC Approval 2010/5515-Point Grey Marina and EPBC Approval 2011/5825-Point Grey Residential Development, and subsequent discussions about other possible variations, and extending the period for which the approval has effect for both approvals. I attach drafts of all 4 notices for your agreement.

Can you therefore confirm by return email that, as a representative of the approval holders, Tian An (formerly Port Bouvard) and Point Grey Development Company:

- You agree to the draft variation notices attached to this email as shown in Attachments A and C;

- You request the extension of the expiry date of both approvals as shown in Attachments B and D.
- You note the

As soon as you confirm that the variation notices reflect your request and our discussions, I will finalise a brief for the delegate's consideration over the next week or so.

Regards

s22

Post Approvals Section | Environment Standards Division
Department of the Environment and Energy

s22

Attachment J

Justification for Variations and Extension of approvals

Variation – conditions	Justification
EPBC 2010/5515 – Point Grey Marina - approved 28/6/2014	
6, 7 – allows for <i>Construction Environment Management Plan</i> and the <i>Foreshore Management Plan</i> to be submitted in stages	Provides option for the approval holder to stage plan development and update as the project develops
10, 10A, 10B – compliance reporting	Updates existing provision to the current standard condition wording
11A and 11B – auditing	Updates existing provision to the current standard condition wording
12, 12A, 12B, 12C, 12D, 12E Replaces revised management plan with the approved Revised Management Plan conditions	Updates existing provision to the current standard condition wording
14 – extends commencement from 5 to 10 years from date of approval. Also replaces the term <i>substantially commence</i> with <i>commence</i>	Reflects the delays to the project from State planning inquiry and allows time for requisite conditions to be met
Definitions - updates to reflect new conditions	Updates existing definitions to the current standard condition wording
Expiry date of approval extended by 5 years to 31 December 2057	Reflects delayed commencement and provides for measures to protect and offsets impacts on Black Cockatoo and for protection measures for the foreshore zone of the Peel-Yalgorup wetlands
EPBC 2011/5825 – Point Grey Urban Residential - approved 24/4/2012	
3, 3A, 3B – compliance reporting	Updates existing provision to the current standard condition wording
4, 4A, 4B, 4C, 4D Replaces revised management plan with the approved Revised Management Plan conditions	Updates existing provision to the current standard condition wording
6 – extends commencement from 5 to 10 years from date of approval. Also replaces the term <i>substantially commence</i> with <i>commence</i>	Reflects the delays to the project from State planning inquiry into the Marina project and commercial downturn in WA market
9 – allow for <i>Foreshore Management Plan</i> to be prepared in stages as the project develops	Provides option for the approval holder to stage plan development and update as the project develops
10 - clarify that no more than 10 ha of foraging and/or potential breeding habitat can be cleared within 3 years of commencement; and change term “permanently clear” to “clear”; - change DEC to DPAW	- ensures habitat clearing is limited to conditioned level - Updates to reflect name changes in WA Government Department.

Variation – conditions	Justification
11 – change DEC to DPAW	Updates to reflect name changes in WA Government Department.
12 - allow for <i>Construction Management Plan</i> to be prepared in stages as the project develops	Provides option for the approval holder to stage plan development and update as the project develops
13 - allow for <i>Local Water Management Strategy</i> to be prepared in stages as the project develops	Provides option for the approval holder to stage plan development and update as the project develops
15 - allow for <i>Waterbird Management Plan</i> to be prepared in stages as the project develops	Provides option for the approval holder to stage plan development and update as the project develops
Definitions – changes consequent to above varied conditions	Updates existing definitions to the current standard condition wording and to allow for DPAW.
Expiry date of approval extended by 5 years to 31 December 2041	Reflects delayed commencement and provides for measures to protect and offsets impacts on threatened species, groundwater, waterbirds, Black Cockatoos and for protection measures for the Peel-Yalgorup wetlands

ATTACHMENT K

Legal Requirements for Decision whether to Extend Period of Approval – EPBC approval 2010/5515 – Point Grey Marina and Channel	
<u>EPBC Regulation 5.05</u>	
Requested timeframe for the proposed extension	Requirement met - extension requested from 31 December 2052 until 31 December 2057.
Reasons for the proposed extension	Requirement met – the extension will enable the project to be completed and for the required environmental offsets and management measures to be implemented.
Evidence conditions have been complied with	Requirement met – the action has not commenced.
Evidence conditions provide and will continue to provide adequate protection for MNES	Requirement met – an associated variation will update a number of conditions that will formalise a delayed commencement, allow for staged submission of management plans, update revised management plan requirements and improve compliance reporting.
Evidence impacts will be similar in character and magnitude to those identified during the assessment	Requirement met – there is no change proposed to the action. The extended expiry recognises that commencement has been delayed.
<u>EPBC Act s145D(3)</u>	
Matters relevant to any matter protected by a provision of Part 3 for which the approval has effect.	Requirement met – the approval has effect for the following EPBC Act sections: wetlands of international importance (sections 16 and 17B); listed threatened species and communities (sections 18 and 18A); and listed migratory species (sections 20 and 20A). The relevant matters were all addressed during the assessment phase, and neither the action nor the action's impacts will be altered by the extended period of approval. The extension to the period of approval will enable the project to be completed and for the required environmental offsets and management measures to be implemented.
Economic and social matters	Requirement met – the economic and social impacts and benefits of the action were considered during the assessment process. Considerations for those matters have not changed.

Legal Requirements for Decision whether to Extend Period of Approval – EPBC approval 2011/5825 – Point Grey Residential Development – Terrestrial Component	
<u>EPBC Regulation 5.05</u>	
Requested timeframe for the proposed extension	Requirement met - extension requested from until 31 December 2036 to 31 December 2041.
Reasons for the proposed extension	Requirement met – the extension will enable the project to be completed and for the required environmental offsets and management measures to be implemented.
Evidence conditions have been complied with	Requirement met – the action has not commenced.
Evidence conditions provide and will continue to provide adequate protection for MNES	Requirement met – an associated variation will update a number of conditions that will formalise a delayed commencement, allow for staged submission of management plans, update revised management plan requirements and improve compliance reporting.
Evidence impacts will be similar in character and magnitude to those identified during the assessment	Requirement met – there is no change proposed to the action. The extended expiry recognises that commencement has been delayed.
<u>EPBC Act s145D(3)</u>	
Matters relevant to any matter protected by a provision of Part 3 for which the approval has effect.	<p>Requirement met - the approval has effect for the following EPBC Act sections: wetlands of international importance (sections 16 and 17B); listed threatened species and communities (sections 18 and 18A); and listed migratory species (sections 20 and 20A).</p> <p>The relevant matters were all addressed during the assessment phase, and neither the action nor the action's impacts will be altered by the extended period of approval. The extension to the period of approval will enable the project to be completed and for the required environmental offsets and management measures to be implemented.</p>
Economic and social matters	Requirement met - the economic and social impacts and benefits of the action were considered during the assessment process. Considerations for those matters have not changed.

From: [Price, Melissa \(MP\)](#)
To: [MinisterialCorrespondence](#)
Subject: MC18-028239 Point Grey Western Australia - Commonwealth Environmental Approvals EPBC 2010/5515 and EPBC 2011/5825-ESD
Date: Friday, 7 December 2018 4:57:39 PM
Attachments: [21 Sep 2018 1621 Statement 1082 Ministers Determination to Extend Approval.pdf](#)
[Commonwealth Government Marina Approval Conditions - 28 June 2014.pdf](#)
[Commonwealth EPBC Terrestrial 2011-5825-approval \(002\).pdf](#)
[Letter to Hon M Price MP 28 Nov 2018.pdf](#)

From: Andrew Hall [mailto:[s47F](#)]
Sent: Thursday, 6 December 2018 4:18 PM
To: Price, Melissa (MP)
Cc: Hastie, Andrew (MP)
Subject: Point Grey Western Australia - Commonwealth Environmental Approvals EPBC 2010/5515 and EPBC 2011/5825

Dear Minister

Point Grey Development Company Pty Ltd and Tian An Australia Ltd. (formally Port Bouvard Ltd.) are the owners & developers of the land at Point Grey W.A.

We have attached a letter seeking your consent to extend the time authorisation for both environmental approvals to harmonise it with the recently extended state environmental approval.

There a number of reasons for the request but not least because of: a) the depressed state of the development market in the Peel region that has stymied implementation; b) the time realistically necessary to work with both state and federal government authorities to sign off all the environmental conditions necessary to commence any works on the land; and c) the company obtaining certainty around the marina state environmental approval.

The Point Grey Marina project contextually is very important to the overall development staging, as it is the catalyst and key enabler given Point Grey's remoteness and the state of the current residential market. The Point Grey project will be a significant economic and social contributor to the Peel region over its development timeframe.

On the matter of the marina approval certainty, the W.A. Minister for Environment has now approved a five (5) year time extension to the existing approval for this component of the project (to August 2022) after the completion of lengthy and exhaustive Inquiry undertaken by the W.A. Environmental Protection Agency at his behest.

Therefore we respectfully seek your consent to extend the time authorisation period for both existing Commonwealth environmental approvals (terrestrial and marina), so that the company can fully focus on the detailed planning and pre-commencement work required to satisfy the relevant environmental conditions and start works on the marina as soon as practicable.

We would be happy to facilitate a site visit in the new year.

Please do not hesitate to contact me if further information is necessary.

We look forward to your decision.

Yours faithfully

Andrew J. Hall

State Manager W.A.

Tian An Australia Limited

T 02 8243 9700 | **M** [s47F](#) | **F** 02 8243 9799 | **E** [s47F](#) | **W** www.tianan.com.au | Level 5, 99 Macquarie Street, Sydney NSW 2000 | Level 6, 533 Hay Street, Perth WA 6000 (Perth Office)

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Published on: 21 September 2018

Statement No. 1082

**STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS
APPLYING TO A PROPOSAL
(Section 46 of the *Environmental Protection Act 1986*)**

POINT GREY MARINA

Proposal: The proposal is for the construction of an onshore marina (and associated boating infrastructure e.g. boat pens, jetties, navigational aids, entrance channel, protective groynes, public boat ramps and car parks) on the western side of the Point Grey peninsula. The proposal also includes the construction of a 2.5 kilometre navigation channel across the Harvey Estuary from the marina to the Dawesville Channel.

Proponent: Point Grey Development Company Pty Ltd
Australian Company Number 122 607 845

Proponent Address: Level 5, 99 Macquarie Street
SYDNEY NSW 2000

Report of the Environmental Protection Authority: 1621

Previous Assessment Numbers: 1751, 2106

Previous Report Numbers: 1420, 1595

Preceding Statement/s Relating to this Proposal: 906

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by section 46(8), it has been agreed that the implementation conditions set out in Ministerial Statement No. 906, be changed as specified in this Statement.

Condition 3 of Ministerial Statement 906 is deleted and replaced with:

3 Time Limit for Substantial Commencement

3-1 The proposal shall not commence implementation of the proposal after 1 August 2022, and any commencement, prior to this date, must be substantial.

3-2 The proponent must provide to the CEO* documentary evidence demonstrating that it has complied with condition 3-1 no later than 30 days after 1 August 2022.

* "CEO" is the Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the *Environmental Protection Act 1986*, or his delegate.

[Signed on 21 September 2018]

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT



Point Grey Development Company Pty Ltd

28 November 2018

Hon. Melissa Price MP
Minister for the Environment
C/- Suite M1-19
Parliament House
Canberra ACT 2600

RE: Commonwealth Environmental Approvals - EPBC 2010/5515 and EPBC 2011/5825, Point Grey W.A.

Dear Minister

The Point Grey project is a proposed large-scale integrated tourism and residential master planned community to be built on 275 hectares of land within the Shire of Murray W.A. The project will target the development of an integrated retail and tourism hub, 3 000 plus residential dwellings, a primary school, extensive open and recreational space together with a 300 berth on-shore marina.

The marina component is an essential catalyst for the overall project to proceed, due to the site's relatively remote location.

With respect to the Point Grey Marina Project state environmental approval granted in 2012, it was subject to detailed environmental Protection Act Inquiry (instigated by the Minister of Environment in mid-2017 under s.46 of the EPA Act 1986) to examine whether any new scientific evidence or environmental factors would justify re-assessment for the proposal to proceed as previously approved.

The W.A. Environmental Protection Agency (EPA), after reviewing all the evidence and submissions presented to the Inquiry, concluded that:

- there are no changes to the proposal;
- there is no significant new or additional information that justifies the reassessment of the issues raised by the proposal;
- there has been no new significant change in the relevant environmental factors since the proposal was assessed by the EPA in Report 1420 (December 2011);
- no new significant environmental factors have arisen since its assessment of the proposal; and
- the impacts to the key environmental factors are considered manageable, based on the requirements of existing conditions, and the imposition of the attached recommended conditions.

Therefore, the EPA unequivocally recommended to the Minister that the time authorisation implementation condition should be extended by a further five years.

Following the EPA's key findings and recommendation, the Minister for Environment Hon. Stephen Dawson MLC issued his determination on 21 September 2018 (Ministerial Statement 1802) and granted the request for an extension until 1 August 2022 to implement the marina works.

The Point Grey Marina Project also received Commonwealth approval under sections 130(1) and 133 of the EPBC Act 1999 (EPBC 2010/5515) in June 2014.

This approval is also subject to a time authorisation period in which substantial commencement must be actioned (prior to 28th June 2019) after which Ministerial written consent is required to commence any works on the marina site.

To provide consistency and harmonisation between the jurisdictional environmental approvals, we would respectfully ask the Ministers' consent to extend the time authorisation date in which the company must achieve substantial commencement for the marina project to align its timing with the amended state approval ie. June 2022.

We also note that a Commonwealth environmental approval for the terrestrial component to allow for any residential development to occur on the remainder of the project land was granted under sections 130(1) and 133 of the EPBC Act 1999 (EPBC 2011/5825) in April 2012.

Given the effluxion of time, this will now require written Ministerial consent for any works to commence due to the operation of Condition 6 of this approval.

No development has commenced because of persistent depressed state of the residential subdivision property market and the length of time taken to resolve the s.46 Inquiry and Minister's decision around the state marina approval time authorisation.

This combined with the expected length of time realistically needed to achieve satisfaction of all environmental conditions contained within the terrestrial approval EPBC 2011/5825, we would also respectfully ask if the terrestrial environmental approval time authorisation (Condition 6) could also be extended by a further five years.

This will afford the company the requisite time to undertake the substantive planning, design and detailed feasibility work fundamental for a project of this scale and complexity to proceed.

We look forward to your decision.

Yours faithfully

Point Grey Development Company Pty Ltd



Andrew Hall
State Manager W.A.

Attached: Commonwealth Approvals EPBC 2010/5515 and 2011/5825
Point Grey Marina Statement 1802 issued under section 46 of the W.A. Environmental Protection Act 1986

Cc: Andrew Hastie MP, Federal Member for Canning.

From: [Andrew Hall](#)
To: s22
Subject: Point Grey follow-up [SEC=UNCLASSIFIED]
Date: Tuesday, 22 January 2019 4:09:37 PM
Attachments: [LinkedIn32_5d197acb-3606-475b-849a-a1d4f00b6937.png](#)
[twitter32_0b4a6c66-8311-4b02-9019-907b1f0a72c0.png](#)
[Facebook32_0b36a390-13a7-4bde-87ac-d9fde5db2016.png](#)
[googleplus32_7ce5875c-2b7b-4d35-8773-e6fdcfab38d4.png](#)
[www32_fbbd0698-2a65-4fc7-a6ef-8cf432cbdf6f.png](#)
[2010-5515-20190114-Point Grey Marina-Variation-Att A-Notice V2.docx](#)
[2011-5825-20190111-Point Grey Residential-Variation-Att B-Notice V2.docx](#)

Dear s22

Some minor suggested changes to the drafts for consideration.

On the marina approval we propose to commence work on the land side only and don't see the need to implement the Capital Dredging Plan until we start that particular work.

On another note, how does the Commonwealth define "substantial commencement"?

Maybe for terrestrial we need to link the stages of construction or the plans are linked to that particular stage as the land will not be developed in one go

Happy to discuss

Regards

Andrew J. Hall

State Manager W.A.

Tian An Australia Limited

Ts47F | **M**s47F | **F** 02 8243 9799 | **E**s47F | **W** www.tianan.com.au | Level 5, 99 Macquarie Street, Sydney NSW 2000 | Level 6, 533 Hay Street, Perth WA 6000 (Perth Office)

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From: Andrew Hall [[mailto:s47F](#)]
Sent: Tuesday, 15 January 2019 8:36 AM
To: s47F

Subject: Fwd: Point Grey follow-up [SEC=UNCLASSIFIED]

Gentleman - proposed extension to marina and terrestrial commonwealth environmental approvals at Pt Grey for discussion asap

Regards Andrew Hall

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From: s22

Sent: Tuesday, January 15, 2019 8:22:37 AM

To: Andrew Hall

Subject: RE: Point Grey follow-up [SEC=UNCLASSIFIED]

Hi Andrew

Thanks for getting back to me.

As discussed, we would also like you to consider a few changes to modernise the conditions and clarify timing of offsets. To assist you I attach the current draft variation notices which address the proposed extension of commencement and some other changes – these are marked in red. I stress that these are working documents and have not been considered by the delegate yet.

Regards

s22

Post Approvals Section | Environment Standards Division

Department of the Environment and Energy

s22

From: Andrew Hall [mailto:s47F]

Sent: Tuesday, 15 January 2019 10:42 AM

To: s22

Subject: Re: Point Grey follow-up [SEC=UNCLASSIFIED]

Hi s22 - yes is the short answer and to that end I have arranged to see my enviro consultants to review this morning so if ok will come back to you after that meeting this afternoon regards
Andrew Hall

Get [Outlook for Android](#)

From: s22

Sent: Tuesday, January 15, 2019 7:38:01 AM

To: Andrew Hall

Subject: Point Grey follow-up [SEC=UNCLASSIFIED]

Hi Andrew

I am just following up our discussion on Friday.

Did you have a chance to consider whether you want to seek a variation to the commencement terms in regard to the Marina, in addition to the extension discussed in regard to condition 14? Otherwise, I will finalise the draft variations and extension notices and send to you for your agreement prior to taking them to the delegate for consideration.

Regards

s22

Post Approvals Section | Environment Standards Division

Department of the Environment and Energy

s22



Australian Government
Department of the Environment and Energy

DRAFT

**VARIATION OF CONDITIONS ATTACHED TO APPROVAL
POINT GREY MARINA PROJECT, WESTERN AUSTRALIA
(EPBC 2010/5515)**

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

Person to whom the approval is granted	Point Grey Development Company Pty Ltd ABN: 89 122 607 845
Approved action	To develop an onshore marina, including the associated boating access channel, car park and boat ramps, at Lot 672 and Lot 1132, Point Grey [See EPBC Act referral 2010/5515]

Variation

Variation of conditions attached to approval	<p>The variation is:</p> <p>Delete conditions 10, 12 and 14, and substitute with conditions 10, 12 and 14 specified in the table below.</p> <p>Add new conditions 10A, 10B, 11A, 11B, 12A, 12B, 12C, 12D, and 12E specified in the table below.</p> <p>Delete the definition of shapefile attached to the approval and substitute with the definition specified in the table below</p> <p>Add new definitions of business days, compliance reports, incident, independent audit, new or increased impact, plan(s), protected matter, shapefile and website specified in the table below.</p>
Date of effect	This variation has effect on the date the instrument is signed.

Person authorised to make decision

Name and position	Chris Videroni Acting Assistant Secretary Assessments (WA, SA, NT) and Post Approvals
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Signature

Date of decision 2019

Date of decision	Conditions attached to approval
Original dated 28/6/2014	<p>1. At least three months prior to commencement of capital dredging for the action, the person taking the action must prepare and submit a Capital Dredging and Spoil Disposal Management Plan (CDSMP) for the Minister's approval, to mitigate the potential impacts from the capital dredging activities and for the protection of the Peel-Yalgorup Wetlands and habitat for listed migratory species and listed threatened species. The person taking the action must not commence the capital dredging and disposal activities unless the Minister has approved the CDSMP. The approved CDSMP must be implemented. The CDSMP must include:</p> <ul style="list-style-type: none"> a. Objectives; b. Description of the channel (length, width, depth and angle of batters); c. Description of the capital dredging and disposal program; d. Methodology including timing and staging, with no dredging to be undertaken between 1 November and 30 April; e. Disposal techniques including location(s) of dredge spoil disposal site(s); f. Baseline mapping of seagrass prior to dredging commencing; g. Baseline monitoring of water quality and the parameters to be measured. The parameters to be measured must include indicators relevant to the detection of Monosulfidic Black Ooze; h. Methodology (including timing, frequency and location) for water quality, turbidity and seagrass monitoring; i. Spoil disposal sediment monitoring and the parameters to be measured, following treatment in the treatment basin; j. Bathymetric surveys of channel annually for first five years, or up until first maintenance dredging; k. Trigger levels including contingency measures in the event monitoring shows potential impacts to water quality and seagrass; l. Post construction sediment and water quality monitoring, including parameters to be measured, trigger levels and contingency responses. The parameters to be measured must include indicators relevant to the detection of Monosulfidic Black Ooze; m. Post construction monitoring for algal mat and seagrass accumulation, including trigger levels and contingency responses; and n. Roles and responsibilities, including timeframes for implementation and reporting.
Original dated 28/6/2014	<p>2. No capital dredged or maintenance dredged material or excavated material from the marina, entrance channel or navigational channel is to be disposed of in the Peel Inlet or Harvey Estuary.</p>
Original dated 28/6/2014	<p>3. At least three months prior to the commencement of capital dredging or dewatering, whichever is the earlier, the person taking the action must prepare and submit an Acid Sulfate Soils and Dewatering Management Strategy (ASSDMS), for the Minister's approval to mitigate the potential impacts from the capital dredging and dewatering activities and for the protection of the Peel-Yalgorup Wetlands and habitat for listed migratory species and listed threatened species. The person taking the action must not commence the capital dredging and disposal activities or dewatering unless the Minister has approved the ASSDMS. The approved ASSDMS must be implemented.</p> <p>The ASSDMS must include:</p> <ul style="list-style-type: none"> a. Objectives; b. Methodology for the construction of the marina and groynes, including timing and staging; c. Mitigation and management measures for managing dewatering volume discharge, groundwater drawdown, and water quality;

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Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> d. Mitigation and management measures for excavating, handling, treating and stock piling materials associated with acid sulphate soils; e. Vegetation monitoring prior to, during and post dewatering; f. Trigger levels including contingency measures; and g. Roles and responsibilities, including timeframes for implementation and reporting.
Original dated 28/6/2014	<p>4. At least six months prior to the commencement of any maintenance dredging program the person taking the action must develop and submit a Maintenance Dredging and Spoil Disposal Management Plan (MDSMDMP), for approval by the Minister, to mitigate the potential impacts from the maintenance dredging and disposal activities and for the protection of the Peel-Yalgorup Wetlands and habitat for listed migratory species and listed threatened species. The person taking the action must not commence maintenance dredging program unless the Minister has approved the MDSMDMP. The approved MDSMDMP must be implemented.</p> <p>The MDSMDMP must include:</p> <ul style="list-style-type: none"> a. Objectives; b. Description of the maintenance dredging proposal, including timing, dredging areas and the volume of material to be dredged (in cubic metres); c. Details of the physical and chemical description of the material to be dredged; d. Methodology for dredging and disposal; e. A description of the disposal site(s) and adjacent areas, including the rationale for the location; f. Identification of potential impacts from the maintenance dredging and disposal activities including possible effects on other users of the area; g. Mitigation and management measures to be implemented during maintenance dredging and disposal including timing and staging to mitigate the potential impacts identified in 4(f); h. Methodology (including timing, frequency and location) for water quality, turbidity and seagrass monitoring measures; i. Trigger levels including contingency measures; j. Details of post dredging and disposal monitoring; k. Roles and responsibilities, including timeframes for implementation and reporting; and l. Discussion with other Government agencies and community groups on the proposal.
Original dated 28/6/2014	<p>5. To protect the Peel-Yalgorup Wetlands, habitat for listed migratory species and habitat for Black Cockatoos, the person taking the action must:</p> <ul style="list-style-type: none"> a. Not clear more than 7.06 ha of foraging habitat and potential breeding habitat for Black Cockatoos. b. Prior to construction commencing, either acquire land(s) or provide funding to DPaW for the acquisition of 22 ha of foraging and potential breeding habitat for Black Cockatoos, to be managed in perpetuity by DPaW. Written confirmation of DPaW's agreement to the land acquired or the transfer of monies to DPaW must be provided to the Department. c. Provide the Department with a textual description and map to clearly define the location and boundaries of the offset property described in condition 5(b). This must be accompanied with the offset attributes and a shapefile. d. Undertake rehabilitation of 4.76 ha of vegetation as outlined in the Construction Environment Management Plan specified in Condition 6 and shown at the map at Attachment A. e. Prior to construction commencing, transfer 10.6 ha of foreshore vegetation zoned as rural, as shown in Attachment A, to the State of

Date of decision	Conditions attached to approval
	<p>Western Australia for conservation and recreational purposes. Written confirmation of the transfer of land to the State of Western Australia must be provided to the Department.</p>
<p>Original dated 28/6/2014</p>	<p>6. At least three months prior to the commencement of <u>each stage of</u> the action the person taking the action must develop and submit a Construction Environment Management Plan (CEMP) <u>for that stage</u>, to the Minister for approval to mitigate the potential impacts during construction and to protect the Peel-Yalgorup Wetlands and habitat for listed migratory species and listed threatened species. The person taking the action must not commence <u>construction of a stage unless the Minister has approved the CEMP for that stage</u>. The approved CEMP must be implemented.</p> <p>The CEMP must include:</p> <ol style="list-style-type: none"> a. Objective; b. Staging of clearing of habitat; c. Exclusion periods for construction; d. Methodology for marina and Groyne construction, including type and source of material; e. Description and location of disposal site(s) for marina excavated material; f. Assessment of potential impacts on Peel-Yalgorup Wetlands and habitat for listed migratory species and listed threatened species from the disposal of marina excavated material at the above identified sites; g. Mitigation and management measures to address the above identified potential impacts; h. Mitigation and management measures for lighting, dust, noise, smoke; i. Procedures for handling, storage and spill management of hazardous materials; j. Water quality and seagrass monitoring during groyne construction; k. Fencing, including vehicle and human access; l. Vegetation and rehabilitation management and monitoring, including diagrams of sites and completion criteria; m. Contingency measures; and n. Roles and responsibilities, including timeframes for implementation and reporting.
<p>Original dated 28/6/2014</p>	<p>7. At least three months prior to the commencement of the action the person taking the action must develop and submit a Foreshore Management Plan (FMP), to the Minister for approval to protect the Peel-Yalgorup Wetlands and habitat for listed migratory species and listed threatened species. The person taking the action must not commence construction unless the Minister has approved the FMP. The approved FMP must be implemented.</p> <p>The FMP must include:</p> <ol style="list-style-type: none"> a. Objectives; b. Description of foreshore management zone, including diagram; c. Vegetation and plant disease monitoring and management; d. Waterbird and Fauna monitoring and management including identifying waterbird usage of habitat area including patterns of roosting , nesting, feeding and mating; e. Stormwater management; f. Monitoring, reporting and rectifying any areas of shoreline erosion on Point Grey caused by the presence of the marina and its associated infrastructure; g. In line with the results of monitoring undertaken at d) above, management of the following to protect sensitive areas: Public access, vehicle access, parking, fencing, public facilities, education signage, rubbish dumping and domestic pets access;

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Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> h. Bush fire management; i. Mosquito management; j. Ongoing weed and feral animal control; k. Contingency measures; and l. Roles and responsibilities, including timeframes for implementation and reporting.
Original dated 28/6/2014	8. 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 .
Original dated 28/6/2014	9. 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 plans and strategy required by this approval, and 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 Departments website . The results of audits may also be publicised through the general media.
As varied on the date of this notice	<p>10. The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must:</p> <ul style="list-style-type: none"> a. publish each compliance report on the website within 60 business days following the relevant 12 month period; b. notify the Department by email that a compliance report has been published on the website within five business days of the date of publication; c. keep all compliance reports publicly available on the website until this approval expires; d. <u>exclude</u> or redact sensitive ecological data from compliance reports published on the website; and e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication. <p>Note: The first compliance report may report a period less than 12 months so that it and subsequent compliance reports align with the similar requirement under state approval. Compliance reports may be published on the Department's website.</p>
As varied on the date of this notice	<p>10A. The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <ul style="list-style-type: none"> a. the condition which is or may be in breach; and b. a short description of the incident and/or non-compliance.
As varied on the date of this notice	<p>10B. The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <ul style="list-style-type: none"> a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b. the potential impacts of the incident or non-compliance; and

Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> c. the method and timing of any remedial action that will be undertaken by the approval holder.
Original dated 28/6/2014	<p>11. Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.</p>
As varied on the date of this notice	<p>11A. For each independent audit, the approval holder must:</p> <ul style="list-style-type: none"> a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.
As varied on the date of this notice	<p>11B. The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.</p>
As varied on the date of this notice	<p>12. The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister under conditions 1, 3, 4, 6, and 7 or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.</p>
As varied on the date of this notice	<p>12A. The approval holder may choose to revise an action management plan approved by the Minister under conditions 1, 3, 4, 6, and 7, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact.</p>
As varied on the date of this notice	<p>12B. If the approval holder makes the choice under condition 12A to revise an action management plan without submitting it for approval, the approval holder must:</p> <ul style="list-style-type: none"> a. notify the Department in writing that the approved action management plan has been revised and provide the Department with: <ul style="list-style-type: none"> i. an electronic copy of the RAMP; ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP; iii. an explanation of the differences between the approved action management plan and the RAMP; iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a new or increased impact; and v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the

Date of decision	Conditions attached to approval
	<p>revision of the action management plan, or a date agreed to in writing with the Department.</p> <p>b. subject to condition 12E, implement the RAMP from the RAMP implementation date.</p>
As varied on the date of this notice	12C. The approval holder may revoke its choice to implement a RAMP under condition 12A at any time by giving written notice to the Department . If the approval holder revokes the choice under condition 12A, the approval holder must implement the previous action management plan approved by the Minister .
As varied on the date of this notice	12D. If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact , then: <p>a. condition 12A does not apply, or ceases to apply, in relation to the RAMP; and</p> <p>b. the approval holder must implement the action management plan specified by the Minister in the notice.</p>
As varied on the date of this notice	12E. At the time of giving the notice under condition 12D, the Minister may also notify that for a specified period of time, condition 12A does not apply for one or more specified action management plans. <p>Note: conditions 12A, 12B, 12C and 12D are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised action management plan, at any time, to the Minister for approval.</p>
Original dated 28/6/2014	13. If the Minister believes that it is necessary or convenient for the better protection of Peel-Yalgorup Wetlands , listed migratory species and listed threatened species, the Minister may request that the person taking the action make specified revisions to the management plans or strategy, specified in the conditions and submit the revised management plans or strategy, for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plans or strategy must be implemented. Unless the Minister has approved the revised management plans or strategy, then the person taking the action must continue to implement the management plans or strategy, originally approved, as specified in the conditions.
As varied on the date of this notice	14. If, at any time after ten years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister .
Original dated 28/6/2014	15. Unless otherwise agreed to in writing by the Minister , the person taking the action must publish all management plans and/or strategy, referred to in these conditions of approval on their website. Each management plan and/or strategy, must be published on the website within 1 month of being approved. The person taking the action must notify the Department within five (5) business days of publishing the management plan(s) on their website. The management plan(s) must remain on their website for the period this approval has effect.

Date of decision	Definitions attached to approval
Original dated 28/6/2014	Black Cockatoo/s means the EPBC listed threatened Carnabys Black Cockatoo (<i>Calyptorhynchus latirostris</i>), Baudins Black Cockatoo (<i>Calyptorhynchus baudinii</i>) and Forest Red-tailed Black Cockatoo (<i>Calyptorhynchus banksii naso</i>).
As varied on the date of this notice	Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

Date of decision	Definitions attached to approval
Original dated 28/6/2014	Capital dredging - dredging to create, enlarge or deepen existing channels and create new marina.
Original dated 28/6/2014	Commencement means the start of Construction .
As varied on the date of this notice	Compliance reports means written reports: <ul style="list-style-type: none"> i. providing accurate and complete details of compliance, incidents, and non-compliance with the conditions and the plans; ii. consistent with the Department's Annual Compliance Report Guidelines (2014); iii. include a shapefile of any clearance of any protected matters, or their habitat, undertaken within the relevant 12 month period; and iv. annexing a schedule of all plans prepared and in existence in relation to the conditions during the relevant 12 month period.
Original dated 28/6/2014	Construction includes any preparatory works required to be undertaken including clearing vegetation, the use of construction or excavation/dredging equipment within the project area for the purpose of breaking the ground for buildings or infrastructure, entrance channel, navigation channel and marina.
Original dated 28/6/2014	Department means the Australian Government Department administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Original dated 28/6/2014	DPaW means the WA Department of Parks and Wildlife.
Original dated 28/6/2014	EPBC Act is the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Original dated 28/6/2014	Foreshore Management Zone is the Marina Project Area excluding the Marina Boundary as shown in Attachment A.
As varied on the date of this notice	Incident means any event which has the potential to, or does, impact on protected matter(s) .
As varied on the date of this notice	Independent audit : means an audit conducted by an independent and suitably qualified person as detailed in the <i>Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines (2015)</i>
Original dated 28/6/2014	Maintenance dredging - dredging to ensure entrance channel, navigation channel and marina are maintained at their designed dimensions.
Original dated 28/6/2014	Minister means the Minister administering the Environment Protection and Biodiversity Conservation Act 1999 and includes a delegate of the Minister.
As varied on the date of this notice	New or increased impact means a new or increased environmental impact or risk relating to any protected matter , when compared to the likely impact of implementing the action management plan that has been approved by the Minister under conditions 1, 3, 4, 6, and 7, including any subsequent revisions approved by the Minister , as outlined in the <i>Guidance on 'New or Increased Impact' relating to changes to approved management plans under EPBC Act environmental approvals (2017)</i> .
Original dated 28/6/2014	Offset attributes means an .xls file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.
Original dated 28/6/2014	Peel-Yalgorup Wetlands is the Peel-Yalgorup System (Ramsar Wetland).
As varied on the date of this notice	Plan(s) means any of the documents required to be prepared, approved by the Minister , and/or implemented by the approval holder and published on the website in accordance with these conditions (includes action management plans and/or strategies);

Date of decision	Definitions attached to approval
As varied on the date of this notice	Protected matter means a matter protected under a controlling provision in Part 3 of the EPBC Act for which this approval has effect.
Varied as at the date of this notice	Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) <i>Sensitive Ecological Data – Access and Management Policy V1.0</i> .
Varied as at the date of this notice	Shapefile means an ESRI Shapefile containing .shp, .shx, .dbf and prj files and other files capturing attributes of the Offset Area, including the shape (including specification of the projection or coordinate system used), EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in .xls format.
As varied on the date of this notice	Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Date of decision	<u>Attachments</u>
Original dated 28/6/2014	Attachment A below

Attachment A





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VARIATION OF CONDITIONS ATTACHED TO APPROVAL
Point Grey Urban Residential Development – Terrestrial Component
(EPBC 2011/5825)

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

Person to whom the approval is granted	Port Bouvard Limited (now Tian An Australia Ltd) ACN: 009 134 114
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Approved action	To establish a residential development at Point Grey, Western Australia [See EPBC Act referral 2011/5825].
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Variation

Variation of conditions attached to approval	The variation is: Delete conditions 3, 4, 6, 10 and 11 attached to the approval and substitute with the conditions specified in the table below. Add new conditions 3A, 3B, 4A, 4B, 4C and 4D specified in the table below. Delete definition of DEC attached to the approval. Delete definitions of known habitat plants and shapefile and substitute with the definitions specified in the table below. Add new definitions of business day, compliance reports, DPAW, incident, new or increased impact and sensitive ecological data specified in the table below.
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Date of effect	This variation has effect on the date the instrument is signed
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Person authorised to make decision

Name and position	Chris Videroni Acting Assistant Secretary Assessments (WA, SA, NT) and Post Approvals Branch
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Signature

Date of decision	2019
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Date of decision	Conditions attached to approval
Original dated 24/4/2012	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 .
Original dated 24/4/2012	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 plans and strategy required by this approval, and 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.
As varied on the date of this notice	<p>3. The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must:</p> <ul style="list-style-type: none"> a. publish each compliance report on the website within 60 business days following the relevant 12 month period; b. notify the Department by email that a compliance report has been published on the website within five business days of the date of publication; c. keep all compliance reports publicly available on the website until this approval expires; d. exclude or redact sensitive ecological data from compliance reports published on the website; and e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication. <p>Note: Compliance reports may be published on the Department's website. The first compliance report may report a period less than 12 months so that it and subsequent compliance reports align with the similar requirement under state approval.</p>
As varied on the date of this notice	<p>3A. The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <ul style="list-style-type: none"> a. the condition which is or may be in breach; and b. a short description of the incident and/or non-compliance.
As varied on the date of this notice	<p>3B. The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <ul style="list-style-type: none"> a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b. the potential impacts of the incident or non-compliance; and c. the method and timing of any remedial action that will be undertaken by the approval holder.
As varied on the date of this notice	4. The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister under conditions 9, 12, 13, 14 and 15, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act . If the Minister approves a revised action management plan

Date of decision	Conditions attached to approval
	(RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.
As varied on the date of this notice	4A. The approval holder may choose to revise an action management plan approved by the Minister under conditions 9, 12, 13, 14 and 15, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act , if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact .
As varied on the date of this notice	4B. If the approval holder makes the choice under condition 4A to revise an action management plan without submitting it for approval, the approval holder must: <ul style="list-style-type: none"> a. notify the Department in writing that the approved action management plan has been revised and provide the Department with: <ul style="list-style-type: none"> i. an electronic copy of the RAMP; ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP; iii. an explanation of the differences between the approved action management plan and the RAMP; iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a new or increased impact; and v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department. b. subject to condition 4D, implement the RAMP from the RAMP implementation date.
As varied on the date of this notice	4C. The approval holder may revoke its choice to implement a RAMP under condition 4A at any time by giving written notice to the Department . If the approval holder revokes the choice under condition 4A, the approval holder must implement the previous action management plan approved by the Minister .
As varied on the date of this notice	4D. If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact , then: <ul style="list-style-type: none"> a. condition 4A does not apply, or ceases to apply, in relation to the RAMP; and b. the approval holder must implement the action management plan specified by the Minister in the notice. At the time of giving the notice under condition 4D, the Minister may also notify that for a specified period of time, condition 4A does not apply for one or more specified action management plans. <p>Note: conditions 4A, 4B, 4C and 4D are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised action management plan, at any time, to the Minister for approval.</p>
Original dated 24/4/2012	5. If the Minister believes that it is necessary or convenient for the better protection of Wetlands of international importance (under sections 16 & 17B), listed threatened species and communities (sections 18 & 18A) and listed migratory species (sections 20 & 20A) to do so, the Minister may request that the person taking the action make specified revisions to the management plans/strategy specified in the conditions and submit the revised management plan/strategy for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plan/strategy must be implemented. Unless the Minister has approved the revised management plan/strategy then the person taking the action must continue to implement the management plan/strategy originally approved, as specified in the conditions.

Date of decision	Conditions attached to approval
Varied as at the date of this notice	6. If, at any time after ten years after the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.
Original dated 24/4/2012	7. Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans and strategy referred to in these conditions of approval on their website. Each management plan and strategy must be published on the website within 1 month of being approved.
Original dated 24/4/2012	8. The approval does not include the area for the proposed Point Grey Marina proposal (EPBC 2010/5515), shown as the area marked as 'Marina Footprint and Adjacent Foreshore' in Attachment A.
Original dated 24/4/2012	<p>9. Foreshore Protection and Management</p> <p>(a) To protect the Peel-Yalgorup Wetlands and habitat for listed migratory species, the person taking the action must include a permanent <i>foreshore buffer zone</i> between the residential area and the wetland shoreline. The foreshore buffer zone must include the areas marked as 'Foreshore' in Attachment A.</p> <p>For the foreshore buffer zone:</p> <ul style="list-style-type: none"> i. public access must be limited to <i>clearly designated public access points</i> (the details of which must be described in the <i>Foreshore Management Plan</i> required under condition 9 (b)); ii. there must be no clearing of native vegetation or construction within the foreshore buffer zone except for in designated public access points; iii. all of the foreshore buffer zone must be fully revegetated, except for in designated public access points; iv. ensure that for all revegetation in the foreshore buffer zone, a plant survival rate of 85 % is achieved within 3 years of replanting. If after three years from the date of replanting, a survival rate of 85% of the plants is not achieved, all replanted plants that have not survived must be replaced within 12 months, and maintained with a survival rate of at least 85% for a minimum of a further two years; v. there must be a physical barrier at or just within the land-side boundary of the foreshore buffer zone, in the form of dog-proof fencing and gates; and vi. measures such as signage, and management of the fencing and gates must be implemented to minimise the risk of domestic animals entering the foreshore buffer zone. <p>(b) To protect the Peel-Yalgorup Wetlands and habitat for listed migratory species, the person taking the action must prepare and submit a Foreshore Management Plan (FMP) for the Minister's approval. The person taking the action must not commence construction unless the Minister has approved the FMP.</p> <p>The FMP must describe in detail the proposed management of land within the foreshore buffer zone and the wetland shoreline adjacent to the proposal, but excluding the western foreshore within the area marked as 'Marina Footprint and Adjacent Foreshore' in Attachment A.</p> <p>The FMP must include but not be limited to:</p> <ul style="list-style-type: none"> i. describing how all aspects of approval condition 9 (a) will be implemented; ii. how the wetland shoreline of the eastern shore of the site (and the Peel Inlet shoreline to the east, within at least 2km of the site) will be managed to cope with indirect impacts to matters protected under the EPBC Act, including areas adjacent to Carrabungup Road where the public may have access to the Harvey Estuary shoreline;

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	<ul style="list-style-type: none"> iii. how any urban lighting will be designed to minimise penetrating into the foreshore buffer zone; iv. permanent signage that will be erected to inform people that the area is internationally protected bird habitat and where people and pets are excluded; v. on-going weed and feral animal control; vi. measures to avoid disturbance of habitat for listed migratory species and other waterbirds that make up the ecological character of the Ramsar wetland; vii. bushfire management; viii. measures to ensure long-term management of the foreshore buffer zone; ix. how waterbird monitoring required under condition 15 will be used to inform foreshore management; x. measures to minimise the environmental impacts of pest insect control; xi. a map showing where revegetation will be undertaken; xii. details of how revegetation will be undertaken, including flora species to be planted, monitoring of survival rates and contingency plans; xiii. if controlled bush regeneration is to be used as revegetation technique, how weeds will be suppressed, regeneration monitored, and what contingency measures (such as planting) be implemented; xiv. the provenance of plants used for revegetation; xv. roles and responsibilities, including timeframes for implementation; and xvi. if required, written agreements from any relevant third parties confirming that they have agreed to implement or support any elements of the plan; xvii. how and where dog-proof fencing (required under condition 9 (a) (v) will be installed. <p>If approved by the Minister, the approved FMP must be implemented.</p>
Varied as at the date of this notice	<p>10. Black Cockatoo Habitat Protection, Mitigation and Offsets</p> <p>To protect habitat for Black Cockatoos, the person taking the action must:</p> <ul style="list-style-type: none"> (a) not clear more than 10 ha of foraging habitat and potential breeding habitat for Black Cockatoos within 3 years of the commencement of the action, and not permanently clear more than a total 38.5 ha of such habitat; (b) within 12 months of the commencement of the action, install at least 15 plastic nesting boxes for Black Cockatoos. The nesting hollows must be located near known or likely Black Cockatoo breeding habitat, either in a conservation area managed by the DPAW or another area which has been approved in writing by the Department. <p>In order to offset the impact of clearing of Black Cockatoo habitat, the person taking the action must:</p> <ul style="list-style-type: none"> (c) Provide funds to the DPAW sufficient to acquire either: <ul style="list-style-type: none"> • an offset package that must include: <ul style="list-style-type: none"> i. a property with at least 60 ha of Black Cockatoo foraging habitat located within 50 km of the project site (and provide the funds for the acquisition of this property within 12 months of the commencement of the action); and

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	<ul style="list-style-type: none"> ii. a property with at least 300 ha of Black Cockatoo foraging habitat (and provide the funds for the acquisition of this property within 3 years of the commencement of the action); or <ul style="list-style-type: none"> • an alternative offset package that has been approved in writing by the Department (and provide funds for this within a period that has been approved in writing by the Department, but in any case no longer than two years after the commencement of the action). (d) For each component of condition 10 (c), within the same timeframes for which funds must be provided to the DPAW under condition 10 (c), provide to the Department: <ul style="list-style-type: none"> • documentary evidence that funds have been provided to the DPAW to acquire each offset component; and • a textual description and map (accompanied with the offset attributes and a shapefile) to clearly define the location and boundaries of each offset component.
Varied as at the date of this notice	<p>11. Additional Habitat Restoration and Conservation Measures</p> <p>To protect the Peel-Yalgorup Wetlands, habitat for listed migratory species and listed threatened species, the person taking the action must:</p> <ul style="list-style-type: none"> (a) ensure that the revegetation on the site includes the planting of at least 1100 trees that are either Tuart (<i>Eucalyptus gomphocephala</i>), Marri (<i>Corimbia calophylla</i>) or Jarrah (<i>Eucalyptus marginata</i>), and at least 3 ha is planted at a density of 1 plant per square metre with known habitat plants for Black Cockatoos; (b) ensure that for the revegetation described in condition 11 (a), a plant survival rate of 85% is achieved within 3 years of replanting. If after three years from the date of replanting, a survival rate of 85% of the plants is not achieved, all replanted plants that have not survived must be replaced within 12 months, and maintained with a survival rate of at least 85% for a minimum of a further two years; (c) salvage hollow limbs and trunks from hollow-bearing trees and use these to create on-site habitat for hollow-dependant fauna; (d) ensure that within 4 years of the commencement of the action, all parts of the site being protected for conservation purposes (including all of the foreshore buffer zone required under condition 9) are permanently protected by either: <ul style="list-style-type: none"> • an irrevocable conservation covenant; or • a conservation reserve that will be managed by the DPAW; or • any other means that has been approved in writing by the Department.
Original dated 24/4/2012	<p>12. Construction Management Plan</p> <p>To minimise impacts to the Peel-Yalgorup Wetlands, habitat for listed migratory species and listed threatened species, the person taking the action must prepare and submit a Construction Management Plan (CMP) <u>for each stage of the action</u> for the Minister's approval. The person taking the action must not commence construction <u>of a stage of the action</u> unless the Minister has approved the CMP <u>for that stage</u>.</p> <p>The CMP must include but not be limited to the following requirements:</p> <ul style="list-style-type: none"> (a) a map showing where construction will be undertaken, and showing the foreshore buffer zone required under condition 9; (b) how construction workers will be excluded from the foreshore buffer zone;

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	<p>(c) construction-related pollution containment measures, sediment control and stormwater management;</p> <p>(d) how impacts relating acid sulphate soils will be managed on the site;</p> <p>(e) how temporary fencing around the perimeter of all protected areas, and permanent fencing around the foreshore buffer zone will be constructed and maintained;</p> <p>(f) management of weeds during the construction phase; and</p> <p>(g) roles and responsibilities, including timeframes for implementation.</p> <p>If approved by the Minister, the approved CMP must be implemented.</p>
Original dated 24/4/2012	<p>13. Local Water Management Strategy</p> <p>To protect the Peel-Yalgorup Wetlands and habitat for listed migratory species, the person taking the action must prepare and submit a Local Water Management Strategy (LWMS) <u>for each stage of the action</u> for the Minister's approval. The person taking the action must not commence construction of a stage of the action unless the Minister has approved the LWMS <u>for that stage</u>.</p> <p>The LWMS must include but not be limited to:</p> <p>(a) the engineering and landscaping methods employed to manage urban runoff and on-going management of sediment, nutrients, acid sulphate soils and erosion control;</p> <p>(b) how stormwater will be recycled or treated to minimise water pollution;</p> <p>(c) how sewerage will be treated and managed;</p> <p>(d) details of a water quality monitoring program, water quality trigger values and contingency plans necessary to maintain water quality;</p> <p>(e) community education, including ongoing household education program regarding best management practices for water use, fertilizer use, and other activities that may impact on water quality;</p> <p>(f) how the plan will comply with ANZECC guidelines, and the Water Quality Improvement Plan by the Western Australian Environmental Protection Authority; and</p> <p>(g) roles and responsibilities, including timeframes for implementation.</p> <p>If approved by the Minister, the approved LWMS must be implemented.</p>
Original dated 24/4/2012	<p>14. Groundwater Extraction</p> <p>To protect the Peel-Yalgorup Wetlands and habitat for listed migratory species the person taking the action must:</p> <p>(a) develop and implement groundwater extraction rates that will:</p> <ul style="list-style-type: none"> • result in no discernible groundwater drawdown from Lake McLarty, Lake Mealup or the lake described in the final Preliminary Documentation package as 'Reserve 4990'; and • make the risk of impact to all littoral vegetation of the Peel-Yalgorup Wetlands no greater than 'low' (according to the methodology of Froend and Loomes 2004 described on pages 25-27 of the groundwater bore assessment report). <p>(b) prepare and submit a Groundwater Management Plan (GMP) for the Minister's approval. The person taking the action must not commence extraction of groundwater (other than what is required for construction purposes) unless the Minister has approved the GMP.</p> <p>The GMP must include but not be limited to:</p>

Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> i. a detailed description of the hydrology of the area; ii. modelling of drawdown from groundwater extraction that shows that the proposed extraction rates will be compliant with condition 14 (a); iii. how groundwater extraction limits will be implemented; iv. an analysis to determine if groundwater extraction is likely to provide the long-term water needs for the development; v. if domestic bores for landholders will be permitted, how control of those bores will be implemented; vi. long term monitoring of groundwater levels, establishment of trigger levels for drawdown to Lake McLarty, Lake Mealup or the wetland described in the final Preliminary Documentation package as 'Reserve 4990', and contingency measures if discernible drawdown is detected; and vii. roles and responsibilities, including timeframes for implementation. <p>If approved by the Minister, the approved GMP must be implemented.</p>
Original dated 24/4/2012	<p>15. Waterbird Management Plan</p> <p>To protect the habitat for listed migratory species and birds that are part of the ecological character of the Peel-Yalgorup Wetlands, the person taking the action must prepare and submit a Waterbird Management Plan (WMP) for the Minister's approval. The person taking the action must not commence construction unless the Minister has approved the WMP.</p> <p>The WMP must include but not be limited to:</p> <ul style="list-style-type: none"> (a) identification of key waterbird habitat, including that used for roosting, feeding or breeding; (b) describe in detail all potential impacts to waterbirds, including from pedestrians, vehicles, domestic animals, and watercraft; (c) management measures to minimise potential impacts; (d) measures to prevent people and dogs from entering the wetland shoreline; (e) measures to control domestic and feral animals, including cat eradication in foreshore areas, to remove any uncontrolled domestic cats or feral cats in the foreshore buffer zone; (f) baseline surveys and monitoring program for waterbird abundance and waterbird habitat values, for any impacts that may be attributable to the action affecting key waterbird habitat identified in condition 15 (a); (g) trigger levels for further actions in the event that monitoring, as required under condition 15 (f), detects a decline in waterbird abundance or habitat values attributable to the development, and details of any contingency measures; (h) roles and responsibilities, including timeframes for implementation; and (i) if required, written agreements from any relevant third parties confirming that they have agreed to implement or support any elements of the plan. <p>If approved by the Minister, the approved WMP must be implemented.</p>

Date of decision	Definitions attached to approval
Original dated 24/4/2012	<p>ANZECC guidelines are the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000).</p>

Date of decision	Definitions attached to approval
Original dated 24/4/2012	Black Cockatoo/s means the nationally listed threatened Carnaby's Black Cockatoo (<i>Calyptorhynchus latirostris</i>), Baudin's Black Cockatoo (<i>Calyptorhynchus baudinii</i>) and Forest Red-tailed Black Cockatoo (<i>Calyptorhynchus banksii naso</i>).
Varied as at the date of this notice	Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
Original dated 24/4/2012	Clear / Clearing is the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation.
Original dated 24/4/2012	Commencement of the action is the commencement of construction .
Varied as at the date of this notice	Compliance reports means written reports: <ul style="list-style-type: none"> i. providing accurate and complete details of compliance, incidents, and non-compliance with the conditions and the plans; ii. consistent with the Department's <i>Annual Compliance Report Guidelines</i> (2014); iii. include a shapefile of any clearance of any protected matters, or their habitat, undertaken within the relevant 12 month period; and iv. annexing a schedule of all plans prepared and in existence in relation to the conditions during the relevant 12 month period.
Original dated 24/4/2012	Construction includes preparatory works required to be undertaken including clearing native vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for buildings or infrastructure.
Original dated 24/4/2012	Controlled bush regeneration is a method of revegetation using natural regeneration, which can be undertaken where natural regeneration is already occurring or where there is a high level of native seed stock in the soil.
Varied as at the date of this notice	DPAW is the Western Australian Government's Department of Parks and Wildlife (formerly Department of Conservation and Land Management - DEC).
Original dated 24/4/2012	The Department is the Australian Government Department administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Original dated 24/4/2012	EPBC Act is the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Original dated 24/4/2012	Groundwater bore assessment report is the report, supplied as part of the Preliminary Documentation information, dated May 2011 and prepared by RPS entitled " <i>Upper Leederville Aquifer Groundwater Bore Abstraction Assessment – Point Grey Development</i> ".
Varied as at the date of this notice	Incident means any event which has the potential to, or does, impact on protected matter(s) .
Varied as at the date of this notice	Known habitat plants for Black Cockatoos includes any plants identified in a relevant search of the DPAW's Plants for Carnaby's Search application (see https://www.dpaw.wa.gov.au/); or other plants approved in writing by the Department .
Original dated 24/4/2012	Littoral vegetation is all the native vegetation within areas mapped as being one of the vegetation units listed as ' <i>Wetlands and Damplands (including transitional uplands)</i> ' in Figure 2 of the flora report in the Preliminary Documentation (<i>Level 2 Flora and Vegetation Survey</i> , prepared by RPS, dated October 2009).
Original dated 24/4/2012	Minister is the Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and includes a delegate of the Minister.

Date of decision	Definitions attached to approval
Original dated 24/4/2012	Offset attributes mean an '.xls' file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.
Original dated 24/4/2012	Nesting hollow guidelines are the DEC's guidelines <i>Artificial hollows for Carnaby's cockatoo</i> . Available at: http://www.dec.wa.gov.au/content/view/full/6333/2361/
Varied as at the date of this notice	New or increased impact means a new or increased environmental impact or risk relating to any protected matter , when compared to the likely impact of implementing the action management plan that has been approved by the Minister under conditions 9, 12, 13, 14 and 15, including any subsequent revisions approved by the Minister , as outlined in the <i>Guidance on 'New or Increased Impact' relating to changes to approved management plans under EPBC Act environmental approvals (2017)</i> .
Original dated 24/4/2012	Peel-Yalgorup Wetlands is the Peel-Yalgorup System (Ramsar Wetland).
Original dated 24/4/2012	Plastic nesting boxes are those made of PVC or suitable plastic material, as described in the DEC's nesting hollow guidelines .
Original dated 24/4/2012	Revegetation is the removal and suppression of weeds and the establishment of native vegetation.
Varied as at the date of this notice	Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) <i>Sensitive Ecological Data – Access and Management Policy V1.0</i> .
Varied as at the date of this notice	Shapefile means an ESRI Shapefile containing '.shp', '.shx', '.dbf' and '.prj' files and other files capturing attributes of the Offset Area, including the shape (including specification of the projection or coordinate system used), EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format.
Original dated 24/4/2012	Water Quality Improvement Plan is the <i>Water Quality Improvement Plan for the Rivers and Estuary of the Peel-Harvey System – Phosphorus Management</i> published by the Western Australian Environmental Protection Authority, 2008.
Original dated 24/4/2012	Wetland shoreline is the area between the lowest astronomical tide and highest astronomical tide mark.

Date of decision	<u>ATTACHMENTS</u>
Original dated 24/4/2012	Attachment A - Map provided to the Department by Port Bouvard Limited on 13 April 2012.

Attachment A

