



Notification of approval decision

Mariginiup Residential Development, Mariginiup, WA, (EPBC 2023/09675)

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

Approved Action

person to whom the approval is granted (approval holder)	Stockland Development Pty Limited ABN: 71 000 064 835
Action	To clear native vegetation, including bulk earth and civil works, to construct a residential development and ancillary infrastructure on Lot 803 Mariginiup Road and Lot 1673 Rousset Road, located in Mariginiup 25 km north of Perth, Western Australia (See EPBC Act referral 2023/09675 as varied on 20 February 2025).

Approval decision

decision	My decision on whether or not to approve the taking of the Action for the purposes of the controlling provision for the Action is as follows.	
	Controlling Provision	Decision
	Listed threatened species and communities (section 18 and section 18A)	Approved
period for which the approval has effect	This approval has effect until 5 January 2046	
conditions of approval	The approval is subject to conditions under the EPBC Act as set out in Annexure A.	

Person authorised to make decision

name and position	Julie Kennett Acting Branch Head Environment Assessments West
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signature



date of decision

23 December 2025

Annexure A

Note: Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them at **Part C – Definitions**.

Part A – Avoidance, mitigation, and compensation conditions

CLEARING LIMITS

- 1) The approval holder must not:
 - a) **Clear** outside of the **Action area**.
 - b) **Construct** outside of the **Action area**.
- 2) The approval holder must retain within the **Action area**:
 - a) 49 **Black Cockatoo habitat trees**.
 - b) 2.05 hectares of **Carnaby's Black Cockatoo foraging habitat**.
 - c) 1.21 hectares of **Forest Red-tailed Black Cockatoo Foraging habitat**.
- 3) The approval holder must not **clear** more than the following within the **Action area**:
 - a) 15.12 hectares of **Carnaby's Black Cockatoo foraging habitat**.
 - b) 5.11 hectares of **Forest Red-tailed Black Cockatoo Foraging habitat**.
 - c) 135 **Black Cockatoo habitat trees**.

MITIGATION MEASURES

- 4) The approval holder must, no later than 7 days prior to the **commencement of the Action**, **commence** implementation of the **Construction and Environmental Management Plan**.

OFFSET SITE MANAGEMENT

- 5) The approval holder must **commence** implementation of the **Offset Proposal**, through the acquisition of the **offset site**, no later than 10 **business days** from the 5th of January 2026.
- 6) The approval holder must, within 5 **business days** of **commencement of the Action**, notify the **department** of the date of which implementation of the **Offset Proposal** commenced.

OFFSET SITE SECUREMENT

- 7) The approval holder must **secure** the **offset site** within 10 years of the date of this approval decision.

ACHIEVEMENT OF OFFSET OUTCOMES

- 8) The approval holder must achieve the **offset outcomes** within 10 years of **commencement of the action**.
- 9) The approval holder must, within 40 **business days** of the 5th of January 2027 and immediately following each 5th anniversary of the **commencement of the Action**:
- a) have an independent, **suitably qualified ecologist** assess and report on the **offset site** to determine if the **milestone targets** are being met as expected or have been achieved, and if not, recommend necessary measures to remedy progress towards **offset outcomes**, and
 - b) publish on the **website** the written report on the **offset site** and the advice of the independent, **suitably qualified field ecologist**. This report must be published on the **website**, in a format that is easily accessible and downloadable, until at least the expiry date of this approval.

Part B – Administrative conditions

COMMENCEMENT OF THE ACTION

- 10) The approval holder must notify the **department** electronically of the date of **commencement of the Action**, within 10 **business days** following **commencement of the Action**.
- 11) The approval holder must not **commence the Action** later than 5 years after the date of this approval decision.

COMPLIANCE RECORDS

- 12) The approval holder must maintain accurate and complete **compliance records** and document the procedure for recording and storing **compliance records**.
- 13) If the **department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **department** within the timeframe specified in the request.

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

- 14) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guidelines for biological survey and mapped data*, Commonwealth of Australia 2018, or as otherwise specified by the **Minister** in writing.

- 15) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guide to providing maps and boundary data for EPBC Act projects*, Commonwealth of Australia 2021, or as otherwise specified by the **Minister** in writing.
- 16) The approval holder must submit all **monitoring data**, surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the **department** within 20 **business days** of the next anniversary of the date of this approval decision except where otherwise specified in a **plan**.

ANNUAL COMPLIANCE REPORTING

- 17) The approval holder must prepare a **compliance report** for each **Annual Compliance Report period (ACR period)**.
- 18) The approval holder must ensure each **compliance report** includes:
 - a) accurate and complete details of compliance and any non-compliance with:
 - i) each condition attached to this approval decision, and
 - ii) all commitments made in each **plan**,
 - b) a schedule of all **plans** in effect in relation to these conditions during the **ACR period**,
 - c) accurate and complete details of how each **plan** was implemented during the **ACR period**, and
 - d) if any **incident** occurred, accurate and complete details of each **incident**.
 - e) area and number of trees retained within the **Action area**, along with shapefiles indicating location and patch size.
 - f) Area and number of Black Cockatoo Habitat trees cleared in within the **Action** area.
- 19) The approval holder must ensure each **compliance report** is completed to the satisfaction of the **Minister** and is consistent with the *Annual Compliance Report Guidelines*, Commonwealth of Australia 2023.
- 20) The approval holder must, within 20 **business days** following the end of each **ACR period**, in a format that is easily accessible and downloadable, publish on the **website**:
 - a) each **compliance report**, and
 - b) a **shapefile** showing all **clearing of protected matters**, and their habitat, undertaken within the **ACR period**.
- 21) The approval holder must:
 - a) Exclude or redact **sensitive biodiversity data** from each **compliance report** and **shapefile** published on the **website** or otherwise provided to a member of the public.

- b) If **sensitive biodiversity data** is excluded or redacted from a version of a **compliance report** published or otherwise provided to a member of the public, submit the full **compliance report** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.
 - c) If **sensitive biodiversity data** is excluded or redacted from a version of a **shapefile** published or otherwise provided to a member of the public, submit the full **shapefile** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.
- 22) The approval holder must notify the **department** electronically, within 5 **business days** of each date of publication that the **compliance report** has been published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **compliance report** and related **shapefile** are published on the **website**.
- 23) The approval holder must keep each **compliance report** and related **shapefile** published on the **website** from the first date which that **compliance report** must be published and until the expiry date of this approval.

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

REPORTING NON-COMPLIANCE

- 24) The approval holder must notify the **department** electronically, within 2 **business days** of becoming aware of any **incident**. The approval holder must specify in each notification:
- a) any condition or commitment made in a **plan** which has not been, or may have not been, complied with,
 - b) a short description of the **incident**, and
 - c) the location (if applicable, including co-ordinates), date and time of the **incident**.
- 25) The approval holder must provide to the **department** in writing, within 12 **business days** of becoming aware of an **incident**, the details of that **incident**. The approval holder must specify:
- a) all corrective measures and investigations which the approval holder has already taken in respect of the **incident**,
 - b) the potential impacts of the **incident**,
 - c) the method and timing of any corrective measures that the approval holder proposes to undertake to address the **incident**, and
 - d) any variation of these conditions or revision of a **plan** that will be required to prevent recurrence of the **incident** and/or to address its consequences.

INDEPENDENT AUDIT

- 26) The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every **audit period**.
- 27) The approval holder must submit details of the proposed **independent auditor** and their qualifications to the **department** within 10 **business days** following the end of each **audit period**.
- 28) The approval holder must ensure the scope of each **independent audit** is sufficient to determine the compliance status for each condition of approval, and each commitment made in each **plan**.
- 29) The approval holder must ensure the criteria for each **independent audit** and the undertaking of each **independent audit** are consistent with the **Independent Audit and Audit Report Guidelines**.
- 30) The approval holder must submit an **audit report** to the **department** for written agreement from the **department** within 3 months following the end of each **audit period**, or as otherwise directed by the **Minister** in writing.
- 31) The approval holder must ensure each **audit report** is completed to the satisfaction of the **Minister** and is consistent with the **Independent Audit and Audit Report Guidelines** to the extent that the **Independent Audit and Audit Report Guidelines** are consistent with these conditions.
- 32) The approval holder must publish each **audit report** on the **website**, in a format that is easily accessible and downloadable, within 10 **business days** of the date the **department** agrees to that **audit report** in writing.
- 33) The approval holder must notify the **department** within 5 **business days** of the date the **audit report** is published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **audit report** is published on the **website**.
- 34) The approval holder must keep each **audit report** published on the **website** from the first date which that **audit report** must be published and until the expiry date of this approval.

COMPLETION OF THE ACTION

- 35) Within 20 **business days** after the **completion of the Action**, and, in any event, at least 20 **business days** prior to the expiry date of this approval, the approval holder must notify the **department** electronically of the date of **completion of the Action** and provide **completion data**. The approval holder must submit any spatial data that comprises **completion data** as a **shapefile**.
- 36) The approval holder must notify the **department** electronically at least 60, but not more than 70, **business days** prior to the expiry date of this approval, that the approval is due to expire.

Note: Section 145C of the **EPBC Act** entitles the approval holder to request an extension to the period of effect of this approval.

Part C – Definitions

Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them in the list below:

Action area means the location of the Action, represented in Attachment A by the zone enclosed in the red line designated ‘Project area’ in the legend.

Annual Compliance Report period or **ACR period** means each subsequent 12-month period following the date of this approval decision until the expiry date of this approval, unless otherwise specified in writing by the **Minister**.

Audit period means each subsequent five-year period following the **commencement of the Action** until the expiry date of this approval unless otherwise specified in writing by the **Minister**.

Audit report means a written report of an **independent audit**.

Biodiversity data means ‘biodiversity data’ as described in the *Policy on Accessing and Sharing Biodiversity Data*, Commonwealth of Australia 2024.

Black Cockatoo habitat trees mean trees that have a suitable diameter at breast height (DBH) to develop a nest hollow (300 -500 mm depending on species), but do not have suitable hollows for Black Cockatoos.

Business day means a day that is not a Saturday, a Sunday, or a public holiday in Western Australia.

Carnaby’s Black Cockatoo means the **EPBC Act** listed threatened species Carnaby’s Black Cockatoo (*Zanda latirostris* listed as *Calyptorhynchus latirostris*).

Clear, cleared or **clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation.

Commence the Action or **commences the Action** means the first instance of any on-site **clearing, construction** or other physical activity associated with the Action, but does not include minor physical disturbance necessary to:

- Undertake pre-clearance surveys or monitoring programs.
- Install signage and/or temporary fencing to prevent unapproved use of the **Action area**, so long as the signage and/or temporary fencing is located where it does not **harm any protected matter**.
- Protect environmental and property assets from fire, weeds, and feral animals, including use of existing surface access tracks.
- Install temporary site facilities for persons undertaking pre-commencement activities so long as these facilities are located where they do not **harm any protected matter**.

Commencement of the Action means the date on which the approval holder **commences the Action**.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met.

Completion of the Action means the date on which all activities associated with the approved Action, other than those which provide compensation for the impacts of the Action, have permanently ceased and/or been completed.

Compliance records mean all documentation or other material in whatever form required to demonstrate compliance with these conditions of approval (including compliance with commitments made in **plans**) in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.

Compliance report means a written report of compliance with, and fulfilment of, these conditions (including compliance with commitments made in **plans**).

Construction means:

- the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site,
- the alteration, maintenance, repair or demolition of any building or structure,
- any work which involves breaking of the ground (including pile driving) or bulk earthworks,
- the laying of pipes and other prefabricated materials in the ground, and
- any associated excavation work.

Construction does not include the installation of temporary fences or signage.

Construction and Environmental Management Plan mean the document titled Construction Environmental Management Plan EPBC 2023/09675 Mariginiup Residential Development, version 1, Emerge Associates, 14 July 2025, or any subsequent version approved in accordance with the requirements of these conditions.

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

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

Foraging habitat means plant species known to support foraging Black Cockatoos.

Forest Red-tailed Black Cockatoo means the EPBC Act listed threatened **species Forest Red-tailed Black Cockatoo** (*Calyptorhynchus banksii naso*).

Habitat Scoring System for WA black cockatoo foraging habitat means *Habitat Scoring System for WA Black Cockatoo Foraging Habitat, DCCEEW 2025* as specified in Attachment C.

Harm means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.

Incident means any:

- event which has the potential to, or does, **harm any protected matter**,
- potential non-compliance with these conditions, including the administrative requirements,
- actual non-compliance with these conditions, including the administrative requirements,
- potential non-compliance with one or more commitment made in a **plan**, and/or
- actual non-compliance with one or more commitment made in a **plan**.

Independent audit means an audit, conducted by an **independent auditor**, of compliance with and fulfilment of these conditions and the commitments made in **plans**, objectively evaluated against the audit criteria developed by the **independent auditor**, in accordance with the **Independent Audit and Audit Report Guidelines** to the extent that the **Independent Audit and Audit Report Guidelines** are consistent with these conditions.

Independent Audit and Audit Report Guidelines mean the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019.

Independent auditor means a person, or firm, who:

- does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder's staff, representatives, or associated persons,
- has demonstrated experience in undertaking government-regulated environmental compliance audits, and
- holds relevant professional qualifications and accreditations.

*Other than for the purpose of undertaking the role for which the person, or firm, is required.

Milestone targets mean the targets set against the completion criteria in table 7 of the **Offset Proposal**.

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

Monitoring data means the data required to be recorded under the conditions of this approval, including **sensitive biodiversity data**.

Offset outcomes means increasing total tree canopy cover across the **offset site** through restoration, planting, and natural regeneration of **Black cockatoo foraging habitat**; revegetating 26.13 ha, to achieve a minimum of 21.5 ha of **Black Cockatoo foraging habitat** with at least 100% canopy coverage and a score of 10 in accordance with the DCCEEW **Habitat Scoring System for WA black cockatoo foraging habitat**.

Offset Proposal means the document titled Offset Proposal 2023/09675 – Mariginiup Residential Development, version b, Emerge Associates, or any subsequent version that achieves the established **Offset Outcomes**.

Offset Site means the area for impacts of the Action on **Black Cockatoos** located within a portion of Lot 901 Talbot West Road, Mount Observation represented in Attachment B by zone enclosed in the yellow line designated as the 'Offset site' in the legend.

Plan means any action management plan or strategy that the approval holder is required by these conditions to implement.

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

Secure or secured means to provide enduring conservation protection on the title of land under Part IV(A) of *The Soil Conservation Act 1945* (WA) or another enduring protection mechanism agreed to in writing by the **department**, to provide protection for the site against development incompatible with conservation.

Sensitive biodiversity data means **biodiversity data** which, if released, published or otherwise exposed, may result in **harm** to the relevant **protected matter** as a result of the intentional or unintentional misuse of that **biodiversity data**.

Shapefile means location and attribute information about the Action provided in an Esri shapefile format containing:

- '.shp', '.shx', '.dbf' files,
- a '.prj' file which specifies the projection or geographic coordinate system used, and
- an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

Suitably qualified field ecologist (for the purpose of undertaking environmental surveys) means a person who has relevant professional qualifications and at least 3 years of work experience designing and implementing surveys for **protected matters** and can give an authoritative assessment and advice on the presence of **protected matters** using relevant protocols, standards, methods and/or literature

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

Attachments

- A:** Action Area
- B:** Offset Site and Restoration Area
- C:** Habitat Scoring System for WA Black Cockatoo Foraging Habitat, DCCEEW 2025
- D:** Table 7 of the Offset Proposal – Milestone targets

Attachment A: Action Area

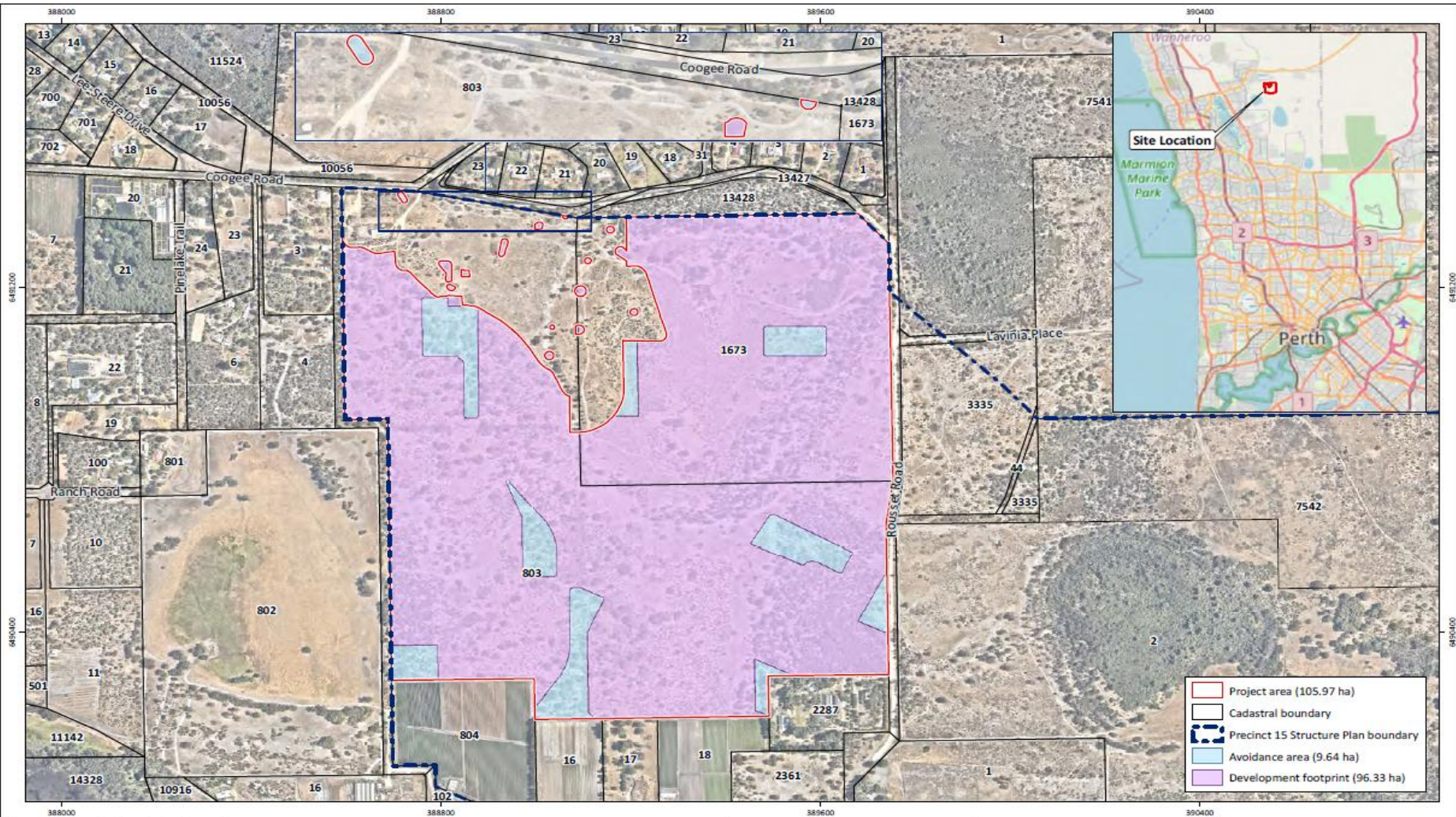


Figure 1: Project Area Location

Project: Preliminary Documentation Report
 EPBC 2023/09675 Mariginiup Residential Development

Client: Stockland Development Pty Ltd

Plan Number: EP22-019(30)-F121
Drawn: GAR
Date: 29/10/2024
Checked: EKB
Approved: ADB
Date: 26/06/2025



0 100 200 300
 Meters
 Scale: 1:11,000@A4
 GDA 1994 MGA Zone 50



Attachment B: Offset Site and Restoration Area

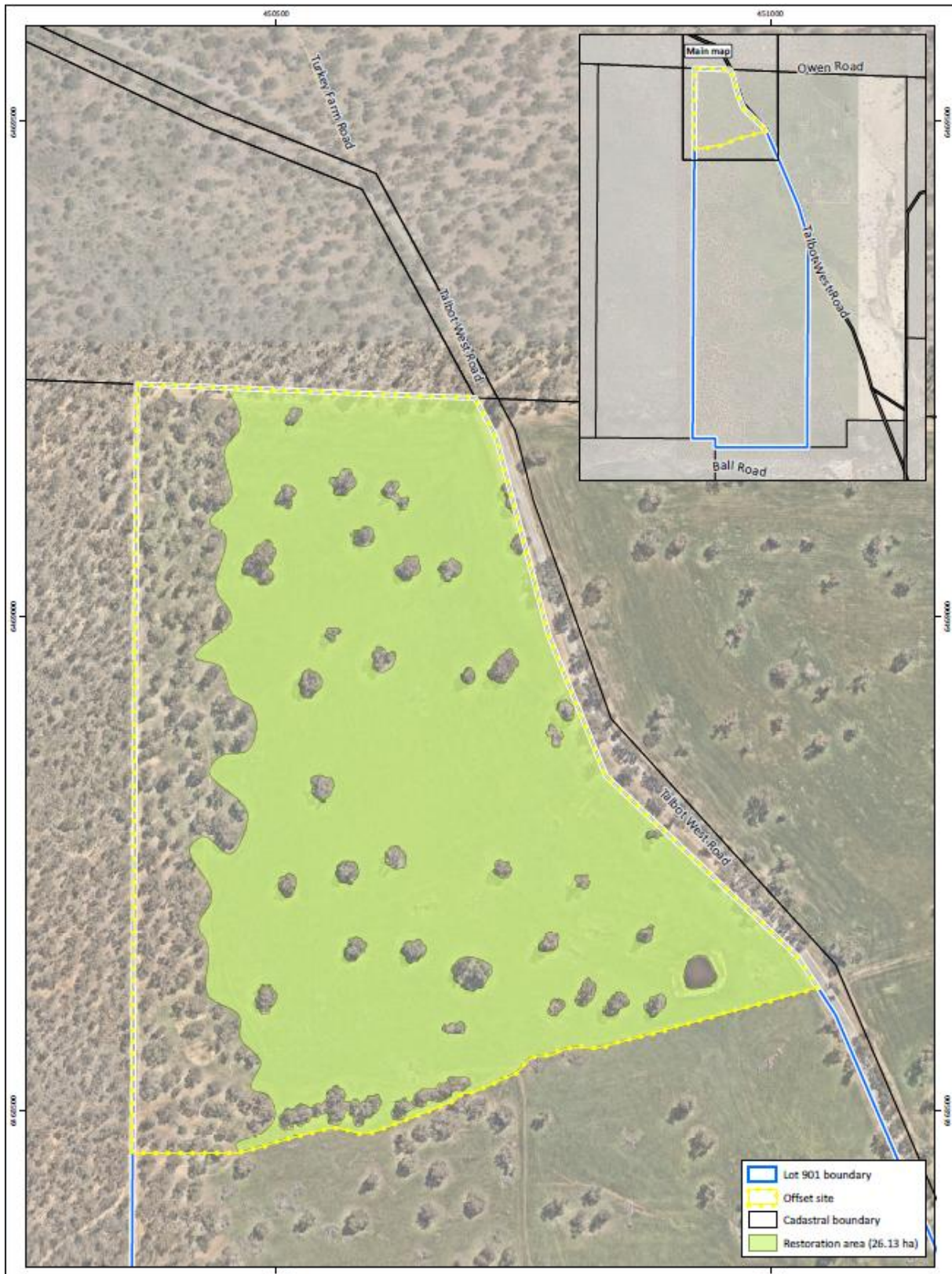


Figure 4: Proposed Restoration Area

Project: Offset Proposal
 Marginilup Residential Development
 Client: Stockland Development Pty Ltd

Plan Number: EP23-019(28)-F204
 Drawn: GAR
 Date: 22/10/2025
 Checked: EKS
 Approved: JDH
 Date: 30/10/2025



0 50 100
 Metres
 Scale: 1:5,000@A4
 GDA 1994 MGA Zone 50



Attachment C: Habitat quality scoring, DCCEEW, 2025

Indicator	Score	Detail	Impact site	Offset start quality	Without offset	With offset	
Site Condition							
		Foraging value	Details				
Vegetation condition and structure. Habitat features	7	Very High	Carnaby's Black Cockatoo				
			Native kwongan heath and shrubland (>30% projected foliage cover), banksia and eucalypt woodlands with >50% projected foliage cover. Low percentage (< 5%) of tree deaths ² .				
	6	High	Forest Red-tailed Black Cockatoo				
			Marri-Jarrah-Karri Forest, other eucalypt woodlands, or allocasuarina woodlands, with >50% projected foliage cover. Low percentage (< 5%) of tree deaths.				
	5		Carnaby's Black Cockatoo				
			Native kwongan heath and shrubland (>25% projected foliage cover), banksia and eucalypt woodlands with >40% projected foliage cover. Low percentage (< 10%) of tree deaths.				
			Forest Red-tailed Black Cockatoo				
	5		Marri-Jarrah-Karri Forest, other eucalypt woodlands, or allocasuarina woodlands, with >40% projected foliage cover. Low percentage (< 10%) of tree deaths.				
			Carnaby's Black Cockatoo				
	5		Native kwongan heath and shrubland (>20% projected foliage cover), banksia and eucalypt woodlands with 30-40% projected foliage cover; OR > 60% projected foliage cover but veg. condition reduced due to tree deaths (up to 20%).				
5		Forest Red-tailed Black Cockatoo					

Vegetation condition and structure. Habitat features		Moderate to high	Marri-Jarrah-Karri Forest, other eucalypt woodlands, or allocasuarina woodlands, with 30-40% projected foliage cover; OR > 60% projected foliage cover but veg. condition reduced due to tree deaths (up to 20%).					
	4	Moderate	Carnaby's Black Cockatoo					
			Native kwongan heath and shrubland, banksia or eucalypt woodlands with 20-30% projected foliage cover. Moderate percentage of tree deaths (30-40%).					
	3	Low to moderate	Forest Red-tailed Black Cockatoo					
			Marri-Jarrah-Karri Forest, other eucalypt woodlands, or allocasuarina woodlands with 20-30% projected foliage cover; OR 40-60% projected foliage cover but veg. condition reduced due to tree deaths (up to 30-40%).					
	2	Low	Carnaby's Black Cockatoo					
			Native kwongan heath and shrubland, banksia or eucalypt woodlands with 10-20% projected foliage cover.					
	1	Negligible to low	Forest Red-tailed Black Cockatoo					
			Marri-Jarrah-Karri Forest, other eucalypt woodlands, or allocasuarina woodlands with 5-20% projected foliage cover.					
	0	None	Carnaby's Black Cockatoo					
			Native kwongan heath and shrubland, banksia and eucalypt woodlands with <10% projected foliage cover; OR Paddocks and/or urban areas with scattered foraging trees such as banksias, marri.					
				Forest Red-tailed Black Cockatoo				
				Marri-Jarrah-Karri Forest, other eucalypt woodlands, or allocasuarina woodlands with 1-5% projected foliage cover; OR Paddocks and/or urban areas with scattered food plants such as Cape Lilac, <i>Eucalyptus caesia</i> and <i>E. erythrocorys</i> .				
				All species				
			Scattered specimens of known food plants but projected foliage cover of these is <2%. May include paddocks or urban areas with scattered foraging trees.					
			All species					
			No Proteaceae, eucalypts or other potential sources of food. May include bare ground or developed sites devoid of vegetation (e.g. infrastructure, roads, gravel pits).					
Totals								

Site Context							
Proximity of the site in relation to other habitat.	3	Site is within 6km of known breeding site.	or	Site is within 12km of other foraging resources with site condition of at least 3.			
	2	Site is within 12km of known breeding site.	or	Site is within 15km of other foraging resources with site condition of at least 4.			
	1	Site is within 15km of known breeding site.	or	Site is between 15km and 20km of other foraging resources with site condition of at least 5.			
	0	Site is further than 15km from known breeding site.	or	Site is further than 20km from other foraging resources.			
Totals							
Final Totals							

Attachment D: Table 7 of the Offset Proposal – Milestone targets

Completion criteria	Milestone target			
	3 years	5 years	8 years	10 years (completion)
Vegetation comprises black cockatoo foraging habitat as defined in the black cockatoo referral guidelines (DAWE 2022).	Restored vegetation includes black cockatoo foraging species and is on trajectory to achieve 10-year objective	Restored vegetation is on trajectory to achieve 10-year objective	Restored vegetation is on trajectory to achieve 10-year objective	Vegetation satisfies diagnostic criteria for black cockatoo foraging habitat achieving a HQS of 10.
Native vegetation representative of black cockatoo habitat achieves 21.5 ha of canopy cover across the restoration area.	Native vegetation germinants or tubestock established at sufficient density (to achieve 10-year objective)	Native vegetation plants persisting at sufficient density (to achieve 10-year objective)	Native vegetation canopy cover is ~ 100% across 21.5 ha	Native vegetation canopy cover is 100% across 21.5 ha
Weed cover is 20% or lower as measured in a minimum of ten randomly selected 10 x 10 m plots within the restoration area.	Mean weed cover is ~ 20% or lower	Mean weed cover is ~ 20% or lower	Mean weed cover is ~ 20% or lower	Mean weed cover is 20% or lower