



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Variation of conditions attached to approval

Sand Mine – Lot 122 Old Coast Road, Parkfield, Binningup, WA (EPBC 2014/7164)

This decision to vary conditions of approval is made under section 143(1)(a) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

approval holder	Hovey Property Pty Ltd ACN: 088 296 155
approved action	To clear vegetation for a sand mine development at Lot 122 Old Coast Road, Parkfield, Binningup, Western Australia [See EPBC Act referral 2014/7164]

Variation

The variation is:


Delete conditions 3, 4, 7, 8 and 10, and the definitions for **Offset Plan** and **Rehabilitation Plan** attached to the approval and replace them with those specified in the tables below.

Revoke the definitions for **Criteria**, **Rehabilitation** and **Suitably Qualified Expert**.

Add conditions 7A, 8A, 8B and 11 to 18, and definitions for **Annual Compliance Report period/ACR period**, **Audit guidelines**, **Audit period**, **Audit report**, **Business days**, **Compliance records**, **Compliance report(s)**, **Incident**, **Independent audit**, **Independent auditor**, **Plan(s)**, **Sensitive biodiversity data** and **Website** to the approval as specified in the tables below.

date of effect	This variation has effect on the date this instrument is signed.
expiry date of approval	This approval has effect until 1 July 2029

Person authorised to make decision

name and position	Toni Hart Branch Head (A/g) Compliance and Enforcement Branch
signature	
date of decision	30 April 2025

Date of decision	Conditions attached to approval
Original dated 19 June 2014	1. The person taking the action must not clear more than 6.5 hectares (ha) of vegetation for listed Black Cockatoo species from Lot 122 Old Coast Road, Parkfield, Binningup, Western Australia as identified in the map at <u>Figure 1</u> .
Original dated 19 June 2014	2. To offset the loss of habitat for listed Black Cockatoo species , within 18 months of the date of this approval, the person taking the action must provide written evidence to the Department that a legally binding Conservation Covenant has been registered over the offset area identified at <u>Figure 1</u> . The Conservation Covenant must be secured in perpetuity and must provide for the protection of no less than 35 ha of listed Black Cockatoo species foraging habitat .
As varied on the date this instrument was signed	3. The person taking the action must implement the Offset Plan at least until the expiry of this approval.
As varied on the date this instrument was signed	4. The person taking the action must implement the Rehabilitation Plan at least until the expiry of this approval.
As varied on 24 December 2019	5. The person taking the action must provide written evidence to the Department that the revegetation has commenced in the Rehabilitation area identified on Lot 120 in Figure 1 by 30 June 2020.
Original dated 19 June 2014	6. Within 30 business days after the commencement of the action , the person taking the action must advise the Department in writing of the actual date of commencement .
As varied on the date this instrument was signed	7. The person taking the action must maintain accurate and complete compliance records and document the procedure for recording and storing compliance records .
As varied on the date this instrument was signed	7A. If the department makes a request in writing, the person taking the action 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.
As varied on the date this instrument was signed	8. The person taking the action must prepare a compliance report for each Annual Compliance Report period (ACR period) .
As varied on the date this instrument was signed	8A. The person taking the action must include the following in each compliance report as relevant to the associated ACR period : a) accurate and complete details of compliance and non-compliance with: i. each condition attached to this approval; and ii. all commitments made in each plan ; b) a schedule of plans in effect during the ACR period ;

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Date of decision	Conditions attached to approval
	<ul style="list-style-type: none">c) accurate and complete details of how each plan was implemented during the ACR period; andd) if any incidents occurred, accurate and complete details of each incident.
As varied on the date this instrument was signed	8B. Within 3-months following the end of each ACR period , the person taking the action must provide the department with: <ul style="list-style-type: none">a) the compliance report for the immediately preceding ACR period; andb) shapefiles showing all clearing of habitat for listed Black Cockatoo species undertaken since commencement of the action.
Original dated 19 June 2014	9. If, at any time after five (5) years from the date of this approval, the person taking the action has not commenced the action, then the person taking the action must not commence the action without the written agreement of the Minister .
As varied on the date this instrument was signed	10. The person taking the action must provide to the Department the details of any incident as soon as practicable and no later than 10 business days after becoming aware of the incident , specifying: <ul style="list-style-type: none">a) any corrective action or investigation which the person taking the action has already taken or intends to take in the immediate future;b) the potential impacts of the incident or non-compliance; andc) the method and timing of any remedial action that will be undertaken by the person taking the action.
As varied on the date this instrument was signed	11. For every audit period and otherwise as directed by the Minister in writing, the person taking the action must ensure that an independent audit of compliance with the conditions of this approval is conducted in accordance with the audit guidelines .
As varied on the date this instrument was signed	12. The person taking the action must submit details of the proposed independent auditor and their qualifications to the department for approval within 10 business days following the end of each audit period .
As varied on the date this instrument was signed	13. The person taking the action must ensure the scope of each independent audit is sufficient to determine the compliance status for: <ul style="list-style-type: none">a) each condition of approval; andb) each commitment made in each plan.
As varied on the date this instrument was signed	14. The person taking the action must submit the criteria and methodology for each independent audit to the department for approval within 20 business days after the department's approval of the independent auditor .
As varied on the date this instrument was signed	15. Unless otherwise directed in writing by the Minister , within 3 months of the department's approval of the audit criteria and methodology, the person taking the action must submit an audit report to the department for written agreement from the department .

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Date of decision	Conditions attached to approval
As varied on the date this instrument was signed	16. The person taking the action 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 the audit report in writing.
As varied on the date this instrument was signed	17. The person taking the action must notify the department within 5 business days of the date the audit report is published on the website . In this notification, the person taking the action must provide the department with the web address for where the audit report is published on the website .
As varied on the date this instrument was signed	18. The person taking the action must keep each audit report published on the website from the first date which that audit report must be published and until the expiry of this approval.
Date of decision	Definitions attached to approval
In these conditions, except where contrary intention is expressed, the following definitions are used:	
As varied on the date this instrument was signed	Annual Compliance Report period or ACR period mean each subsequent 12-month period following commencement of the action until the expiry date of this approval.
As varied on the date this instrument was signed	Audit guidelines means <i>the Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines, Commonwealth of Australia 2019</i> , or subsequent version published on the Department's website.
As varied on the date this instrument was signed	Audit period means each subsequent 5-year period commencing 2 July 2023, until the expiry date of this approval unless otherwise specified in writing by the Minister .
As varied on the date this instrument was signed	Audit report means a written report of an independent audit consistent with the audit guidelines .
As varied on the date this instrument was signed	Business days means a day that is not a Saturday, Sunday or public holiday in the state of Western Australia.
Original dated 19 June 2014	Clearing is the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation.
Original dated 19 June 2014	Commencement/commenced see commencement of the action
Original dated 19 June 2014	Commencement of the action is the clearing of the 6.5 ha of native vegetation on Lot 122, Old Coast Road, Parkfield, Binningup, and includes any preparatory works required to be undertaken including the erection of any fences, signage or on-site temporary structure and the use of construction or excavation equipment on site for the purpose of breaking the ground or buildings or infrastructure.

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Date of decision	Definitions attached to approval
As varied on the date this instrument was signed	Compliance records means 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 person taking the action's possession, or that are within the person taking the action's power to obtain lawfully.
As varied on the date this instrument was signed	Compliance report or compliance reports mean a written report of compliance with, and fulfilment of, these conditions (including compliance with commitments made in plans).
Original dated 19 June 2014	Conservation Covenant is a promise contained in a deed of land or real estate which is binding upon the current owner and all future owners. It defines the limitations, conditions or restrictions on the use of that land that have been put in place for the purpose of protecting and enhancing the natural, cultural and/or scientific values of certain land.
As varied on the date this instrument was signed	Criteria – Revoked
Original dated 19 June 2014	Department is the Australian Government Department administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Original dated 19 June 2014	EPBC Act is the <i>Environment Protection and Biodiversity Conservation Act 1999</i>
Original dated 19 June 2014	Habitat includes flora species suitable for listed Black Cockatoo species such as suitable canopy trees consisting of flora canopy species known to occur in the Swan Coastal Plain such as the Swan Coastal Plain <i>Eucalyptus gomphocephala-Agonis flexuosa</i> woodlands and understory planting consists of flora understorey species comprising important habitat to Black Cockatoo species know to occur in the Swan Coastal Plan such as Low-lying <i>Banksia attenuata</i> woodland or shrublands.
As varied on the date this instrument was signed	Incident means any non-compliance with a condition of this approval and/or a commitment made in a plan .
As varied on the date this instrument was signed	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 audit guidelines to the extent that the audit guidelines are consistent with these conditions.
As varied on the date this instrument was signed	Independent auditor means a person or firm who: <ol style="list-style-type: none">has demonstrated experience in undertaking government-regulated environmental compliance audits;

Date of decision	Definitions attached to approval
	<p>b. holds professional qualifications and accreditations relevant to undertaking audits; and\</p> <p>c. does not have any individual, financial*, employment* or family affiliation or any conflict of interest with the approved action, the person taking the action, or the person taking the action’s staff, representatives, or associated persons.</p> <p>*Other than for the purposes of undertaking the role for which an independent person, or firm, is required.</p>
Original dated 19 June 2014	Listed Black Cockatoo species includes Carnaby’s Black Cockatoo (<i>Calyptorhynchus latirostris</i>), Forest Red-tailed Black Cockatoo (<i>Calyptorhynchus banksia naso</i>) and Baudin’s Black Cockatoo (<i>Calyptorhynchus baudinii</i>) species listed as threatened under the EPBC Act .
Original dated 19 June 2014	Minister is the Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and includes a delegate of the Minister .
Original dated 19 June 2014	Offset area means the portion of freehold land that largely covered with remnant native vegetation located on Lot 121, Old Coastal Road, Parkfield, Binningup, WA as shown in Figure 1 .
Original dated 19 June 2014	Offset attributes must be in the form of an excel file (‘.xls’) capturing relevant attributes of the offset area , including the EPBC Act reference ID number, the physical address of the offset area , coordinates of the boundary points in decimal degrees, the EPBC Act protected matters that the offset compensates for, any additional EPBC Act protect matters that are benefiting from the offset, and the size of the offset in hectares.
As varied on the date this instrument was signed	Offset Plan means the <i>Offset Management Plan; Lot 121 Forrest Hwy, Parkfield; EPBC 2014/7164; Rev 6</i> dated 2 June 2021, or a subsequent revision approved by the Minister .
Original dated 19 June 2014	Person taking the action means the person to whom the approval is granted.
As varied on the date this instrument was signed	Plan or Plans means the Offset Plan and the Rehabilitation Plan , and any action management plan or strategy that the person taking the action is required by these conditions to implement.
As varied on the date this instrument was signed	Rehabilitation - Revoked.
Original dated 19 June 2014	Rehabilitation area means the portion of land located on Lot 120, Old Coast Road, Parkfield, Binningup, WA as shown in Figure 1 .

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Date of decision	Definitions attached to approval
As varied on the date this instrument was signed	Rehabilitation Plan means the <i>Rehabilitation Management Plan; Lot 120 Old Coast Road, Parkfield; EPBC 2014/7164; Version 1</i> , dated 21 July 2020, or a subsequent revision approved by the Minister .
Original dated 19 June 2014	Revegetation means replanting and restoring Lot 120 with habitat suitable for listed Black Cockatoo species that occur naturally within the region.
As varied on the date this instrument was signed	Sensitive biodiversity data means biodiversity data which, if released, published or otherwise exposed, may result in harm to listed Black Cockatoo species as a result of the intentional or unintentional misuse of that biodiversity data
Original dated 19 June 2014	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.
As varied on the date this instrument was signed	Suitably Qualified Expert – Revoked.
As varied on the date this instrument was signed	Website means a set of related web pages located under a single domain name attributed to the person taking the action and available to the public.

