



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Encourage Pty Ltd, commercial and residential development, lot 9508/DP54308, lot 2/D78068 and lot 3/D78069, Ravandale Drive, Coodanup Drive & Wanjeep Street, Tuckey Cove, Mandurah, WA (EPBC 2011/5928)

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	Encourage Pty Ltd ACN: 009 029 065
approved action	To establish residential and commercial developments on lot 9508/DP54308, lot 2/D78068 and lot 3/D78069 at Mandurah, Western Australia (see EPBC Act referral 2011/5928).

Variation

The variation is:


Delete condition 2 and the definition for **Department** attached to the approval, and substitute them with those specified in the tables below.

Revoke the definition for **Black Cockatoo breeding tree species** attached to the approval.

Add definitions for **Black Cockatoo breeding species**, **Business days**, **Offset area** and **Shapefile** to the approval as specified in the tables below.

date of effect	This variation has effect on the date this instrument is signed.
period for which this approval has effect	This approval has effect until 31 December 2024

Person authorised to make decision

name and position	Graeme Grosse Branch Head Compliance and Enforcement Branch
signature	
date of decision	28 October 2024

date of decision	conditions attached to approval
Original dated 5 October 2012	1. The person taking the action must not clear more than 8.2 ha of habitat for Black Cockatoos that is in 'good' to 'very good' condition as identified in <u>Attachment B</u> , within the project area identified at <u>Attachment A</u>
Original dated 5 October 2012	<p>2. To offset the loss of 8.2 ha of Black Cockatoo foraging habitat and the loss of 19 potential breeding trees, the person taking the action must:</p> <ul style="list-style-type: none"> a. Within 12 months of the commencement of construction undertake direct planting of at least 80 tree plant species that are known to be Black Cockatoo breeding species within the POS areas shown at <u>Attachment B</u>. Planting must be completed within 2 years after the commencement of construction. After 2 years of the completion of planting, a survival rate of at least 80% must be attained, or a minimum of 80 trees surviving. If this survival rate is not attained, replanting must be undertaken within 12 months of the 2 year anniversary, to attain an 80% survival rate (or a minimum of 80 trees). b. Within 12 months of commencement of construction undertake direct replanting of a minimum of 200 trees that that are known to be Black Cockatoo foraging species, within streetscaping. The planting of the trees must be completed within 10 years from commencement of construction. After two years of completion of planting, an 80% survival rate must be obtained. If this is not obtained, replanting of trees must be undertaken within 12 months of the 2 year anniversary, to gain an 80% survival rate. c. Within 12 months of the commencement of construction, provide funding of \$100,000 to WA DEC for the acquisition, and to assist in the ongoing maintenance of, a 100 ha area of freehold land in the Gingin area, to offset the loss of 8.2 ha of Black Cockatoo habitat. The land being ceded to WA DEC must contain <i>Banksia</i> woodland that is in equivalent or better condition than the <i>Banksia</i> woodland that is in 'good' to 'very good' condition within the project area. Within 4 weeks of the funding being provided to WA DEC, the person taking the action must provide written evidence to the department of the payment.
As varied on the date this instrument is signed	<p>3. Within 5 business days of being advised by WA DEC that an offset area has been acquired by WA DEC for the purpose of condition 2c., the person taking the action must provide the following to the department in relation to that offset area:</p> <ul style="list-style-type: none"> a. a description and map clearly defining the location and boundaries of the offset area; and b. shapefiles and offset attributes for the offset area.
Original dated 5 October 2012	4. Within 30 days after the commencement of the construction , the person taking the action must advise the department in writing of the actual date of commencement.

Original dated 5 October 2012	5. 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 BCMP 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.
Original dated 5 October 2012	6. 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. The report must stay on the proponent's website for the life of the approval. Non-compliance with any of the conditions of this approval must be reported to the department at the same time as the compliance report is published.
Original dated 5 October 2012	7. If, at any time after 5 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 .

date of decision	definitions attached to approval
In these conditions, except where contrary intention is expressed, the following definitions are used:	
Original dated 5 October 2012	Black Cockatoos includes Carnaby's Black-Cockatoo (<i>Calyptorhynchus latirostris</i>), Baudin's Black-Cockatoo (<i>Calyptorhynchus baudinii</i>) and the Forest Red-Tailed Black-Cockatoo (<i>Calyptorhynchus banksii naso</i>).
As varied on the date this instrument is signed	Black Cockatoo breeding species includes any trees identified as a nesting tree 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 .
As varied on the date this instrument is signed	Black Cockatoo breeding tree species – revoked
Original dated 5 October 2012	Black Cockatoo foraging species includes any plants identified as a foraging species 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 .
As varied on the date this instrument is signed	Business days means a day that is not a Saturday, a Sunday, or a public holiday in the state of Western Australia.
Original dated 5 October 2012	Construction includes any preparatory works required to be undertaken including clearing vegetation, the erection of any fences, signage or on-site temporary structures and the use of construction or excavation equipment on site for the purpose of breaking the ground for buildings or infrastructure.
As varied on the date this instrument is signed	Department means the Australian Government Department administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Original dated 5 October 2012	Minister is the Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and includes a delegate of the Minister .

As varied on the date this instrument is signed	Offset area means a minimum 100 hectares of freehold land in the Gingin area, comprised entirely of Banksia woodland that is in equivalent or better condition than the Banksia woodland that is in 'good' to 'very good' condition within the project area .
Original dated 5 October 2012	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 5 October 2012	Project area is the area identified as sites 1, 2, and 3 at <u>Attachment A</u> . These sites fall within lot 9508/DP54308, lot 2/D78068 and lot 3/D78069 at Mandurah, Western Australia.
As varied on the date this instrument is signed	<p>Shapefiles means location and attribute information about the Action provided in an Esri shapefile format containing:</p> <ol style="list-style-type: none"> '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.
Original dated 5 October 2012	WA DEC is Western Australia Government's Department of Environment and Conservation (or equivalent agency).

date of decision **Attachments**

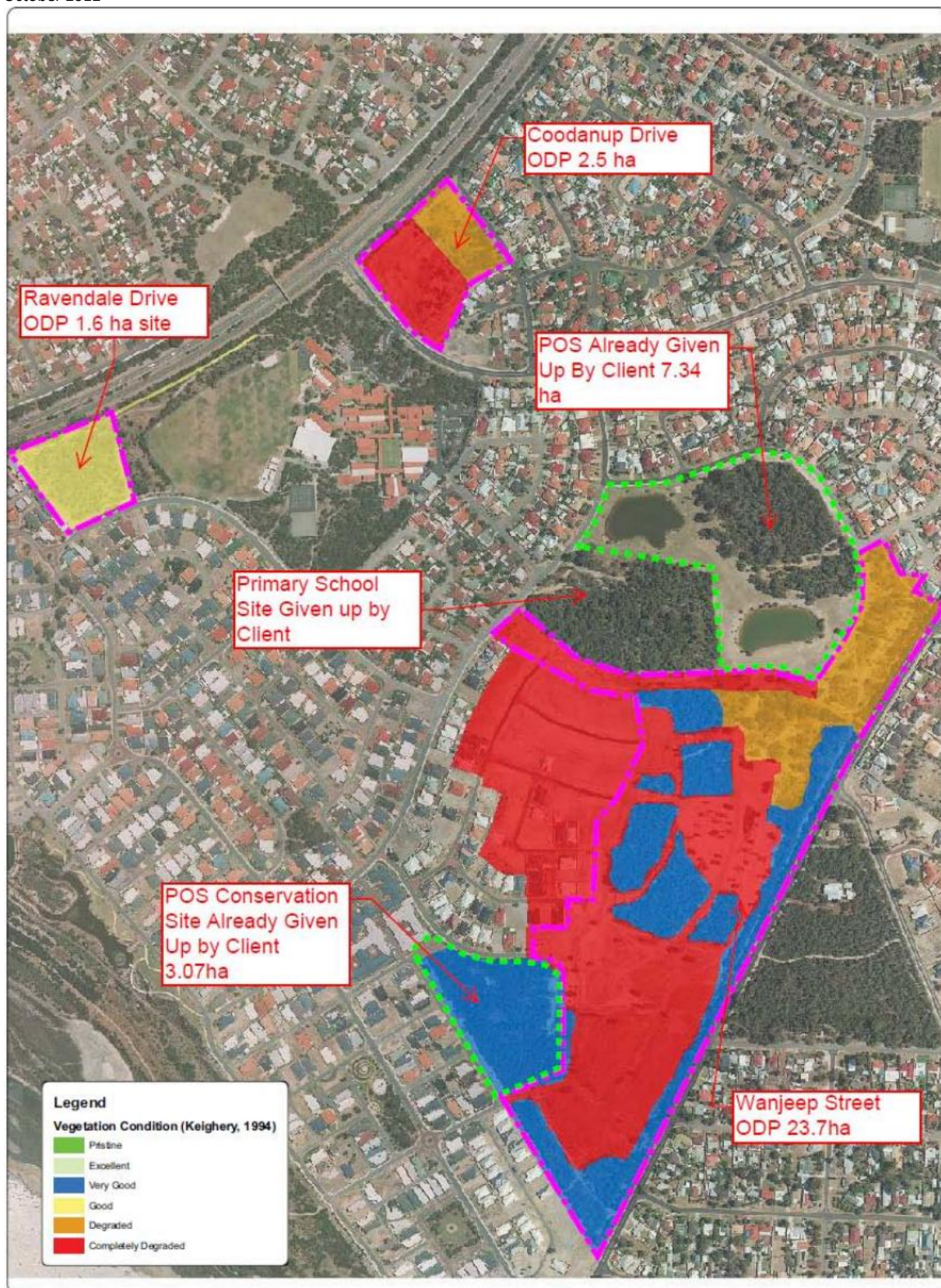
Original dated 5
October 2012

Attachment A



Original dated 5
October 2012

Attachment B



Map 2

Flora and Fauna Survey: Tuckey Cove, Mandurah
Bushland Condition

Feb 2009

prepared for Greg Rowe & Associates



0 100 200 300 400 Metres

Project No. 2162.08

