



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Variation of conditions attached to approval

Hard rock quarry, Shenton Ridge, Wellington, Western Australia (EPBC 2017/8085)

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

approval holder	B. & J. Catalano Pty Ltd ACN: 008 961 975
approved action	To clear vegetation and operate a hard rock quarry for the extraction of granite at Lot 501 Coalfields Road, approximately halfway between Bunbury and Collie, Western Australia [See EPBC Act referral 2017/8085].

Variation

variation of conditions attached to approval	The variation is: Delete Condition 1 attached to the approval and substitute with the condition specified in the table below. Delete Attachment A attached to the approval and substitute with the attachment specified in the table below.
date of effect	This variation has effect on the date this instrument is signed.

Person authorised to make decision

name and position	Brendan Linton-Smith Acting Branch Head Environment Assessments (Vic/Tas) and Post Approvals Branch
signature	
date of decision	22 January 2025

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Date of decision	Conditions attached to approval
	Part A – Conditions specific to the action
As varied on the date this instrument was signed	<p>1) For the protection of EPBC Act listed Black Cockatoos the approval holder must:</p> <ul style="list-style-type: none"> a) clear no more than 1.2 hectares (ha) of black cockatoo habitat within the project area (and no black cockatoo habitat outside the project area) b) install eighteen artificial nest hollows suitable for Black Cockatoos, which are to be additional to those required under any other approval, in accordance with the Western Australian Department of Parks and Wildlife Publication "<i>How to design and place artificial hollows for Carnaby's cockatoo</i>" (2015). The location of the artificial nest hollows must be determined by a suitably qualified person, and then agreed by DBCA prior to installation. The prime consideration in determining the location of the artificial nest hollows is to be maximising usage of the artificial hollows by Black Cockatoos. If after two years there is no evidence of use of the artificial nest hollows by Black Cockatoos then, in consultation with DBCA, they should be relocated to another suitable location; c) comply with the conditions of clearing permit CPS 7943/1 or as varied from time to time; and d) notify the Department in writing of any variations of the conditions of Clearing Permit CPS 7943/1 to which sub-condition 1(b) applies within 10 business days of such a change being approved by the State Government.
Original decision dated 5 December 2019	<p>2) To mitigate impacts to Black Cockatoos the approval holder must monitor and maintain the artificial nest hollows required under condition 1 of this approval and condition 8 of Clearing Permit CPS 7943/1 for a period of at least twenty years from the date of installation or relocation. Monitoring and maintenance must be undertaken in accordance with the guidelines at Schedule 2 of Clearing Permit CPS 7943/1.</p>

Date of decision	Conditions attached to approval
Original decision dated 5 December 2019	<p>3) The approval holder must:</p> <ul style="list-style-type: none"> a) maintain the following records and provide them to the Department within two months of the date of this approval: <ul style="list-style-type: none"> i) the date(s) the artificial Black Cockatoo nest hollows (conditioned under 1b and the Clearing Permit CPS 7943/1) were installed; ii) the locations where the artificial Black Cockatoo nest hollows were installed and recorded using a GPS unit set to GDA94, expressing the geographical coordinates in decimal degrees; iii) a photograph of each artificial Black Cockatoo nest hollow as installed; and iv) evidence that DBCA has approved the design and placement of each artificial Black Cockatoo nest hollow. b) maintain the following records and provide them to the Department within one month of each instance of the monitoring and maintenance activities required under condition 2 being undertaken: <ul style="list-style-type: none"> i) a description of the monitoring methodology employed for each monitoring event; ii) a description of the monitoring observations for each monitoring event; iii) the dates the artificial Black Cockatoo nest hollows were maintained; and iv) a description of the maintenance activities undertaken for each maintenance event. c) Notify the Department within two business days if any deceased Black Cockatoos are found during monitoring or as a result of the action. d) The records required by sub-condition 3(a) and 3(b) must be prepared by a suitably qualified person. e) All records required by condition 3 must be provided in writing and copies included in the annual compliance report.
	Part B – Standard administrative conditions
Original decision dated 5 December 2019	<p>Notification of date of commencement of the action</p> <p>4) The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.</p>

Date of decision	Conditions attached to approval
Original decision dated 5 December 2019	<p>Compliance Records</p> <p>5) The approval holder must maintain accurate and complete compliance records.</p>
Original decision dated 5 December 2019	<p>6) 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.</p> <p>Note: Compliance records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the Department's website or through the general media.</p>
Original decision dated 5 December 2019	<p>Annual compliance reporting</p> <p>7) 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.</p>
Original decision dated 5 December 2019	<p>Reporting non-compliance</p> <p>8) 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.

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Date of decision	Conditions attached to approval
Original decision dated 5 December 2019	<p>9) 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.
Original decision dated 5 December 2019	<p>Independent audit</p> <p>10) The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.</p>
Original decision dated 5 December 2019	<p>11) 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.
Original decision dated 5 December 2019	<p>12) 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>
Original decision dated 5 December 2019	<p>Completion of the action</p> <p>13) Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.</p>

Date of decision	Definition attached to approval
	Part C - Definitions
Original decision dated 5 December 2019	Black Cockatoos include the EPBC Act listed species <i>Calyptorhynchus latirostris</i> (Carnaby's Black Cockatoo), <i>Calyptorhynchus banksii naso</i> (Forest Red-tailed Black Cockatoo) and <i>Calyptorhynchus baudinii</i> (Baudin's Black Cockatoo).
Original decision dated 5 December 2019	Black cockatoo habitat is as defined in the EPBC Act Referral Guidelines for three species of Western Australian black cockatoos: Carnaby's cockatoo (endangered) (<i>Calyptorhynchus latirostris</i>), Baudin's cockatoo (vulnerable)

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	<i>(Calyptorhynchus baudinii)</i> and Forest Red-tailed black cockatoo (vulnerable) <i>(Calyptorhynchus banksii naso)</i> (October 2012).
Original decision dated 5 December 2019	Business days means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
Original decision dated 5 December 2019	Clear/Clearing means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds — see the <i>Australian weeds strategy 2017 to 2027</i> for further guidance). Clearing does not include any relevant prescribed burns for bushfire management, where applicable.
Original decision dated 5 December 2019	Clearing Permit CPS 7943/1 means the clearing permit granted on 3 December 2018 under section 51E of the <i>Environmental Protection Act 1986</i> (WA), and any subsequent versions.
Original decision dated 5 December 2019	Cleared area means the area (in hectares) where loss or long-term modification of habitat has occurred within the project area .
Original decision dated 5 December 2019	<p>Commencement of the action/commence the action means the first instance of any specified activity associated with the action including clearance of vegetation and construction of any infrastructure.</p> <p>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 construction of permanent fencing and signage, and maintenance or use of existing surface access tracks, if agreed in writing by the Department; and
Original decision dated 5 December 2019	<p>Completion data means an environmental report and spatial data information clearly detailing how the conditions of this approval have been met. The Department's preferred spatial data format is shapefile.</p> <p>Completion data should include, but not be limited to, information detailing the date and location of clearing; the actual total cleared area/s within the project area (in hectares); the total area and type of Black Cockatoo habitat cleared within the project area (in hectares); and the total area and type of Black Cockatoo habitat within retention area's (in hectares). Completion data must also include information on the location of artificial hollows installed under the conditions of this approval.</p>

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Original decision dated 5 December 2019	Completion of the action means when the approved action has reached the maximum allowable clearing limit, as defined in condition 1, and the requirements of condition 2 have been satisfied.
Original decision dated 5 December 2019	Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully;
Original decision dated 5 December 2019	<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 <p>annexing a schedule of all plans prepared and in existence in relation to the conditions during the relevant 12 month period.</p>
Original decision dated 5 December 2019	DBCA is the Western Australian Department of Biodiversity, Conservation and Attractions or any successors of DBCA that have the responsibilities detailed in the conditions of this approval.
Original decision dated 5 December 2019	Department means the Australian Government agency responsible for administering the EPBC Act .
Original decision dated 5 December 2019	EPBC Act means the <i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i> .
Original decision dated 5 December 2019	Incident means any event which has the potential to, or does, impact on protected matter(s) .
Original decision dated 5 December 2019	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</i> (2015)
Original decision dated 5 December 2019	Minister means the Australian Government Minister administering the EPBC Act including any delegate thereof.

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Original decision dated 5 December 2019	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).
Original decision dated 5 December 2019	Potential breeding tree means a tree containing one or more suitable nest hollows .
Original decision dated 5 December 2019	Project area means all of the areas designated 'approved to clear' and 'areas subject to conditions' overlain with yellow or red hatching on Plan 7943/1 as shown at <u>Attachment A</u> .
Original decision dated 5 December 2019	Protected matter means a matter protected under a controlling provision in Part 3 of the EPBC Act for which this approval has effect.
Original decision dated 5 December 2019	Retention area means the area (in hectares) retained within the project area to provide current and future habitat for Black Cockatoos .
Original decision dated 5 December 2019	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> .
Original decision dated 5 December 2019	Shapefile means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.
Original decision dated 5 December 2019	State Government means the Government of Western Australia.
Original decision dated 5 December 2019	Suitable nest hollow(s) is as defined in the EPBC Act Referral Guidelines for three species of Western Australian black cockatoos: Carnaby's cockatoo (endangered) (<i>Calyptorhynchus latirostris</i>), Baudin's cockatoo (vulnerable) (<i>Calyptorhynchus baudinii</i>) and Forest Red-tailed black cockatoo (vulnerable) (<i>Calyptorhynchus banksii naso</i>) (October 2012) (page 24).
Original decision dated 5 December 2019	Suitably qualified person for the purposes of conditions one and three means a person who has professional qualifications and at least three years of work experience designing and implementing surveys for Black Cockatoo Habitat, and can give an authoritative assessment and advice on the presence of suitable nesting hollows and the design and effectiveness of artificial nest hollows using the relevant protocols, standards, methods and/or literature. For the purpose of all other conditions suitably qualified person means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give

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	authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.
Original decision dated 5 December 2019	website means a set of related web pages located under a single domain name attributed to the approval holder and available.

Date of decision	Annexure of Attachments
As varied on the date this instrument was signed	Attachment A – Plan 7948/1

Attachment A

