



Australian Government

Department of Climate Change, Energy,  
the Environment and Water

## Correction Notification

### Variation of conditions attached to approval

#### Thornlie Cockburn Link, WA (EPBC 2018/8188)

The Variation of conditions attached to approval signed on 4 September 2023 was incorrectly published on 8 September 2023 with the following errors:

Conditions 1-16 of the approval omitted the numbers of each condition. The correct variation notice is attached to this notice.

## Variation of conditions attached to approval

### Thornlie Cockburn Link, WA (EPBC 2018/8188)

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

<b>approval holder</b>	Public Transport Authority of Western Australia  ABN: 61 850 109 576
<b>approved action</b>	To implement Stage 1 of the Western Australia Government's expansion of Perth's rail transport network - connecting the existing Thornlie Station spur line on the Armadale line to Cockburn Central Station on the Mandurah line, WA [see EPBC Act referral 2018/8188] subject to the variation of the action accepted by the Minister under section 156B on 30 September 2019.

#### Variation

<b>variation of conditions attached to approval</b>	<p>The variation is:</p> <p>Delete <b>conditions 1</b> and <b>3</b> attached to the approval and substitute with the conditions specified in the table below.</p> <p>Delete definitions of <b>Project Area</b> and <b>Western Australian Approval</b> attached to the approval and substitute with the definitions specified in the table below.</p> <p>Delete <b>Attachment A</b> attached to the approval and substitute with <b>Attachment A</b> specified below.</p>
<b>date of effect</b>	This variation has effect on the date this instrument is signed.

#### Person authorised to make decision

<b>name and position</b>	Rachel Short Branch Head Environment Assessments (Vic/Tas) and Post Approvals
<b>signature</b>	SIGNED
<b>date of decision</b>	4 September 2023

date of decision	conditions attached to approval
As varied on the date this instrument was signed	<ol style="list-style-type: none"> <li>1. For the protection of <b>Protected matters</b> in the <b>project area</b>, the approval holder must not <b>clear</b> more than: <ol style="list-style-type: none"> <li>a. <b>25.3</b> ha of <b>Carnaby's Black Cockatoo foraging habitat</b>;</li> <li>b. <b>18.1</b> ha of <b>Baudin's Black Cockatoo and Forest Red-tailed Black Cockatoo foraging habitat</b>;</li> <li>c. <b>51 Carnaby's Black Cockatoo and Forest Red-tailed Black Cockatoo potential breeding trees</b>;</li> <li>d. <b>2.6</b> ha of vegetation identified as the <b>Banksia Woodlands threatened ecological community</b>; and</li> <li>e. <b>3.92</b> ha of vegetation identified as the <b>King Spider-orchid habitat</b>.</li> </ol> </li> </ol>
Original dated 20/01/2020	<ol style="list-style-type: none"> <li>2. To minimise impacts to <b>Protected matters</b>, the approval holder must comply with Condition 6 (Inland Waters – Construction – Groundwater abstraction and dewatering), Condition 7 (Inland Waters – Construction – Water Quality), Condition 8 (Flora and Vegetation – Indirect Impacts), Condition 9 (Terrestrial Environmental Quality – Acid Sulfate Soils), Condition 10 (Contaminated Site – Randford Road Station) and Condition 11 (Terrestrial Fauna – Construction Impacts) of the <b>Western Australian approval</b> where relevant. The proponent must notify the <b>Department</b> within 14 days of any variation to these <b>Western Australian approval</b> conditions.</li> </ol>
As varied on the date this instrument was signed	<ol style="list-style-type: none"> <li>3. To offset a minimum of 90 per cent of the residual significant impacts to <b>Black Cockatoos</b> habitat and 100 per cent of the residual significant impacts to <b>Banksia Woodlands threatened ecological community</b> and <b>King Spider-orchid habitat</b>, within 20 months of the <b>commencement of the action</b> (or otherwise agreed by the <b>Department</b> in writing) the approval holder must provide the <b>Department</b> with: <ol style="list-style-type: none"> <li>a. written evidence that: <ol style="list-style-type: none"> <li>i. an area of at least <b>161.2</b> ha of <b>Carnaby's Black Cockatoo foraging habitat</b>;</li> <li>ii. an area of at least <b>116.68</b> ha of <b>Baudin's Black Cockatoo and Forest Red-tailed Black Cockatoo foraging habitat</b>;</li> <li>iii. an area of at least <b>12.18</b> ha of the <b>Banksia Woodlands threatened ecological community</b>; and</li> <li>iv. an area of at least <b>18.27</b> ha vegetation identified as the <b>King Spider-orchid habitat</b> at the <b>Lowlands Offset Location</b>, has been allocated by the Western Australian Government as an offset for this particular action and</li> </ol> </li> <li>b. a description and map(s) clearly defining the locations and boundaries of the Lowlands Offset Location, and the offset</li> </ol> </li> </ol>

	attributes and shapefiles. The description and map(s) must identify the portion of the <b>Lowlands Offset Location</b> that is to be offset for this particular action.
Original dated 20/01/2020	<p>4. To manage the offset, the approval holder must comply with Condition 13-4 (Offsets) of the <b>Western Australian approval</b>. The first payment of the seven (7) years of funding to <b>DBCA</b> (as part of Condition 13-4 (Offsets) of the <b>Western Australian approval</b>) must be paid within two months of the <b>commencement of the action</b>. Evidence of payments is to be included in annual compliance reporting.</p>
Varied on 06 May 2020	<p>5. To offset 10 per cent of the residual significant impacts to <b>Black Cockatoos</b>, within three months of the date of this approval of the action the approval holder must submit a Research <b>Plan</b> to the <b>Minister</b> for approval.</p> <p>1) The <b>Plan</b> must include, but is not limited to:</p> <ul style="list-style-type: none"> <li>a. Specification of the research body to be responsible for undertaking the research required by the <b>Plan</b> and to which the payment described below is to be made.</li> <li>b. A detailed description of the methods and objectives of the research and demonstrates the expected benefits of the study for <b>Black Cockatoos</b>.</li> <li>c. Details of the governance, reporting and publication arrangements for the research and its findings.</li> <li>d. Details of the form and timing of delivery of interim and final results.</li> <li>e. Evidence that the research to be undertaken addresses an important gap in understanding affecting the conservation status of <b>Black Cockatoos</b>.</li> </ul> <p>The approval holder must provide a financial contribution for the implementation of the Research <b>Plan</b>. The approval holder must submit written justification for the value of the financial contribution (including calculations) to the <b>Minister</b> for approval, and must demonstrate that the funds provided are equivalent to 10 percent of the total offset package. The total financial contribution shall be calculated based on the following:</p> <ul style="list-style-type: none"> <li>f. The total cost of the following two components of the <b>Black Cockatoo</b> direct offset package: <ul style="list-style-type: none"> <li>i. The total current land valuation of the proposed offset site; and</li> <li>ii. The proposed cost to manage the proposed offset site for the duration presented within the package.</li> </ul> </li> </ul> <p>Values used in Condition 5.f.i. shall be based on a 100% offset of the proposal's significant residual impact to <b>Black Cockatoo foraging habitat</b>.</p>

Original dated 20/01/2020	<p>6. The approval holder must:</p> <ul style="list-style-type: none"> <li>a. submit <b>plans</b> electronically to the <b>Department</b> for approval by the <b>Minister</b>;</li> <li>b. publish each <b>plan</b> on the <b>website</b> within 20 <b>business days</b> of the date the <b>plan</b> is approved by the <b>Minister</b> unless otherwise agreed to in writing by the <b>Minister</b>;</li> <li>c. exclude or redact <b>sensitive ecological data</b> from <b>plans</b> published on the <b>website</b> or provided to a member of the public; and</li> <li>d. keep <b>plans</b> published on the <b>website</b> until the end date of this approval.</li> </ul>
Original dated 20/01/2020	<p>7. The approval holder must ensure that any <b>monitoring data</b> (including sensitive ecological data), surveys, maps, and other spatial and metadata required under conditions of this approval, is prepared in accordance with the <b>Department's Guidelines for biological survey and mapped data</b> (2018) and submitted electronically to the <b>Department</b> within the same timeframe as the relevant report.</p>
Original dated 20/01/2020	<p>8. The approval holder must maintain accurate and complete <b>compliance records</b>.</p>
Original dated 20/01/2020	<p>9. If the <b>Department</b> makes a request in writing, the approval holder must provide electronic copies of <b>compliance records</b> to the <b>Department</b> within the timeframe specified in the request.</p> <p>2) Note: <b>Compliance records</b> may be subject to audit by the <b>Department</b> or an <b>independent</b> auditor in accordance with section 458 of the <b>EPBC Act</b>, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the <b>Department's</b> website or through the general media.</p>
Original dated 20/01/2020	<p>10. The approval holder must prepare a <b>compliance report</b> for each 12 month period following the date of <b>commencement of the action</b>, or otherwise in accordance with an annual date that has been agreed to in writing by the <b>Minister</b>. The approval holder must:</p> <ul style="list-style-type: none"> <li>a. publish each <b>compliance report</b> on the <b>website</b> within 60 <b>business days</b> following the relevant 12 month period;</li> <li>b. notify the <b>Department</b> by email that a <b>compliance report</b> has been published on the <b>website</b> and provide the weblink for the <b>compliance report</b> within five <b>business days</b> of the date of publication;</li> <li>c. keep all <b>compliance reports</b> publicly available on the <b>website</b> until this approval expires;</li> <li>d. exclude or redact <b>sensitive ecological data</b> from <b>compliance reports</b> published on the <b>website</b>; and</li> <li>e. where any <b>sensitive ecological data</b> has been excluded from the version published, submit the full <b>compliance report</b> to the <b>Department</b> within 5 <b>business days</b> of publication.</li> </ul>

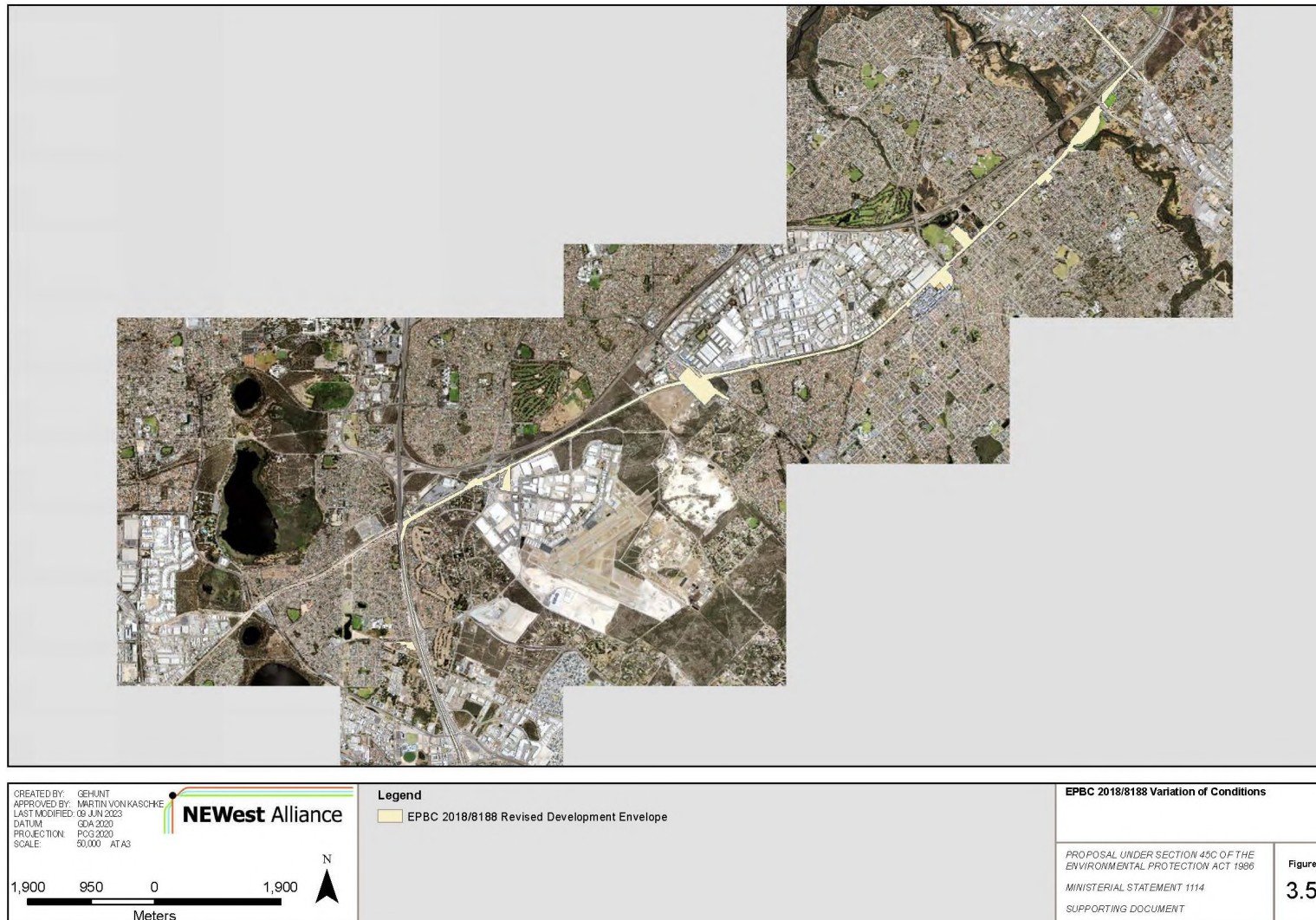
	Note: <b>Compliance reports</b> may be published on the <b>Department's</b> website.
Original dated 20/01/2020	11. The approval holder must notify the <b>Department</b> in writing of any: <b>incident</b> ; non-compliance with the conditions; or non-compliance with the commitments made in <b>plans</b> . The notification must be given as soon as practicable, and no later than two <b>business days</b> after becoming aware of the <b>incident</b> or non-compliance. The notification must specify: <ul style="list-style-type: none"> <li>a. any condition which is or may be in breach;</li> <li>b. a short description of the <b>incident</b> and/or non-compliance; and</li> <li>c. the location (including co-ordinates), date, and time of the <b>incident</b> and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.</li> </ul>
Original dated 20/01/2020	12. The approval holder must provide to the <b>Department</b> the details of any <b>incident</b> or non-compliance with the conditions or commitments made in <b>plans</b> as soon as practicable and no later than 10 <b>business days</b> after becoming aware of the <b>incident</b> or non-compliance, specifying: <ul style="list-style-type: none"> <li>a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</li> <li>b. the potential impacts of the <b>incident</b> or non-compliance; and</li> <li>c. the method and timing of any remedial action that will be undertaken by the approval holder.</li> </ul>
Original dated 20/01/2020	13. The approval holder must ensure that <b>independent audits</b> of compliance with the conditions are conducted as requested in writing by the <b>Minister</b> .
Original dated 20/01/2020	14. For each <b>independent audit</b> , the approval holder must: <ul style="list-style-type: none"> <li>a. provide the name and qualifications of the <b>independent</b> auditor and the draft audit criteria to the <b>Department</b>;</li> <li>b. only commence the <b>independent audit</b> once the audit criteria have been approved in writing by the <b>Department</b>; and</li> <li>c. submit an audit report to the <b>Department</b> within the timeframe specified in the approved audit criteria.</li> </ul>
Original dated 20/01/2020	15. The approval holder must publish the audit report on the <b>website</b> within 10 <b>business days</b> of receiving the <b>Department's</b> approval of the audit report and keep the audit report published on the <b>website</b> until the end date of this approval.
Original dated 20/01/2020	16. Within 30 days after the <b>completion of the action</b> , the approval holder must notify the <b>Department</b> in writing and provide <b>completion data</b> .
<b>date of decision</b>	<b>definitions attached to approval</b>

Original dated 20/01/2020	<b>Banksia Woodlands threatened ecological community</b> is as defined in Approved Conservation Advice (incorporating listing advice) for the Banksia Woodlands of the Swan Coastal Plain ecological community (2016).
Original dated 20/01/2020	<b>Baudin's Black Cockatoo and Forest Red-tailed Black Cockatoo foraging habitat</b> is as defined in <i>EPBC Act Referral Guidelines for three species of Western Australian black cockatoos: Carnaby's cockatoo (endangered) (Calyptorhynchus latirostris), Baudin's cockatoo (vulnerable) (Calyptorhynchus baudinii) and Forest red-tailed black cockatoo (vulnerable) (Calyptorhynchus banksii naso)</i> (2012).
Original dated 20/01/2020	<b>Black Cockatoo/s</b> means the <b>EPBC Act</b> listed Carnaby's cockatoo ( <i>Calyptorhynchus latirostris</i> ), Baudin's cockatoo ( <i>Calyptorhynchus baudinii</i> ) and Forest Red-tailed black cockatoo ( <i>Calyptorhynchus banksii naso</i> ).
Original dated 20/01/2020	<b>Business day</b> means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
Original dated 20/01/2020	<b>Carnaby's Black Cockatoo and Forest Red-tailed Black Cockatoo potential breeding trees</b> is as defined in <b>EPBC Act</b> 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> ) (2012).
Original dated 20/01/2020	<b>Carnaby's Black Cockatoo foraging habitat</b> is as defined in <b>EPBC Act</b> Referral Guidelines for three species of Western Australian <b>black cockatoos</b> : Carnaby's cockatoo (endangered) ( <i>Calyptorhynchus latirostris</i> ), Baudin's cockatoo (vulnerable) ( <i>Calyptorhynchus baudinii</i> ) and Forest red-tailed <b>black cockatoo</b> (vulnerable) ( <i>Calyptorhynchus banksii naso</i> ) (2012).
Original dated 20/01/2020	<b>Clear/Clearing</b> means having cut down, felled, thinned, logged, removed, killed, destroyed, poisoned, ringbarked, uprooted or burnt vegetation (not including weeds – see the <i>Australian weeds strategy 2017 to 2027</i> for further guidance).
Original dated 20/01/2020	<b>Commencement of the action</b> means the first instance of any specified activity associated with the action including <b>clearing</b> and <b>construction</b> . <b>Commencement of the action</b> does not include minor physical disturbance necessary to: <ul style="list-style-type: none"> <li>i. undertake pre-clearance surveys or monitoring programs;</li> <li>ii. install signage and /or temporary fencing to prevent unapproved use of the <b>project area</b>; or</li> <li>iii. protect environmental and property assets from fire, weeds and pests, including use of existing surface access tracks.</li> </ul>
Original dated 20/01/2020	<b>Completion data</b> means an environmental report and spatial data information clearly detailing how the conditions of this approval have been met. The <b>Department's</b> preferred spatial data format is <b>shapefile</b> .
Original dated 20/01/2020	<b>Completion of the action</b> means all specified activities associated with the action (except the requirements of Condition 15) have permanently ceased.

Original dated 20/01/2020	<b>Compliance records</b> 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 dated 20/01/2020	<b>Compliance reports</b> means written reports: <ul style="list-style-type: none"> <li>i. providing accurate and complete details of compliance, <b>incidents</b>, and non-compliance with the conditions and the <b>plans</b>;</li> <li>ii. consistent with the <b>Department's Annual Compliance Report Guidelines</b> (2014);</li> <li>iii. including a <b>shapefile</b> of all areas of <b>protected matters</b> or their habitat <b>cleared</b> within the relevant 12 month period; and</li> <li>iv. annexing a schedule of all <b>plans</b> prepared and in existence in relation to the conditions during the relevant 12 month period.</li> </ul>
Original dated 20/01/2020	<b>Construction</b> 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; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage so long as these are located where they have no impact on the <b>protected matters</b> .
Original dated 20/01/2020	<b>DBCA</b> means the Western Australian Department of Biodiversity, Conservation and Attractions, Swan Region and Species and Communities Branch, or any successors of <b>DBCA</b> that have the responsibilities detailed in the conditions of approval.
Original dated 20/01/2020	<b>Department</b> means the Australian Government agency responsible for administering the <b>EPBC Act</b> .
Original dated 20/01/2020	<b>EPBC Act</b> means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
Original dated 20/01/2020	<b>EPBC Act Environmental Offsets Policy</b> is the <i>Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy</i> (October 2012), or subsequent revision, including the Offsets Assessment Guide. Available at: <a href="https://www.environment.gov.au/system/files/resources/12630bb4-2c10-4c8e-815f-2d7862bf87e7/files/offsets-policy_2.pdf">https://www.environment.gov.au/system/files/resources/12630bb4-2c10-4c8e-815f-2d7862bf87e7/files/offsets-policy_2.pdf</a>
Original dated 20/01/2020	<b>Incident</b> means any event which has the potential to, or does, impact on one or more <b>protected matter(s)</b> .
Original dated 20/01/2020	<b>Independent</b> means a person(s) that does not have an individual, or by employment or family affiliation, any conflicting or competing interests with the approval holder; the approval holder's staff, representatives or associated persons; or the project, including any personal, financial, business or employment relationship, other than receiving payment for undertaking the role for which the condition requires an independent person.
Original dated 20/01/2020	<b>Independent audit</b> means an audit conducted by an <b>independent</b> and <b>suitably qualified person</b> as detailed in the <i>Environment Protection and</i>

	<i>Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines (2019).</i>
Original dated 20/01/2020	<b>King Spider-orchid habitat</b> is as defined as Habitat requirement and Habitat critical to the survival of the species, and important populations in <i>Grand Spider Orchid (Caladenia huegelii) Recovery Plan (2009)</i> .
Original dated 20/01/2020	<b>Lowlands Offset Location</b> means the 1,138 hectares enclosed in the two red lines in the Lowlands Offset Site map at <b>Attachment B</b> . Address: Lot 301 Lowlands Road, Mardella, Western Australia.
Original dated 20/01/2020	<b>Minister</b> means the Australian Government Minister administering the <b>EPBC Act</b> including any delegate thereof.
Original dated 20/01/2020	<b>Monitoring data</b> means the data required to be recorded under the conditions of this approval.
Original dated 20/01/2020	<b>Offset attributes</b> is an excel file ('.xls') capturing relevant attributes of the offset site, including the EPBC reference number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the <b>EPBC Act protected matters</b> that the offset compensates for, any additional <b>EPBC Act protected matters</b> that are benefiting from the offset, the size of the offset site in hectares and the mechanism used to protect and conserve the offset site;
Original dated 20/01/2020	<b>Plan(s)</b> means any of the documents required to be prepared, approved by the <b>Minister</b> , and/or implemented by the approval holder and published on the <b>website</b> in accordance with these conditions (includes action management plans and/or strategies).
As varied on the date this instrument was signed	<b>Project area</b> means 126.4 hectares within the yellow border illustrated in Thornlie-Cockburn Link, Development Envelope at <b>Attachment A</b> .
Original dated 20/01/2020	<b>Protected matters</b> means a matter protected under a controlling provision in Part 3 of the <b>EPBC Act</b> for which this approval has effect. For the purpose of this approval <b>Protected matters</b> means the <b>EPBC Act</b> listed Carnaby's Cockatoo ( <i>Calyptorhynchus latirostris</i> ), Baudin's Cockatoo ( <i>Calyptorhynchus baudinii</i> ), Forest Red-tailed Black-Cockatoo ( <i>Calyptorhynchus banksii naso</i> ), King Spider-orchid ( <i>Caladenia huegelii</i> ) and the Banksia Woodlands of the Swan Coastal Plain ecological community.
Original dated 20/01/2020	<b>Shapefile</b> 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 dated 20/01/2020	<b>Suitably qualified person</b> means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative <b>independent</b> assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

Original dated 20/01/2020	<b>Website</b> means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.
As varied on the date this instrument was signed	<b>Western Australian approval</b> means the WA Ministerial Statement issued under the Environmental Protection Act 1986 – Statement No. 1114 published on the 23 September 2019, including Attachment 1 to Ministerial Statement 1114, published on the 19 November 2019, Attachment 2 to Ministerial Statement 1114, published on the 30 July 2020, Attachment 3 to Ministerial Statement 1114, published on the 9 October 2020, Attachment 4 to the Ministerial Statement 1114, published on the 21 October 2021, and Attachment 5 to the Ministerial Statement, published on the 4 May 2022, Ministerial Statement 1200, published on 28 February 2023 and Attachment 6 to Ministerial Statement 1114, published on 22 June 2023.
date of decision	<b>Annexure A</b>
As varied on the date this instrument was signed	<b>Attachment A:</b> Figure 1 - Thornlie-Cockburn Link, Development Envelope (June 2023)
Varied on 10/06/2020	<b>Attachment B:</b> Lowlands Offset Site

**Attachment A:** EPBC 2018/8188 Revised Development Envelope

**Attachment B: Lowlands Offset Site**