

Satterley Property Group  
Lot 9 Marmion Avenue, Brighton Urban and  
Residential Development, WA (EPBC 2011/6137)

15 April 2020

57966-126716 (Rev 0)

JBS&G Australia Pty Ltd T/A Strategen-JBS&G

**Declaration of accuracy**

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed

  
\_\_\_\_\_

Full name (please print)

GRANT PAUL WILLIAMS  
\_\_\_\_\_

Position (please print)

PROJECT DIRECTOR  
\_\_\_\_\_

Organisation (please print including ABN/ACN if applicable)

SATTERLEY PROPERTY  
GROUP  
\_\_\_\_\_

Date

15 / 4 / 2020

ABN 38 009 054 979

## Table of Contents

1.	Introduction.....	1
1.1	Project background .....	1
1.2	Environmental approval to implement project.....	1
2.	Current status .....	2
3.	Audit methodology .....	3
3.1	Purpose and scope .....	3
3.2	Audit period.....	3
3.3	Methodology .....	3
3.4	Audit terminology.....	3
4.	Audit results.....	4
4.1	Compliance with conditions .....	4
5.	Limitations .....	7
6.	References .....	8

## List of Tables

Table 3.1:	Persons consulted during audit.....	3
Table 3.2:	Action implementation status.....	3
Table 4.1:	EPBC 2011/6137 Audit table .....	5

## Appendices

Appendix A EPBC Approval 2011/6137 and Variation to Approval Conditions

## 1. Introduction

This Annual Compliance Report (ACR) addresses the status and compliance of Lot 9, Marmion Avenue, Brighton Urban and Residential Development, WA (Eden Beach, the Project) with the conditions in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decision notice EPBC 2011/6137 (Appendix A).

### 1.1 Project background

Satterley Property Group (Satterley) is developing Eden Beach, located 40 km northeast of the Perth Central Business District (CBD) within the City of Wanneroo.

Once completed the Eden Beach development will comprise:

- residential dwellings
- local business centre
- primary school
- coastal node adjacent to the Foreshore Reserve, providing beach access and amenity.

### 1.2 Environmental approval to implement project

In September 2011, Satterley referred Eden Beach to the then Department of Sustainability, Environment, Water, Population and Community (DSEWPaC; now the Department of Agriculture, Water and the Environment [DAWE]) for determination of whether it constituted a 'controlled action' under the EPBC Act; that is, being likely to have a significant impact on a Matter of National Environmental Significance (MNES). The key MNES potentially affected by the project identified were the endangered species Carnaby's Black-Cockatoo (*Calyptorhynchus latirostris*) and Graceful Sun Moth (GSM) (*Synemon gratiosa*).

On 19 October 2012 the Project was approved under the EPBC Act by the Minister subject to ten (10) conditions prescribed in decision notice EPBC 2011/6137 (Appendix A).

On 18 May 2013, GSM was delisted from the list of Threatened Species pursuant to the EPBC Act. Satterley subsequently lodged a formal variation request to DAWE on 17 July 2013 to remove and amend conditions associated with GSM from EPBC 2011/6137. DAWE accepted this variation request and issued a 'Variation to Conditions Attached to Approval' on 27 August 2013 (Appendix A). The variation included the following amendments to EPBC 2011/6137:

- deletion of conditions 1, 2, 7, 8 and 10
- amendment of conditions 5 and 6 to remove reference to the GSM Mitigation and Offset Plan, previously required under Condition 1 of the original decision notice
- deletion of definition for GSM
- deletion of Attachments A and B.

On the 16 January 2014, Satterley lodged a formal variation request to DAWE to amend conditions 3c. DAWE accepted this variation request and issued a 'Variation to Conditions Attached to Approval' on the 7 March 2014 (Appendix A). The variation included the deletion of conditions 3c and replacement with an amended condition 3c.

As such, this ACR assesses the following conditions: 3a; 3b; 3c (amended); 4; 5 (amended); 6 (amended); and 9 of EPBC 2011/6137.

## 2. Current status

The Project commenced on 21 January 2013 and 15 of the 35 stages of subdivision have been constructed and titled to date. A total of eight community parks have also been developed, including Lot 8005, which comprises the Conservation Area.

In October 2015, the Foreshore carpark providing direct access and allowing residents to access the swimming beach at Eden Beach was opened. Construction on the Eden Beach foreshore landscaped park was completed in September 2016. The development of residential lots is expected to be complete in 2025.

When completed, the Project will comprise of 1450 residential lots, commercial mixed-use lots, 10 landscaped parks, 13 grouped housing sites, one mixed use lot and a primary school.

### 3. Audit methodology

#### 3.1 Purpose and scope

This document has been prepared to assess compliance of the Eden Beach residential development with the conditions of EPBC 2011/6137 and in doing so, address condition 6. Condition 6 requires the proponent to publish an annual compliance report on their website, within three months of every twelve-month anniversary of commencement of the action. Condition 6 states the report shall:

- address compliance with each of the conditions of the approval
- stay on the proponent’s website for five (5) years
- provide proof of the date of publication and non-compliance with any of the conditions of the approval be provided to the Department at the same time the compliance report is published.

Any potential non-compliance detected will be provided to DAWE at the same time that the ACR is published on the Satterley website as required under condition 6.

#### 3.2 Audit period

The audit period for this ACR is 22 January 2019 to 21 January 2020, with the report to be published by 21 April 2020.

#### 3.3 Methodology

The site inspection component of the audit was undertaken by Rebecca Mason (Consultant, Strategen-JBS&G) on 8 January 2020 and included discussion and review of key documents with Grant Wilkins, Project Director (Satterley). Key persons consulted during the audit are listed in Table 3.1.

**Table 3.1: Persons consulted during audit**

Person and Position	Organisation	Purpose
Grant Wilkins (Project Director)	Satterley	To obtain verifiable evidence to assist in determining compliance with EPBC 2011/6137.
Tiago Martins (Senior Landscape Architect)	EPCAD Pty Ltd	To provide updated tree survivorship data for current audit period

#### 3.4 Audit terminology

The ‘Status’ field of the audit tables (refer to Table 4.1) describes the implementation of actions and compliance with the approval. DAWE (DotE 2014) has published Annual Compliance Report Guidelines and terminology from this guidance was applied in this audit (Table 3.2).

**Table 3.2: Action implementation status**

Status	Acronym	Description
<b>Conditions of approval</b>		
Compliant	C	Sufficient evidence is required to confirm that all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions. (Note Strategen-JBS&G also utilises the status ‘Compliant (completed)’ where a requirement has a finite period of application and has been determined to be satisfactorily completed).
Potentially Non-compliant	PNC	The requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
Not applicable	NA	The requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example, a condition which applies to an activity that has not yet commenced.

Source: adapted from DotE (2014)

## 4. Audit results

### 4.1 Compliance with conditions

A total of 19 audit criteria from EPBC 2011/6137 were audited (Table 4.1).

Of 19 sub-conditions of EPBC 2011/6137:

- 13 were found to be 'compliant', with seven of those assessed as 'compliant (completed)',
- four were found to be 'not applicable',
- two were found to be 'potentially non-compliant'.

The two actions found to be potentially non-compliant were:

- EPBC 3.1.3: one of the five development stages of the Public Open Space (POS) had not met the required 80% tree survivorship two years after completion of planting (Stage 1 POS survivorship was 78% survival as at 29 January 2020); and
- EPBC 3.2.3: one of the seven development stages for streetscaping had not met the required 80% tree survivorship two years after completion of planting (Marmion Avenue was 52% survival as at 29 January 2020).

The auditors determined these potential non-compliances for the two individual development stages are minor and have either minimal or no environmental impact. The overall tree survivorship averaged across all POS was 98% and averaged across all streetscapes was 89%. Additional trees will be planted within POS 8001 (Stage 1) during Winter 2020 in order to meet the 80% survival requirement. Marmion Avenue streetscape suffered significant failures due to the City of Wanneroo upgrading and widening of Marmion Avenue and the construction of the Stage DV3 noise wall abutting Marmion Avenue which destroyed the irrigation mainline in mid-2019. Replanting and reestablishment of the mainline in the Marmion Avenue streetscapes commenced in February 2020 and will be completed in April 2020 in order to meet the 80% survival requirement.

**Table 4.1: EPBC 2011/6137 Audit table**

Reference	Criteria	Timing	Requirement	Evidence	Comments	Compliance Status
3.1.1	To offset the loss of 8.1 ha of foraging habitat for Carnaby's Black Cockatoo, the person taking the action must: Within 12 months of commencement of construction progressively undertake direct planting of a minimum of 650 trees and shrubs, within the POS, consisting of plant species known to be primary feeding plants for Carnaby's Black Cockatoo.	Within 12 months of commencement of construction.	Evidence of planting.	R_001_Strategen-JBSG_Eden Beach ACR 2019_22032019	This item was assessed as 'Compliant (Complete)' in the 2019 ACR.	C (Complete)
3.1.2	The planting of the trees must be completed within 10 years from commencement of construction.	within 10 years from commencement of construction.	Evidence of planting.	R_001_Strategen-JBSG_Eden Beach ACR 2019_22032019	Construction commenced on 22 January 2014 therefore the date for completion of the condition is 21 January 2024.	NA
3.1.3	After two years of completion of planting, for each stage, an 80% survival rate must be obtained.	After two years of completion of planting.	Evidence of survival survey of the planting.	D001_ Eden Beach Carnabys Cockatoo Plant Schedule 290120	The development stages within POS and the corresponding survival rates two years after completion of planting are: Stage 1: Completed Sep 2014 – 78% Stage 2: Completed Nov 2015 – 94% Stage 3: Completed Mar 2015 – 83% Stage 12: Completed Sep 2016 – 97% Reflection Blvd: Completed Sep 2015 – 96%  <b>Recommendation:</b> Replanting of trees is required to be undertaken in Stage 1 of the POS in order to achieve >80% survival.	PNC
3.1.4	If this is not obtained, replanting of trees must be undertaken within two years to gain an 80% survival rate.	Within two years.	Evidence of replanting.	D001_ Eden Beach Carnabys Cockatoo Plant Schedule 290120	As per EPBC 3.1.3, a greater than 80% survival rate was obtained for all POS development stages as at January 2020, apart from Stage 1. It has not yet been two years since the PNC for Stage 1 was determined, therefore this condition is determined to be compliant.	C
3.2.1	Within 12 months of commencement of construction progressively undertake direct planting of a minimum of 800 trees, 50% of which must be primary feeding plants for Carnaby's Black Cockatoo, within <b>streetscaping</b> .	Within 12 months of commencement of construction.	Evidence of planting.	R_001_Strategen-JBSG_Eden Beach ACR 2019_22032019	This item was assessed as 'Compliant (Complete)' in the 2019 ACR.	C (Complete)
3.2.2	The planting of trees must be completed within 10 years from commencement of construction.	within 10 years from commencement of construction.	Evidence of planting.	R_001_Strategen-JBSG_Eden Beach ACR 2019_22032019	Construction commenced on 22 January 2014 therefore the date for completion of the condition is 21 January 2024.	NA
3.2.3	After two years of completion of planting, for each stage, an 80% survival rate must be obtained.	After two years of completion of planting.	Evidence of survival survey of the planting.	D001_ Eden Beach Carnabys Cockatoo Plant Schedule 290120	The development stages within streetscaping and the corresponding survival rates two years after completion of planting are: Marmion Avenue: Completed Jul 2014 – 52% Stage 1: Completed Sep 2014 – 99% Stage 2: Completed Sept 2014 – 93% Stage 3: Completed Mar 2015 – 100% Beyond Stage 2: Completed Feb 2015 – 100% Stage 11 & 12: Completed Sept 2016 – 100% Roundabouts (various stages): Completed Aug 2017 – 100%  <b>Recommendation:</b> Replanting of trees is required to be undertaken in Marmion Avenue streetscapes in order to achieve >80% survival.	PNC
3.2.4	If this is not obtained, replanting of trees must be undertaken within two years to gain an 80% survival rate.	Within two years.	Evidence of replanting.	D001_ Eden Beach Carnabys Cockatoo Plant Schedule 290120	As per EPBC 3.2.3, a greater than 80% survival rate was obtained for all streetscape development stages as at January 2020, apart from Marmion Avenue. It has not yet been two years since the PNC for Marmion Avenue was determined, therefore this condition is determined to be compliant.	C
3.3.1	Provide funding of \$80 000 to DEC (now DPaW) for the purchase of at least 50 ha of Carnaby's Black-Cockatoo foraging habitat to be protected in perpetuity by 1 June 2014.	By 1 June 2014.	Evidence of payment.	R_001_Strategen-JBSG_Eden Beach ACR 2019_22032019	This item was assessed as 'Compliant (Complete)' in the 2019 ACR.	C (Complete)
3.3.2	Provide an additional financial contribution (amount to be determined in consultation with DPaW) to assist in the ongoing maintenance of the purchased offset by 1 June 2014.	By 1 June 2014.	Evidence of correspondence with DPaW.	R_001_Strategen-JBSG_Eden Beach ACR 2019_22032019	This item was assessed as 'Compliant (Complete)' in the 2019 ACR.	C (Complete)
3.3.3	Within 4 weeks of the funding being provided to the DEC, the person taking the action must provide written evidence to the Department of these payments.	Within 4 weeks of the funding being provided to DEC.	Evidence of transmittal to DoE.	R_001_Strategen-JBSG_Eden Beach ACR 2019_22032019	This item was assessed as 'Compliant (Complete)' in the 2019 ACR.	C (Complete)



Reference	Criteria	Timing	Requirement	Evidence	Comments	Compliance Status
4.1.1	Within 30 days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.	Within 30 days after the commencement of the action.	Evidence of transmittal to DEE.	R_001_Strategen-JBSG_Eden Beach ACR 2019_22032019	This item was assessed as 'Compliant (Complete)' in the 2019 ACR.	C (Complete)
5.1.1	Records maintained substantiating all activities associated or relevant activities.	At all times.	Evidence of records maintained associated with the EPBC Act approval.	All evidence utilised to inform this audit report.	Accurate records for all applicable conditions have been maintained and were available at the time of the audit and following the audit.	C
5.1.2	Records made available to DotE upon request.	Upon request.	Evidence of correspondence with DEE.	Management advice 8 January 2020	Satterley advised that there was no request from DEE for records to be made available.	NA
6.1.1	Compliance report published on website within three months of every 12 month anniversary of commencement of the action.	Within three months of every 12 month anniversary of commencement of the action.	Evidence of publication and date of publication.	C_001_Satterley_Email to DEE EPBC Approval 2011 6137_25032019	Satterley provided a website link to the 2019 ACR to DEE on 23 March 2019 (C_001).	C
6.1.2	Each report must be published on website for five years.	Five years.	Evidence of publication and date of publication.	W_001_Satterley_Screenshot of published ACRs_10012020	The 2014, 2015, 2016, 2017, 2018, 2019 compliance reports are published on Satterley website: <ul style="list-style-type: none"> <li>the first ACR was published on the 19 December 2014</li> <li>the second ACR was published on the 21 April 2015</li> <li>the third ACR was published on the 13 April 2016</li> <li>the fourth ACR was published on the 19 April 2017</li> <li>the fifth ACR was published on the 23 March 2019.</li> </ul> All ACRs remained available on the Satterley website during the 2020 audit (W_001).	C
6.1.3	Documentary evidence of date of publication provided to the Department at the same time as the compliance report is published.	At the same time as the compliance report is published.	Evidence of transmittal to DEE.	C_001_Satterley_Email to DEE EPBC Approval 2011 6137_25032019	The correspondence indicates that the date of publication of the 2018 ACR was provided to the Department at the same time the compliance report was published.	C
6.1.4	Documentary evidence of non-compliance with any condition provided to the Department at the same time as the compliance report is published.	At the same time as the compliance report is published.	Evidence of transmittal to DEE.	Table 4.1	No potential non-compliances were identified during the audit period.	NA
9.1.1	Action not substantially commenced without written agreement of Minister if action not substantially commenced by 19 October 2017.	If action not substantially commenced by 19 October 2017.	Evidence of transmittal to DEE.	R_001_Strategen-JBSG_Eden Beach ACR 2019_22032019	This item was assessed as 'Compliant (Complete)' in the 2019 ACR.	C (Complete)

## 5. Limitations

### Scope of services

This report ("the report") has been prepared by Strategen-JBS&G in accordance with the scope of services set out in the contract, or as otherwise agreed, between the Client and Strategen-JBS&G. In some circumstances, a range of factors such as time, budget, access and/or site disturbance constraints may have limited the scope of services. This report is strictly limited to the matters stated in it and is not to be read as extending, by implication, to any other matter in connection with the matters addressed in it.

### Reliance on data

In preparing the report, Strategen-JBS&G has relied upon data and other information provided by the Client and other individuals and organisations, most of which are referred to in the report ("the data"). Except as otherwise expressly stated in the report, Strategen-JBS&G has not verified the accuracy or completeness of the data. To the extent that the statements, opinions, facts, information, conclusions and/or recommendations in the report ("conclusions") are based in whole or part on the data, those conclusions are contingent upon the accuracy and completeness of the data. Strategen-JBS&G has also not attempted to determine whether any material matter has been omitted from the data. Strategen-JBS&G will not be liable in relation to incorrect conclusions should any data, information or condition be incorrect or have been concealed, withheld, misrepresented or otherwise not fully disclosed to Strategen-JBS&G. The making of any assumption does not imply that Strategen-JBS&G has made any enquiry to verify the correctness of that assumption.

The report is based on conditions encountered and information received at the time of preparation of this report or the time that site investigations were carried out. Strategen-JBS&G disclaims responsibility for any changes that may have occurred after this time. This report and any legal issues arising from it are governed by and construed in accordance with the law of Western Australia as at the date of this report.

### Environmental conclusions

Within the limitations imposed by the scope of services, the preparation of this report has been undertaken and performed in a professional manner, in accordance with generally accepted environmental consulting practices. No other warranty, whether express or implied, is made.

The advice herein relates only to this project and all results conclusions and recommendations made should be reviewed by a competent person with experience in environmental investigations, before being used for any other purpose.

Strategen-JBS&G accepts no liability for use or interpretation by any person or body other than the client who commissioned the works. This report should not be reproduced without prior approval by the client, or amended in any way without prior approval by Strategen-JBS&G, and should not be relied upon by other parties, who should make their own enquiries.

## 6. References

Department of the Environment (DotE) 2014, *Annual Compliance Report Guidelines*, Commonwealth of Australia, Canberra.

## Appendix A EPBC Approval 2011/6137 and Variation to Approval Conditions



**Australian Government**

**Department of Sustainability, Environment, Water, Population and Communities**

**Approval**

**Lot 9, Marmion Avenue, Brighton Urban and Residential Development, WA  
(EPBC 2011/6137)**

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

**Proposed action**

---

**person to whom the approval is granted**      Satterley Property Group

---

**proponent's ABN**      ABN 38 009 054 979

---

**proposed action**      To establish an Urban and Residential Development at Lot 9, Marmion Ave, Brighton, 40 km northeast of Perth in Western Australia [See EPBC Act referral 2011/6137].

---

**Approval decision**

<b>Controlling Provision</b>	<b>Decision</b>
Listed threatened species and communities (sections 18 & 18A)	Approved

**conditions of approval**

This approval is subject to the conditions specified below.

---

**expiry date of approval**

This approval has effect until 31 December 2030.

---

**Decision-maker**

---

**name and position**      Matt Johnston  
A/g Assistant Secretary  
North, West and Offshore Assessment Branch

---

**signature**

---

**date of decision**      19 October 2012

---

## Conditions attached to the approval

1. The person taking the action must prepare and submit to the **Minister** for approval a **Graceful Sun Moth** Mitigation and Offset Plan (GSMMOP) to mitigate impacts to the **Graceful Sun Moth** (*Synemon gratiosa*). No **construction** can commence outside the already cleared area shown as Area A on Attachment B unless the **Minister** has approved the GSMMOP.

The GSMMOP must include details of the actions to be implemented on the onsite GSM Conservation Areas shown at Attachment A and on the foreshore area adjacent to the project area shown as Area B at Attachment B:

- a) Ongoing responsibility for management of the GSM Conservation Areas;
- b) Proposed revegetation of GSM Conservation Areas and foreshore area, including species to be planted, survival targets and monitoring program;
- c) Measures to manage waste, weeds and feral pests;
- d) Bushfire prevention and management measures;
- e) Erosion control measures;
- f) Education signage;
- g) Access management (including pathways, signage and fencing);
- h) Performance indicators and corrective measures;
- i) Monitoring and reporting measures;
- j) Roles and responsibilities of contractors, staff and the person taking the action; and
- k) Timeframes (including avoidance of any activities between 15 February and 15 April) for the implementation and management of the above measures.

If the **Minister** approves the GSMMOP then the approved GSMMOP must be implemented.

2. To offset the loss of habitat for **Graceful Sun Moth**, the person taking the action must, within 12 months of commencement of **construction**, provide written evidence to the **department** of payment of \$60,000 to **DEC** for the purpose of funding the management of a minimum of 100 ha of *Lomandra maritima* in the Wilbinga Conservation park, approximately 20 km north of the **project area**.
3. To offset the loss of 8.1 ha of foraging habitat for **Carnaby's Black Cockatoo**, the person taking the action must:
  - a) Within 12 months of commencement of **construction** progressively undertake direct planting of a minimum of 650 trees and shrubs, within the **POS**, consisting of plant species known to be **primary feeding plants** for **Carnaby's Black-Cockatoo**. The planting of the trees and shrubs must be completed within 10 years from commencement of **construction**. After two years of completion of planting, for each stage, an 80% survival rate must be obtained. If this is not obtained, replanting of trees must be undertaken within two years to gain an 80% survival rate.
  - b) Within 12 months of commencement of **construction** progressively undertake direct planting of a minimum of 800 trees, 50% of which must be primary feeding plants for **Carnaby's Black Cockatoo**, within streetscaping. The planting of the trees must be completed within 10 years from commencement of **construction**. After two years of completion of planting, for each stage, an 80% survival rate must be obtained. If this is not obtained, replanting of trees must be undertaken within two years to gain an 80% survival rate.

- c) Within 12 months of commencement of **construction** provide funding of \$80,000 to **DEC** for the purchase of at least 50 ha of **Carnaby's Black-Cockatoo** foraging habitat to be protected in perpetuity, plus an additional financial contribution (amount to be determined in consultation with **DEC**) to assist in the ongoing maintenance of the purchased offset. Within 4 weeks of the funding being provided to **DEC**, the person taking the action must provide written evidence to **the Department** of these payments.
4. Within 30 days after the commencement of the action, the person taking the action must advise **the Department** in writing of the actual date of commencement.
  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 GSMMOP 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.
  6. Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the GSMMOP as specified in the conditions. Each report must stay on the proponent's website for five (5) years. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to **the Department** at the same time as the compliance report is published.
  7. If the person taking the action wishes to carry out any activity otherwise than in accordance with the GSMMOP as specified in the conditions, the person taking the action must submit to **the Department** for the **Minister's** written approval a revised version of the GSMMOP. The varied activity shall not commence until the **Minister** has approved the varied GSMMOP in writing. The **Minister** will not approve a varied GSMMOP unless the revised GSMMOP would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised GSMMOP that GSMMOP must be implemented in place of the GSMMOP originally approved.
  8. If the **Minister** believes that it is necessary or convenient for the better protection of Listed Threatened Species and Communities to do so, the **Minister** may request that the person taking the action make specified revisions to the GSMMOP specified in the conditions and submit the revised GSMMOP for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved GSMMOP must be implemented. Unless the **Minister** has approved the revised GSMMOP then the person taking the action must continue to implement the GSMMOP originally approved, as specified in the conditions.
  9. If, at any time after five 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**.

10. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish the GSMMOP referred to in these conditions of approval on their website. Each GSMMOP must be published on the website within 1 month of being approved. The GSMMOP must remain on their website for the life of the action.

## **Definitions**

**Carnaby's Black Cockatoo** (*Calyptorhynchus latirostris*) is an endangered large brownish-black cockatoo.

**Construction** includes any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for buildings or infrastructure.

**DEC** is the Western Australian Department of Environment and Conservation.

**EPBC Act** is the *Environment Protection and Biodiversity Conservation Act 1999*.

**Graceful Sun Moth** (*Synemon gratiosa*) is a medium sized diurnal flying sun moth that is similar in appearance to a butterfly.

**POS** is Public Open Space managed and planned for existing and future generations for the purpose of public enjoyment and protection of unique values as shown at Attachment A.

**Primary feeding plants** include: any Banksia sp., any plants identified in a search of the WA 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.

**Project area** – is Lot 9, Marmion Ave, Brighton, Western Australia.

**Minister** is the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.

**The Department** is the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.





**Attachment A**

Scale  
0 50 100 150  
Meters

**Legend**

- Project boundary
- GSM conservation areas
- Structure Plan

**Note:**  
 Conservation area west = 3.5 ha  
 Conservation area east = 3.2 ha  
 Total = 3.7 ha

Coordinate system: GDA 1994 MGA Zone 50  
 Date: 18/10/2012  
 Author: jprule  
 Path: G:\Consul\2011\SPG\SPG11086\ArcMap\_Documents\SPG11086\_03\M001.mxd

Scale: 1:8,000 at A4  
 Source: Aerial image: Nearmap 2011.  
 Note that positional errors may occur in some areas

6499500 6499000

374000 374500 375000

6499500 6499000

374000 374500 375000

3.5 ha 3.2 ha



 <p>STRATAGEN www.stratagen.com.au</p>	<p><b>Scale</b></p> <p>0 50 100 150 Meters</p> <p><b>North Arrow</b></p> <p>N</p>	<p><b>Figure 1</b></p> <p>Coordinate system: GDA 1984 MGA Zone 56          Date: 11/10/2012          Author: Julie          File: GIS_Consult_2011_0125_SPG_100m_AerialMap_Development_SPG_100m_C3_M02_H100_H100_C3_M02.mxd</p>	<p><b>Legend</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #FFDAB9; border: 1px solid black; margin-right: 5px;"></span> Area A</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #90EE90; border: 1px solid black; margin-right: 5px;"></span> Area B</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 2px solid red; margin-right: 5px;"></span> Project boundary</li> </ul>
---	---	---	---



**VARIATION TO CONDITIONS ATTACHED TO APPROVAL**

**Lot 9, Marmion Avenue, Brighton Urban and Residential Development, WA  
(EPBC 2011/6137)**

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**

Person to whom the approval is granted      Satterley Property Group  
ABN: 38 009 054 979

**Approved action**      To establish an Urban and Residential Development at Lot 9, Marmion Ave, Brighton, 40 km northeast of Perth in Western Australia [See EPBC Act referral 2011/6137]

**Variation**

**Variation of conditions of approval**      The variation is:  
Revoke conditions 1, 2, 7, 8 and 10 attached to the approval dated 19 October 2012;  
Delete conditions 5, and 6 attached to the approval dated 19 October 2012 and substitute the conditions specified below.  
Delete Definition for Graceful Sun Moth  
Delete Attachment A to the approval dated 19 October 2012 and substitute with amended Attachment A below.  
Delete Attachment B to the approval dated 19 October 2012.

**Date of effect**      This variation has effect on the date the instrument is signed

**Person authorised to make decision**

**name and position**      Shane Gaddes  
Assistant Secretary  
Compliance & Enforcement Branch

**Signature**      *S. Gaddes*

**Date of decision**      *27 August 2013*



**Conditions attached to the approval:**

5. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of 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.
6. Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval. Each report must stay on the proponent's website for five (5) years. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to **the Department** at the same time as the compliance report is published.

<p style="text-align: center;">To establish an Urban and Residential Development at Lot 9, Mannion Ave, Brighton, 40 km northeast of Perth in Western Australia [see EPBC Act referral 2011/8137]</p>	<p style="text-align: center;">Approved action</p>
<p style="text-align: center;">The variation is Revoke conditions 1, 2, 7, 8 and 10 attached to the approval dated 19 October 2012. Delete conditions 5, and 6 attached to the approval dated 19 October 2012 and substitute the conditions specified below. Delete Definition for Gracelul Sun Moth. Delete Attachment A to the approval dated 19 October 2012 and substitute with amended Attachment A below. Delete Attachment B to the approval dated 19 October 2012.</p>	<p style="text-align: center;">Variation of conditions of approval</p>
<p style="text-align: center;">The variation has effect on the date the instrument is signed</p>	<p style="text-align: center;">Date of effect</p>
<p style="text-align: center;">Name Gades Assistant Secretary Compliance &amp; Enforcement Branch</p>	<p style="text-align: center;">Person authorised to make decision name and position</p>
<p style="text-align: center;">[Signature]</p>	<p style="text-align: center;">Signature</p>
<p style="text-align: center;">19 August 2012</p>	<p style="text-align: center;">Date of decision</p>

All road contingency details depicted on this plan including pavements, road treatments, medians and parking are for illustrative purposes only and are subject to final engineering design and any relevant approvals. The details reflect the layout of the site through conceptual planning for this location. All dimensions and areas depicted on this plan are subject to pre- and post-construction survey from the relevant street.



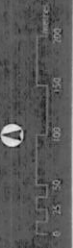
**LEGEND**

- MRS Reserve - 3.6743ha
- Public Open Space - 12.4882 (Credit)
- Public Open Space - 0.5435ha (No Credit)

**YIELD SUMMARY (885-462C-02)**

Single Lot Product	Stage 1		
	Lot	DU's	% Lot Product
20m x 30m	11	11	0.8%
17.19 x 30m	111	111	8.1%
18 x 30m	419	419	30.4%
12.5-13 x 30m	223	223	16.4%
<b>Sub Total</b>	<b>744</b>	<b>744</b>	<b>55.6%</b>
12 x 30m	40	40	2.9%
11 x 30m	135	135	9.9%
10 x 30m	227	227	16.8%
7.5 x 30m	303	303	22.5%
<b>Sub Total</b>	<b>605</b>	<b>605</b>	<b>45.4%</b>
<b>TOTAL</b>	<b>1349</b>	<b>1349</b>	<b>100%</b>
Group	4	42	0.3%
Apartment	5	229	0.4%
<b>Sub Total</b>	<b>9</b>	<b>271</b>	<b>0.2%</b>
<b>TOTAL</b>	<b>1378</b>	<b>1440</b>	<b>100%</b>

Job Number: L1848  
 Date: 18/08/11  
 Scale: 1:500 @ A3  
 Drawn by: SC  
 Source: Casspell Lambert Emmet 30.06.11





**VARIATION TO CONDITIONS ATTACHED TO APPROVAL**

**Lot 9, Marmion Avenue, Brighton Urban and Residential Development, WA  
(EPBC 2011/6137)**

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**

Person to whom the approval is granted      Satterley Property Group  
ABN: 38 009 054 979

**Approved action**      To establish an Urban and Residential Development at Lot 9, Marmion Ave, Brighton, 40 km northeast of Perth in Western Australia [See EPBC Act referral 2011/6137]

**Variation**

**Variation of conditions of approval**      The variation is:  
Delete condition 3(c) of the approval and replace with the condition below.

**Date of effect**      This variation has effect on the date the instrument is signed

**Person authorised to make decision**

**name and position**      Shane Gaddes  
Assistant Secretary  
Compliance & Enforcement Branch

**Signature**      *S. Gaddes*

**Date of decision**      *7 March 2014*



**Condition attached to the approval:**

3. To offset the loss of 8.1 ha of foraging habitat for Carnaby's Black Cockatoo, the person taking the action must:
  - (c) must provide funding of \$80,000 to DEC (now DPaW) for the purchase of at least 50 ha of Carnaby's Black-Cockatoo foraging habitat to be protected in perpetuity, plus an additional financial contribution (amount to be determined in consultation with DPaW) to assist in the ongoing maintenance of the purchased offset by 1 June 2014. Within 4 weeks of the funding being provided to DPaW, the person taking the action must provide written evidence to the Department of these payments.

	Approved action
Satterley Property Group ABN 38 008 054 878	Person to whom the approval is granted
To establish an Urban and Residential Development at Lot 9, Marmion Ave, Brighton, 40 km northeast of Perth in Western Australia [See EPBC Act referral 2011/6137]	Approved action
	Variation
Delete condition 3(c) of the approval and replace with the condition below	Variation of conditions of approval
The variation is	
	Date of effect
This variation has effect on the date the instrument is signed	
	Person authorized to make decision
Shane Geddes Assistant Secretary Compliance & Enforcement Branch	Name and position
<i>[Signature]</i>	Signature
9 March 2014	Date of decision

© JBS&G Australia Pty Ltd T/A Strategen-JBS&G

This document is and shall remain the property of Strategen-JBS&G. The document may only be used for the purposes for which it was commissioned and in accordance with the Terms of Engagement for the commission. Unauthorised use of this document in any form whatsoever is prohibited.

**Document Distribution**

Rev No.	Copies	Recipient	Date
A	1 x electronic	A. Winzer (internal review)	31/03/2020
B	1 x electronic	Satterley (for review)	01/04/2020
C	1 x electronic	Satterley (for review)	14/04/2020
0	1 x electronic	Satterley (for publication)	15/04/2020

**Document Status**

Rev No.	Author	Reviewer	Approved for Issue		
		Name	Name	Signature	Date
A	R. Mason/K. Hoefhamer	A. Winzer	A. Winzer		01/04/2020



