



INFORMATION SHEET

PROTECTION OF BLACK-COCKATOO HABITAT

There are three species of black cockatoo in Western Australia:

- Red tailed black cockatoo;
- Carnaby's black cockatoo, and
- Baudin's black cockatoo.

All of them are under threat of **extinction** and at least two of the species have been known to frequent Highland Ridge Private Estate and the surrounding area.

As you will be building and living in an area that provides important habitat for the black cockatoo, here are some useful resources which provide background information about the black cockatoo including why they are threatened and what you can do to help keep them around:

- *Black Cockatoo* fact sheet produced by WWF-Australia - attached (also available via their website <http://www.wwf.org.au>)
- The Black Cockatoo Preservation Society website: <https://www.blackcockatoorecovery.com>.

Clearing Restrictive Covenant

To assist in ensuring foraging and breeding habitat continues to be available for the black cockatoos in the Jane Brook area, a restrictive covenant will be registered against the title to the lots in Highland Ridge Private Estate which prevents the removal or clearing of any existing native tree outside of the approved building envelope for your lot. This means you cannot remove, clear, cut down or deliberately kill or destroy any tree outside of that building envelope, or allow anyone else to do so.

Reasonable pruning of trees is permitted under the terms of the restrictive covenant for maintenance, safety or bush fire management purposes, however, pruning should be undertaken outside of the black cockatoo breeding season (outside of September to November), to minimise any possible disruptions to the bird's breeding cycle.

A copy of the 'no tree clearing' restrictive covenant that will be registered against the title to your lot is attached.

Please note that clearing of native vegetation is also regulated by **State and Commonwealth legislation** and clearing permits or approvals may be required before you can undertake any such activity on your lot. Buyers should make their own investigations and obtain their own advice in this regard.



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Species Fact Sheet:

Black cockatoos



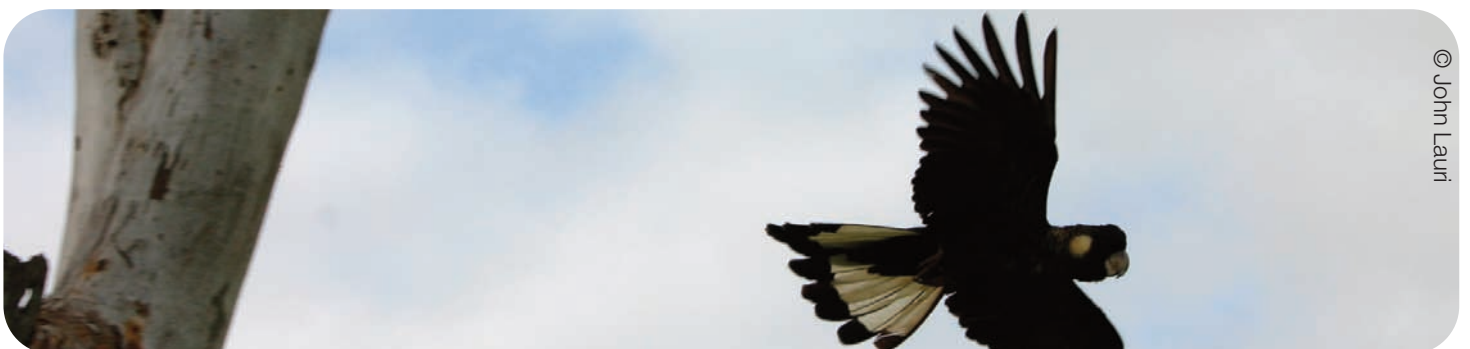
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Black cockatoos

There are five species of black cockatoos in Australia – red-tailed, glossy, yellow-tailed, Carnaby's and Baudin's black cockatoo.

Cockatoos are similar to parrots in many ways including having a curved beak and what's known as a zygodactyl foot, which means two toes face forward and two face backwards. However, cockatoos do have unique features that parrots don't have such as a gall bladder and a moveable crest on top of their heads. Cockatoos are larger than parrots and can never be green or blue in colour as they lack a special feather composition giving parrots the ability to be blue or green.

Cockatoos occur naturally only in Australia and on some nearby islands. Black cockatoos are endemic to Australia, therefore found nowhere else in the world.



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Did you know?

- Cockatoos, like all birds, have many bones that are hollow. This makes them very light weight, which helps them fly.
- Cockatoos are long-lived birds and can live to be more than 50 years old.
- The name cockatoo originated from the Malay name for these birds, kaka(k)tua.

Distribution and habitat

The distribution of the five species of black cockatoo is varied due to differences in their habitat preferences.

There are five sub-species of red-tailed black cockatoo, which can be found in south-west Western Australia, central Australia, Northern Territory and Queensland as well as the south-east of Victoria and south-west South Australia. Red-tailed black cockatoos live in a variety of habitat types from shrubland, woodlands and tropical rainforest.

The two species of white-tailed black-cockatoos, Carnaby's and Baudin's, are both found in south-west Australia. They rely on heavily forested areas, woodlands and heathland. Carnaby's black-cockatoo has adapted to also rely on pine plantations as a food source.

The yellow-tailed black cockatoo is found in south-eastern Australia, from the Eyre Peninsula in South Australia to southern and central parts of eastern Queensland. They rely on a variety of habitat types from eucalypt woodlands to pine plantations.

The glossy black cockatoo has three sub-species that can be found in south-east Australia, central -astern Queensland and South Australia's Kangaroo Island. They live in casuarina woodland and rely on eucalypt trees for nesting.

Ecology and life cycle

All species of black cockatoo have similar ecology and life cycles only varying slightly depending on their habitat and food requirements. They have, however, evolved slightly different beak shapes, which is an adaptation to their feeding habitat. Baudin's black cockatoo has a very thin long beak, which is used to extract seeds out of gum nuts, whereas the Carnaby's black-cockatoo has a thick, strong short beak for breaking open banksia nuts.

Black cockatoos nest in deep hollows of large ancient trees, which may be more than 200 years old. Usually a single egg is incubated by the female, with the chick taking around three months to make its first flight. Nestlings are fed only by the female, who relies on the male to bring food while the chick is very young. Each black cockatoo species nests at slightly different times of the year, for example glossy black cockatoos on Kangaroo Island nest in summer and autumn whereas Carnaby's black cockatoos nest in winter and spring.

Black cockatoos in the wild can live for 25 to 50 years but captive cockatoos have been known to live into their 70s.

Threats

Four of the five species of black cockatoo are listed by the *Environmental Protection and Biodiversity Conservation Act (1999)* as threatened - south-eastern red-tail, Baudin's, Carnaby's and Kangaroo Island glossy black cockatoo. The

threats to them vary but most species have been affected by habitat loss.

Habitat loss

The main reason for the loss of habitat is predominately land clearing for agriculture. Baudin's black cockatoo has been affected by the loss of old growth forest, which has been logged for use in the timber trade. This loss of habitat not only affects nesting hollow availability but also food availability and in some cases, such as for Carnaby's black cockatoo and red-tailed black cockatoo, loss of food availability is a major contributor to the decline of population numbers.

Predators

For the Kangaroo Island glossy black cockatoo, predation by the common brushtail possum is also a threat.

Conservation action

WWF-Australia has been involved with a number of initiatives to aid in the recovery of Australia's threatened black cockatoos.

In Western Australia, WWF is in a collaborative partnership with Birds Australia to deliver the Carnaby's black cockatoo recovery project. The project, led by Birds Australia, is implementing key recovery actions for Carnaby's black cockatoo, in accordance with the strategies identified in the Carnaby's black cockatoo recovery plan. Main activities include protecting, connecting and enhancing breeding and feeding habitat (fencing, management guidelines, conservation agreements and revegetation) in the wheatbelt, raising community awareness of the conservation status and ways to become involved in key recovery actions, monitoring breeding activity, and advocating for protection of critical habitat both in their wheatbelt breeding sites and foraging sites on the Swan Coastal Plain.

How you can help

- Protect and conserve known nesting habitat by fencing or excluding stock, protecting woodlands against firewood collection, leaving old or dead trees standing and ensuring appropriate fire management
- Protect habitat by controlling weeds and preventing removal of vegetation and spread of diseases such as *Phytophthora*
- Revegetate around known feeding and nesting habitat with appropriate local species
- Help control competitive species such as galahs and feral honeybees that compete with the cockatoos for the same nesting hollows by reporting sightings to the local Government department

Form Approval
No. B2620

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED

BLANK INSTRUMENT FORM

Restrictive Covenant

(Note 1)

RESTRICTIVE COVENANT

Pursuant to Section 136D of the Transfer of Land Act 1893

BY:

DJM Jane Brook Pty Ltd (ACN 169 666 255) of care of DJ MacCormick Property Group, Ground Floor, 200 Adelaide Terrace, Perth, Western Australia, 6004 (the **Developer**)

RECITALS

- A. The Developer is the registered proprietor of the Land.
- B. The Land is free of all encumbrances.
- C. The Developer intends to subdivide the Land in the manner shown on the Plan and has obtained the approval of the Commission to such subdivision.
- D. It is a condition of the EPBC Approval issued in respect of the Land that certain trees on the Land be retained in perpetuity to preserve potential foraging and breeding habitat for protected Black Cockatoos (**EPBC Approval Condition**).
- E. This Deed gives effect to the EPBC Approval Condition by restricting the Clearing of any such tree via the Restrictive Covenants.
- F. In accordance with section 136D of the Act, the Developer requires the Lots to be encumbered by the Restrictive Covenants so that the Restrictive Covenants will be noted on the Plan and, when separate certificates of title issue for the Lots, the burden of the Restrictive Covenants will be noted on each certificate of title.

OPERATIVE PART

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this Deed the following words and expressions shall have the following meanings:

Act means the *Transfer of Land Act 1893* (WA), as amended;

Black Cockatoos refer to Carnaby's Black-Cockatoo (*Calyptorhynchus latirostris*), Baudin's Black Cockatoo (*Calyptorhynchus baudinii*) and the Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii naso*);

Building Envelope means that area of land within a Lot on the Structure Plan or any other plan approved by the City and the Commission, if required, within which all buildings and effluent disposal facilities on that Lot must be contained;

City means the City of Swan or any replacement thereof;

Clearing means to:

- (a) cut down;
- (b) uproot;
- (c) deliberately damage or deliberately destroy;
- (d) remove; or
- (e) sever or ringbark any trunk,

but does not mean to:

- (f) prune,
- (g) trim, or
- (h) lop or top any branch,

for maintenance, safety or bush fire management purposes, and **Clear** and **Cleared** each have a corresponding meaning;

Commission means the Western Australian Planning Commission;

Department means the Commonwealth Department of Environment;

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*;

EPBC Approval means decision notice 2009/5261 dated 22 July 2010 made under sections 75 and 77A of the EPBC Act;

Land means Lot 9006 on Deposited Plan 400724, being the whole of the land comprised in Certificate of Title Volume 2872 Folio 839;

Lots means lots 2159 to 2170 (inclusive) and Lot 2230, all of which are identified on the Plan, and **Lot** has a corresponding meaning;

Plan means Deposited Plan 407898;

Restrictive Covenants means the restrictive covenants, the subject of this Deed, being more specifically the covenants referred in the Schedule;

Schedule means the schedule to this Deed; and

Structure Plan means the *Jane Brook Local Structure Plan* (Plan No: MIR JAN 2-05c) approved by the City on 4 July 2012 and endorsed by the Commission on 18 September 2012, an extract of which is annexed hereto at Annexure A.

1.2 Interpretation

Unless the context otherwise requires, in this Deed:

- (a) words importing the singular include the plural and vice versa;
- (b) words importing any gender include the other genders;
- (c) references to persons includes corporations;
- (d) references to a party hereto or to any other person include the legal personal representatives, successors and permitted assigns of that party or person;
- (e) if a word or phrase is defined cognate words and phrases have corresponding definitions; and
- (f) an obligation incurred by two or more parties shall bind them jointly and severally and an obligation incurred in favour of two or more parties shall be enforceable by them jointly and severally.

Headings shall be ignored in construing this Deed.

2. RESTRICTIVE COVENANTS

- (a) Each of the Lots is to be encumbered by the Restrictive Covenants.
- (b) Pursuant to section 136D of the Act and this Deed, the burden of the Restrictive Covenants shall run with each of the Lots for the benefit of every other Lot and the Restrictive Covenants shall be enforceable against the registered proprietor of each Lot by the Developer and every subsequent registered proprietor of a Lot.

3. TERM OF RESTRICTIVE COVENANTS

The Restrictive Covenants are given with the intent that they shall be annexed to and run with the Lots to bind each registered proprietor for the time being of the Lots in perpetuity.

SCHEDULE

RESTRICTIVE COVENANTS

The registered proprietor for the time being of each Lot covenants not to:

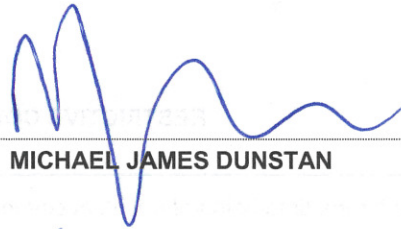
- (a) Clear; or
- (b) allow to be Cleared; or
- (c) carry out, or allow to be carried out, any Clearing; or
- (d) carry out, or allow to be carried out, any act or activity that causes the Clearing,

of any native tree outside of the Building Envelope for the Lot so as to maintain and preserve potential foraging and breeding habitat for protected Black Cockatoos.

Dated this 20th day of JUNE 2016

EXECUTED as a DEED:

Signed by **MICHAEL JAMES DUNSTAN**
as attorney for **DJM Jane Brook Pty Ltd (ACN
169 666 255)** pursuant to **Power of Attorney
N109180** in the presence of:



MICHAEL JAMES DUNSTAN

Witness signature



Witness name (please print)

KISHA ELIZABETH STEVENS

Witness address (please print)

GROUND FLOOR, 200 ADELAIDE TCE

Witness occupation (please print)

PROJECT MANAGER



INSTRUCTIONS

1. This form may be used only when a "Box Type" form is not provided or is unsuitable. It may be completed in narrative style.
2. If insufficient space hereon Additional Sheet Form B1 should be used.
3. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
4. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.

NOTES

1. Insert document type.
2. A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The address and occupation of the witness must be stated.

EXAMINED

OFFICE USE ONLY

| | |
|-----------------|-----------------------------------|
| LODGED BY | DJ MacCormick Property Group |
| ADDRESS | PO Box 3039 East Perth WA 6892 |
| PHONE No. | 9221 5121 |
| FAX No. | 9221 5124 |
| REFERENCE No. | KS/918-000-P |
| ISSUING BOX No. | 999L |

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INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE
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TITLES, LEASES, DECLARATIONS, ETC LODGED HEREWITH

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| 1. _____ | Received items |
| 2. _____ | |
| 3. _____ | Nos. |
| 4. _____ | |
| 5. _____ | |
| 6. _____ | Receiving Clerk |

Registered pursuant to the provisions of the
TRANSFER OF LAND ACT 1893 as amended on the
day and time shown above and particulars entered in
the Register.