



The Village at Wellard (EPBC 2013/6986)

Peet Southern JV Pty Ltd

Annual Compliance Report

JBS&G 67262 | 160,963

29 August 2024





We acknowledge the Traditional Custodians of Country throughout Australia and their connections to land, sea and community.

We pay respect to Elders past and present and in the spirit of reconciliation, we commit to working together for our shared future.

Caring for Country The Journey of JBS&G
Artist: Patrick Caruso, Eastern Arrernte



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

Stuart

Full name (please print)

STUART HARDING

Position (please print)

PROJECT DIRECTOR

Organisation (please print including ABN/ACN if applicable)

PEET SOUTHERN JV PTY LTD ABN: 50 100 853 441

Date

8 / 10 / 24

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Abbreviations

Term	Definition
ACR	Annual Compliance Report
DAWE	Department of Agriculture, Water and the Environment
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DotE	Department of the Environment
EPBC Act	The <i>Environmental Protection, Biodiversity and Conservation Act 1999</i>
Peet	Peet Southern JV Pty Limited
POS	Public Open Space

1. Introduction

1.1 Purpose of this Report

This report addressed the status and compliance of The Village at Wellard development with the conditions in the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) Approval 2013/6986 (EPBC 2013/6986). This report has been prepared for the purpose of the meeting the requirements of condition 6 of this approval, which is to submit annual compliance reports (ACR) within three months of every 12-month anniversary of the commencement of the action for publication on the Proponent's website.

1.2 Project Background

The Village at Wellard development (the Project) is a joint venture between Peet Limited and the Housing Authority, progressed under the auspices of 'Peet Southern JV Pty Limited' (Peet).

Development of the Project has been underway since 2003. Development from Stage 32 onwards will accommodate additional residential housing and Public Open Space (POS) as part of the completion of the Village at Wellard community.

1.3 Environmental Approval to Implement the Project

Stage 32 onwards was referred to the Department of the Environment (DotE; now the Department of Climate Change, Energy, the Environment and Water [DCCEEW]) for assessment under the EPBC Act in July 2013. Approval to implement the action was received from the Minister on 27 June 2014 (EPBC 2013/6986). The action commenced on the 10th of July 2014 with clearing of vegetation within Stage 33 and 34.

The proposed action is defined as follows:

To clear native vegetation and construct a residential development on Lots 9035 and 9037, Wellard, Western Australia [see EPBC Act referral 2013/6986].

'A variation was submitted to the Department of Agriculture, Water, and the Environment [DAWE] (now DCCEEW) to extend the period of effect of EPBC 2013/6986. The variation was approved on 16 July 2020 with the new expiration date of 31 July 2025'.

2. Current Status

Bulk earthworks for Stages 39, 40, and 49 were undertaken during the reporting period (10th of July 2023 to 9th of July 2024). This resulted in a clearing of approximately 9.4 ha.

A breakdown of civil works undergone during the reporting period are as follows:

- Stage 47 civil works commenced in June 2023 and reached completion in December 2023;
- Stage 38 civil works (42 lots) commenced in January 2024 and reaching practical completion in July 2024; and
- Stage 39 civil works (43 lots) commenced in May 2024 and reaching practical completion in September 2024.

No further clearing (the action) is required for the project.

3. Audit Methodology

3.1 Audit Plan

3.1.1 Purpose and Scope

This document has been prepared for Peet (the approval holder) to fulfil the requirements of condition 6 of EPBC 2013/6986, which was issued to enable implementation of the Residential Development of The Village of Wellard, Western Australia. Condition 6 requires:

Within three months of every 12-month anniversary of the commencement of the action, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval over the previous 12 months.

This ACR addresses the 12-month period from 10 July 2023 to 9 July 2024. This ACR is due 10 October 2024.

3.1.2 Methodology

The assessment was undertaken as a desktop assessment in August 2023 with consultation undertaken with appropriate personnel (Table 3.1) and accompanied by review of a variety of documents used to assess and verify compliance.

Table 3.1: Persons Consulted During the Audit

Person and Position	Organisation	Purpose
Georga Baldock, Development Manager	Peet	To obtain verifiable evidence to assist in determining compliance with EPBC 2013/6986

3.1.3 Audit Terminology

The 'Status' field of the audit tables (refer to Table 4.1) described the implementation of actions and compliance with the approval. In 2023, the DCCEEW issued the *Annual Compliance Report Guidelines* (DCCEEW 2023). Terminology from this guidance has been applied in the audit and is listed below in Table 3.1. (Table 3.2).

3.1.4 Audit Evidence

Documentary evidence used to verify compliance with audit items is referenced within Table 4.1 as a unique code. Documentary evidence has been retained in electronic and/or hard copy format by the auditors. If any items have been determined to be potentially non-compliant, any available associated evidence is attached as an appendix to this report.

Table 3.2: Action Implementation Status (DCCEEW 2023)

Status	Acronym	Description
Conditions of Approval		
Compliant	C	'Compliance' is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions. (Note 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.

4. Audit Results

4.1 Compliance with Conditions

The results of the audit of EPBC 2013/6986 are shown in Table 4.1. There are eight conditions of EPBC 2013/6986, divided into 21 sub-conditions.

The results of the audit were as follows:

- Eleven (11) sub-conditions were assessed to be "Compliant", with 4 categorised as Compliant (complete);
- Ten (10) were assessed to be "Not applicable"; and
- None (0) were assessed as "Potentially non-complaint".

Table 4.1: Compliance with conditions of EPBC 2013/6986

Reference	Condition	Timing	Compliance Status	Evidence	Comments
1.1	The approval holder must not clear more than 50.3 hectares of Carnaby's Black-Cockatoo and Forest Red-tailed Black-Cockatoo foraging and potential breeding habitat within the project area identified as the 'Site Boundary' at Attachment A.	Ongoing	Compliant	R02_Wellard 2023 ACR (Rev 0) C01_ 67262 Wellard ACR 2024 Evidence Request Rev B - Peet Comments E02_Memo Wellard TV_Tree inspection E03_Memo Wellard TV_Tree inspection_stage49	It was confirmed during the 2016 auditing period the area of the approved action is 58.5 ha in total (R02). This area includes the 8.84 ha of already cleared areas leaving a remainder of 49.66 ha of habitat, which is less than the 50.3 ha approved to be cleared i.e. within the project boundary the approval holder cannot clear more habitat than that allowed by the approval. Clearing that occurred this reporting period within stages 47, 38 and 39. The total area cleared during the 2023-24 reporting period was 9.4 hectares, leaving a remaining 40.26 ha No further clearing (the action) is to be undertaken.
2.1	To offset the loss of Carnaby's Black-Cockatoo and Forest Red-tailed Black-Cockatoo foraging habitat and potential breeding habitat, within three (3) months from the date of this approval, the approval holder must provide the Department with written evidence that funds have been provided to the DPAW for the acquisition and management of two (2) environmental offset properties that must be: no less than 290 hectares in size at Lot 190 Clackline-Toodyay Road, Clackline, Western Australia; no less than 37 hectares in size at Lot 1143, Wye Road, Nannup, Western Australia.	By 27 September 2014	Compliant (complete)	R02_Wellard 2023 ACR (Rev 0)	Condition has been met and assessed as Compliant (completed) during previous audit period (R02).
2.2	The written evidence must include a description and map clearly defining the location and boundaries of the offset properties and be accompanied with the offset attributes and a shapefile.	By 27 September 2014	Compliant (complete)	R02_Wellard 2023 ACR (Rev 0)	Condition has been met and assessed as Compliant (completed) during previous audit period (R01).
3.1	To avoid and mitigate impacts to the Carnaby's Black-Cockatoo and the Forest Red-tailed Black-Cockatoo during the breeding season (July – November), within 7 days prior to clearing, the approval holder must investigate potential breeding trees within the project area to detect the presence of Carnaby's Black-Cockatoos or Forest Red-tailed Black-Cockatoos using hollows.	Within 7 days prior to clearing commencing	Compliant	M01_ 67262 Wellard ACR 2024 Evidence Request Rev B - Peet Comments E04_BEWmasterplan_stage49 E05_BEWmasterplan_stage37_38_39 E06_BEWmasterplan_stage38_40	Pre-clearance inspections were undertaken by qualified Fauna Services within 7 days prior to clearing. A pre-clearance survey occurred on 30 September 2023 prior to clearing commencing. The potential breeding trees inspected showed no evidence or signs of Carnaby's Black-Cockatoo or Forest Red-tailed Black-Cockatoo's usage.
3.2	The investigation must be undertaken by a suitably qualified and experienced person.	Prior to clearing commencing	Compliant	E02_Memo Wellard TV_Tree inspection E03_Memo Wellard TV_Tree inspection_stage49	Pre-clearance inspections were undertaken by qualified Fauna Services.
3.3	If a Carnaby's Black-Cockatoo or a Forest Red-tailed Black-Cockatoo is detected using a hollow in a tree or trees, the approval holder must: clearly identify the tree or trees with fencing and signage;	Upon detection of tree hollow use - prior to clearing commencing	Not applicable	Refer to audit item 3.1	Refer to audit item 3.1

Reference	Condition	Timing	Compliance Status	Evidence	Comments
3.4	If a Carnaby's Black-Cockatoo or a Forest Red-tailed Black-Cockatoo is detected using a hollow in a tree or trees, the approval holder must: not clear the tree or trees; and	Following detection of tree hollow use prior to clearing commencing	Not applicable	Refer to audit item 3.1	Refer to audit item 3.1
3.5	If a Carnaby's Black-Cockatoo or a Forest Red-tailed Black-Cockatoo is detected using a hollow in a tree or trees, the approval holder must: undertake measures to avoid the tree or trees from being cut down, felled, removed, killed, destroyed, poisoned, ring-barked, uprooted or burned until the hollow/s are no longer being used by the Carnaby's Black-Cockatoo or the Forest Red-tailed Black-Cockatoo as determined by a suitably qualified and experienced person.	As informed by fauna specialist	Not applicable	Refer to audit item 3.1	Refer to audit item 3.1
4.1	Within 30 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.	Within 30 days after commencement	Compliant (complete)	R02_Wellard 2023 ACR (Rev 0)	Condition has been met and assessed as Compliant (completed) during a previous audit period (R02).
5.1	The approval holder 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.	As required (DAWE decision)	Compliant	M01_67262 Wellard ACR 2024 Evidence Request Rev B - Peet Comments R01_Wellard 2024 ACR (Rev 0) Appendix B	Peet has provided the auditors with records substantiating all activities associated with or relevant to the conditions of approval for all applicable conditions. Appendix B of this ACR (R01) contains an Evidence Register containing the records substantiating compliance with this Approval.
5.2	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.	As required (DAWE decision)	Not applicable		The Department has not requested information or any records in the reporting period (M01_67262 Wellard ACR 2024 Evidence Request Rev B - Peet Comments). This part of the condition is taken as a note.
5.3	Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.	As required (DAWE decision)	Not applicable		This part of the condition is taken as a note.
6.1	Within three months of every 12 month anniversary of the commencement of the action, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval over the previous 12 months.	Before 10 October each year	Compliant	C01 – EPBC Submission of ACR	The action commenced on the 10 July 2014; thus, compliance reports are required to be published by 10 October. The 2023 ACR was published on 20/09/2023 and provided to DCEEW 03/10/2023 (C01 – EPBC Submission of ACR).
6.2	Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published.	Before 10 October each year	Compliant		Refer to audit item 6.1
6.3	The compliance reports must remain on the website for 12 months from the date of publishing.	For 12 months from the date of publishing	Compliant	E02_Website Screenshot 20240722	The 2023 Annual Compliance Report remains on the Village at Wellard website (E02) via the following link: https://www.peet.com.au/communities/perth-and-wa/the-village-at-wellard/purchaser-and-builder-information
6.4	Potential or actual contraventions of the conditions of the approval must be reported to the Department in writing within 2 business days of the approval holder becoming aware of the actual or potential contravention.	Within 2 business days of being aware of NC/PNC	Compliant	M01_67262 Wellard ACR 2024 Evidence Request Rev B - Peet Comments R01_Wellard 2024 ACR (Rev 0)	Peet reported no potential or actual contraventions with the conditions of the approval in the reporting period. No potential or actual contraventions with the conditions of the approval have been identified during the compilation of this ACR (R01).

Reference	Condition	Timing	Compliance Status	Evidence	Comments
6.5	All contraventions must also be included in the compliance reports.	As required	Not applicable	Refer to audit item 6.4	Refer to audit item 6.4
7.1	Upon the direction of the Minister, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister.	As required (Minister's direction)	Not applicable		Peet advised that the Minister has not requested an independent audit of compliance be undertaken of the Project during this reporting period.
7.2	The independent auditor must be approved by the Minister prior to the commencement of the audit.	As required (Minister's direction)	Not applicable	Refer to audit item 7.1	Refer to audit item 7.1
7.3	Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.	As required (Minister's direction)	Not applicable	Refer to audit item 7.1	Refer to audit item 7.1
8.1	If, at any time after five (5) years from the date of this approval, the approval holder has not commenced the action, then the approval holder must not commence the action without the written agreement of the Minister.	By 27 June 2019	Compliant (complete)	R01_Wellard 2023 ACR (Rev 0)	Condition has been met and assessed as Compliant (completed) during a previous audit period (R01).

5. Limitations

Scope of services

This report ("the report") has been prepared by JBS&G in accordance with the scope of services set out in the contract, or as otherwise agreed, between the Client and 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, 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, 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. JBS&G has also not attempted to determine whether any material matter has been omitted from the data. 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 JBS&G. The making of any assumption does not imply that 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. 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 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, including to any third parties, and no liability will be accepted for use or interpretation of this report by any third party.

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.

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6. References

Department of Climate Change, Energy, the Environment and Water (2023) Annual Compliance Report Guidelines, Reporting under the Environment Protection and Biodiversity Conservation Act 1999, Commonwealth of Australia, Canberra.

Appendix A EPBC Approval 2013/6986

Appendix B Evidence Register

TableB.1: Evidence Register

Code	Reference	Author	Electronic	Hard-copy	Topic
C01	EPBC Submission of ACR	JBS&G	x		Email correspondence with DCCEEW in 2023 on submission of ACR
E01	Website Screenshot 20240722	JBS&G	x		Image illustrating public availability of the previous ACR on Peet's website.
E02	Memo Wellard TV_Tree inspection	Fauna Services	x		Receipt for tree inspection prior and during clearing
E03	Memo Wellard TV_Tree inspection_Stage49	Fauna Services	x		Receipt for tree inspection prior and during clearing
E04	BEWmasterplan_stage49	Peet	x		Master plan for stage 49
E05	BEWmasterplan_stage37_38_39	Peet	x		Master plan for stage 37, 38 and 39
E06	BEWmasterplan_stage38_40	Peet	x		Master plan for stages 38 and 40
M01	67262 Wellard ACR 2024 Evidence Request Rev B – Peet Comments	JBS&G	x		Peet's response to JBS&G's evidence request to complete this ACR
R01	Wellard 2024 ACR (Rev 0)	JBS&G	x		This ACR
R02	Wellard 2023 ACR (Rev 0)	JBS&G	x		Previous year's ACR

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Rev No.	Author	Reviewer Name	Approved for Issue Name	Signature	Date
A	B Hills	A Wills	A Winzer		29/08/2024



Adelaide

Kaurna Country | 100 Hutt St,
Adelaide, SA 5000
T: 08 8431 7113

Brisbane

Turrbal/Yuggera Country | Level 37,
123 Eagle Street, Brisbane, QLD 4000
T: 07 3211 5350

Bunbury

Wardandi Country | 177 Spencer
Street Bunbury, WA 6230
T: 08 9792 4797

Canberra

Ngunnawal Country | Level 1, The Realm
18 National Circuit Barton, ACT 2600
T: 02 6198 3278

Darwin

Larrakia Country | Suite G1, Level 1,
48-50 Smith Street, Darwin NT 0800
T: 08 8943 0600

Hobart

Muwununa/Nuenon Country | L2, 137
Liverpool Street, Hobart TAS 7000
T: 03 6208 3700

Melbourne

Wurundjeri Country | Level 19,
31 Queen Street, Melbourne VIC 3000
T: 03 9642 0599

Newcastle

Awabakal/Worimi Country | 61 / 63
Parry Street Newcastle West, NSW 2302
T: 02 8245 0300

Perth

Whadjuk Country | Allendale Square,
Level 9, 77 St Georges Terrace, WA 6000
T: 08 9380 3100

Sydney

Gadigal Country | Level 1,
50 Margaret Street, Sydney, NSW 2000
T: 02 8245 0300

Wollongong

Dharawal Country | Suite 1A, 280 - 286
Keira Street, Wollongong, NSW 2500
T: 02 4225 2647