

Peet Ltd

The Village at Wellard,
Western Australia

EPBC 2013/6986 Annual Compliance Report 2020

19 August 2020

59017 – 131713 (Rev 0)

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

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1. Introduction

This report addresses the status and compliance of The Village at Wellard development with the conditions in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Approval 2013/6986 (EPBC 2013/6986). This report has been prepared for the purpose of 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.

1.1 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.

1.2 Environmental approval to implement the project

Stage 32 onwards was referred to the Department of the Environment (DotE; now the Department of Agriculture, Water and the Environment [DAWE]) 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 10 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].

1.3 Approval holder

The approval holder is Peet Southern JV Pty Ltd (ABN 50 100 853 441).

1.4 Current status

Development (clearing) of Lots 9035 and 9037, Wellard, commenced on 10 July 2014 and remains in progress. Activities undertaken in the audit period were limited to minor clearing for Stage 43 of the development, over approximately 39,000 m² (3.9 ha). Clearing was undertaken on the 17th February 2020, which is outside of the known breeding season for black cockatoos (July to November).

On the 16th of July 2020 (outside the period of this audit), the period of effect of EPBC 2013/6986 was extended under section 145D(4) of the EPBC Act. The approval now has effect until the 31st July 2025, with no variation to conditions.

2. Audit Methodology

2.1 Audit plan

2.1.1 Purpose and scope

This document has been prepared for Peet (the approval holder) to fulfil the requirements of condition 6 of EPBC 2013/6986, issued to enable implementation of the Residential Development of The Village of Wellard, Western Australia. Condition 6 requires the proponent to submit an ACR for the previous twelve-month period.

This ACR addresses the twelve-month period from 10 July 2019 to 9 July 2020.

2.1.2 Methodology

The assessment was undertaken as a desktop exercise in August 2020 with consultation undertaken with appropriate personnel (Table 2.1) and accompanied by review of a variety of documents used to assess and verify compliance.

Table 2.1: Persons consulted during the audit

| Person and position | Organisation | Purpose |
|--|-----------------|---|
| Carli O'Brien, Senior Consultant | Strategen-JBS&G | To obtain verifiable evidence to assist in determining compliance with EPBC 2013/6986 |
| Jared Robertson, Development Manager | Peet | To obtain verifiable evidence to assist in determining compliance with EPBC 2013/6986 |
| Harry Doyle, Assistant Development Manager | Peet | To obtain verifiable evidence to assist in determining compliance with EPBC 2013/6986 |

2.2 Audit terminology

The "Status" field of the audit tables (refer to Section 3) describes the implementation of actions and compliance with approval. Terminology from the Annual Compliance Report Guidelines (DotE 2014) was applied in this audit (Table 2.2).

Table 2.2: Action implementation status

| Status | Acronym | Description |
|-------------------------------|---------|--|
| Conditions of approval | | |
| Compliant | C | All the conditions of a requirement have been met, including the implementation of management plans or other measures required by those conditions. |
| Potentially non-compliant | NC | The requirements of a condition or elements of a condition, including the implementation of management plans and other measures, may not have been met. |
| Not applicable | N/A | 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)

2.3 Audit evidence

Documentary evidence used to verify compliance with audit items is referenced within Table 3.1 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.

3. Audit Results

3.1 Compliance with conditions

The results of the audit of EPBC 2013/6986 are shown below in Table 3.1. There are eight conditions of EPBC 2013/6986, divided into 21 sub-conditions.

Ten sub-conditions were assessed to be “Compliant”, of which four sub-conditions were assessed as Compliant (completed). Eleven sub-conditions were assessed to be “Not applicable”.

3.2 Potential non-compliances

No potential non-compliances were identified.

Table 3.1: EPBC 2013/6986

| Condition No. / reference | Condition | Timing | 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 | R_001_Strategen JBS&G. The Village of Wellard, Western Australia EPBC 2013/6986 Annual Compliance Report 2019_05092019. C_001_EPBC 20136986 Annual Compliance Report_10082020 G_002_Landgate 26082019 G_003_Landgate 02052020 | It was confirmed during the 2016 auditing period the area of the approved action is 58.5 ha in total (R_001). This area includes 8.34 ha of already cleared areas leaving a remainder of 50.16 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. A total of 3.9 ha of native vegetation, comprising Carnaby's Black Cockatoo and Forest Red-tailed Black Cockatoo potential breeding and foraging habitat was cleared during the audit period (C001). Review of aerial photography mapping (Landgate) for nearest available dates to the audit period, 26 August 2019 (G_002) and 2 May 2020 (G_003), confirms this area of clearing. |
| 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 (completed) | R_001_Strategen JBS&G. The Village of Wellard, Western Australia EPBC 2013/6986 Annual Compliance Report 2019_05092019. | Condition has been met and assessed as Compliant (completed) during previous audit period (R_001). |
| 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 (completed) | R_001_Strategen JBS&G. The Village of Wellard, Western Australia EPBC 2013/6986 Annual Compliance Report 2019_05092019. | Condition achieved and assessed as Compliant (completed) during previous audit period (R_001). |

| Condition No. / reference | Condition | Timing | Status | Evidence | Comments |
|---------------------------|--|---|----------------|---|---|
| 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 | G_002_Landgate 26082019 G_003_Landgate 02052020 G_004_Landgate 10022020 | Minor clearing for Stage 43 of the development (3.9 ha) was undertaken on the 17 February 2020. Review of aerial photography mapping for nearest available dates to the audit period, 26 August 2019 (G_002) and 2 May 2020 (G_003), confirms that clearing was not undertaken within the project area until at least 10 February 2020 (G_004). Therefore, no clearing was undertaken during the black cockatoo breeding season (July -November). |
| 3.2 | The investigation must be undertaken by a suitably qualified and experienced person . | Prior to clearing commencing | Not applicable | Refer to EPBC 3.1. | Refer to EPBC 3.1. |
| 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 EPBC 3.1. | Refer to EPBC 3.1. |
| 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 EPBC 3.1. | Refer to EPBC 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 EPBC 3.1. | Refer to EPBC 3.1. |

| Condition No. / reference | Condition | Timing | Status | Evidence | Comments |
|---------------------------|--|---|-----------------------|--|---|
| 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 (completed) | R_001_Strategen JBS&G. The Village of Wellard, Western Australia EPBC 2013/6986 Annual Compliance Report 2019_05092019. | Condition achieved and assessed as Compliant (completed) during previous audit period (R_001). |
| 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 | C_001_EPBC 2013/6986 Annual Compliance Report 2019_09092019 | Peet has provided the auditors with records substantiating all activities associated with or relevant to the conditions of approval for all applicable conditions. The auditors are not aware of any request for records from the Department (C_001) |
| 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 | C_001_EPBC 2013/6986 Annual Compliance Report 2019_09092019 | Refer to audit item 5.1 |
| 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 | C_001_EPBC 2013/6986 Annual Compliance Report 2019_09092019 | This part of the condition is taken to be a note. Refer to audit item 5.1 and audit item 5.2 |
| 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 | R_001_Strategen JBS&G. The Village of Wellard, Western Australia EPBC 2013/6986 Annual Compliance Report 2019_05092019. C_001_EPBC 2013/6986 Annual Compliance Report 2019_09092019 | The action commenced on the 10 July 2014, thus compliance reports are required to be published by 10 October. The ACR was published on 09/09/2019 and provided to the Department of Environment and Energy on the same date. |
| 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 | 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 | G_001_Wellard EPBC 2013_6986 ACR_10082020 | The 2019 Annual Compliance Report remains on the Village at Wellard website (G_001) via the following link: https://www.peet.com.au/-/media/peet/documents/wa/wellard/pee18297_01-r001-rev-1.ashx |

| Condition No. / reference | Condition | Timing | Status | Evidence | Comments |
|---------------------------|---|---|-----------------------|---|--|
| 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 | Not applicable | C_001_EPBC 2013/6986 Annual Compliance Report 2019_09092019 | The auditors are unaware of any potential or actual non-compliance to date. |
| 6.5 | All contraventions must also be included in the compliance reports. | As required | Not applicable | R_001_Strategen JBS&G. The Village of Wellard, Western Australia EPBC 2013/6986 Annual Compliance Report 2019_05092019. | No potential non-compliances were reported in the 2019 compliance report (R_001). |
| 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 | C_001_EPBC 2013/6986 Annual Compliance Report 2019_09092019 | 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 (completed) | R_001_Strategen JBS&G. The Village of Wellard, Western Australia EPBC 2013/6986 Annual Compliance Report 2019_05092019. | Confirmation was submitted to the Department that the action commenced on the 10 July 2014 and reported in the 2019 report (R_001) |

4. 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.

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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.

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5. References

Australian Department of the Environment (DotE). (2014). *Annual Compliance Report Guidelines*, [Online], Commonwealth of Australia. Available from:
<http://www.environment.gov.au/epbc/publications/annual-compliance-report-guidelines>.

Strategen-JBS&G (2019). *The Village of Wellard, Western Australia EPBC 2013/6986 Annual Compliance Report 2019*, prepared for Peet Limited, September 2019

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