

Peet Ltd

The Village at Wellard,
Western Australia

EPBC 2013/6986 Annual Compliance Report 2019

5 September 2019

57070 - 123542

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 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 within three months of every 12-month anniversary of the commencement of the action for publication on the proponent's website. This report was prepared to address compliance from 10 July 2018 to 9 July 2019.

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 the Environment and Energy [DEE]) for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (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 housing and road construction in previously cleared areas.

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 annual compliance report for the previous twelve-month period.

This audit report addresses the twelve-month period from 10 July 2018 to 9 July 2019.

2.1.2 Methodology

The assessment was undertaken as a desktop exercise in July 2019 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 (10) sub-conditions were assessed to be “Compliant”, with the remainder (11) assessed to be “Not applicable”.

3.1.1 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_The Village of Wellard, Western Australia EPBC 2013/6986 Annual Compliance Report 2018_29082018. G_002_Landgate 08072018 G_003_Landgate 26042019 C_002_EPBC 2013/6986 Management advice	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. The approval holder (Peet) confirmed that no clearing of black cockatoo habitat occurred during the audit period. Review of aerial photography mapping (Landgate) for nearest available dates to the audit period, 8 July 2018 (G_002) and 26 April 2019 (G_003), confirms that no native vegetation was cleared during the audit period (C_002).
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_The Village of Wellard, Western Australia EPBC 2013/6986 Annual Compliance Report 2018_29082018.	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_The Village of Wellard, Western Australia EPBC 2013/6986 Annual Compliance Report 2018_29082018.	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 08072018 G_003_Landgate 26042019 C_002_EPBC 20136986 Management advice	The approval holder (Peet) confirmed that no clearing of black cockatoo habitat occurred during the audit period. Review of aerial photography mapping (Landgate) for nearest available dates to the audit period, 8 July 2018 (G_002) and 26 April 2019 (G_003), confirms that no native vegetation was cleared during the audit period (C_002).
3.2	The investigation must be undertaken by a suitably qualified and experienced person .	Prior to clearing commencing	Not applicable	Refer to audit item 3.1	Refer to audit item 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 audit item 3.1	Refer to audit item 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 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

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_The Village of Wellard, Western Australia EPBC 2013/6986 Annual Compliance Report 2018_29082018.	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 (DEE decision)	Compliant	C_002_EPBC 2013/6986 Management advice	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.
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 (DEE decision)	Not applicable	C_002_EPBC 2013/6986 Management advice	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 (DEE decision)	Not applicable	C_002_EPBC 2013/6986 Management advice	This part of the condition is taken to be a note. Refer to audit item 5.2 and audit item 5.1
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_The Village of Wellard, Western Australia EPBC 2013/6986 Annual Compliance Report 2018_29082018. C_001_EPBC 2013/6986 Annual Compliance Report 2018_29082018	The action commenced on the 10 July 2014, thus compliance reports are required to be published by 10 October. The ACR was published on 29 August 2018 and provided to DEE 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_29082019	The 2018 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-0.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_002_EPBC 2013/6986 Management advice	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_The Village of Wellard, Western Australia EPBC 2013/6986 Annual Compliance Report 2018_29082018.	No potential non-compliances were reported in the 2018 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_002_EPBC 2013/6986 Management advice	Peet advised that the Minister has not requested an independent audit of compliance be undertaken of the Project
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_The Village of Wellard, Western Australia EPBC 2013/6986 Annual Compliance Report 2018_29082018.	Confirmation was submitted to the Department that the action commenced on the 10 July 2014 and reported in the 2018 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>.

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