



# The Village at Wellard (EPBC 2013/6986)

Peet Southern JV Pty Ltd

Annual Compliance Report

65641

20 September 2023



**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.



### 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 *Nick Haslam*

Full name (please print) Nicholas Haslam

Position (please print) Development Manager

Organisation (please print including ABN/ACN if applicable) Peet Southern JV Pty Ltd  
50 100 853 441

Date 02 / 10 / 2023

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# Introduction

## 1.1 Purpose of this Report

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.

## 1.2 Project Background

The Village at Wellard development (the Project) is a joint venture between Peet Limited and the Western Australia Lands Authority (WALA) as agent for 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 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].*

'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 and civils were undertaken for Stage 46 in the reporting period (10 July 2022 to 9 July 2023). Approximately 0.5 ha native vegetation was cleared associated with Stage 46.

Existing firebreaks around the project were maintained during October 2022.

## 3. Audit Methodology

### 3.1 Audit Plan

#### 3.1.1 Purpose & 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 twelve-month period from 10 July 2022 to 9 July 2023. This ACR is due 10 October 2023.

#### 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
Peri Libao, Assistant Development Manager	Peet	To obtain verifiable evidence to assist in determining compliance with EPBC 2013/6986
Nick Haslam, Development Manager	Peet	
Kris Tilaka, Development Manager	Peet	

#### 3.1.3 Audit Terminology

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

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 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

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.

The results of the audit were found as follows:

- Nine sub-conditions were assessed to be “Compliant” with four categorised as Compliant (complete)
- Ten were assessed to be “Not applicable”
- Two were assessed as “Potentially non-compliant”

### 4.2 Potential non-compliances

The Potential non-compliances related to condition 6 and the late submission of the 2022 ACR:

1. The ACR was due to be published and notification provided to the Department by the 10/10/2022 however this notification was not provided until the 21/10/2022.
2. A written report is required to be sent to the Department within 2 days notifying them where a condition has been contravened. There was no explicit report of a contravention with condition 6 in the correspondence provided to the Department.

The late submission is an administrative potential non-conformance and has been reported in this 2023 ACR.



**Table 4.1: Compliance with conditions of EPBC 2013/6986**

Reference	Condition	Timing	Compliance Status	Evidence	Comments
1.1	The approval holder must not <b>clear</b> more than 50.3 hectares of Carnaby's Black-Cockatoo and Forest Red-tailed Black-Cockatoo <b>foraging and potential breeding habitat</b> within the <b>project area</b> identified as the 'Site Boundary' at Attachment A.	Ongoing	Compliant	R01_Wellard 2023 ACR (Rev 0)  E01_Peet Management ACR Advice 20230825	It was confirmed during the 2016 auditing period the area of the approved action is 58.5 ha in total (R01). 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.  Approximately 0.5 ha was cleared in the reporting period. There was no clearing outside the project boundary.
2.1	To offset the loss of Carnaby's Black-Cockatoo and Forest Red-tailed <b>Black-Cockatoo foraging habitat and potential breeding habitat</b> , within three (3) months from the date of this approval, the approval holder must provide <b>the Department</b> with written evidence that funds have been provided to the <b>DPAW</b> for the acquisition and management of two (2) environmental <b>offset properties</b> 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 2022 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 <b>offset properties</b> and be accompanied with the <b>offset attributes</b> and a <b>shapefile</b> .	By 27 September 2014	Compliant (complete)	R02_Wellard 2022 ACR (Rev 0)	Condition has been met and assessed as Compliant (completed) during previous audit period (R02).
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 <b>clearing</b> , the approval holder must investigate <b>potential breeding trees</b> within the <b>project area</b> to detect the presence of Carnaby's Black-Cockatoos or Forest Red-tailed Black-Cockatoos using hollows.	Within 7 days prior to clearing commencing	Not applicable	E01_Peet Management ACR Advice 20230825  E02_Condition 3 Breeding Trees  E03_Wellard Stage 46 Bulk Earthworks Plan	There was no clearing of potential breeding trees within the project area in the reporting period. All trees had been cleared prior to the reporting period (2018). Shrubs were cleared between July and September 2022.
3.2	The investigation must be undertaken by a <b>suitably qualified and experienced person</b> .	Prior to clearing commencing	Not applicable	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.	
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.	

Reference	Condition	Timing	Compliance Status	Evidence	Comments
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.	
4.1	Within 30 days after the <b>commencement</b> of the action, the approval holder must advise the <b>Department</b> in writing of the actual date of <b>commencement</b> .	Within 30 days after commencement	Compliant (complete)	R02 - Wellard 2022 ACR (Rev 0)	Condition has been met and assessed as Compliant (completed) during 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 <b>Department</b> .	As required (DAWE decision)	Compliant	E01_Peet Management ACR Advice 20230825	Peet has provided the auditors with records substantiating all activities associated with or relevant to the conditions of approval for all applicable conditions.  The Department has not requested any records in the reporting period (E01).
5.2	Such records may be subject to audit by the <b>Department</b> 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		This part of the condition is taken as a note.
5.3	Summaries of audits will be posted on the <b>Department's</b> 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 <b>commencement</b> 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	Potentially non-compliant	C01_EPBC 2013_6986 Peet Wellard Estate Annual Compliance Report 2022 Submission	The action commenced on the 10 July 2014, thus compliance reports are required to be published by 10 October. The 2022 ACR was published on 21 October 2022 and provided to the DAWE on the same date (C01). <a href="https://www.peet.com.au/communities/perth-and-wa/the-village-at-wellard/purchaser-and-builder-information/restrictive-convenants-and-plans">https://www.peet.com.au/communities/perth-and-wa/the-village-at-wellard/purchaser-and-builder-information/restrictive-convenants-and-plans</a>
6.2	Documentary evidence providing proof of the date of publication must be provided to the <b>Department</b> at the same time as the compliance report is published.	Before 10 October each year	Compliant	C01_EPBC 2013_6986 Peet Wellard Estate Annual Compliance Report 2022 Submission	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 20230818	The 2022 Annual Compliance Report remains on the Village at Wellard website (E02) via the following link: <a href="https://www.peet.com.au/communities/perth-and-wa/the-village-at-wellard/purchaser-and-builder-information">https://www.peet.com.au/communities/perth-and-wa/the-village-at-wellard/purchaser-and-builder-information</a>
6.4	Potential or actual contraventions of the conditions of the approval must be reported to the <b>Department</b> 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	Potentially non-compliant	E01_Peet Management ACR Advice 20230825  C01_EPBC 2013_6986 Peet Wellard Estate Annual Compliance Report 2022 Submission	The 2022 ACR due 10/10/2022 was submitted 22/10/2022 (after the due date) contravening condition 6 of the approval. There was no mention in the ACR or submission email that the condition had been contravened. While providing a submission late (C01) implies that the condition had been contravened there was no specific report to the department highlighting to the Department that condition 6 had been contravened.
6.5	All contraventions must also be included in the compliance reports.	As required	Compliant	R01_Wellard 2023 ACR (Rev 0)	The late submission of the 2022 ACR is reported in this 2023 ACR (R01).

Reference	Condition	Timing	Compliance Status	Evidence	Comments
7.1	Upon the direction of the <b>Minister</b> , the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the <b>Minister</b> .	As required (Minister's direction)	Not applicable	E01_Peet Management ACR Advice 20230825	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 <b>Minister</b> 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 <b>Minister</b> and the audit report must address the criteria to the satisfaction of the <b>Minister</b> .	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 <b>commenced</b> the action, then the approval holder must not <b>commence</b> the action without the written agreement of the <b>Minister</b> .	By 27 June 2019	Compliant (complete)	R02_Wellard 2022 ACR (Rev 0)	Condition has been met and assessed as Compliant (completed) during previous audit period (R02).

## 5. References

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

## Appendix A EPBC Approval 2013/6986



## Approval

### Residential Development, Village of Wellard, Western Australia (EPBC 2013/6986)

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

PEET SOUTHERN JV PTY LIMITED

proponent's ACN

ABN 50 100 853 441

proposed action

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

#### Approval decision

Controlling Provision	Decision
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 July 2020.

#### Decision-maker

name and position

Dr Simon Banks  
Assistant Secretary  
West Assessment Branch

signature

date of decision

27 June 2014



## Conditions attached to the approval

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.
2. 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:
  - i. no less than 290 hectares in size at Lot 190 Clackline-Toodyay Road, Clackline, Western Australia; and
  - ii. no less than 37 hectares in size at Lot 1143, Wye Road, Nannup, Western Australia.

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**.

3. 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. The investigation must be undertaken by a **suitably qualified and experienced person**.

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;
- not **clear** the tree or trees; and
- 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**.

4. Within 30 days after the **commencement** of the action, the **approval holder** must advise the **Department** in writing of the actual date of **commencement**.
5. 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**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the *Environment Protection and Biodiversity Conservations Act 1999*, 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 (3) 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. 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. The compliance reports must remain on the website for 12 months from the date of publishing. Potential or actual contraventions of the conditions of the approval must be reported to the **Department** in writing within two (2) business days of the **approval holder** becoming aware of the actual or potential contravention. All contraventions must also be included in the compliance reports.

7. 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**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.
8. 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**.

## Definitions

**approval holder** - the person to whom the approval is granted, or to whom the approval is transferred under s145B of the *Environment Protection and Biodiversity Conservation Act 1999*.

**Carnaby's Black-Cockatoo** is the black cockatoo species *Calyptorhynchus latirostris*.

**clear or clearing** - the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ring-barking, uprooting or burning of native vegetation.

**commence, commenced or commencement** - any preparatory works required to be undertaken including **clearing**, the erection of any fences, signage or on-site temporary structures and the use of construction or excavation equipment on-site for the purpose of breaking the ground for buildings, infrastructure or resource extraction.

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

**DPAW** - the Western Australian Department of Parks and Wildlife or the Western Australian Government department responsible for administering the *Conservation and Land Management Act 1984*.

**foraging and potential breeding habitat** - vegetation containing Jarrah (*Eucalyptus marginata*), Marri (*Corymbia calophylla*), Tuart (*E. gomphocephala*), *Banksia menziesii*, *B. attenuata*, *B. grandis*, *B. sessilis* and *Allocasuarina fraseriana*.

**Forest Red-tailed Black-Cockatoo** is the black cockatoo species *Calyptorhynchus banksii naso*.

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

**offset attributes** - an excel file (.xls) capturing relevant attributes of the **offset properties**, including the *Environment Protection and Biodiversity Conservation Act 1999* reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the *Environment Protection and Biodiversity Conservation Act 1999* protected matters that the offset compensates for, any additional *Environment Protection and Biodiversity Conservation Act 1999* protected matters that are benefiting from the offset, and the size of the offset in hectares.

**offset properties** - an area approximately two hundred and ninety hectares (290 ha) in size, located at Lot 190 Clackline-Toodyay Road, Clackline, Western Australia and an area

approximately thirty-seven hectares (37 ha) in size, within Lot 1143, Wye Road, Nannup, Western Australia (identified as the Offset Area at Attachment B – attached to draft conditions of approval). These areas have been identified as environmental offset properties to be managed for conservation purposes by the **DPAW** on behalf of the **approval holder**.

**potential breeding trees** includes mature *Eucalyptus gomphocephala* (Tuart), *Eucalyptus marginata* (Jarrah) and *Corymbia calophylla* (Marri) trees with a hollow at least 20 cm in diameter and therefore large enough for a **Carnaby's Black-Cockatoo** (*Calyptorhynchus latirostris*) or a **Forest Red-tailed Black-Cockatoo** (*Calyptorhynchus banksii naso*) to nest in.

**project area** - the area at Lot 9035 and 9037, City of Kwinana, Western Australia, identified as 'Site Boundary' at Attachment A – attached to draft conditions of approval.

**shapefile** - an ESRI shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the offset area, including the shape, *Environment Protection and Biodiversity Conservation Act 1999* reference ID number and *Environment Protection and Biodiversity Conservation Act 1999* protected matters present at the relevant site. Attributes should also be captured in '.xls' format.

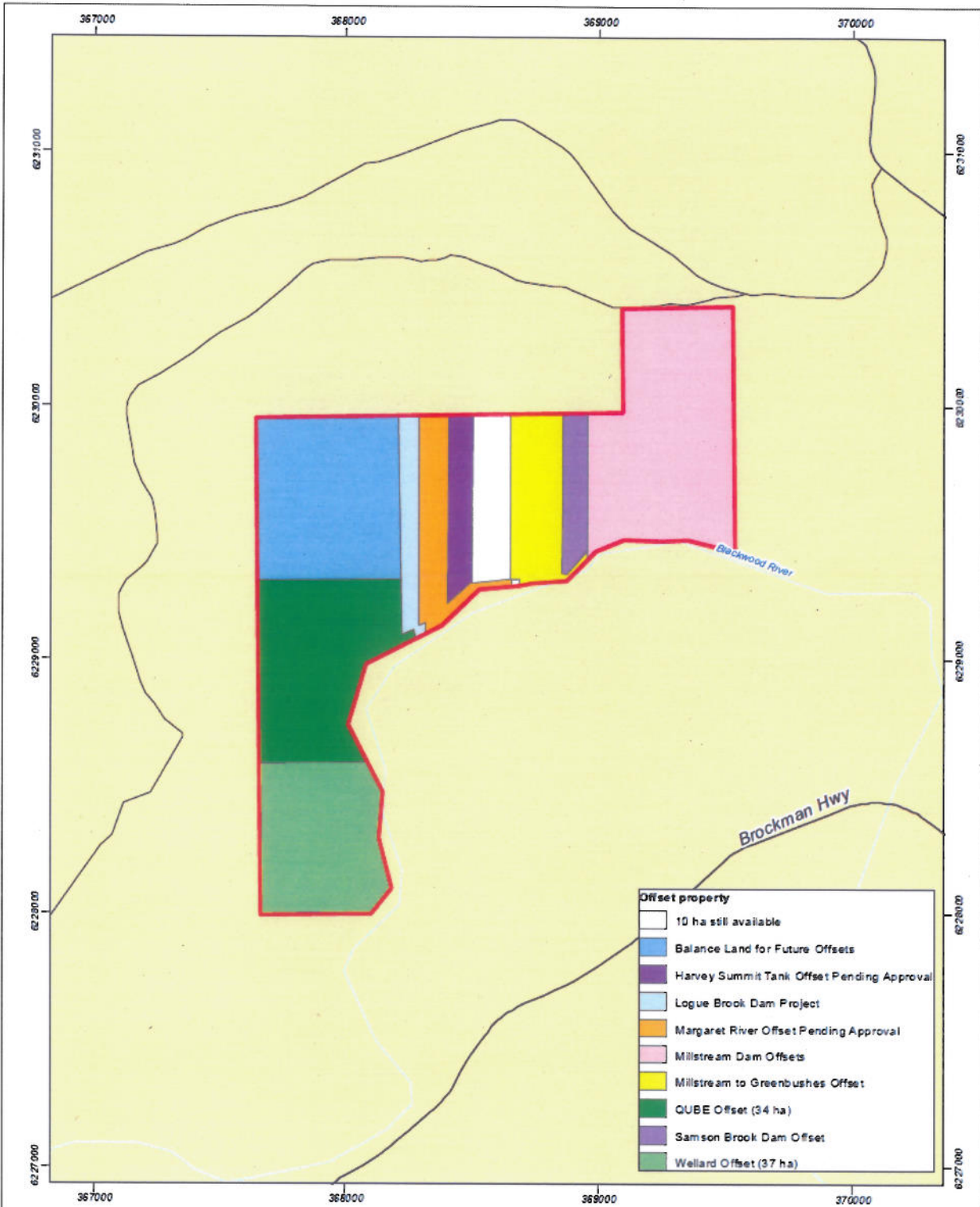
**suitably qualified and experienced person** - a person with relevant tertiary qualifications with experience surveying for black cockatoos.





Figure 2





Sketch 003 Nannup Offset Property

Scale 1:20,000 at A4  
 0 0.1 0.2 0.3 0.4 0.5 Kilometers  
 Coordinate System: GDA 1994 MGA Zone 50  
 Note that positional errors may occur in some areas  
 Date: 4/06/2014  
 Author: SF hmlng  
 Source: Topography: Geoscience Australia 2011; Property boundary: Landgate 2014; Distribution: Water Corporation ND.

**Legend**  
 — Roads  
 — Waterways  
 [Red Outline] Offset boundary





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