

Qube Property Group
Annual Compliance Report (EPBC 2014/7126)

Lot 682 Rowley Road, Mandogalup

1 November 2019

56966-123702 Rev 0

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

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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



Full name (please print)

Mark Peter Hay Hector

Position (please print)

Director

Organisation (please print including ABN/ACN if applicable)

Quibe Property Group

Date

4 / 11 / 19

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1. Introduction

This report addresses the status and compliance of QUBE Property Group (Qube) with the conditions of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2014/7126 (EPBC 2014/7126) to clear native vegetation on Lot 682 Rowley Road, Mandogalup, Western Australia (the site). This report has been prepared for the purpose of meeting the requirements of condition 6 of EPBC 2014/7126, which requires the proponent to verify compliance with the conditions of approval.

1.1 Project Background

Qube is developing the Apsley Estate (the Estate) on Lot 682 Rowley Road, Mandogalup, Western Australia for residential purposes. Located approximately 33 km south of Perth within the City of Kwinana (CoK), the site is approximately 98 hectares (ha) in size and comprises three portions of land separated by two easements; one for a Western Power easement and one for the Peel main drain.

The key features of the Estate will include:

- approximately 1190 lots
- a primary school
- internal roads
- easements
- public open space
- sand extraction.

Development of the Estate involves clearing of approximately 38.7 ha of potential foraging habitat and 176 potential breeding trees (>500mm DBH) for Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*) and Forest Red-tailed Black-Cockatoo's (*Calyptorhynchus banksii naso*) (referred to collectively as 'black cockatoos' throughout this document).

1.2 Environmental approval to implement the Project

The action was referred to the former Department of the Environment ([DotE] now known as the Department of the Environment and Energy [DEE]) on 5 February 2014. The action was deemed a 'controlled action' under the EPBC Act on 5 March 2014 to be assessed by preliminary documentation and was approved with conditions on 4 August 2014 under EPBC 2014/7126.

Condition 2 of the approval required the purchase of two properties to offset the loss of black cockatoo foraging and potential breeding habitat. Qube provided the former Western Australian Department of Parks and Wildlife ([Parks and Wildlife] now known as the Department of Biodiversity, Conservation and Attractions [DBCA]) funds on the 2 July 2015 for the acquisition of:

- 154 ha within Lot 102 Wannamal Road South, Shire of Gingin
- 34 ha within Lot 1143 Wye Road, Nannup.

Development of the Estate commenced on 20 August 2018.

2. Current status

Activities undertaken within the Estate during the audit period (20 August 2018 – 19 August 2019) include:

- clearing of approximately 22.3 ha as part of stage 1 development (Figure 1)
- stage 1 bulk earthworks and civil works
- clearing of 1.11 ha was undertaken outside of EPBC 2014/7126 boundary, within the Western Power easement and the Urban Deferred Planning Control Area (PCA) (Figure 1). This clearing was subject to a separate referral to DEE on 11 April 2018 and was determined not a controlled action.



Legend: <div style="display: flex; align-items: center;"> EPBC 2014/7126 boundary </div> <div style="display: flex; align-items: center;"> Clearing boundary </div> <div style="display: flex; align-items: center;"> Total area cleared (EPBC 2014/7126) - 22.3 ha </div> <div style="display: flex; align-items: center;"> Black cockatoo foraging habitat - 14.5 ha </div> <div style="display: flex; align-items: center;"> Additional clearing area (EPBC 2018/8186) - 1.11 ha </div> <div style="display: flex; align-items: center;"> Planning Control Area (PCA) </div>	Scale 1:8,500 at A4 <div style="display: flex; align-items: center;"> <div style="width: 100px; border-bottom: 1px solid black; position: relative;"> <div style="position: absolute; left: 0; top: -5px;">0</div> <div style="position: absolute; right: 0; top: -5px;">100</div> <div style="position: absolute; right: 0; top: 5px;">200</div> </div> <div style="margin-left: 5px;">metres</div> </div>	Lot 682 Rowley Road Mandogalup WA
	Coord. Sys. GDA 1994 MGA Zone 50 <div style="text-align: center;"> </div>	SITE LOCATION AND EXTENT OF CLEARING
	Job No: 56966 Client: QUBE	FIGURE 1

3. Audit methodology

3.1 Audit plan

3.1.1 Purpose and scope

This document has been prepared to fulfil the requirements of condition 6 of EPBC 2014/7126. Condition 6 states:

“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. 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 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. Unless otherwise agreed to in writing by the Minister, the approval holder must provide a copy of each compliance report to members of the public upon request. Copies must be provided free of charge as soon as reasonably practicable but within no longer than 7 days of the request.”

This Annual Compliance Report (ACR) addresses the audit period between 20 August 2018 and 19 August 2019. The ACR addresses each condition of EPBC 2014/7126.

3.1.2 Methodology

The audit was undertaken in July – October 2019 and involved a site inspection (4 July 2019), interview with key members of the project team and a review of documentation to support the audit.

Table 3.1 provides an overview of the personnel consulted as part of the audit.

Table 3.1: Persons consulted during the audit

Organisation	Person and position	Purpose
Qube	Jackie De Meyrick, Development Manager	To provide an overview of activities undertaken on site during the audit period to assess implementation and performance of EPBC 2017/7872.
Georgiou	Steven Rafty, Senior Project Engineer	
Strategen-JBS&G	Kathy Choo, Principal	To provide evidence of compliance with conditions of EPBC 2017/7872
Strategen-JBS&G	Laura Stevens, Fauna Specialist	Provision of evidence for Black Cockatoo habitat tree inspections.

3.2 Audit terminology

The DEE (previously known as DotE [2014]) guidelines were applied in this audit. The ‘Status’ field of the audit tables describes the implementation of actions and compliance with the approval.

Table 3.2: Action implementation status

Status	Acronym	Description
Conditions of approval		
Compliant	C	All the requirements of a condition have been met, including the implementation of management plans or other measures required by condition.
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	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)

4. Audit results

The results of the audit of EPBC 2014/7126 are shown in Table 4.1. A total of 20 items were audited from EPBC 2014/7126.

4.1 Compliance with conditions of EPBC 2014/7126

No potential non-compliance with conditions of EPBC 2014/7126 were identified during the audit Table 4.1. Of the 20 audit items:

- three were assessed as 'Compliant'
- five were assessed as 'Compliant (Complete)'
- 12 were assessed as 'Not Applicable (N/A)' during the audit period.

Table 4.1: EPBC 2014/7126 audit table

Condition number	Condition	Timing	Evidence	Comments	Compliance status
EPBC 1.1	The approval holder must not clear more than 38.7 hectares of Carnaby's Black-Cockatoo and Forest Red-tailed Black Cockatoo foraging and potential breeding habitat within the project area identified as the 'Proposal Area' at <u>Attachment A</u> .	Ongoing.	G_001_Strategen-JBS&G_extent of Clearing_14102019 C_004_Cossill & Webley_Clearing register and plan_07102019 R_002_DEE_EPBC 2018/8186 referral decision_31052019	A total of 14.5 ha of black cockatoo habitat has been cleared to date and is confined to the EPBC 2014/7126 boundary as identified in Attachment A (G_001). Additional clearing of 1.11 ha occurred outside of EPBC 2014/7126 boundary within the Western Power easement and PCA (G_001). This additional clearing was subject to a separate referral to DEE on 31 May 2018 and was determined as not controlled action (EPBC 2018/8186, R_002).	Compliant
EPBC 2.1	To offset the loss of Carnaby's Black-Cockatoo and Forest Red-tailed Black-Cockatoo foraging habitat and potential breeding habitat, within twelve months from the date of this approval, the approval holder must provide the Department with written evidence that funds have been provided to DPAW for the acquisition and management of two environmental offset properties that must be: I. No less than 154 hectares in size, in the Shire of Gingin, Western Australia; and II. No less than 34 hectares in size at Lot 1143, Wye Road, Nannup, Western Australia.	Within twelve months from the date of approval.	C_001_Strategen-JBS&G_EPBC 20147126 for the QUBE residential estate development at Mandogalup Western Australia_300715	Notification of the purchase of two offset properties was provided to the then DotE (now DEE) via email on 30 July 2015 (C_001). The email provided a location map, excel file with relevant attributes and coordinates of each site, shapefile and evidence for transfer of funds to the former Parks and Wildlife (now DBCA), which occurred on the 2 July 2015. The offset properties size and locations are: • 154-hectare (ha) site in the Shire of Gingin - Lot 102 Wannamal Road, Gingin) • 34.06 ha site in the Shire of Nannup - Lot 1143 Wye Road, Nannup. Notification of the purchase of the offset properties was provided to DotE on 30 July 2015, within 12 months of the date of the approval (4 August 2014). Based on the timing and evidence provided for this condition, the auditors have assessed this item as Compliant (Complete).	Compliant (Complete)
EPBC 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.	Within twelve months from the date of approval.	Refer to EPBC 2.1	Refer to EPBC 2.1	Compliant (Complete)
EPBC 2.3	The approval holder must also inform the Department how much of these offset properties will remain unattributed to this action for the purpose of supplying offsets for potential future project.	Within twelve months from the date of approval.	Refer to EPBC 2.1	Refer to EPBC 2.1	Compliant (Complete)
EPBC 3.1	To avoid and mitigate impacts to the Carnaby's Black-Cockatoo and Forest Red-tailed Black-Cockatoo, if clearing is to be undertaken 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 suitable qualified and experienced person.	When clearing occurs between July – November and within 7 days.	C_003_Strategen-JBS&G_Mandogalup Black Cockatoo Potential Breeding Trees_20082018 C_005_Strategen-JBS&G_Confirmation of tree assessment date_27092019	Clearing commenced on 21 August 2018, within the black cockatoo breeding season. The black cockatoo habitat tree inspection was undertaken on 16 August 2018 by a suitably qualified and experienced Strategen-JBS&G Zoologist (C_003; C_005), within 7 days of clearing. As part of the inspection potential breeding trees were inspected for hollows, evidence of use and presence of Black Cockatoos. During the assessment, there were no sightings recorded or evidence of hollow use by black cockatoos.	Compliant
EPBC 3.2	If a Carnaby's Black-Cockatoo and Forest Red-tailed Black-Cockatoo is detected using a hollow in a tree or trees, the approval holder must: 1. Clearly identify the tree or trees with fencing and signage; 2. Not clear the tree or trees; and 3. Undertake measures to avoid the tree or trees from being cut down, felled, removed, killed, destroyed, poisoned, ring-barked, uprooted or burned 4. until the hollow/s are no longer being used by the Carnaby's Black-Cockatoo and Forest Red-tailed Black-Cockatoo as determined by a suitably qualified and experienced person.	When clearing occurs between July – November and within 7 days.	Refer to EPBC 3.1	There were no black cockatoos recorded on site or signs of hollow use and therefore this audit item did not apply (EPBC 3.1).	N/A
EPBC 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 following commencement of the action.	C_002_Strategen-JBS&G_Qube Mandogalup_EPBC 2014_7126_Commencement of project_21082018 R_001_Strategen-JBS&G_Lot 682 Rowley Road Mandogalup – Commencement of Project_21082018	Notification of the commencement of the project was provided to the Department on the 21 August 2018 (C_002; R_001) and included notice of the following actions and dates: • 12-17 August 2018, fauna trapping and relocation program and black cockatoo habitat tree inspection • 20 August 2018, erection of fencing and mobilisation on site for the commencement of clearing • 21 August 2018, commencement of clearing within Stage 1 (Apsley). 'Commencement' is defined in the definitions of EPBC 2014/7126 as: "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" Based on this definition, the date for the commencement of the action is recognised as the 20 August 2018, incorporating preparatory works for clearing, including erection of fencing and mobilisation on site. Given the timing of this condition, the auditor has assessed this item as Compliant (Complete).	Compliant (Complete)

Condition number	Condition	Timing	Evidence	Comments	Compliance status
EPBC 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.	Ongoing.	All evidence utilised to inform this ACR.	Evidence has been provided of accurate records being maintained substantiating activities associated with or relevant to the conditions of EPBC 2014/7126.	Compliant
EPBC 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).	Management advice 4 July 2019	There was no request by the Department for an independent audit during the reporting period.	N/A
EPBC 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).	Refer to EPBC 5.2	Refer to EPBC 5.2	N/A
EPBC 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.	Within three months of every 12-month anniversary commencement.	C_002_Strategen-JBS&G_Qube Mandogalup_EPBC 2014_7126_Commencement of project_21082018 R_001_Strategen-JBS&G_Lot 682 Rowley Road Mandogalup – Commencement of Project_21082018	The action commenced on the 20 August 2018 (C_002; R_001). The first Annual Compliance Report (this report) is due for publication on the 20 November 2019 therefore this item will be assessed in the next audit period.	N/A
EPBC 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.	Same day the compliance report is published.	Refer to EPBC 6.1	Refer to EPBC 6.1	N/A
EPBC 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.	Refer to EPBC 6.1	Refer to EPBC 6.1	N/A
EPBC 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. All contraventions must also be included in the compliance reports.	Within 2 business days of being aware of a NC/PNC.	N/A	Refer to the findings for other items in this table – no potential or actual contraventions have been identified to date.	N/A
EPBC 6.5	Unless otherwise agreed to in writing by the Minister, the approval holder must provide a copy of each compliance report to members of the public upon request.	As required (upon public request).	Refer to EPBC 6.1	Refer to EPBC 6.1	N/A
EPBC 6.6	Copies must be provided free of charge as soon as reasonably practicable but within no longer than 7 days of the request.	Within 7 days of a request	Refer to EPBC 6.1	Refer to EPBC 6.1	N/A
EPBC 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 request).	Management advice 4 July 2019.	There was no request by the Minister for an independent audit during the reporting period.	N/A
EPBC 7.2	The independent auditor must be approved by the Minister prior to the commencement of the audit.	As required (Minister's request).	Refer to EPBC 7.1	Refer to EPBC 7.1	N/A
EPBC 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 request).	Refer to EPBC 7.1	Refer to EPBC 7.1	N/A
EPBC 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.	After five years from approval date.	Refer to EPBC 4.1	The development was approved under EPBC 2014/7126 on 4 August 2014. Commencement of the action occurred on 20 August 2018 (refer to EPBC 4.1), within five years from the approval date. Based on the timing of this condition, the auditors have assessed this item as Compliant (Complete).	Compliant (Complete)

5. Conclusions and recommendations for improvement

From the site inspection, interviews and review of documentation provided by Qube, the auditors concluded that all audited conditions of EPBC 2014/7126 were satisfactorily implemented during the audit period.

There were no recommendations for improvement identified in the audit period.

6. 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.

Reliance on data

In preparing the report, Strategen-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, Strategen-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. Strategen-JBS&G has also not attempted to determine whether any material matter has been omitted from the data. Strategen-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 Strategen-JBS&G. The making of any assumption does not imply that Strategen-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. Strategen-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 of Western Australia 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.

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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7. References

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


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