

Lot 682, Rowley Road, Mandogalup

Annual Compliance Report (EPBC 2014/7126)

Prepared for Qube Property

October 2020

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1 Introduction

360 Environmental Pty Ltd (360 Environmental) was commissioned by QUBE Property Group (Qube) to assess and report on the status of and compliance 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 Background

Qube has been developing residential properties, and associated infrastructure and amenities at the site since commencement of the project in 2018. It is anticipated that the site will encompass a full suite of community requirements including a primary school, parks, shopping facilities and residential lots.

1.2 Audit Details

The details of the audit are outlined in Table 1.

Table 1: Audit Details

Audit Details	
Date of Audit	September/October 2020
Client	Qube Property
Client Contact	Kris Tilaka, Development Manager
Auditors	Michelle Rhodes and Melissa O'Toole
Auditee	Qube Property/Kris Tikala
Site Address	Lot 682 Rowley Road, Mandogalup
Contact Number	0402 196 517
Contact Email	Kris@qube.com.au

2 Methodology

2.1 Purpose and Scope

The purpose and scope of this document are to fulfil the requirements of the EBPC Approval 2014/7126 - Condition 6, which states:

Within three months of every twelve month anniversary of the commencement of the action, the approval holder must publish a report on their website addressing compliance with each if the conditions of this approval of the last twelve 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 form the date of publishing. Potential or actual contraventions of the conditions of 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 the compliance report to members of the public. 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) is intended to address the above condition and covers the period from 20 August 2019 to 19 August 2020. This ACR will address each of the conditions associated with Approval 2014/7126.

2.2 Audit Methodology

The audit was undertaken in September 2020, involving desktop review of provided evidence, documentation and shapefiles, in order to support audit findings.

This ACR was undertaken according to the DEE (previously DoTE) Guidelines, with the Definitions of Compliance summarised in Table 2.

Table 2: Definitions of Compliance

Compliance	Definition
Compliant (Y)	A rating of 'compliant' is given when the auditee has complied with a condition, element of a condition, or measure required by a management plan, report or program etc.
Non-compliant (N)	A rating of 'non-compliant' is given when the auditee has not met a condition, element of a condition, or measure required by a management plan, report or program etc.
Not applicable (NA)	A rating of 'not applicable at the time of the audit' is given when the condition or element of a condition falls outside the scope of the audit e.g. if an activity has not yet commenced.

3 Audit Findings

Table 3 displays the Audit Conditions and Compliance status. Conditions 1 – 8 of EBPC 2014/7126 yielded a total of 20 items to confirm compliance against. It is noted that clearing occurred during the previous reporting period of 20 August 2019 to 19 August 2020, but that it is included in this ACR for reporting completeness.

Table 3: Audit Findings over the Audit Cycle

EPBC Referral Condition Number	Condition	Timing	Evidence	Compliance Status
(1)	The approval holder must not clear more than 2014 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'.	Ongoing.	2018/2019 ACR reports 14.5 ha of Black Cockatoo habitat clearing under EPBC2014/7126. Evidence provided totals 4.04 ha of cockatoo habitat for 2019/2020 reporting period. Note: this clearing occurred in the previous reporting period (see Item 3 (a)) but is included in this reporting period.	Compliant.
(2)(a)	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:	Within 12 months from date of approval.	Written evidence sighted. Offset shapefiles provided.	Compliant.

EPBC Referral Condition Number	Condition	Timing	Evidence	Compliance Status
	<p>I. No less than 154 hectares in size, in the Shire of Gingin, Western Australia; and</p> <p>II. No less than 34 hectares in size at Lot 1143, Wye Road, Nannup, Western Australia.</p>			
(2)(b)	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 12 months from date of approval.	Written evidence of offset sites sighted. Offset shapefiles provided.	Compliant.
(2)(c)	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 12 months from date of approval.	Evidence of shapefiles and mapping sighted, showing evidence of offset sites utilised.	Compliant.
(3)(a)	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 and November, investigation of potential breeding trees must occur within seven days of clearing taking place.	Evidence of Fauna Management Plan implementation (dated 14 July 2020) sighted. Evidence sighted indicating clearing occurred from 6-8 July 2020. As noted above, this occurred in the previous reporting period, but is included in this reporting period.	

EPBC Referral Condition Number	Condition	Timing	Evidence	Compliance Status
(3)(b)	<p>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:</p> <ol style="list-style-type: none"> 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 <p>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.</p>	When clearing occurs between July – November – must occur within seven days of clearing taking place.	Evidence of Fauna Management Plan implementation on sighted, indicating no breeding trees were impacted.	Compliant.
(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.	Within 30 days after the commencement of the action.	Evidence of advice to the Department sighted.	Compliant.
(5)(a)	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.	Evidence of record keeping provided, sufficient to meet needs of compliance reporting.	Compliant.
(5)(b)	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.	Not required.	Not applicable.
(5)(c)	Summaries of audits will be posted on the Department's website. The results of audits may also	As required.	Not required.	Not applicable.

EPBC Referral Condition Number	Condition	Timing	Evidence	Compliance Status
	be publicised through the general media.			
(6)(a)	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 of commencement.	2018/2019 ACR published November 2019.	Compliant.
(6)(b)	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.	On the day the compliance report is published.	Email evidence sighted of advice to the Department.	Compliant.
(6)(c)	The compliance reports must remain on the website for 12 months from the date of publishing.	For 12 months from the date of publishing.	2018/2019 ACR sighted as currently on Qube Aspley website	Compliant.
(6)(d)	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 potential or actual contravention.	No contraventions reported or noted as part of the ACR process.	Compliant.
(6)(e)	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 requested.	No requests made, as per email advice.	Not applicable.
(6)(f)	Copies must be provided free of charge as soon as reasonably practicable but within no longer than 7 days of the request.	Within seven days of a request.	No requests made, as per email advice.	Not applicable.
(7)(a)	Upon the direction of the Minister, the approval holder must ensure that an independent audit of	As required.	Not requested.	Not applicable.

EPBC Referral Condition Number	Condition	Timing	Evidence	Compliance Status
	compliance with the conditions of approval is conducted and a report submitted to the Minister.			
(7)(b)	The independent auditor must be approved by the Minister prior to the commencement of the audit.	As required.	Not applicable.	Not applicable.
(7)(c)	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.	Not applicable.	Not applicable.
(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.	Five years from approval date.	Not applicable.	Not applicable.

4 Recommendations and Conclusions

4.1 Recommendations and Conclusions

This Annual Compliance Report for EPBC 2014/7126 Qube Property Group, Lot 682 Rowley Road, Mandogalup, has found the proponent to be in compliance with the conditions of the approval document. A total of 20 items were checked for compliance with the approval. Of these, eight were considered to be not applicable, with the remainder of twelve items being considered compliant with the approval conditions. It is considered that the proponent, Qube Property, is in compliance with the conditions granted in the EPBC 2014/7126 approval.

4.2 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:



Mark Peter Hay Hector

Director

Qube Property Group

ABN 19 805 088 556

23/10/2020

5 Limitations

This report is produced strictly in accordance with the scope of services set out in the contract or otherwise agreed in accordance with the contract. 360 Environmental makes no representations or warranties in relation to the nature and quality of soil and water other than the visual observation and analytical data in this report.

In the preparation of this report, 360 Environmental has relied upon documents, information, data and analyses (“client’s information”) provided by the client and other individuals and entities. In most cases where client’s information has been relied upon, such reliance has been indicated in this report. Unless expressly set out in this report, 360 Environmental has not verified that the client’s information is accurate, exhaustive or current and the validity and accuracy of any aspect of the report including, or based upon, any part of the client’s information is contingent upon the accuracy, exhaustiveness and currency of the client’s information. 360 Environmental shall not be liable to the client or any other person in connection with any invalid or inaccurate aspect of this report where that invalidity or inaccuracy arose because the client’s information was not accurate, exhaustive and current or arose because of any information or condition that was concealed, withheld, misrepresented, or otherwise not fully disclosed or available to 360 Environmental.

Aspects of this report, including the opinions, conclusions and recommendations it contains, are based on the results of the investigation, sampling and testing set out in the contract and otherwise in accordance with normal practices and standards. The investigation, sampling and testing are designed to produce results that represent a reasonable interpretation of the general conditions of the site that is the subject of this report. However, due to the characteristics of the site, including natural variations in site conditions, the results of the investigation, sampling and testing may not accurately represent the actual state of the whole site at all points.

It is important to recognise that site conditions, including the extent and concentration of contaminants, can change with time. This is particularly relevant if this report, including the data, opinions, conclusions and recommendations it contains, are to be used a considerable time after it was prepared. In these circumstances, further investigation of the site may be necessary.

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6 References

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