

Satterley Property Group  
Upper Swan Residential Development, WA  
(EPBC 2017/8062)


Annual Compliance Report 2022  
22 April 2022

62240/143,635 (Rev 0)

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

**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) ALESSANDRO BIAGIONI  
Position (please print) REGIONAL MANAGER  
Organisation (please print including ABN/ACN if applicable) SATTERLEY PROPERTY GROUP  
Date 22, 04, 2022 ABN: 38 009 054 979

## Table of Contents

1.	Introduction .....	1
1.1	Project Background .....	1
1.2	Environmental Approval to Implement the Project .....	1
2.	Current Status .....	3
3.	Audit Methodology .....	4
3.1	Purpose and Scope .....	4
3.2	Audit Period .....	4
3.3	Methodology .....	4
3.4	Audit Terminology .....	4
4.	Audit Results .....	5
5.	Limitations .....	5
6.	References .....	6

## List of Tables

Table 3.1:	Persons consulted during the audit .....	4
Table 3.2:	Action implementation status .....	4
Table 4.1:	EPBC 2017/8062 Audit Table .....	1

## List of Figures

Figure 1-1:	Upper Swan Urban Development Proposal Area .....	2
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## Appendices

Appendix A	EPBC Approval 2017/8062
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## 1. Introduction

This Annual Compliance Report (ACR) addresses the status and compliance of the Upper Swan Residential Development (the Project), located 25 km north, north-east of Perth central business district, Western Australia with the conditions in *the Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decision notice EPBC 2017/8062 (Appendix A).

### 1.1 Project Background

Satterley Property Group (Satterley) is developing the Upper Swan Development (Figure 1-1) in the City of Swan, Western Australia, which involves the clearing of vegetation for residential and commercial development. Once completed the Project will comprise residential, commercial, education and public open space (POS) land uses within the 132.9 ha of development area (the project area). The development aims to create between 1600–1700 residential dwellings ranging from 150 m<sup>2</sup>–900 m<sup>2</sup> in size.

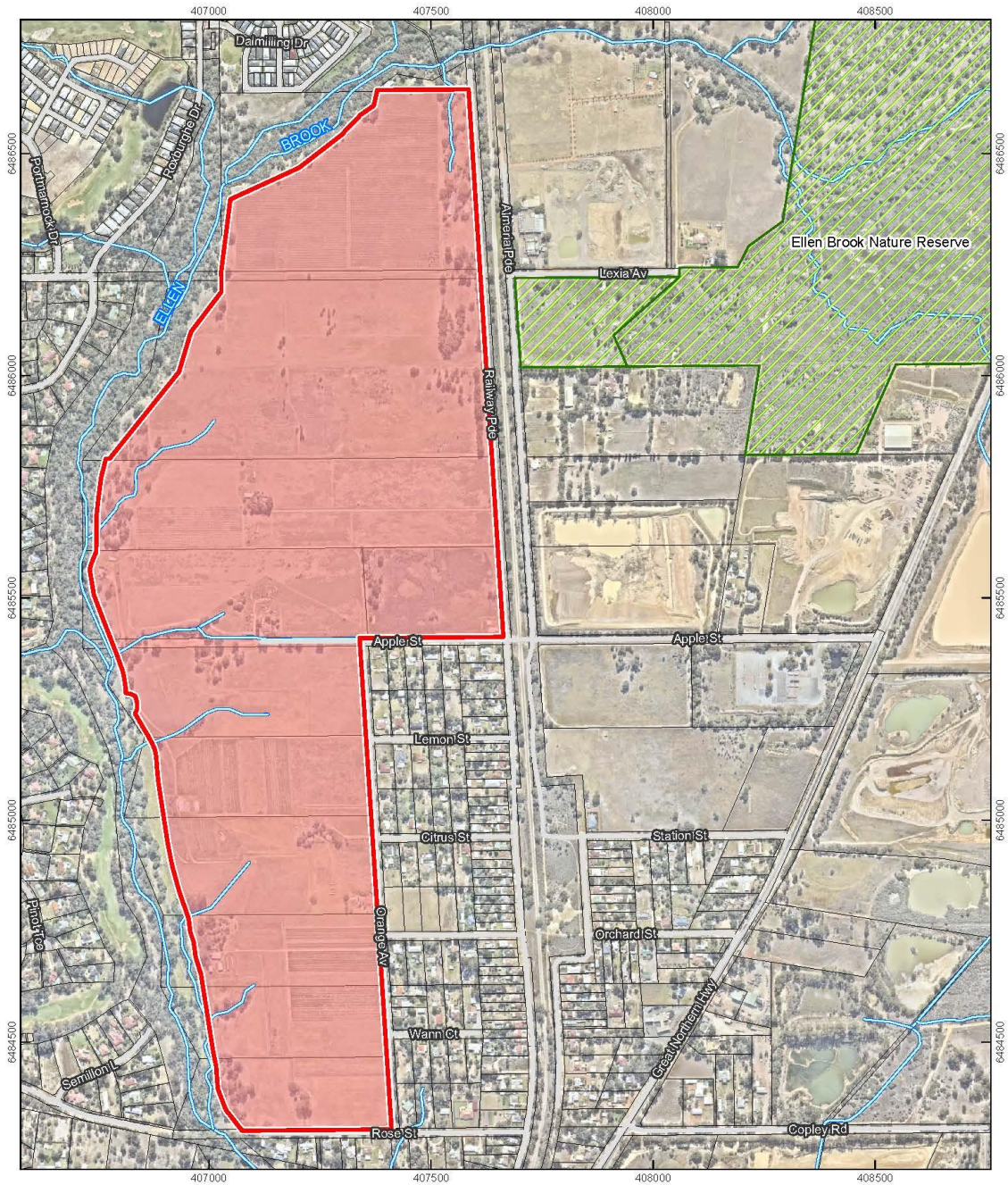
### 1.2 Environmental Approval to Implement the Project

The Project was referred to the Department of Environment and Energy (DEE), now Department of Agriculture, Water and the Environment (DAWE) in August 2017 for assessment under the EPBC Act (EPBC 2017/8062). On 19 March 2018, the delegate for the Minister of the Environment determined that the project was a controlled action requiring an assessment through preliminary documentation, with a reconsideration of decision also determining that it was a controlled action on 4 October 2018. The controlling provisions under Part 3 of the Act are listed threatened species and ecological communities (Sections 18 and 18A) namely:

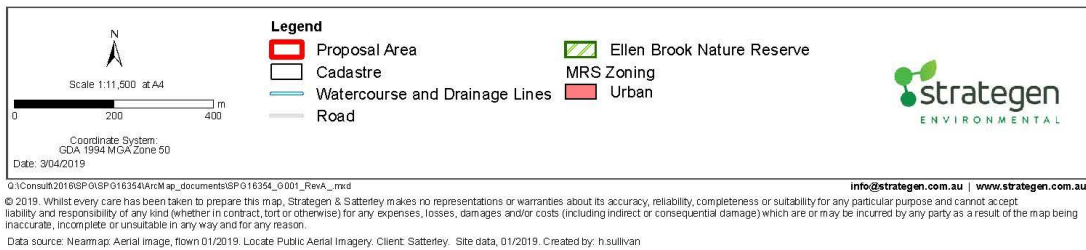
- Western Swamp Tortoise (*Pseudemys umbrina*) (critically endangered)
- Clay Pans of the Swan Coastal Plain ecological community (critically endangered)
- *Corymbia calophylla* – *Xanthorrhoea preissii* woodlands and shrublands of the Swan Coastal Plain (endangered).

On 29 November 2018, DAWE requested further information to enable assessment through preliminary documentation, with the additional information provided on 9 April 2019. The Project was approved with conditions on 16 January 2020 (EPBC 2017/8062; Appendix A).





**Figure 1: Proposal Area**



**Figure 1-1: Upper Swan Urban Development Proposal Area**

## 2. Current Status

The action commenced on 23 January 2020. Activities undertaken for the previous audit period (23 January 2020 to 22 January 2021) included:

- clearing and bulk earthworks (including drainage and road works) for Stages 1, 2, 3 and 6 of the subdivision.
- Clearing and construction of a site compound north of Apple, as well as a truck access area.

The activities undertaken during this audit period (23 January 2021 to 22 January 2022) included clearing and bulk earthworks (including drainage and road works) for Stages 3, 6, 7 and 8 of the subdivision.

### 3. Audit Methodology

#### 3.1 Purpose and Scope

This report has been prepared for Satterley (the approval holder) to fulfil the requirements of Condition 16 of the EPBC 2017/8062 (Appendix A) which states that:

*“The approval holder must ensure that **independent audits** of compliance with the conditions are conducted for the 12 month period from the commencement of the action and for every subsequent 12 month period, or as otherwise requested in writing by the **Minister.**”*

#### 3.2 Audit Period

This ACR addresses the audit period between 23 January 2021 and 22 January 2022 for the conditions of EPBC 2017/8062 i.e. covering the 12 month period since the date of commencement of the action on 23 January 2020. This report is due to be submitted by 26 April 2022.

#### 3.3 Methodology

The audit was undertaken during March and April 2022, with a site inspection carried out by Environmental Auditor Andrea Wills from Strategen-JBS&G on 07 April 2022. Table 3.1 provides an overview of the personnel consulted as part of the audit. A review of documentation was also undertaken to support the audit.

**Table 3.1: Persons consulted during the audit**

Person and position	Organisation	Purpose
Craig Smoker, Site Manager	Wormall-Civil	To obtain verifiable evidence to assist in determining compliance with EPBC 2017/8062.
Luke Coyle, Site Engineer	Cossil & Webley	To obtain verifiable evidence to assist in determining compliance with EPBC 2017/8062.
Sandy Biagioni, Regional Manager South	Satterley	To obtain verifiable evidence to assist in determining compliance with EPBC 2017/8062.
Kirsten Dawson, Senior Associate, Landscape Architect	AILA	To obtain verifiable evidence to assist in determining compliance with EPBC 2017/8062.

#### 3.4 Audit Terminology

The ‘Status’ field of the audit tables (refer to Table 4.1) describes the implementation of actions and compliance with the approval. DAWE (DotE 2014) has published Annual Compliance Report Guidelines and terminology from this guidance was applied in this audit (Table 3.2).

**Table 3.2: Action implementation status**

Status	Acronym	Description
Compliant	C	‘Compliance’ is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
Non-compliant	NC	A designation of ‘non-compliance’ should be given where 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/management action fall outside of the scope of the current reporting period. For example, a condition which applies to an activity that has not yet commenced or has been completed previously.

Source: adapted from DotE (2014)

#### 4. Audit Results

The results of the audit of EPBC 2017/8062 are shown in Table 4.1. Of 34 sub-conditions of EPBC 2017/8062.:

- 11 were found to be compliant
- none were found to be non-compliant
- 23 were found to be not applicable

NOTE: it was recommended in the 2021 audit for street sweeping and hydromulching all open areas. The following action has been taken:

- Street sweeping was undertaken weekly in the audit period.
- Hydromulching has been applied to construction areas with Dustex applied to other open areas in the audit period.



**Table 4.1: EPBC 2017/8062 Audit Table**

Reference	Criteria	Timing	Requirement	Evidence	Comments	Compliance Status
EPBC 1	To minimise impacts to the <b>Western Swamp Tortoise</b> , the approval holder must not clear more than 132.9 hectares of vegetation in the area designated as the 'Project Area' in Attachment A, which is in close proximity to the only viable and naturally occurring population of the <b>Western Swamp Tortoise</b> in the wild.	At all times	Records of clearing during the audit period	220321_A Clementine – Clearing Works Site Audit 07/04/2022	All construction and subdivision works undertaken during the audit period were located within the approved project area. During this audit period a total of 14 trees (<0.01 ha of vegetation) were cleared within the designated Project Area.	C
EPBC 2	To avoid the impacts of water pooling on the <b>Western Swamp Tortoise</b> , the approval holder must not construct any surface water body within 200 metres of <b>lot 505 Almeida Parade</b> .	At all times	Records of construction activities	220321_A Clementine – Clearing Works Site Audit 07/04/2022	No construction or subdivision works have commenced within 200 m of lot 505 Almeida Parade	NA
EPBC 2a	The approval holder must also: prior to the sale of each lot, that is entirely or partially within 200 metres of <b>lot 505 Almeida Parade</b> , inform in writing each prospective purchaser of such a lot that a <b>restrictive covenant</b> will be placed on the title of the lot preventing the construction of a <b>surface water body</b> within 200 metres of <b>lot 505 Almeida Parade</b>	Prior to the sale of each lot that is entirely or partially within 200 m of lot 505 Almeida Parade	Records of notices to prospective purchasers of each relevant lot	220321_A Clementine – Clearing Works Site Audit 07/04/2022	No construction or subdivision works have commenced within 200 m of lot 505 Almeida Parade	NA
EPBC 2b	The approval holder must also: at the time of sale, place a restrictive covenant on the title of each lot, part or all of which is within 200 metres of <b>lot 505 Almeida Parade</b> , preventing the construction of a surface water body within 200 metres of <b>lot 505 Almeida Parade</b> .	At the time of sale	Records of each restrictive covenant placed on each relevant lot	220321_A Clementine – Clearing Works Site Audit 07/04/2022	No construction or subdivision works have commenced within 200 m of lot 505 Almeida Parade	NA
EPBC 3a	To avoid the impacts of water pooling on the <b>Western Swamp Tortoise</b> , the approval holder must ensure that all works associated with the action do not contribute any additional water into the roadside drainage system or increase water pooling along <b>Railway Parade</b> and are designed and constructed in consultation with the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> and the <b>City of Swan</b> to prevent water from remaining in pools.	At all times	Approved Urban Water Management Plans for each stage of development.	220321_B UWMP Stage 1 220321_C UWMP Stage 2&3 220321_D UWMP Stage 6-9 220407_A Upper Swan (Master Plan) Site Audit 07/04/2022	The subdivision is on the south side of Apple Street. Railway Parade is on the North side of Apple Street.  The subdivision does not drain onto Railway Parade and there has been no construction of roadside drainage on Railway Parade.	NA
EPBC 3b	The approval holder must not commence construction of roadside drainage along Railway Parade until the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> and the <b>City of Swan</b> have each confirmed in writing that the design will prevent the creation of surface water bodies	Prior to commencement of roadside drainage along Railway Parade	Records of construction activities along Railway Parade Correspondence from the Western Australian Department of Biodiversity Conservation and Attractions (DBCA) and the City of Swan	220321_A Clementine – Clearing Works Site Audit 07/04/2022	No construction of roadside drainage along Railway Parade has commenced	NA
EPBC 4a	To minimise the impacts of water pooling on the <b>Western Swamp Tortoise</b> as a result of dewatering activities undertaken during construction of the action, the approval holder must: only undertake <b>dewatering activities</b> within 200 m of 'lot 505' in Attachment A for a maximum of two weeks duration during each <b>construction phase</b> .	During construction	Records of all dewatering activities undertaken within 200 m of lot 505	220321_A Clementine – Clearing Works Site Audit 07/04/2022	No construction or subdivision works have commenced within 200 m of lot 505 Almeida Parade	NA
EPBC 4b	To minimise the impacts of water pooling on the <b>Western Swamp Tortoise</b> as a result of dewatering activities undertaken during construction of the action, the approval holder must: ensure that no infiltration basins are constructed within 400 metres outside of the area designated as 'lot 505' in Attachment A.	During construction	Records of all infiltration basins constructed	220321_A Clementine – Clearing Works Site Audit 07/04/2022	No works have been undertaken within 400 m of Lot 505.	NA
EPBC 4c	To minimise the impacts of water pooling on the <b>Western Swamp Tortoise</b> as a result of dewatering activities undertaken during construction of the action, the approval holder must: ensure that all infiltration basins are fully drained within 96 hours of the conclusion of <b>dewatering activities</b> .	Within 96 hrs of conclusion of dewatering	Monitoring of infiltration basins	220321_A Clementine – Clearing Works Site Audit 07/04/2022 Advice from Wormall 07/04/2022	Dewatering has not been required for Stages 2, 3, 6, 7 or 8 so far. It is expected that Stage 8 and 9 will require dewatering once they require the installation of deep sewerage.	NA
EPBC 5	To minimise the impacts of water pooling as a result of irrigation activities on the <b>Western Swamp Tortoise</b> , the approval holder must implement the <b>Local Water Management Strategy</b> .	At all times	Approved Urban Water Management Plan for each stage of development	220321_E LWMS R001 Rev0 Site Audit 07/04/2022	The LWMS was sighted during the audit. Areas are required to receive an average of 7500 kL/ha/yr of irrigation as per the LWMS. Stage 1 POS is currently being irrigated at this rate. No ponding as a result of irrigation was observed during the audit.	C

Reference	Criteria	Timing	Requirement	Evidence	Comments	Compliance Status
EPBC 6a	To avoid and mitigate the impacts of <b>predators and feral animals</b> on the <b>EPBC Act listed species and ecological communities</b> , the approval holder must provide the equivalent of \$30,000 (by application of the National Consumer Price Index published by the Australian Bureau of Statistics indexed to its value in 2019) to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> for <b>predator and feral animal control activities</b> in the Ellen Brook Nature Reserve. This funding must be provided to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> within six months of the commencement of the action	Within 6 months of commencement of the action	Records of funding provided to DBCA	Upper Swan Development Annual Compliance Report 2021 [58645/135797]	This condition was met in a previous audit period. The proponent provided evidence of payment of \$30,000 on 23/07/2020 predator and feral animal control activities in the Ellen Brook Nature Reserve in accordance with condition 6. DBCA acknowledged receipt 23/07/2020. This met the six month requirement	NA complete
EPBC 6b	Within two weeks of the approval holder providing the funding to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> , the approval holder must provide evidence to the <b>Department</b> in writing that the funding (stating its actual amount) has been provided to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> .	Within 2 weeks of providing funding	Correspondence with the Department	Upper Swan Development Annual Compliance Report 2021 [58645/135797]	This condition was met in a previous audit period. The proponent provided evidence of payment to the Department on 07/08/2020 and the Department accepted the evidence satisfied condition 6. on 14/09/2020.	NA complete
EPBC 7a	To avoid and mitigate the impacts of increased human pressure arising from the action on the <b>Western Swamp Tortoise</b> , the approval holder must provide the equivalent of \$20,000 (by application of the National Consumer Price Index published by the Australian Bureau of Statistics indexed to its value in 2019) to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> for: <ul style="list-style-type: none"> <li>a. the ongoing maintenance of the predator' proof fence around the <b>lot 505 Almeida Parade</b> and the <b>Ellen Brook Nature Reserve</b>;</li> <li>b. the construction and ongoing maintenance of a predator proof fence around <b>lot 15</b>; and</li> <li>c. ongoing monitoring and management of weeds in <b>lot 505 Almeida Parade</b>, the <b>Ellen Brook Nature Reserve</b> and <b>lot 15</b> for the life of the approval.</li> </ul> The approval holder must provide the funding to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> within six months of the commencement of construction.	Within 6 months of commencement of construction	Records of funding provided to DBCA	Upper Swan Development Annual Compliance Report 2021 [58645/135797]	This condition was met in a previous audit period. The proponent provided evidence of payment of \$20,000 on 23/07/2020 for predator proof fences and weed management in accordance with condition 7. DBCA acknowledged receipt 23/07/2020. This met the six month requirement	NA complete
EPBC 7b	Within two weeks of the approval holder providing the funding (stating its actual amount) to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> , the approval holder must provide evidence to the <b>Department</b> in writing that the funding has been provided to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> .	Within 2 weeks of providing funding	Correspondence with the Department	Upper Swan Development Annual Compliance Report 2021 [58645/135797]	This condition was met in a previous audit period. The proponent provided evidence of payment to the Department on 07/08/2020 and the Department accepted the evidence satisfied condition 7. on 14/09/2020.	NA complete
EPBC 8	To avoid and mitigate the impacts of fire on the EPBC Act listed species and ecological communities, the approval holder must implement the Bushfire Management Plan for the life of the approval.	At all times	Bushfire Compliance Reports for each stage of development	220407_B _BMP Stage 2, 3 & 6 Clementine (Rev 0)_59747/133,788 220407_C Bushfire Condition Clearance Report Stage 2 Clementine Estate (Rev 0)_61197/139,469	In accordance with the structure plan Bushfire Management Plan (BMP), a subdivision BMP was prepared in support of the stage 2, 3 & 6 of the subdivision. The Stage 2 BMP compliance report prepared at the completion of Stage 2 construction found that the BMP had been implemented throughout the duration of subdivisional works to achieve compliance with bushfire protection outcomes.	C

Reference	Criteria	Timing	Requirement	Evidence	Comments	Compliance Status
EPBC 9a	To compensate for the residual significant impact of the action on <b>aestivation habitat for the Western Swamp Tortoise</b> , the approval holder must provide the equivalent of \$15,000 (by application of the National Consumer Price Index published by the Australian Bureau of Statistics indexed to its value in 2019) to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> for the ongoing research, monitoring and management of domestic cats in the <b>Ellen Brook Nature Reserve</b> .  The approval holder must provide the funding to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> within six months of the commencement of construction.	Within 6 months of commencement of construction	Records of funding provided to DBCA	Upper Swan Development Annual Compliance Report 2021 [58645/135797]	This condition was met in a previous audit period. The proponent provided evidence of payment of \$15,000 on 23/07/2020 for research, monitoring and management of domestic cats in the Ellen Brook Nature Reserve in accordance with condition 9. DBCA acknowledged receipt 23/07/2020. This met the six month requirement	NA complete
EPBC 9b	Within two weeks of the approval holder providing the funding to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> , the approval holder must provide evidence to the <b>Department</b> in writing that the funding (stating its actual amount) has been provided to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> .	Within 2 weeks of providing funding	Correspondence with the Department	Upper Swan Development Annual Compliance Report 2021 [58645/135797]	This condition was met in a previous audit period. The proponent provided evidence of payment to the Department on 07/08/2020 and the Department accepted the evidence satisfied condition 9. on 14/09/2020.	NA complete
EPBC 10	The approval holder must notify the <b>Department</b> in writing of the date of <b>commencement of the action</b> within 10 <b>business days</b> after the date of <b>commencement of the action</b>	Within 10 business days after the date of commencement of the action	Correspondence with the Department	Upper Swan Development Annual Compliance Report 2021 [58645/135797]	This condition was met in a previous audit period. Notification in writing was provided to the Department on 30/01/2020 that the action had commenced on 23/01/2020 (notification was provided within 10 business days after the date of commencement of the action)	NA complete
EPBC 11	The approval holder must maintain accurate and complete <b>compliance records</b> .	At all times	Maintain accurate and complete compliance records	All evidence utilised to inform this audit report	Accurate records for all applicable conditions have been maintained and were available at the time of the audit and following the audit (62240 Upper Swan ACR).	C
EPBC 12	If the <b>Department</b> makes a request in writing, the approval holder must provide electronic copies of compliance records to the <b>Department</b> within the timeframe specified in the request.	Within the timeframe specified in the request	Compliance records, and records of requests received from the Department.	220323_A Satterley Correspondence	There were no requests received from the Department during the audit period for records to be made available.	NA
EPBC 13	The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister.	Throughout the life of the approval	Compliance report	This report	The action commenced on 23 January 2020 and therefore this report is the second compliance report which covers the 12 month period following the date of commencement of the action (i.e. 23 January 2021 to 22 January 2022).	C
EPBC 13a	The approval holder must publish each compliance report on the website within 60 business days following the relevant 12 month period.	Within 60 business days following the relevant 12 month period	Records of compliance report publication on the website.	220323_A Satterley Correspondence	Annual Compliance Report 2021 was published online 23/04/2021 at: <a href="https://satterley.com.au/clementine-estate/conservation-and-compliance">https://satterley.com.au/clementine-estate/conservation-and-compliance</a>	C
EPBC 13b	The approval holder must notify the <b>Department</b> by email that a compliance report has been published on the website and provide the weblink for the compliance report within five <b>business days</b> of the date of publication.	Within 5 business days of date of publication	Correspondence with the Department	220323_A Satterley Correspondence	The Department was notified by email 23/04/2021 that the compliance report had been published online at: <a href="https://satterley.com.au/clementine-estate/conservation-and-compliance">https://satterley.com.au/clementine-estate/conservation-and-compliance</a>	NA
EPBC 13c	The approval holder must keep all compliance reports publicly available on the website until this approval expires.	At all times	Records of compliance report publication on the website.	<a href="https://satterley.com.au/clementine-estate/conservation-and-compliance">https://satterley.com.au/clementine-estate/conservation-and-compliance</a>	Annual Compliance Report 2021 remains published online at: <a href="https://satterley.com.au/clementine-estate/conservation-and-compliance">https://satterley.com.au/clementine-estate/conservation-and-compliance</a>	C
EPBC 13d	The approval holder must exclude or redact sensitive ecological data from <b>compliance reports</b> published on the website	At all times	Records of compliance report publication on the website.		There is no sensitive ecological information that will be published with this compliance report	NA
EPBC 13e	The approval holder must where any sensitive ecological data has been excluded from the version published, submit the <b>full compliance report</b> to the <b>Department</b> within 5 business days of publication.	Within 5 business days of publication	Correspondence with the Department.		As per EPBC 13d, there is no sensitive ecological information that will be published with this compliance report	NA

Reference	Criteria	Timing	Requirement	Evidence	Comments	Compliance Status
EPBC 14	The approval holder must notify the <b>Department</b> in writing of any: <b>incident</b> ; non-compliance with the conditions; or non-compliance with the commitments made in <b>plans</b> . The notification must be given as soon as practicable, and no later than two <b>business days</b> after becoming aware of the incident or non-compliance. The notification must specify: <ul style="list-style-type: none"> <li>a. any condition which is or may be in breach;</li> <li>b. a short description of the incident and/or non-compliance; and</li> <li>c. the location (including co-ordinates), date, and time of the incident and/or non-compliance.</li> </ul> In the event the exact information cannot be provided, provide the best information available.	As soon as practicable and within 2 business days of becoming aware of an incident or non-compliance	Records of each non-compliance and all relevant correspondence with the Department.	220323_A Satterley Correspondence	Cossill & Webley, Satterley and Wormal confirmed that there were no incidents, non-compliance with the conditions; or non-compliance with the commitments made in plans in the audit period.  Incidents & non-compliances are recorded in the Wormal Civil PINC Notification section of the Wormal Civil Management System	NA
EPBC 15	The approval holder must provide to the <b>Department</b> the details of any <b>incident</b> or non-compliance with the conditions or commitments made in <b>plans</b> as soon as practicable and no later than 10 <b>business days</b> after becoming aware of the <b>incident</b> or non-compliance, specifying: <ul style="list-style-type: none"> <li>a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</li> <li>b. the potential impacts of the <b>incident</b> or non-compliance; and</li> <li>c. the method and timing of any remedial action that will be undertaken by the approval holder.</li> </ul>	Within 10 business days after becoming aware of the incident	Records of each non-compliance and all relevant correspondence with the Department	220323_A Satterley Correspondence	As per EPBC 14, no incidents, non-compliances with the conditions; or non-compliances with the commitments made in management plans have occurred in the reporting period.	NA
EPBC 16	The approval holder must ensure that <b>independent audits</b> of compliance with the conditions are conducted for the 12 month period from the commencement of the action and for every subsequent 12 month period, or as otherwise requested in writing by the <b>Minister</b> .		Records of all compliance with the conditions, and requests from the Department	This report	This report contains the results of the audit.	C
EPBC 17a	For each <b>independent audit</b> , the approval holder must <ul style="list-style-type: none"> <li>a. provide the name and qualifications of the <b>independent auditor</b> and the draft audit criteria to the <b>Department</b>;</li> </ul>	Prior to commencement of independent audit	Correspondence with the Department	C005_Strategen-JBS&G_Upper Swan Auditor details and draft criteria_12012021	This condition was met in a previous audit period. The Department approved the draft audit criteria on 25/01/2021. The approval letter confirmed the first compliance report was due 26/04/2021	NA Complete
EPBC 17b	For each <b>independent audit</b> of compliance, the approval holder must: <ul style="list-style-type: none"> <li>b. only commence the independent audit once the audit criteria have been approved in writing by the <b>Department</b>.</li> </ul>	Prior to commencement of independent audit	Correspondence with the Department and commencement date of the independent audit.	220323_A Satterley Correspondence	The audit criteria were approved 25/01/2021 and the first independent audit commenced 11/02/2021.	C
EPBC 17c	For each <b>independent audit</b> , the approval holder must <ul style="list-style-type: none"> <li>c. submit an audit report to the <b>Department</b> within the timeframe specified in the approved audit criteria</li> </ul>	No later 26 April each year	Correspondence with the Department	220323_A Satterley Correspondence	The 2021 annual compliance report containing the audit of compliance was due 26/04/2021. The annual compliance report [58645/135797 Rev 0] was submitted 23/04/2021	C
EPBC 18	The approval holder must publish the audit report on the <b>website</b> within 10 <b>business days</b> of receiving the <b>Department's</b> approval of the audit report and keep the audit report published on the <b>website</b> until the end date of this approval.	Within 10 business days of receiving Departmental approval	Records of the publication of audit reports on the website.	220323_A Satterley Correspondence	The 2021 Annual Compliance Report (audit report)(first for project) was published online 23/04/2021 at: <a href="https://satterley.com.au/clementine-estate/conservation-and-compliance">https://satterley.com.au/clementine-estate/conservation-and-compliance</a> This document will remain at this site for the life of the project	C
EPBC 19	Within 30 days after the <b>completion of the action</b> , the approval holder must notify the <b>Department</b> in writing and provide <b>completion data</b> .	Within 30 days of completion of the action	Correspondence with the Department		The action is not complete, this condition is not applicable to this audit period.	NA (Future)



## 5. 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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## 6. References

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



## Appendix A EPBC Approval 2017/8062

## PROPOSED APPROVAL

Upper Swan Residential Development, 25 km north, north-east of Perth, Western Australia  
(EPBC 2017/8062)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

### Details

Person to whom the approval is granted (approval holder)	Satterley Property Group Pty Ltd
ACN or ABN of approval holder	ACN: 009 054 979
Action	To clear vegetation to develop the Upper Swan Urban Development, approximately 25 km north, north-east of Perth central business district, Western Australia [See EPBC Act referral 2017/8062].

### Proposed Approval decision

My decision on whether or not to approve the taking of the action for the purposes of the controlling provision for the action is as follows.

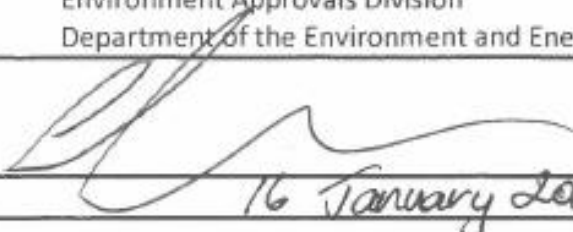
### Controlling Provisions

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve

### Period for which the approval has effect

This approval has effect until 30 December 2039.

### Decision-maker

<b>Name and position</b>	Chris Videroni Acting Assistant Secretary Environment Approvals Division Department of the Environment and Energy
<b>Signature</b>	
<b>Date of decision</b>	16 January 2020

### Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

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## ANNEXURE A – CONDITIONS OF APPROVAL

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### Part A – Conditions specific to the action

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1. To minimise impacts to the **Western Swamp Tortoise**, the approval holder must not clear more than 132.9 hectares of vegetation in the area designated as the 'Project Area' in Attachment A, which is in close proximity to the only viable and naturally occurring population of the **Western Swamp Tortoise** in the wild.
2. To avoid the impacts of water pooling on the **Western Swamp Tortoise**, the approval holder must not construct any **surface water body** within 200 metres of **Lot 505 Almeida Parade**. The approval holder must also:
  - a) prior to the sale of each lot, that is entirely or partially within 200 metres of **Lot 505 Almeida Parade**, inform in writing each prospective purchaser of such a lot that a **restrictive covenant** will be placed on the title of the lot preventing the construction of a **surface water body** within 200 metres of **Lot 505 Almeida Parade**; and
  - b) at the time of sale, place a **restrictive covenant** on the title of each lot, part or all of which is within 200 metres of **Lot 505 Almeida Parade**, preventing the construction of a **surface water body** within 200 metres of **Lot 505 Almeida Parade**.
3. To avoid the impacts the impacts of water pooling on the **Western Swamp Tortoise**, the approval holder must ensure that all works associated with the action do not contribute any additional water into the roadside drainage system or increase water pooling along **Railway Parade** and are designed and constructed in consultation with the **Western Australian Department of Biodiversity, Conservation and Attractions** and the **City of Swan** to prevent water from remaining in pools. The approval holder must not **commence construction** of roadside drainage along **Railway Parade** until the **Western Australian Department of Biodiversity, Conservation and Attractions** and the **City of Swan** have each confirmed in writing that the design will prevent the creation of **surface water bodies**.
4. To minimise the impacts of water pooling on the **Western Swamp Tortoise** as a result of dewatering activities undertaken during **construction** of the action, the approval holder must:
  - a) only undertake **dewatering activities** within 200 m of 'Lot 505' in Attachment A for a maximum of two weeks duration during each **construction phase**;
  - b) ensure that no infiltration basins are constructed within 400 metres outside of the area designated as 'Lot 505' in Attachment A;
  - c) ensure that all infiltration basins are fully drained within 96 hours of the conclusion of **dewatering activities**.
5. To minimise the impacts of water pooling as a result of irrigation activities on the **Western Swamp Tortoise**, the approval holder must implement the **Local Water Management Strategy**.
6. To avoid and mitigate the impacts of **predators** and **feral animals** on the **EPBC Act listed species and ecological communities**, the approval holder must provide the equivalent of \$30,000 (by application of the National Consumer Price Index published by the Australian Bureau of Statistics indexed to its value in 2019) to the **Western Australian Department of Biodiversity, Conservation and Attractions** for **predator** and **feral animal** control activities in the **Ellen Brook Nature Reserve**. This funding must be provided to the **Western Australian Department of Biodiversity, Conservation and Attractions** within six months of the **commencement of the action**. Within two weeks of the approval holder providing the funding to the **Western Australian Department of Biodiversity, Conservation and Attractions**, the approval holder must provide evidence to the **Department** in writing that the funding (stating its actual amount) has been provided to the **Western Australian Department of Biodiversity, Conservation and Attractions**.

7. To avoid and mitigate the impacts of increased human pressure arising from the action on the **Western Swamp Tortoise**, the approval holder must provide the equivalent of \$20,000 (by application of the National Consumer Price Index published by the Australian Bureau of Statistics indexed to its value in 2019) to the **Western Australian Department of Biodiversity, Conservation and Attractions** for:
  - a) the ongoing maintenance of the predator proof fence around the **Lot 505 Almeida Parade** and the **Ellen Brook Nature Reserve**;
  - b) the construction and ongoing maintenance of a predator proof fence around **Lot 15**; and
  - c) ongoing monitoring and management of weeds in **Lot 505 Almeida Parade**, the **Ellen Brook Nature Reserve** and **Lot 15** for the life of the approval.

The approval holder must provide the funding to the **Western Australian Department of Biodiversity, Conservation and Attractions** within six months of the commencement of construction. Within two weeks of the approval holder providing the funding (stating its actual amount) to the **Western Australian Department of Biodiversity, Conservation and Attractions**, the approval holder must provide evidence to the **Department** in writing that the funding has been provided to the **Western Australian Department of Biodiversity, Conservation and Attractions**.

8. To avoid and mitigate the impacts of fire on the **EPBC Act listed species and ecological communities**, the approval holder must implement the **Bushfire Management Plan** for the life of the approval.
9. To compensate for the residual significant impact of the action on **aestivation habitat for the Western Swamp Tortoise**, the approval holder must provide the equivalent of \$15,000 (by application of the National Consumer Price Index published by the Australian Bureau of Statistics indexed to its value in 2019) to the **Western Australian Department of Biodiversity, Conservation and Attractions** for the ongoing research, monitoring and management of domestic cats in the **Ellen Brook Nature Reserve**. The approval holder must provide the funding to the **Western Australian Department of Biodiversity, Conservation and Attractions** within six months of the commencement of construction. Within two weeks of the approval holder providing the funding to the **Western Australian Department of Biodiversity, Conservation and Attractions**, the approval holder must provide evidence to the **Department** in writing that the funding (stating its actual amount) has been provided to the **Western Australian Department of Biodiversity, Conservation and Attractions**.

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## **Part B – Standard administrative conditions**

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### **Notification of date of commencement of the action**

10. The approval holder must notify the **Department** in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.

### **Compliance records**

11. The approval holder must maintain accurate and complete **compliance records**.
12. If the **Department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.

**Note:** **Compliance records** may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department's** website or through the general media.



### Annual compliance reporting

13. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or otherwise in accordance with an annual date that has been agreed to in writing by the **Minister**. The approval holder must:
  - a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period;
  - b. notify the **Department** by email that a **compliance report** has been published on the **website** and provide the weblink for the **compliance report** within five **business days** of the date of publication;
  - c. keep all **compliance reports** publicly available on the **website** until this approval expires;
  - d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**; and
  - e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **Department** within 5 **business days** of publication.

**Note:** Compliance reports may be published on the **Department's** website.

### Reporting non-compliance

14. The approval holder must notify the **Department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than two **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
  - a. any condition which is or may be in breach;
  - b. a short description of the **incident** and/or non-compliance; and
  - c. the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.
15. The approval holder must provide to the **Department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:
  - a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
  - b. the potential impacts of the **incident** or non-compliance; and
  - c. the method and timing of any remedial action that will be undertaken by the approval holder.

### Independent audit

16. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted for the 12 month period from the commencement of the action and for every subsequent 12 month period, or as otherwise requested in writing by the **Minister**.
17. For each **independent audit**, the approval holder must:
  - a. provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
  - b. only commence the **independent audit** once the audit criteria have been approved in writing by the **Department**; and
  - c. submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.

18. The approval holder must publish the audit report on the **website** within 10 **business days** of receiving the **Department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

#### **Completion of the action**

19. Within 30 days after the **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.

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### **Part C - Definitions**

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In these conditions, except where contrary intention is expressed, the following definitions are used:

**Aestivation habitat for the Western Swamp Tortoise** includes clay soils within a 200 metre radius of the predator proof fence surrounding the Ellen Brook Nature Reserve.

**Bushfire Management Plan** means the *Bushfire Management Plan (2017)* prepared for Satterley Property Group by Strategen, provided to the Department on 9 September 2019.

**Business day** means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

**City of Swan** means the City of Swan or any future agencies that hold its roles and responsibilities in relation to local road design and construction.

**Clay Pans of the Swan Coastal Plain Threatened Ecological Community** means the EPBC Act listed Clay Pans of the Swan Coastal Plain Threatened Ecological Community.

**Clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the *Australian weeds strategy 2017 to 2027* for further guidance).

**Commence** means the first instance of any specified activity associated with the **construction**.

**Commencement of the action** means the first instance of any specified activity associated with the action including **clearing** and **construction**. **Commencement of the action** does not include minor physical disturbance necessary to:

- i. undertake pre-clearance surveys or monitoring programs;
- ii. install signage and /or temporary fencing to prevent unapproved use of the project area;
- iii. protect environmental and property assets from fire, weeds and pests, including use of existing surface access tracks; and
- iv. install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the **protected matters**.

**Completion data** means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The **Department's** preferred spatial data format is **shapefile**.

**Completion of the action** means all specified activities associated with the action have permanently ceased.

**Compliance records** means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.

**Compliance reports** means written reports:

- i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plans**;



- ii. consistent with the **Department's Annual Compliance Report Guidelines** (2014);
- iii. include a **shapefile** of any clearance of any **protected matters**, or their habitat, undertaken within the relevant 12 month period; and
- iv. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period.

**Construction** means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage.

**Construction phase** is as defined in the *Upper Swan (Concept Plan) Masterplan (2019)*, prepared by Rowe Group Design for Satterley Property Group, provided to the Department of the Environment and Energy on 18 October 2019.

**Corymbia calophylla (Marri) – Xanthorrhoea preissii (Balga) Woodlands and Shrublands of the Swan Coastal Plain** means the **EPBC Act** listed *Corymbia calophylla (Marri) – Xanthorrhoea preissii (Balga)* Woodlands and Shrublands of the Swan Coastal Plain.

**Department** means the Australian Government agency responsible for administering the **EPBC Act**.

**Dewatering activities** means any dewatering activities required for construction of the action.

**Ellen Brook Nature Reserve** means the area designated as 'Ellen Brook Nature Reserve' in Attachment A.

**EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

**EPBC Act listed species and ecological communities** means the **Western Swamp Tortoise, Clay Pans of the Swan Coastal Plain Threatened Ecological Community and Corymbia calophylla (Marri) – Xanthorrhoea preissii (Balga) Woodlands and Shrublands of the Swan Coastal Plain**

**EPBC Regulations** means the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth).

**Feral animals** includes, but may not be limited to, Rabbits (*Oryctolagus cuniculus*) and Pigs (*Sus scrofa*).

**Incident** means any event which has the potential to, or does, impact on one or more **protected matter(s)**.

**Independent audit**: means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2019).

**Life of the approval** means the period for which this approval has effect.

**Local Water Management Strategy** means the Local Water Management Strategy (September 2017), prepared for Satterley Property Group by Strategen, and provided to the **Department** as part of the preliminary documentation on 24 November 2018.

**Lot 15** means the area designated as 'Lot 507' in Attachment B.

**Lot 505 Almeida Parade** means the area designated as 'Lot 505' in Attachment A. Lot 505 Almeida Parade is on Deposited Plan 50920.

**Monitoring data** means the data required to be recorded under the conditions of this approval.

**Minister** means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

**Plan(s)** means any of the documents required to be prepared, approved by the **Minister**, and/or implemented by the approval holder and published on the **website** in accordance with these conditions (includes action management plans and/or strategies).

**Predators** includes, but may not be limited to, European Red Fox (*Vulpes vulpes*), Black Rats (*Rattus rattus*), Water Rats (*Hydromys chrysogaster*) and Australian Ravens (*Corvus coronoides*).

**Protected matter** means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

**Railway Parade** includes Railway Parade as identified in Figure 3, page 10, of the preliminary documentation.

**Restrictive covenant** means a restrictive covenant placed on the respective lot under section 136D of the *Transfer of Land Act 1893 (WA)*.

**Sensitive ecological data** means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*.

**Shapefile** means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

**Suitably qualified person** means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

**Surface water bodies** means any pool, dam, pond, sump, or other hollow capable of holding water to a depth of 50 cm or greater, that is potentially accessible to a **Western Swamp Tortoise** roaming outside the **Ellen Brook Nature Reserve**.

**Website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

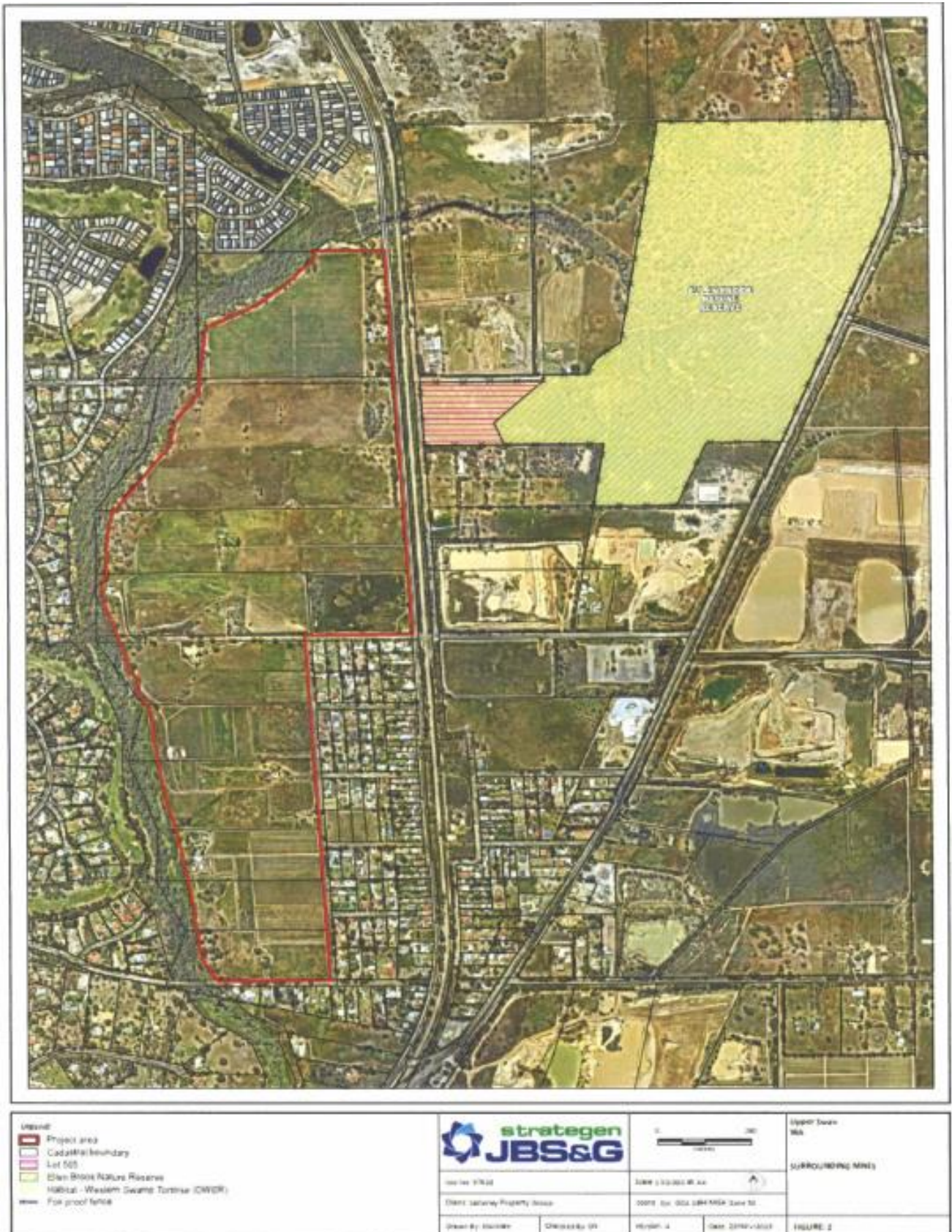
**Western Australian Department of Biodiversity, Conservation and Attractions** means the Western Australian Department of Biodiversity, Conservation and Attractions or any future agencies that hold its roles and responsibilities in relation to conservation of native wildlife.

**Western Swamp Tortoise** means the **EPBC Act** listed Western Swamp Tortoise (*Pseudemydura umbrina*).



**ATTACHMENTS**

ATTACHMENT A – Map of project area, Ellen Brook Nature Reserve and Lot 505 Almeida Parade




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