

Satterley Property Group  
Lot 9 Marmion Avenue, Brighton Urban and  
Residential Development, WA (EPBC 2011/6137)

15 April 2020

57966-126716 (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)

GRANT PAUL WILLIAMS

Position (please print)

PROJECT DIRECTOR

Organisation (please print including ABN/ACN if applicable)

SATTERLEY PROPERTY GROUP

Date

15 / 4 / 2020

ABN 38 009 054 979

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## 1. Introduction

This Annual Compliance Report (ACR) addresses the status and compliance of Lot 9, Marmion Avenue, Brighton Urban and Residential Development, WA (Eden Beach, the Project) with the conditions in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decision notice EPBC 2011/6137 (Appendix A).

### 1.1 Project background

Satterley Property Group (Satterley) is developing Eden Beach, located 40 km northeast of the Perth Central Business District (CBD) within the City of Wanneroo.

Once completed the Eden Beach development will comprise:

- residential dwellings
- local business centre
- primary school
- coastal node adjacent to the Foreshore Reserve, providing beach access and amenity.

### 1.2 Environmental approval to implement project

In September 2011, Satterley referred Eden Beach to the then Department of Sustainability, Environment, Water, Population and Community (DSEWPaC; now the Department of Agriculture, Water and the Environment [DAWE]) for determination of whether it constituted a 'controlled action' under the EPBC Act; that is, being likely to have a significant impact on a Matter of National Environmental Significance (MNES). The key MNES potentially affected by the project identified were the endangered species Carnaby's Black-Cockatoo (*Calyptrorhynchus latirostris*) and Graceful Sun Moth (GSM) (*Synemon gratiosa*).

On 19 October 2012 the Project was approved under the EPBC Act by the Minister subject to ten (10) conditions prescribed in decision notice EPBC 2011/6137 (Appendix A).

On 18 May 2013, GSM was delisted from the list of Threatened Species pursuant to the EPBC Act. Satterley subsequently lodged a formal variation request to DAWE on 17 July 2013 to remove and amend conditions associated with GSM from EPBC 2011/6137. DAWE accepted this variation request and issued a 'Variation to Conditions Attached to Approval' on 27 August 2013 (Appendix A). The variation included the following amendments to EPBC 2011/6137:

- deletion of conditions 1, 2, 7, 8 and 10
- amendment of conditions 5 and 6 to remove reference to the GSM Mitigation and Offset Plan, previously required under Condition 1 of the original decision notice
- deletion of definition for GSM
- deletion of Attachments A and B.

On the 16 January 2014, Satterley lodged a formal variation request to DAWE to amend conditions 3c. DAWE accepted this variation request and issued a 'Variation to Conditions Attached to Approval' on the 7 March 2014 (Appendix A). The variation included the deletion of conditions 3c and replacement with an amended condition 3c.

As such, this ACR assesses the following conditions: 3a; 3b; 3c (amended); 4; 5 (amended); 6 (amended); and 9 of EPBC 2011/6137.

## 2. Current status

The Project commenced on 21 January 2013 and 15 of the 35 stages of subdivision have been constructed and titled to date. A total of eight community parks have also been developed, including Lot 8005, which comprises the Conservation Area.

In October 2015, the Foreshore carpark providing direct access and allowing residents to access the swimming beach at Eden Beach was opened. Construction on the Eden Beach foreshore landscaped park was completed in September 2016. The development of residential lots is expected to be complete in 2025.

When completed, the Project will comprise of 1450 residential lots, commercial mixed-use lots, 10 landscaped parks, 13 grouped housing sites, one mixed use lot and a primary school.

### 3. Audit methodology

#### 3.1 Purpose and scope

This document has been prepared to assess compliance of the Eden Beach residential development with the conditions of EPBC 2011/6137 and in doing so, address condition 6. Condition 6 requires the proponent to publish an annual compliance report on their website, within three months of every twelve-month anniversary of commencement of the action. Condition 6 states the report shall:

- address compliance with each of the conditions of the approval
- stay on the proponent’s website for five (5) years
- provide proof of the date of publication and non-compliance with any of the conditions of the approval be provided to the Department at the same time the compliance report is published.

Any potential non-compliance detected will be provided to DAWE at the same time that the ACR is published on the Satterley website as required under condition 6.

#### 3.2 Audit period

The audit period for this ACR is 22 January 2019 to 21 January 2020, with the report to be published by 21 April 2020.

#### 3.3 Methodology

The site inspection component of the audit was undertaken by Rebecca Mason (Consultant, Strategen-JBS&G) on 8 January 2020 and included discussion and review of key documents with Grant Wilkins, Project Director (Satterley). Key persons consulted during the audit are listed in Table 3.1.

**Table 3.1: Persons consulted during audit**

Person and Position	Organisation	Purpose
Grant Wilkins (Project Director)	Satterley	To obtain verifiable evidence to assist in determining compliance with EPBC 2011/6137.
Tiago Martins (Senior Landscape Architect)	EPCAD Pty Ltd	To provide updated tree survivorship data for current audit period

#### 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
<b>Conditions of approval</b>		
Compliant	C	Sufficient evidence is required to confirm that all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions. (Note Strategen-JBS&G also utilises the status ‘Compliant (completed)’ where a requirement has a finite period of application and has been determined to be satisfactorily completed).
Potentially Non-compliant	PNC	The requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
Not applicable	NA	The requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example, a condition which applies to an activity that has not yet commenced.

Source: adapted from DotE (2014)

## 4. Audit results

### 4.1 Compliance with conditions

A total of 19 audit criteria from EPBC 2011/6137 were audited (Table 4.1).

Of 19 sub-conditions of EPBC 2011/6137:

- 13 were found to be 'compliant', with seven of those assessed as 'compliant (completed)',
- four were found to be 'not applicable',
- two were found to be 'potentially non-compliant'.

The two actions found to be potentially non-compliant were:

- EPBC 3.1.3: one of the five development stages of the Public Open Space (POS) had not met the required 80% tree survivorship two years after completion of planting (Stage 1 POS survivorship was 78% survival as at 29 January 2020); and
- EPBC 3.2.3: one of the seven development stages for streetscaping had not met the required 80% tree survivorship two years after completion of planting (Marmion Avenue was 52% survival as at 29 January 2020).

The auditors determined these potential non-compliances for the two individual development stages are minor and have either minimal or no environmental impact. The overall tree survivorship averaged across all POS was 98% and averaged across all streetscapes was 89%. Additional trees will be planted within POS 8001 (Stage 1) during Winter 2020 in order to meet the 80% survival requirement. Marmion Avenue streetscape suffered significant failures due to the City of Wanneroo upgrading and widening of Marmion Avenue and the construction of the Stage DV3 noise wall abutting Marmion Avenue which destroyed the irrigation mainline in mid-2019. Replanting and reestablishment of the mainline in the Marmion Avenue streetscapes commenced in February 2020 and will be completed in April 2020 in order to meet the 80% survival requirement.

**Table 4.1: EPBC 2011/6137 Audit table**

Reference	Criteria	Timing	Requirement	Evidence	Comments	Compliance Status
3.1.1	To offset the loss of 8.1 ha of foraging habitat for Carnaby's Black Cockatoo, the person taking the action must: Within 12 months of commencement of construction progressively undertake direct planting of a minimum of 650 trees and shrubs, within the POS, consisting of plant species known to be primary feeding plants for Carnaby's Black Cockatoo.	Within 12 months of commencement of construction.	Evidence of planting.	R_001_Strategen-JBSG_Eden Beach ACR 2019_22032019	This item was assessed as 'Compliant (Complete)' in the 2019 ACR.	C (Complete)
3.1.2	The planting of the trees must be completed within 10 years from commencement of construction.	within 10 years from commencement of construction.	Evidence of planting.	R_001_Strategen-JBSG_Eden Beach ACR 2019_22032019	Construction commenced on 22 January 2014 therefore the date for completion of the condition is 21 January 2024.	NA
3.1.3	After two years of completion of planting, for each stage, an 80% survival rate must be obtained.	After two years of completion of planting.	Evidence of survival survey of the planting.	D001_ Eden Beach Carnabys Cockatoo Plant Schedule 290120	The development stages within POS and the corresponding survival rates two years after completion of planting are: Stage 1: Completed Sep 2014 – 78% Stage 2: Completed Nov 2015 – 94% Stage 3: Completed Mar 2015 – 83% Stage 12: Completed Sep 2016 – 97% Reflection Blvd: Completed Sep 2015 – 96%  <b>Recommendation:</b> Replanting of trees is required to be undertaken in Stage 1 of the POS in order to achieve >80% survival.	PNC
3.1.4	If this is not obtained, replanting of trees must be undertaken within two years to gain an 80% survival rate.	Within two years.	Evidence of replanting.	D001_ Eden Beach Carnabys Cockatoo Plant Schedule 290120	As per EPBC 3.1.3, a greater than 80% survival rate was obtained for all POS development stages as at January 2020, apart from Stage 1. It has not yet been two years since the PNC for Stage 1 was determined, therefore this condition is determined to be compliant.	C
3.2.1	Within 12 months of commencement of construction progressively undertake direct planting of a minimum of 800 trees, 50% of which must be primary feeding plants for Carnaby's Black Cockatoo, within <b>streetscaping</b> .	Within 12 months of commencement of construction.	Evidence of planting.	R_001_Strategen-JBSG_Eden Beach ACR 2019_22032019	This item was assessed as 'Compliant (Complete)' in the 2019 ACR.	C (Complete)
3.2.2	The planting of trees must be completed within 10 years from commencement of construction.	within 10 years from commencement of construction.	Evidence of planting.	R_001_Strategen-JBSG_Eden Beach ACR 2019_22032019	Construction commenced on 22 January 2014 therefore the date for completion of the condition is 21 January 2024.	NA
3.2.3	After two years of completion of planting, for each stage, an 80% survival rate must be obtained.	After two years of completion of planting.	Evidence of survival survey of the planting.	D001_ Eden Beach Carnabys Cockatoo Plant Schedule 290120	The development stages within streetscaping and the corresponding survival rates two years after completion of planting are: Marmion Avenue: Completed Jul 2014 – 52% Stage 1: Completed Sep 2014 – 99% Stage 2: Completed Sept 2014 – 93% Stage 3: Completed Mar 2015 – 100% Beyond Stage 2: Completed Feb 2015 – 100% Stage 11 & 12: Completed Sept 2016 – 100% Roundabouts (various stages): Completed Aug 2017 – 100%  <b>Recommendation:</b> Replanting of trees is required to be undertaken in Marmion Avenue streetscapes in order to achieve >80% survival.	PNC
3.2.4	If this is not obtained, replanting of trees must be undertaken within two years to gain an 80% survival rate.	Within two years.	Evidence of replanting.	D001_ Eden Beach Carnabys Cockatoo Plant Schedule 290120	As per EPBC 3.2.3, a greater than 80% survival rate was obtained for all streetscape development stages as at January 2020, apart from Marmion Avenue. It has not yet been two years since the PNC for Marmion Avenue was determined, therefore this condition is determined to be compliant.	C
3.3.1	Provide funding of \$80 000 to DEC (now DPaW) for the purchase of at least 50 ha of Carnaby's Black-Cockatoo foraging habitat to be protected in perpetuity by 1 June 2014.	By 1 June 2014.	Evidence of payment.	R_001_Strategen-JBSG_Eden Beach ACR 2019_22032019	This item was assessed as 'Compliant (Complete)' in the 2019 ACR.	C (Complete)
3.3.2	Provide an additional financial contribution (amount to be determined in consultation with DPaW) to assist in the ongoing maintenance of the purchased offset by 1 June 2014.	By 1 June 2014.	Evidence of correspondence with DPaW.	R_001_Strategen-JBSG_Eden Beach ACR 2019_22032019	This item was assessed as 'Compliant (Complete)' in the 2019 ACR.	C (Complete)
3.3.3	Within 4 weeks of the funding being provided to the DEC, the person taking the action must provide written evidence to the Department of these payments.	Within 4 weeks of the funding being provided to DEC.	Evidence of transmittal to DoE.	R_001_Strategen-JBSG_Eden Beach ACR 2019_22032019	This item was assessed as 'Compliant (Complete)' in the 2019 ACR.	C (Complete)



Reference	Criteria	Timing	Requirement	Evidence	Comments	Compliance Status
4.1.1	Within 30 days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.	Within 30 days after the commencement of the action.	Evidence of transmittal to DEE.	R_001_Strategen-JBSG_Eden Beach ACR 2019_22032019	This item was assessed as 'Compliant (Complete)' in the 2019 ACR.	C (Complete)
5.1.1	Records maintained substantiating all activities associated or relevant activities.	At all times.	Evidence of records maintained associated with the EPBC Act approval.	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.	C
5.1.2	Records made available to DotE upon request.	Upon request.	Evidence of correspondence with DEE.	Management advice 8 January 2020	Satterley advised that there was no request from DEE for records to be made available.	NA
6.1.1	Compliance report published on website within three months of every 12 month anniversary of commencement of the action.	Within three months of every 12 month anniversary of commencement of the action.	Evidence of publication and date of publication.	C_001_Satterley_Email to DEE EPBC Approval 2011 6137_25032019	Satterley provided a website link to the 2019 ACR to DEE on 23 March 2019 (C_001).	C
6.1.2	Each report must be published on website for five years.	Five years.	Evidence of publication and date of publication.	W_001_Satterley_Screenshot of published ACRs_10012020	The 2014, 2015, 2016, 2017, 2018, 2019 compliance reports are published on Satterley website: <ul style="list-style-type: none"> <li>the first ACR was published on the 19 December 2014</li> <li>the second ACR was published on the 21 April 2015</li> <li>the third ACR was published on the 13 April 2016</li> <li>the fourth ACR was published on the 19 April 2017</li> <li>the fifth ACR was published on the 23 March 2019.</li> </ul> All ACRs remained available on the Satterley website during the 2020 audit (W_001).	C
6.1.3	Documentary evidence of date of publication provided to the Department at the same time as the compliance report is published.	At the same time as the compliance report is published.	Evidence of transmittal to DEE.	C_001_Satterley_Email to DEE EPBC Approval 2011 6137_25032019	The correspondence indicates that the date of publication of the 2018 ACR was provided to the Department at the same time the compliance report was published.	C
6.1.4	Documentary evidence of non-compliance with any condition provided to the Department at the same time as the compliance report is published.	At the same time as the compliance report is published.	Evidence of transmittal to DEE.	Table 4.1	No potential non-compliances were identified during the audit period.	NA
9.1.1	Action not substantially commenced without written agreement of Minister if action not substantially commenced by 19 October 2017.	If action not substantially commenced by 19 October 2017.	Evidence of transmittal to DEE.	R_001_Strategen-JBSG_Eden Beach ACR 2019_22032019	This item was assessed as 'Compliant (Complete)' in the 2019 ACR.	C (Complete)

## 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.

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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 2011/6137 and Variation to Approval Conditions

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