



# East Mandogalup Residential Development (EPBC 2014/7308)

Satterley

Annual Compliance Report

65515

31 July 2023



**We acknowledge the Traditional Custodians of Country throughout Australia and their connections to land, sea and community.**

We pay respect to Elders past and present and in the spirit of reconciliation, we commit to working together for our shared future.



### Declaration of accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.



Signed

Full name (please print)            John Ronald Hirdman

Position (please print)            Senior Development Manager

Organisation (please print including ABN/ACN if applicable)            \_\_\_\_\_

Satterley Property Group Pty Ltd

Date                                    \_\_31\_\_/\_07\_\_/\_2023

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## Introduction

### 1.1 Purpose of this Report

This Annual Compliance Report (ACR) addresses the status and compliance of Satterley Property Group (Satterley) with the conditions of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2014/7308 (EPBC 2014/7308; Appendix A) to clear native vegetation on Lot 9019, Part Lot 9006 and Part Lot 9002 Mandogalup, Western Australia (Mandogalup East, the site). This report has been prepared for the purpose of meeting the requirements of condition 6 of EPBC 2014/7308, which requires the proponent to verify compliance with the conditions of the approval.

### 1.2 Project Background

Satterley is developing Mandogalup East for residential purposes. The site is located approximately 30km South of the Perth Central Business District (CBD) within the City of Kwinana (CoK) and is approximately 42.67 hectares (ha) in size. At completion, the Mandogalup East development will comprise:

- 573 residential lots
- one grouped housing site
- internal public road network
- eight Public Open Space (POS) areas
- primary school and playing fields.

Development of Mandogalup East involves clearing of no more than 19.7 ha Carnaby's black-cockatoo [CBC (*Calyptorhynchus latirostris*)] foraging and potential breeding habitat.

### 1.3 Environmental Approval to Implement the Project

The action was referred to the former Department of the Environment (DotE) now known as the Department of Climate Change, Energy, Environment and Water (DCCEEW) in May 2014, for potential impacts to foraging and breeding habitat for CBC. The action was deemed a 'controlled action' under the EPBC Act on 9 September 2014 to be assessed by preliminary documentation and was approved on 27 July 2015 subject to 8 conditions prescribed in decision notice EPBC 2014/7308 (Appendix A).

Condition 2 of the approval required the purchase of a property to offset the loss of CBC foraging and potential breeding habitat. Satterley provided the former Western Australian Department of Parks and Wildlife ([DPaW] now known as the Department of Biodiversity, Conservation and Attractions (DBCA)) funds on the 23 September 2015 for the acquisition of 95 ha within Lot 102 on Plan 74382 Wannamal Road Cullala, Shire of Gingin.

Development of Mandogalup East commenced on 20 May 2020.

## 2. Current Status

The activities undertaken in the 2022-2023 audit period (20 May 2022 - 19 May 2023) included:

- Development and landscaping
- Retention of approximately 0.9145 ha of CBC foraging and potential breeding habitat

Activities intended for the 2023-24 audit period include the continuation of development and landscaping



Figure 2-1: Total cleared CBC foraging and potential breeding habitat since commencement of activity

## 3. Audit Methodology

### 3.1 Audit Plan

#### 3.1.1 Purpose & Scope

This document has been prepared to assess compliance of the Mandogalup East residential development with the conditions of EPBC 2014/7308 and in doing so address condition 6 which states:

*“Within three months of every 12-month anniversary of the commencement of the action, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval over the previous 12 months. Documentary evidence providing proof of the date of publication must be provided to the department at the same time the compliance report is published. The compliance report must remain on the website for 12 months from the date of publishing.”*

Any potential non-compliance detected will be provided to DCCEEW at the same time that the Annual Compliance Report (ACR) is published on the Satterley website as required by condition 6.

This ACR addresses the audit period between 20 May 2022 to 19 May 2023. The ACR addresses each condition of EPBC 2014/7308.

#### 3.1.2 Methodology

The desktop audit was undertaken by Andrea Wills (Consultant, JBS&G) in July 2023. Key persons consulted during the audit are listed in Table 3.1 below.

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

Person and Position	Organisation	Purpose
John Hirdman	Satterley	Verification of status of the Proposal
Oleg Omelchuk	Peritas Group	Verification of status of the Proposal
Shane Caddy	Emerge Associates	Verification of status of the Proposal



### 3.1.3 Audit Terminology

The 'Status' field of the audit tables (refer to Table 4.1) describes the implementation of actions and compliance with the approval. DCCEE (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

The results of the audit of EPBC 2014/7308 are shown in Table 4.1. A total of 9 items were audited from EPBC 2014/7308 during this audit. A statement of compliance has been attached.

### 4.1 Compliance with conditions of EPBC 2014/7308

Of the 9 sub-conditions in EPBC 2014/7308 (Table 4.1):

- nine were assessed as 'Compliant', with three assessed as "Compliant (complete)'
- none were assessed as 'Potentially non-compliant'

**Table 4.1: Compliance with conditions of EPBC 2014/7308**

Reference	Condition	Timing	Evidence	Comments	Compliance Status
EPBC 1	The approval holder must not clear more than 19.7 hectares of Carnaby's Black Cockatoo foraging and potential breeding habitat within the project area identified as the 'Proposal Area' Attachment A.	Ongoing.	C01_Evidence Request Response	There was no clearing of CBC foraging and potential breeding habitat during the reporting period. The total clearing undertaken under this approval to date is 18.54 ha.	Compliant
EPBC 2	To offset the loss of Carnaby's Black Cockatoo foraging habitat and potential breeding habitat, within three months from the date of this approval, the approval holder must provide the department with written evidence that funds have been provided to the DPAW for the acquisition and management of the offset property that must be: <ul style="list-style-type: none"> <li>i. no less than 95 hectares in size, at Lot, 102 on Plan 74382 Wannamal Road, Cullalla, within the shire of Gingin, Western Australia (identified as the 'Offset Area' at Attachment B);</li> </ul> The written evidence must include a description and map clearly identifying the location and boundaries of the offset property and be accompanied with the offset attributes and a shapefile.	Within three months from the date of approval.	R02_60997 Satterley Mandogolup Annual Compliance Report 2021 Rev 0	This condition was met in the previous reporting period	Compliant (complete)
EPBC 3.1	To avoid and mitigate impacts to the Carnabys 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 Carnabys Black Cockatoos using hollows. The investigation must be undertaken by a suitably qualified and experienced person.	When clearing occurs between July – November and within 7 days.	C01_Evidence Request Response	No clearing was undertaken in the reporting period.	Compliant
EPBC 3.2	If a Carnabys Black Cockatoo is detected using a hollow in a tree or trees the approval holder must: <ul style="list-style-type: none"> <li>i. Clearly identify the tree or trees with fencing and signage</li> <li>ii. Not clear the tree or trees; and</li> <li>iii. Undertake measures to avoid the tree or trees from being cut down, felled, removed, killed, destroyed, poisoned, ring-barked, uprooted or burned</li> </ul> Until the hollow/s are no longer being used by the Carnaby's Black Cockatoo as determined by a suitably qualified and experienced person	When clearing occurs between July – November and within 7 days.	NA	See EPBC 3.1	Compliant
EPBC 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 following commencement of the action.	R01_60997 Satterley Mandogolup Annual Compliance Report 2021 Rev 0	This condition was met in the previous reporting period	Compliant (complete)

Reference	Condition	Timing	Evidence	Comments	Compliance Status
EPBC 5	The approval holder must retain accurate records substantiating all activities associated with or relevant to the conditions of approval, and make them available upon request to the department. Such records may be subject to an 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. Summaries of audits will be posted on the department's website for 12 months from the date of publishing.	Ongoing	This report	Accurate records were maintained throughout the reporting period.	Compliant
EPBC 6	Within 3 months of every 12 month anniversary of the commencement of the action, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval over the previous 12 months. Documentary evidence providing proof of the date of publication must be provided to the department at the same time as the compliance report is published. The compliance reports must remain on the website for 12 months from the date of publishing.	Within three months of every 12-month anniversary commencement.	E01_Website Screenshot 2023-07-31	The 2022 Annual Compliance Report for Mandogalup was available on the Satterley website: <a href="https://satterley.com.au/florence/conservation-and-compliance-reports/">https://satterley.com.au/florence/conservation-and-compliance-reports/</a>	Compliant
EPBC 7	Potential or actual contraventions of the conditions of the approval must be reported to the department in writing within 2 business days of the approval holder becoming aware of the actual or potential contravention. All contraventions must also be included in the compliance reports. Unless otherwise agreed to in writing by the minister, the person taking the action must provide a copy of each compliance report to members of the public upon request. Copies must be provided free of charge as soon as reasonably practicable but within no longer than 7 days of the request.	Within 2 business days of being aware of a NC/PNC.	C01_Evidence Request Response  E01_Website Screenshot 2023-07-31	There were no non-compliances with this approval during the reporting period.  The ACR was available on the Satterley website. <a href="https://satterley.com.au/florence/conservation-and-compliance-reports/">https://satterley.com.au/florence/conservation-and-compliance-reports/</a>  There were no additional requests from the public for the report.	Compliant
EPBC 8	If, at any time after 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 from the Minister.	After five years from approval date.	Refer to EPBC 4.	This action was complete in the previous reporting period. The action commenced on the 20 May 2020. The date of the approval was 27 July 2015. The action was commenced within 5 years of the date of approval.	Compliant (complete)

## 5. References

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

## **Appendix A EPBC Approval 2016/7846 and Variation to Approval Conditions**



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