



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

Satterley Property Group

2024 Annual Compliance Report (Rev 0)

JBS&G 67006

22 April 2024





**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.

**Caring for Country** The Journey of JBS&G  
**Artist:** Patrick Caruso, Eastern Arrernte



## 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)

Justin Radici

Position (please print)

Senior Development Manager

Organisation (please print including ABN/ACN if applicable)

Satterley Property Group

Date

22/04/2024

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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 Climate Change, Energy, the Environment and Water [DCCEEW]) 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 (*Calyptorhynchus 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 30 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.

During the auditing period 22 January 2023 to 21 January 2024, street trees within the development were planted out.

Once complete, 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 DCCEEW 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 2023 to 21 January 2024, with the report to be published by 22 April 2024.

### 3.3 Methodology

The audit was desktop based and included a review of a variety of documents. No site inspection conducted in the audit period. Key persons consulted during the audit are listed in Table 3-1.

**Table 3.1: Persons consulted.**

Person and Position	Organisation	Purpose
Justin Radici (Senior Development Manager)	Satterley	To obtain verifiable evidence to assist in determining compliance with EPBC 2011/6137.
John Brinkhurst (Senior Landscape Architect)	EPCAD	To provide details on tree planting

### 3.4 Audit terminology

The 'Status' field of the audit tables (refer to Table 3-2 describes the implementation of actions and compliance with the approval. DCCEEW (DotE 2014) has published Annual Compliance Report Guidelines and terminology from this guidance was applied in this audit (Table 4-1).

**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.
Potentially 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 potentially 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

### 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:

- Six were found to be 'compliant'
- Nine were found to be 'complete',
- Four were found to be 'not applicable'.
- None were found to be 'potentially non-compliant'.

### 4.2 Potential non-compliance

No potential non-compliances were identified during the compliance audit.

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

Reference	Criteria	Timing	Requirement	Evidence	Determination	Compliance Status
EPBC 2011/6137 Condition 1		Condition repealed				
EPBC 2011/6137 Condition 2		Condition repealed				
EPBC 2011/6137 Condition 3		To offset the loss of 8.1 ha of foraging habitat for Carnaby's Black Cockatoo, the person taking the action must:				
		<ul style="list-style-type: none"> <li>a. 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. The planting of the trees must be completed within 10 years from commencement of construction. After two years of completion of planting, for each stage, an 80% survival rate must be obtained. If this is not obtained, replanting of trees must be undertaken within two years to gain an 80% survival rate.</li> <li>b. 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 streetscaping. The planting of trees must be completed within 10 years from commencement of construction. After two years of completion of planting, for each stage, an 80% survival rate must be obtained. If this is not obtained, replanting of trees must be undertaken within two years to gain an 80% survival rate.</li> <li>c. Within 12 months of commencement of construction provide funding of \$80 000 to DEC (now DBCA) for the purchase of at least 50 ha of Carnaby's Black-Cockatoo foraging habitat to be protected in perpetuity, plus an additional financial contribution (amount to be determined in consultation with DEC) to assist in the ongoing maintenance of the purchased offset. 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.</li> </ul>				
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.	R02_2023 Eden Beach ACR	Condition achieved in a previous compliance reporting year. Note: Direct planting of trees and shrubs in POS commenced July 2014 (6 months overdue) however the Department advised this breach of the EPBC Act would not result in compliance action on 23/06/2014.	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.	R02_2023 Eden Beach ACR	Condition achieved in a previous compliance reporting year. Condition 3.1.2 achieved Completion date for this condition is 21 January 2023.	Complete
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.	E02_Eden Beach Street Tree	No Trees and shrubs were planted in 2021 (two years post completion of planting). The survival rate of all trees and shrubs across the development in POS were 98% at 12/01/2024. So far effectively 4215 trees, shrubs and tube stock have been planted across POS, with 71 total loses.	Compliant
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.	E02_Eden Beach Street Tree	Condition 3.1.3 achieved and planting under this condition was not required.	Not applicable
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.	R02_2023 Eden Beach ACR	Condition achieved in a previous compliance reporting year. Note: Tree planting Norfolk Pine (Araucaria heterophylla) commenced October 2013.	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.	R02_2023 Eden Beach ACR	Condition achieved in a previous compliance reporting year. Completion date for this condition was 21 January 2023.	Complete
3.2.3	After two years of completion of planting, for each stage, an 80% survival rate must be obtained.	Evidence of survival survey of the planting.	Evidence of replanting.	E03__Eden Beach Carnabys Cockatoo Plant Schedule 2021 E02_Eden Beach Street Tree	There were 831 street trees and shrubs planted in 2021 (two years post completion of planting). The survival rate of all trees and shrubs across the development in streetscapes in the reporting year were 81% at 12/01/2024.	Compliant
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.	E02_Eden Beach Street Tree	Condition 3.2.3 achieved and planting under this condition was not required.	Not applicable



3.3.1	Provide funding of \$80 000 to DEC (now DBCA) 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.	R02_2023 Eden Beach ACR	Condition achieved in a previous compliance reporting year. Note: Payment of \$80,000 was made 17/11/2014 following receipt of the DPaW invoice dated 30/10/2014.	Complete
3.3.2	Provide funding of additional financial contribution (amount to be determined in consultation with DEC) to assist in the ongoing maintenance of the purchased offset.	By 1 June 2014.	Evidence of correspondence with DPaW.	R02_2023 Eden Beach ACR	Condition achieved in a previous compliance reporting year. Note: The financial contribution of \$36,866.50 to assist in the ongoing maintenance of the purchased offset was made to DPaW 29/05/2022	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.	R02_2023 Eden Beach ACR	Condition achieved in a previous compliance reporting year. Note: Provision of evidence was acknowledged by DotE 06/06/2015.	Complete
EPBC 2011/6137 Condition 4		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.				
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.	R02_2023 Eden Beach ACR	Condition achieved in a previous compliance reporting year. Note: Satterley advised DSEWPaC of the date of commencement (21 January 2013) on 15 May 2013. The time period between these two dates exceeded the 30 day requirement of the condition. This administrative non-compliance was reported in Report SPG12239_01 R001 Rev B - 29 January 2014. This did not result in any material consequences with respect to matters protected under the EPBC Act.	Complete
EPBC 2011/6137 Condition 5		The person taking the action must maintain accurate records substantiating all activities associated or relevant to the conditions of approval, including measures taken to implement the GSMMOP required by this approval, and make them available upon request to the Department. 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. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.				
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.	R01_2024 Eden Beach ACR Appendix B	Accurate records for all applicable conditions have been maintained and were available at the time of the audit and following the audit. (refer to other items in this table)	Compliant
5.1.2	Records made available to DotE upon request.	Upon request.	Evidence of correspondence with DCCEEW.	C02_Eden Beach ACR evidence request	Management advised that no requests to make records available were made by DCCEEW during the reporting period (22/01/2023 - 21/01/2024)	Not applicable
EPBC 2011/6137 Condition 6		Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the GSMMOP as specified in the conditions. Each report must stay on the proponent's website for five (5) years. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published.				
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.	E01_Website Screenshot 2024-04-13	Compliance Reports were posted on the Satterley Eden Beach website (confirmed during audit 13/04/2024): <a href="https://satterley.com.au/eden-beach/buying-building/conservation-and-compliance-reports">https://satterley.com.au/eden-beach/buying-building/conservation-and-compliance-reports</a> . <ul style="list-style-type: none"> <li>the fifth ACR was published on the 17 April 2018</li> <li>the sixth ACR was published on the 23 March 2019</li> <li>the seventh ACR was published on the 15 April 2020</li> <li>the eighth ACR was published 13 April 2021</li> <li>the ninth ACR was published 20 April 2023</li> </ul>	Compliant
6.1.2	Each report must be published on website for five years.	Five years.	Evidence of publication and date of publication.	E01_Website Screenshot 2024-04-13	The 2018 to 2023 ACRs remained available on the Satterley Eden Beach Website during the 2023 reporting period (> 5 years). Audit 13/04/2024 confirmed all reports in entirety available to view.	Compliant
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 DCCEEW.	C01_Notice of EPBC Act Approval 20116137 2023 Annual Compliance Report for Eden Beach	Email 20 April 2023 to <a href="mailto:epbmonitoring@dceew.gov.au">epbmonitoring@dceew.gov.au</a> submitting January 2020 to January 2021 ACR with link to Satterley Eden Beach website.	Compliant
6.1.4	Documentary evidence of non-compliance with any condition provided to the	At the same time as the compliance report is published.	Evidence of transmittal to DEE.	R02_2023 Eden Beach ACR	The 2023 ACR (R02) reports no non-compliances with any conditions of the approval.	Not applicable

Department at the same time as the compliance report is published.						
EPBC 2011/6137 Condition 7		Condition repealed				
EPBC 2011/6137 Condition 8		Condition repealed				
EPBC 2011/6137 Condition 9		If, at any time after five years from the date of this approval, the person taking the action has not substantially commenced the action, then the p[erson taking the action must not substantially commence the action without the written agreement of the Minister.				
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.	R02_2023 Eden Beach ACR	Action was substantially commenced 21/01/2013.	Complete
EPBC 2011/6137 Condition 10		Condition repealed				

## 5. Limitations

This report has been prepared for use by the client who has commissioned the works in accordance with the project brief only, and has been based in part on information obtained from the client and other parties.

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.

JBS&G accepts no liability for use or interpretation by any person or body other than the client who commissioned the works. This report should not be reproduced without prior approval by the client, or amended in any way without prior approval by JBS&G, and should not be relied upon by other parties, who should make their own enquires.

Sampling and chemical analysis of environmental media is based on appropriate guidance documents made and approved by the relevant regulatory authorities. Conclusions arising from the review and assessment of environmental data are based on the sampling and analysis considered appropriate based on the regulatory requirements.

Limited sampling and laboratory analyses were undertaken as part of the investigations undertaken, as described herein. Ground conditions between sampling locations and media may vary, and this should be considered when extrapolating between sampling points. Chemical analytes are based on the information detailed in the site history. Further chemicals or categories of chemicals may exist at the site, which were not identified in the site history and which may not be expected at the site.

Changes to the subsurface conditions may occur subsequent to the investigations described herein, through natural processes or through the intentional or accidental addition of contaminants. The conclusions and recommendations reached in this report are based on the information obtained at the time of the investigations.

This report does not provide a complete assessment of the environmental status of the site, and it is limited to the scope defined herein. Should information become available regarding conditions at the site including previously unknown sources of contamination, JBS&G reserves the right to review the report in the context of the additional information.

## 6. References

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

## Appendix A EPBC Approval 2011/6137

## Appendix B Evidence Register

**Table B.1: Evidence Register**

Code	Reference	Author	Electronic	Hard-copy	Topic
C01	C01_Notice of EPBC Act Approval 20116137 2023 Annual Compliance Report for Eden Beach	JBS&G	X		Submission of 2023 Eden Beach ACR to DCCEEW
C02	C02_Eden Beach ACR evidence request	Satterley	X		Satterley response to JBS&G request for evidence for the 2024 ACR
E01	E01_Website Screenshot 2024-04-13	JBS&G	X		Website screenshot of the Eden Beach website publishing historic ACRs
E02	E02_Eden Beach Street Tree	EPCAD	X		Spreadsheet containing listing of tree species planted and survival at Eden Beach for the 2023/24 reporting period
E03	E03__Eden Beach Carnabys Cockatoo Plant Schedule 2021	EPCAD	X		Spreadsheet containing listing of tree species planted and survival at Eden Beach for the 2021/22 reporting period
R01	R01_2024 Eden Beach ACR	JBS&G	X		This Report
R02	R02_2023 Eden Beach ACR	JBS&G	X		Annual compliance report for the 2023 reporting period

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