



**2022 COMPLIANCE REPORT FOR EPBC
APPROVAL 2008/4250**

AVON RIDGE ESTATE, BRIGADOON

September 2022

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Limitations

This report has been prepared by Accendo Australia Pty Ltd in accordance with the scope limitations provided in this report, or as otherwise agreed, between the Client and Accendo.

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.

This report has been prepared based upon data and other information provided by the Client and other individuals and organisations, most of which are referred to in the report, which Accendo has not independently verified or checked beyond the agreed scope of work. Accendo does not accept liability in connection with such unverified information.

The conclusions and recommendations in this report are based on assumptions made by Accendo described in this report where and as they are required. Accendo disclaims liability arising from any of the assumptions being incorrect.

The report is based on site specific conditions encountered and information received at the time of preparation of this report or the time that site investigations were undertaken. Accendo disclaims responsibility for any changes that may have occurred after this time.

The preparation of this report has been undertaken and performed in a professional manner, in consideration of the scope of services and in accordance with environmental consulting practices. No other warranty is made.

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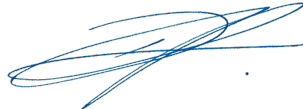
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1 DECLARATION OF ACCURACY

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: Rebecca Cooper

Position: Development Manager

Organisation (include ABN/ACN) Corrib Developments Pty Ltd ABN 37 110 795 597

Date: 20/09/2022

2 INTRODUCTION

2.1 Background

Avon Ridge Estate (the development) is located in Brigadoon, approximately 12 kilometres north of the Midland Regional Centre and 30 kilometres northeast of the Perth Central Business District. The development is located on the Darling Scarp, bound to the north by Walyunga National Park, and is in proximity to the Swan River to the west.

The development consists of a special rural subdivision of 214 Lots over 450 hectares (ha), with Lot sizes ranging from 1.5 ha to 5.1 ha. An additional area of 411 ha adjacent to the development is reserved as Parks and Recreation under the Metropolitan Region Scheme (MRS).

2.2 Purpose of this Report

Commonwealth approval pursuant to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was granted for the proposed action on the 8th October 2009. Subject to Condition 12 of the Approval (EPBC 2008/4250) the proponent is required to submit to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) an annual report addressing compliance with the Conditions of the Approval. Specifically, Condition 12 stipulates the following:

12. *The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or as otherwise 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 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.*

This report addresses the status and compliance of construction of the project with the conditions in the EPBC Act Approval 2008/4250 for the period 5th July 2021 to 4th July 2022. This report has been prepared for the purpose of meeting the requirements of Condition 12 of the Approval, which requires the proponent to submit annual compliance reports.

3 PROJECT STATUS AND COMPLIANCE

3.1 Project Status

During this reporting period, the EPBC Approval (2008/4250) was transferred from Peet Ltd to Corrib Aran Developments Pty Ltd (herein referred to as the proponent). The transfer of approval formally occurred on the 7th April 2022.

A total of 18 Lots were sold during this reporting period, as detailed in **Table 1**. Three of these Lots contain black cockatoo nesting trees that have been identified for retention, with:

- Four habitat trees identified on Lot 279;
- Two habitat trees identified on Lot 280; and
- Four habitat trees identified on Lot 281.

No Lots were settled during this reporting period. The total number of Lots settled to date is 133.

Table 1. Summary of lot settlement.

Stage	Lot Number	Contract Status	Sold	Cancelled	Settled
12	124	Unconditional	May-22		
12	168	Cancelled	May-22	June-22	
12	250	Cancelled	May-22	June-22	
12	248	Cancelled	May-22	June-22	
8	293	Unconditional	May-22		
8	276	Unconditional	Jun-22		
9	302	Conditional	Jun-22		
9	303	Unconditional	Jun-22		
9	304	Conditional	Jun-22		
8	294	Unconditional	Jun-22		
9	298	Unconditional	Jun-22		
8	279	Conditional	Jun-22		
9	305	Unconditional	Jun-22		
9	309	Conditional	Jun-22		
9	297	Conditional	Jul-22		
9	301	Unconditional	Jul-22		
8	280	Conditional	Jul-22		
8	296	Conditional	Jul-22		

Clearing activities undertaken during this reporting period involved civil construction within Stages 8 and 9 of the development (refer to **Appendix A**). Civil construction works comprised vegetation clearing for road reserves, strategic firebreaks and for site access and minor earthworks for boundary fences, road alignments and the installation of services in trenches (including power and water) within road reserves.

The total extent of vegetation clearing associated with civil construction works is discussed further in **Table 3** in relation to requirements of condition 1 of the approval.

3.2 Compliance Status

This report addresses the status and compliance of the action against the prescribed Conditions provided within the EPBC Act Approval 2008/4250 for the period 5th July 2021 to 4th July 2022.

Details on the status of compliance have been tabulated separately for conditions under EPBC Act Approval 2008/4250 and the related Revegetation and Fire Management Plan (RFMP) and the Construction and Environmental Management Plan (CEMP) as follows:

- Table 3. - EPBC Act Approval 2008/4250 Conditions - Compliance Assessment Table;
- Table 4. - *Revegetation and Fire Management Plan* - Compliance Assessment Table; and
- Table 5. - Construction and Environmental Management Plan- Compliance Assessment Table.

For each Table mentioned above, the approval condition or management measure is provided with a note on its status of compliance, a general comment and related source of evidence. The DCCEE have prepared updated guidance (2014) related to the preparation of compliance audits, including generic expressions that are used to identify the status of each item (refer to **Table 2**).

Table 2. Compliance status terminology.

Status	Description
Compliant	'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	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.
Completed	Where a requirement with a finite period of application has been satisfactorily completed.
Not applicable	A designation of 'not applicable' should be given where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period.

The assessment revealed that of the 25 Conditions referenced in the EPBC Act Approval 2008/4250, the following was achieved during the annual reporting period:

- 12 compliances;
- 5 conditions have been completed; and
- 7 conditions were not applicable.

The assessment of compliance for the Revegetation and Fire Management Plan for the reporting period revealed:

- 13 compliances; and
- 12 conditions were not applicable.

The assessment of compliance for the Construction and Environmental Management Plan for the reporting period revealed:

- 36 compliances; and
- 1 condition was not applicable.

No incidents or non-compliances occurred during this report period.

Table 3. EPBC Act Approval 2008/4250 Conditions and Compliance Assessment.

Condition Number	Condition	Compliance Status	Evidence/Comments																				
1.	The person taking the action must not clear more than 83.2 hectares of native vegetation within the project area (Attachment 1) comprising:	Compliant	<p>Clearing for civil construction works within Stage 8 and 9 of the development occurred during the reporting period as summarised in the tables below.</p> <table border="1"> <thead> <tr> <th>Stage 8</th> <th>Clearing</th> </tr> </thead> <tbody> <tr> <td>Roads</td> <td>2.06 ha</td> </tr> <tr> <td>Boundary firebreaks</td> <td>2.17 ha</td> </tr> <tr> <td>Strategic firebreaks & Dams</td> <td>1.37 ha</td> </tr> <tr> <td>TOTALS</td> <td>5.60 ha</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Stage 9</th> <th>Clearing</th> </tr> </thead> <tbody> <tr> <td>Roads</td> <td>2.19 ha</td> </tr> <tr> <td>Boundary firebreaks</td> <td>1.61 ha</td> </tr> <tr> <td>Strategic firebreaks & Dams</td> <td>0.37 ha</td> </tr> <tr> <td>TOTALS</td> <td>4.18 ha</td> </tr> </tbody> </table> <p>A total of 61.16 hectares (ha) of native vegetation has been cleared for civil construction to date.</p>	Stage 8	Clearing	Roads	2.06 ha	Boundary firebreaks	2.17 ha	Strategic firebreaks & Dams	1.37 ha	TOTALS	5.60 ha	Stage 9	Clearing	Roads	2.19 ha	Boundary firebreaks	1.61 ha	Strategic firebreaks & Dams	0.37 ha	TOTALS	4.18 ha
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a) up to 30 hectares for constructing roads;	A total of 22.29 ha of native vegetation has been cleared for the purposes of constructing roads.																						
b) up to 45 hectares for constructing boundary firebreaks on individual lots as identified in Attachment 2; and	A total of 31.28 ha of native vegetation has been cleared for the purposes of constructing boundary firebreaks on individual lots.																						
c) up to 8.2 hectares for the purposes of constructing strategic firebreaks and dams.	A total of 7.58 ha of native vegetation has been cleared for the purposes of constructing strategic firebreaks and dams.																						
2	The person taking the action must put in place measures to ensure that clearing of native vegetation undertaken by future landowners within the project area (Attachment 1) will not exceed 70.4 hectares, comprising:	Compliant	<p>Clearing is managed through the Structure Plan and Protective (restrictive) Covenants. Protective (restrictive) Covenants will be placed on titles within Stages 8 and 9 of the development.</p> <p>Clearing restrictions regarding building envelopes for lots are outlined in the approved Structure Plan.</p>																				
	a) 42.1 hectares to construct dwellings, infiltration areas, driveways and buffers around the dwellings; and b) 28.3 hectares in accordance with the approved Revegetation and Fire Management Plan.																						
3	<p>Revegetation and Fire Management Plan</p> <p>The person taking the action must prepare a Revegetation and Fire Management Plan that applies to the 100 ha within the Parks and Recreation Reserve and 450 ha of the subdivision (as identified at Attachment 5) including all 214 individual lots. The proponent must obtain written approval from DFES prior to submission to the Department for approval. The person taking the action must not commence clearing or construction within the project area until the Department has approved the Revegetation and Fire Management Plan in writing. Once approved, this plan must be implemented.</p> <p>The person taking the action must ensure that the Revegetation and Fire Management Plan includes (but is not restricted to):</p>	Compliant	<p>The implementation of the RFMP is ongoing throughout the development, however some components have been completed. Refer to Table 4 detailing conformance with the RFMP.</p>																				
	a) fuel reduction measures (including cool burn measures) specifying the timing and frequency of fuel reduction measures to minimise impacts on Black Cockatoo habitat.			NA	No prescribed burns were undertaken within the reporting period as vegetation is still recovering from the Wooroloo fire which occurred in 2021.																		
	<p>b) revegetation measure to create additional Black Cockatoo habitat across the project site, including in the Parks and Recreation Reserve, specifically:</p> <p>i. revegetation for all condition classes (excluding pristine and excellent classes) and vegetation complexes (including maps);</p> <p>ii. mix, numbers and density of species to be planted;</p> <p>iii. timing of proposed planting (must be during or following the annual winter rain period and generally between 1 June and 30 November);</p> <p>iv. weed management measures;</p>	Completed	All revegetation and monitoring requirements associated with this Condition were completed by the previous proponent.																				

Condition Number	Condition	Compliance Status	Evidence/Comments
	<p>v. the survivorship rate of all revegetation measures must be at least 90% after three years. If after three years of the date of the planting, a survival rate of 90% of the planted trees is not achieved, all dead trees must be replaced with other Black Cockatoo habitat species within 12 months and maintained for at least an additional two years;</p> <p>vi. annual monitoring measures within the project area undertaken by an appropriately qualified and experienced ecologist and must commence within 12 months of the completion of revegetation and continue for at least three years after the initial revegetation planting in any particular area (given that revegetation will be staged across the development);</p> <p>vii. annual monitoring measures undertaken by an appropriately qualified and experienced specialist must commence in the Parks and Recreation Reserve within 12 months of completion of revegetation and continue for at least three years after the initial revegetation planting in the Parks and Recreation Reserve for the purposes of establishing the survivorship rates and replanting efforts within the project area;</p> <p>viii. mapping of all potential Black Cockatoo habitat trees of 500 mm DBH or greater on individual lots and information on how these will be retained for permanent conservation.</p>		<p>Known potential habitat trees of 500 mm DBH or greater are flagged with white tape prior to clearing events and construction for each stage of development (refer to Appendix B). Potential habitat trees within the lot are identified in the Restrictive Covenant which only allows for clearing of these trees within the Building Protection Zone or for fire management purposes.</p>
4	<p>Building Protection Zone</p> <p>The person taking the action may thin native vegetation within the Building Protection Zone (Attachment 2) on each housing lot (Attachment 3). The thinning process must be in accordance with the approved Revegetation and Fire Management Plan, and be personally supervised (pre and post thinning inspections for individual lots) by a qualified Fire Management Consultant. The person taking the action must obtain written approval from DFES of the first appointed Fire Management Consultant(s) prior to the provision of any Building Protection Zone thinning advice. Any subsequent appointment of Fire Management Consultant(s) must be based upon the consultant(s) having similar qualifications as the first appointed consultant.</p> <p>The location of each Building Protection Zone and house site must be chosen in consultation with the Fire Management Consultant for the purpose of retention of trees specified in Condition 5.</p> <p>The person taking the action must ensure that all native vegetation that provides habitat for Black Cockatoos is retained outside the Building Protection Zones within the 214 housing lots. This excludes native vegetation that is specifically managed under the Revegetation and Fire Management Plan.</p>	Compliant	<p>Protective (restrictive) Covenants addressing Building Protection Zone requirements, in accordance with the RFMP, will be implemented throughout the development.</p> <p>The Fire Management Consultant will prepare a Bushfire Attack Level Assessment Report and Management Statement for each lot.</p> <p>Given that no Lots have been settled during this reporting period, no Bushfire Attack Level Assessment Reports or Management Statements were prepared.</p> <p>Notwithstanding, the Developer has continued to engage with the existing Fire Management Consultant who was appointed in August 2016 for their level of expertise on the project. This has been undertaken to ensure continuity and compliance.</p>
5	<p>The person taking the action must ensure that all potential breeding habitat trees for Black Cockatoos (as designated at Attachment 4 and 4A) are protected in perpetuity via a Notification on Title. The person taking the action must ensure that all other trees within the lot area (Attachment 1) with a diameter by breast height (DBH) of 500 mm or greater are retained unless:</p> <p>a) they are located within the house site;</p> <p>b) they are located within the Building Protection Zone; and</p> <p>c) they are required to be removed for Fire Management purposes as advised by a qualified Fire Management Consultant(s).</p>	Compliant	<p>Notifications of Titles and Protective (restrictive) Covenants addressing these requirements will continue to be implemented throughout the development.</p> <p>Section 70A Notification advising the existence of 'Environmental Concerns' for Lots that have been identified as containing black cockatoo nesting trees for retention have been prepared, signed and noted on the Deposited Plans for the stages currently under construction.</p> <p>Stage 8: DP424723 Stage 9: DP424724</p> <p>These Notification will automatically transfer onto the Title of each of the Lots as identified on the Structure Plan, specifically: Stage 8: Lots 279, 280, 281, 286 and 296 Stage 9: Lots 300 and 301</p>
6	<p>The person taking the action must ensure that the 411 ha Park and Recreation Reserve, as highlighted in green at Attachment 5, be ceded to the WA State Government. The Department must be notified in writing once this has occurred.</p>	Completed	<p>The Reserve was ceded to the WA State Government in 2012 by the previous proponent.</p>
7	<p>The person taking the action must ensure that a minimum of 88,000 seedlings suitable for foraging and breeding habitat for Black Cockatoos are planted within the Parks and Recreation Reserve as identified in Attachment 7.</p>	Completed	<p>Revegetation and reporting was completed in 2017 by the previous proponent.</p>

Condition Number	Condition	Compliance Status	Evidence/Comments
7A	The person taking the action must ensure that all purchasers of lots within the project area, prior to sale and settlement: a) are aware of the existence of potential and actual breeding habitat trees over 500 mm dbh on the individual lots, Notifications on Title and the requirements that these must be protected in perpetuity and not be cleared; b) are aware of the Restrictive Covenant; c) are aware of restriction relating to clearing of i. potential breeding habitat trees over 500 mm DBH; and ii. areas within and outside of the Building Protection Zone. d) are aware of proposed revegetation measures for their individual lot by person(s) as outlined in Condition 3; e) are provided with species related information on all Black Cockatoos, their presence in the area, ecology, species range and details on habitat.	Compliant	Information regarding the Notifications of Titles, Protective (restrictive) Covenants and the Lot owner clearing requirements continues to be provided in the purchaser information pack.
8	The person taking the action must submit a Restrictive Covenant for approval by the Department. The sale and settlement of any lot must not proceed unless the Restrictive Covenant has been approved in writing by the Department and the approved Restrictive Covenant is an annexure to the sale contract. If the person taking the action wishes to vary the approved Restrictive Covenant, a revised Restrictive Covenant must be submitted to the Department for approval. The subsequent sale and settlement of any lot must not proceed unless the currently approved Restrictive Covenant is an annexure to the sale contract.	Compliant	The DCCEEW confirmed that the proposed Restrictive Covenant to be placed on settled lots is approved. This occurred on 3 rd May 2022 (refer to Appendix C).
9	All elements specified in Attachment 6 must be incorporated in either the Structure Plan, approved subdivision conditions or approved Restrictive Covenants. These must be complied with. The Department must be notified in writing on how all the elements in Attachment 6 have been incorporated and complied with. If any of the elements in Attachment 6 are not incorporated, to the Department's satisfaction, the person taking the action must negotiate an outcome to the Department's satisfaction, prior to commencing construction.	Compliant	The Structure Plan was endorsed by the WAPC on 27 March 2014. Subdivision of all lots within the development has been approved, through various subdivision approvals. Protective (restrictive) Covenants are currently applied to all new lots within the site. The Protective (restrictive) Covenants is documented on the Deposited Plan, and it is created under Section 136D of the <i>Transfer of Land Act 1893</i> . These mechanisms collectively incorporate all elements outlined in Attachment 6.
10	The person taking the action must prepare and implement a Construction Management Plan. This plan must be submitted and approved by the Department prior to and clearing taking place. The Construction Management Plan must clearly demonstrate that: a) all habitat trees at Attachment 4 and 4A are to be retained in perpetuity; and b) all trees to remain that are greater than 500 mm DBH within the subdivision area (as at Attachment 3) and within 10 meters of an area to be proposed to be cleared (excluding those in the Building Protection Zone) are clearly marked and retained. c) areas of vegetation that are Black Cockatoo habitat and not for clearance (including roadside vegetation, streamline vegetation and Public Open Space areas) are clearly marked and retained; d) if clearing outside of stipulated areas occurs by other contracted parties, then the person taking the action must notify the Department in writing and will ensure that these areas will be revegetated to the same density (following the annual winter rain period and between 1 September –30 November); and e) all contracted parties will undergo an induction programme prior to commencement of construction and/or clearing. This programme will include information on EPBC listed species and measures employed within the project area to protect Black cockatoo habitat.	Compliant	A portion of the Avon Ridge Estate was impacted by the Wooroloo Bushfire in January – February 2021. A survey of the 35 habitat trees was undertaken in April and June 2021, which identified 15 trees which were no longer considered to be habitat trees. Therefore, the habitat trees in Attachment 4 and 4A require updating which will be undertaken during the subsequent reporting period. The civil contractor manages the implementation of the CEMP (Cardno 2010), including the completion of required onsite forms and registers. All completed forms are recorded and stored, and demonstrate compliance with Condition 10.
11	Within 30 days of commencement of construction, the person taking the action must advise the Department in writing the actual date of commencement.	Completed	Provided by the previous proponent in 2011.
12	The approval holder must prepare a compliance report for each 12 month the date of period following the date of commencement of the action, or as otherwise this notice 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 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.	Compliant	The Avon Ridge 2022 Compliance Report (for EPBC Approval 2008/4250) will be published on the Avon Ridge Estate website by 27 September 2022. The Department will be notified via email when the Avon Ridge 2022 Compliance Report will be published on the Avon Ridge Estate website.

Condition Number	Condition	Compliance Status	Evidence/Comments
12A	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) the condition which is or may be in breach; and b) a short description of the incident and/or non-compliance.	Compliant	No known non-compliances with the EPBC Approval conditions occurred during this reporting period.
12B	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.	Compliant	No known non-compliances with the EPBC Approval conditions or management plans occurred during this reporting period.
13	If, at any time after five (5) years from the date of this approval, the Minister notifies the person taking the action in writing that the Minister is not satisfied that there has been substantial commencement of the construction of the rural residential development at Brigadoon, Western Australia, the action must not thereafter be commenced without the written agreement of the Minister.	NA	The action has substantially commenced.
14	The person taking the action may choose to revise a plan approved by the Department under conditions 3 and 10 without submitting the revised plan for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact. If the person taking the actions makes this choice they must: a) Notify the Department in writing that the approved plan has been revised and provide the Department with: • An electronic copy of the revised plan; • An explanation of the differences between the revised plan and the approved plan; and • The reasons the person taking the action considers that taking the action in accordance with the revised plan would not be likely to have a new or increased impact. b) Advise the Department in writing of an earliest date on which the revised plan will be implemented by the person taking the action. The earliest date of first implementation must be at least 28 days after condition 14a) is satisfied.	NA	No revised plans were submitted to the Department for approval during the reporting period.
15	The person taking the action may revoke their choice under condition 14 at any time by notice to the Department. If the approval holder revokes the choice to implement a revised plan without approval under section 143A of the EPBC Act, the approval holder must implement the version of the plan most recently approved by the Department.	NA	Refer to Condition 14, no update required.
15A	If the Department gives a notice to the person taking the action that the Department is satisfied that the taking of the action in accordance with the revised plan would be likely to have a new or increased impact, then: a) Condition 14 does not apply, or ceases to apply, in relation to the revised plan; and b) The person taking the action must implement the version of the plan most recently approved by the Department. To avoid any doubt, this condition does not affect any operation of conditions 14 and 15 in the period before the day after the notice is given. At the time of giving a notice under Condition 15, the Department may also notify that for a specified period of time Condition 15 does not apply for one or more specified plans required under the approval.	NA	Refer to Condition 14, no update required.
15B	Conditions 14, 15 and 15A are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised plan to the Department for approval.	NA	Refer to Condition 14, no update required.
15C	If the Department considers that it is necessary or convenient for the protection of threatened species of threatened ecological (s18 & s18A) to do so, the Department may request that the person taking the action make specific revisions to the plans approved under conditions 3 and 10 and submit the revised plan for the Department's approval. The person taking the action must comply with any such request. The revised plan must be implemented in place of the plan originally approved.	NA	Refer to Condition 14, no update required.
16	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement management plans required under Conditions 3 and 10 of this approval, and make them available on request by the Department. Such records may be subject to audit by the Department and 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 may be posted on the Department website. The results of audits may also be publicised through the general media.	Compliant	Records of activities undertaken within the site which are associated with these approval conditions are maintained by the proponent and its project team. These records are updated as required and have been used to inform this annual compliance report. Copies of specific records can be made available upon request.
17	In order to offset the impact of clearing of Black Cockatoo habitat, before 1 September 2017, the person taking the action must:	Completed	The requirements of this condition were completed by the former proponent in 2017.

Condition Number	Condition	Compliance Status	Evidence/Comments
	a) provide funds to DPAW for the acquisition and management of one or more properties that contain at least 490 hectares of high quality foraging habitat for Black Cockatoos to be protected in perpetuity. The offset property must be approved in writing by the Department. b) provide documentary evidence to the Department that funds have been provided to the DPAW as required by approval condition 17a.		

Table 4. Revegetation and Fire Management Plan Compliance Assessment.

Reference Code	Action	Compliance Status	Evidence/Comments
RFMP 1	Undertake revegetation and monitoring activities in alignment with condition 3 of the EPBC Act approval	Compliant	Revegetation and reporting was completed in 2017 by the previous proponent.
RFMP 2	Implement the Fire Management Plan (FMP) across the development site.	Compliant	Refer to RFMP 3.
RFMP 3	Planning for prescribed burning will involve determining and arranging the following: <ul style="list-style-type: none"> • Fuel loadings • Forecast weather conditions (taking into consideration smoke management) • Fire management resources • Traffic control and access • Notification of nearby lot owners and residents 	NA	No prescribed burns were undertaken within the reporting period as vegetation is still recovering from the Wooroloo fire which occurred in 2021.
RFMP 4	Experienced fire fighters and fire appliances will be used to carry out all hazard reduction burns. The Brigades will be coordinated by an experienced fire manager acting on behalf of the proponent.	NA	As above, no burns were undertaken during this reporting period.
RFMP 5	The timing for hazard reduction burning within the development site will need to comply with the requirements of the <i>Bush Fires Act 1954</i> (BF Act); <ul style="list-style-type: none"> • Any future hazard reduction burning across the site will be prohibited during “Prohibited Burning Times” and on days when the Fire Danger Index reaches “Very High” to “Catastrophic”. • During “Restricted Burning Time” permits are required from the local Fire Control Officer for any burning under the BF Act. 	NA	
RFMP 6	Any hazard reduction burn will be carried out in the September to October period to achieve a low intensity burn and low scorch height.	NA	
RFMP 7	Any future hazard reduction burning will comply with smoke management guidelines as contained in the City of Swan firebreak and hazard reduction notice, Your Guide to the 2014/15 Fire Season.	NA	
RFMP 8	The hazard reduction burn will aim to reduce fuel loads by 60% across 80% of the proposed burn area.	NA	
RFMP 9	Should the undertaking of the prescribed burn be delayed due to unforeseen circumstances such as unsuitable weather conditions and the unavailability of personnel to conduct, DFES will be informed and the proposed prescribed burn be planned for the following year.	NA	
RFMP 10	DFES and the City of Swan will be informed by the proponent’s appointed Fire Management Consultant (FMC) of the completion of prescribed burns.	NA	
RFMP 11	Should prescribed burns be delayed or not undertaken as proposed a revised prescribed burn plan will be forwarded to DFES.	NA	
RFMP 12	The FMP will be supplied to all lot owners and there will be a notification on the title that the FMP must be adhered to and complied with.	NA	
RFMP 13	Private lot firebreaks will be installed by the developer prior to the clearance of lot titles and maintained by developer until the lot is sold to the standards outlined in the City of Swan Fire Hazard Reduction Notice. Following sale, the lot purchaser will be responsible for the maintenance of this firebreak in perpetuity.	Compliant	

Reference Code	Action	Compliance Status	Evidence/Comments
RFMP 14	<p>A strategic firebreak will be installed by the developer as development progresses within the site to ensure perimeter access for firefighting purposes is in place around all developed areas. The Strategic fire break will follow the standard outlined below:</p> <ul style="list-style-type: none"> • Minimum 6 m wide with a 4 m trafficable surface • Minimum 4 m vertical clearance over the full 6 m width • Where the strategic firebreak is within private lots, no fencing/gates or any form of obstruction is to cross the strategic firebreak. • At regular intervals (every 4 to 6 lots, approximately), a linking firebreak to the public road network will be provided. This link is to be located within a single lot and can be a part of the lot access (i.e. driveway) within each lot, or adjacent to the lot boundary as part of the internal firebreak. These links do not necessarily have to be located on the lot boundary, but must be accessible at all times. • A minimum 60 m-wide setback between the strategic firebreak and any future dwellings, which is facilitated through the designation of BEAs. 	Compliant	<p>The strategic firebreak continues to be installed around the perimeter of Avon Ridge as development progresses to the minimum standard outlined in the City of Swan <i>Firebreak Notice</i> and the Avon Ridge Estate Bushfire Management Plan (BMP).</p> <p>The strategic firebreak will continue to be maintained to the satisfaction of the City of Swan prior to the clearance of Lot titles and maintained until all affected Lots are sold.</p>
RFMP 15	<p>Rural gates (minimum width 4.1 metres) will be installed to provide access from the strategic firebreak to the linking firebreak with a standard City of Swan key system (to prevent unauthorised vehicle access). These gates will be installed by developer prior to the clearance of lot titles.</p> <p>Rural gates (minimum width 4.1 metres) will be erected where the strategic firebreak interfaces with a public road, with a standard City of Swan key system to prevent unauthorised vehicle access. These gates will be installed by developer prior to the clearance of lot titles. Signage will be provided where strategic firebreak meet public roads, indicating the FSARs are for "Fire Access Only."</p>	Compliant	No gates or signage were installed during this reporting period.
RFMP 16	The Developer will provide lot owners purchaser information as part of the contract of sale which explains the requirement of BPZ's and HSZ's, the role of the FMC and other fire management information, including the City of Swan maintenance of firebreaks under Section 33 of the <i>Bush Fires Act 1954</i> .	NA	Given that no Lots have been settled during this reporting period, no Bushfire Attack Level Assessment Reports or Management Statements were prepared.
RFMP 17	The Developer will organise and fund annual information sessions for Avon Ridge Estate residents attended by the FMC and representatives from DFES, the East Swan Volunteer Bushfire Brigade and City of Swan over three years. Information on how to form the Avon Ridge Estate BRG as well as fuel hazard reduction and bushfire readiness training and support by the agencies will be provided.	Compliant	<p>A bushfire information session was not completed during this reporting period.</p> <p>Two previous workshops have been completed, on 8 April 2017 and 14 December 2017 by the former proponent. It was advised that attendance was poor and therefore workshops workshops have not been progressed.</p> <p>The developer provides each Buyer, at the time of signing their purchase contract with a set of additional documents which form part of their Contract. This includes (refer to Appendix D):</p> <ol style="list-style-type: none"> 1. Locality Plan 2. Strategic Firebreak Plan 3. Bushfire Management Plan prepared March 2019 (NOTE: this will be updated once the new version is provided) 4. 'The Homeowners Bushfire Survival Manual' (2014) sixth edition published by Department of Fire and Emergency Services (formerly known as The Fire and Emergency Services Authority of WA) 5. 'Prepare. Act. Survive.' (2014) version 5 published by Department of Fire and Emergency Services (formerly known as The Fire and Emergency Services Authority of WA) 6. City of Swan Fire Hazard Reduction Notice (Firebreak Notice) 2021/2022 7. 'Fire Season Guide 2021/22' published by the City of Swan

Reference Code	Action	Compliance Status	Evidence/Comments
			<ul style="list-style-type: none"> 8. Vegetation Conditions within Avon Ridge Estate 9. Plant Communities within Avon Ridge Estate 10. Habitat Tree Locations 11. Trees over 500mm Diameter at Breast Height (DBH) Plan 12. Aboriginal Heritage Site Plan 13. Wetland and Creek Locations within Avon Ridge Estate 14. Seller's Fire Management Consultant Bonus Application Form
RFMP 18	A Building Protection Zone of minimum of 20 metres is to be constructed around all buildings and must be within the Lot boundaries. BPZs are to be installed prior to any dwelling construction commencing and are to be part of the Building Licence approval. Bushfire fuel loadings must be maintained to a maximum of 2 tonnes/ha.	Compliant	Restrictive Covenants addressing Building Protection Zone and Hazard separation zone requirements, in accordance with the RFMP, will be implemented throughout the development. Lot owners are required to maintain their BPZ's and HSZ's in accordance with the Protective (restrictive) Covenants.
RFMP 19	The Hazard Separation Zone will be built to a width determined at the stage of building site assessment (at least a further 30 m beyond the BPZ). HSZs are to be installed by the landowner prior to construction of a dwelling on the site. Bushfire fuel loadings must be maintained to a maximum of 4-6 tonnes/ha.	Compliant	Lot owners are informed of their obligations through the purchaser information pack provided at the time of the lot settlement. The Fire Management Consultant will inspect the quality of the BPZ and HSZ establishment after initial vegetation thinning has occurred within the Lot.
RFMP 20	The developer will provide a service to purchasers to have the building envelope, BPZ and HSZ within their lot inspected by a qualified FMC to ensure compliance prior to the commencement of any in lot clearing. The FMC will undertake the following assessments: <ul style="list-style-type: none"> • BAL (Bushfire Attack Level) rating assessment in accordance with AS3959. • Pre-clearing checklist to identify trees and shrubs requiring vegetation modification. • Post-clearing checklist to confirm vegetation modification has been undertaken. 	NA	Given that no Lots have been settled during this reporting period, no Bushfire Attack Level Assessment Reports or Management Statements were prepared and therefore no inspections were required.
RFMP 21	Lot owners will need to maintain their fuel loadings within lots as follows: <ul style="list-style-type: none"> • Within the BPZ at less than or equal to (\leq) 2 tonnes per hectare (t/ha). • Within the HSZ at \leq 4 to 6 t/ha. • Beyond the HSZ at \leq 6 to 8 t/ha. 	Compliant	Restrictive Covenants addressing Building Protection Zone and Hazard separation zone requirements, in accordance with the RFMP, will be implemented throughout the development. Lot owners are required to maintain their BPZ's and HSZ's in accordance with the Protective (restrictive) Covenants. Lot owners are informed of their obligations through the purchaser information pack provided at the time of the lot settlement. The Fire Management Consultant will inspect the quality of the BPZ and HSZ establishment after initial vegetation thinning has occurred within the lot.
RFMP 22	Lot owners will be required to reduce their fire hazards prior to the summer fire season and will need to undertake their fuel reduction in conjunction with the maintenance of firebreaks, which are required to be cleared under Section 33 of the <i>Bush Fires Act 1954</i> .	Compliant	Lot owners are required to maintain their BPZ's, HSZ's, and firebreaks in accordance with the restrictive covenants and City of Swan <i>Firebreak Order</i> . Information regarding the clearing requirements for fuel reduction continues to be provided in the purchaser information pack.
RFMP 23	All habitable buildings will be setback a minimum of 60 m from the edge of the Wetland and Creek Line Conservation area boundary.	Compliant	Building envelopes are set back 60 m from the edge of the Wetland and Creek Line Conservation as set out in the Avon Ridge Estate Structure Plan.
RFMP 24	All habitable buildings located adjacent to the Wetland and Creek Line Conservation Area are to be constructed to BAL 29 (BAL 29 has a heat Flux of less than 19 Kw/m ² to 29 Kw/m ²).	Compliant	Refer to RFMP 21.
RFMP 25	All habitable buildings in lots that are located adjacent to the PR Reserve to the west and north and the Southern POS area to the south are to be setback a minimum of 60 metres from the strategic Firebreaks or fire service access ways.	Compliant	Building envelope areas are set back 60 m from the PR Reserve to the west and north and the Southern POS area to the south as set out in the Avon Ridge Estate Structure plan.

Table 5. Construction an Environmental Management Plan Compliance Assessment.

Reference Code	Action	Compliance Status	Evidence/Comments
CEMP 1	The CEMP will be implemented during the construction phase of the Development.	Compliant	Refer to CEMP 1 – 37.
CEMP 2	The Developer and individual members of the management team will be aware of the management framework detailed in Table 1 of the CEMP.	Compliant	The Management Framework is incorporated in contractor site inductions and developer/contractor site meetings.
CEMP 3	Any "Pristine" and "Excellent" vegetation condition as illustrated in Figure 3 of the CEMP will require the following protection measures: <ul style="list-style-type: none"> • No clearing, other than for strategic firebreaks will be permitted in "Pristine" or "Excellent" condition areas; • Access to "Pristine" and "Excellent" condition vegetation will only be permissible on foot or on designated tracks, such as existing tracks, constructed strategic firebreaks or lot firebreaks; and • Areas identified as having "Pristine" or "Excellent" vegetation condition are to be clearly demarcated (with orange coloured flagging tape). 	Compliant	The Stage 8 and 9 construction boundary includes an "Excellent" condition vegetation area. The developer undertook a site inspection and marked out the 'Excellent' condition vegetation with flagging tape. No clearing or access within these areas was permissible during the construction activities.
CEMP 4	A land clearing form and register is to be completed and approved by the Proponent and Environmental Consultant prior to any vegetation clearing or ground disturbing activities occurring.	Compliant	Prior to the commencement of vegetation clearing within the Stages 8 and 9, a land clearing form and register was signed by the construction contractor.
CEMP 5	Site Supervisor/Civil Engineer and Contractors are required to complete a site access form and induction prior to the commencement of construction activities.	Compliant	A site access register has been maintained for all supervisor/civil engineers and contractors. A site induction was completed for relevant personnel prior to the commencement of construction activities.
CEMP 6	Vegetation clearing is to be limited to only the areas required for construction activities and cleared areas should be utilised for equipment lay down and machinery parking areas.	Compliant	Vegetation clearing was limited to the areas associated with Stage 8 and 9 civil works area.
CEMP 7	No clearing during early evening and night.	Compliant	No clearing was permitted to occur during early evening and night, as detailed in the site induction.
CEMP 8	Topsoil is to be salvaged and stockpiled on site to use for future rehabilitation and placed within an area proposed for revegetation. Cleared vegetation and topsoil is to be stockpiled away from drainage lines and stored down slope wherever practicable to reduce the potential for it to spread downhill.	Compliant	Vegetation clearing was undertaken over and around a creekline which runs through Lot 281 to construct the FSAR as per the approved Clearing Plan and Structure Plan. Cleared vegetation and topsoil was stockpiled as specified. Vegetation stockpiling requirements were communicated to contractors during the site induction.
CEMP 9	Road speeds around the Development site will be limited to 20 km/h to reduce the risk of fauna injury. Road kills of native fauna are to be reported to the Site Supervisor/Civil Engineer immediately.	Compliant	No road kills of native fauna were reported to the Site Supervisor/Civil Engineer during the construction activities. Restricted road speeds (10km/hr) were implemented in all areas of the construction site. This requirement was communicated to construction contractors during the site induction.
CEMP 10	No domestic animals will be allowed onto the Development site during construction.	Compliant	The site induction details the requirement to restrict domestic animals.
CEMP 11	Vegetation should be inspected for fauna by Contractors prior to clearing (including tree hollows and bird nests). If fauna are found they should be released 50 metres from the construction site.	Compliant	Greg Harewood visited the site on 30 May 2022 prior to the Stage 8 and 9 construction works (refer to Appendix B). No breeding trees were disturbed as a result of the construction activities, and therefore no displaced fauna were found within the development site. No fauna were required to be relocated 50 m from the construction site.
CEMP 12	Any open trenches constructed during civil works are to be provided with a fauna escape ramp.	Compliant	Open trenches constructed during civil works were provided with a fauna escape ramp at the end of each excavation.
CEMP 13	Excavated areas are to be regularly inspected for trapped fauna and trapped fauna are to be released by an appropriate Wildlife Carer (a list is to be developed by the Site Superintendent/Civil Engineer prior to construction activities commencing).	Compliant	Excavated areas were inspected for trapped fauna by the Site Superintendent/Civil Engineer prior to and during the construction activities. No trapped fauna was noted by the Superintendent/Civil Engineer during site walkovers/inspections.

Reference Code	Action	Compliance Status	Evidence/Comments
CEMP 14	A fauna incident reporting form and fauna incident register will be used to record any incident of fauna interaction.	Compliant	No fauna incidents or interactions occurred.
CEMP 15	Black cockatoo habitat trees identified in Figure 5 of the CMP will be provided with specific protection methods through: <ul style="list-style-type: none"> • Clear marking (with yellow spray paint) of Habitat trees to identify these trees during the construction period; • The requirement that these habitat trees must not be cleared; and • Notifications on Title and Protective Covenants of the requirement to protect Habitat Trees on private lots. 	Compliant	Greg Harewood visited the site on 30 May 2022 prior to the Stage 8 and 9 construction works (refer to Appendix B). No breeding trees were disturbed as a result of the construction activities, and therefore no displaced fauna were found within the development site. No fauna were required to be relocated 50 m from the construction site. Notifications pursuant to section 70A of the <i>Transfer of Land Act 1983</i> are to be registered on the 'certificates of title' of any lots that contain remnant nesting trees identified on the structure plan.
CEMP 16	In accordance with the EPBC Approval, all trees over 500 mm Diameter Breast Height (DBH) will be retained unless within a: <ul style="list-style-type: none"> • building envelope; • Building Protection Zone (BPZ); • roads; • strategic firebreak; or • lot firebreak. 	Compliant	Protective (restrictive) Covenants will be placed on three titles within Stages 8 and 9 of the development during the reporting period. The restrictive covenant places restrictions on the clearing of vegetation that provides for black cockatoos in accordance with condition 2 of the approval.
CEMP 17	All trees over 500 mm DBH and within 10 metres of any area proposed to be cleared (which are not currently marked as "habitat trees") will be marked with white flagging tape to notify contractors and construction personnel that these trees cannot be cleared unless located in an area listed above.	Compliant	Greg Harewood visited the site on 30 May 2022 prior to the Stage 8 and 9 construction works (refer to Appendix B). No breeding trees were disturbed as a result of the construction activities, and therefore no displaced fauna were found within the development site.
CEMP 18	There will be no construction or water discharge within the Wetland and Creekline Conservation Area mapped in Figure 6 of the CMP. Clearing in waterways will be restricted for service, roads and strategic firebreaks.	Compliant	Waste was disposed of appropriately and therefore there was no water runoff discharged into the wetland/creekline areas during construction. Clearing in waterways was restricted to the strategic firebreaks.
CEMP 19	Access within the Wetland and Creekline Conservation Area will be limited to designated tracks only (existing tracks, lot firebreaks and strategic firebreaks).	Compliant	Prior to construction commencing, the developer installed flagging tape around the boundary of this area to ensure any unauthorised access or clearing was prevented.
CEMP 20	Temporary sediment control measures will be employed to reduce runoff into waterways.	Compliant	Cleared vegetation and topsoil was stockpiled away from drainage lines and stored down slope wherever practicable to reduce the potential for spread into waterways.
CEMP 21	Speed limits will be implemented and all vehicle access within the development will be restricted to created roads and existing tracks only.	Compliant	Restricted road speeds (10km/hr) were implemented in all areas of the construction site. Access was restricted to created roads only. These requirements were communicated to construction contractors during the Site Induction
CEMP 22	Access to site will be controlled with signage at all entry points to the site. Access must be granted by the Proponent and a subsequent site environmental induction conducted.	Compliant	Temporary fencing was erected around the boundary of the works area to prohibit unauthorized access and all personnel attended a site induction. Signage was provided on the fences prior to accessing the site regarding restricted access.
CEMP 23	Prior to the construction of the Development weed control measures are to be implemented, including spot spraying of weed species.	Compliant	No weed infestations were reported to the site supervisor/civil engineer and therefore no weed control measures were required.
CEMP 24	Control measures are to be implemented for the spread of feral animal populations during construction of the Development in accordance with the Brigadoon Estate Pest Management Strategy.	Compliant	No pest sightings were reported to the site supervisor/civil engineer within the development and therefore no pest management measures were required.
CEMP 25	A hygiene station should be set up at the entry to the site to ensure no soil is transported in or out of the site. A vehicle hygiene form and register should be completed following vehicle washdown.	Compliant	Machinery, vehicles and plant were inspected regularly by the Site Supervisor/Civil Engineer to ensure no soil was transported into or out of the site. The vehicle hygiene register has been completed for this reporting period.

Reference Code	Action	Compliance Status	Evidence/Comments
CEMP 26	The following dust control measures will be undertaken during construction: <ul style="list-style-type: none"> • Management measures to limit dust generation from construction material and equipment. • Dust generation managed using industry current best practice dust suppression measures. • Instances of excessive dust are to be reported immediately to the Site Supervisor/Civil Engineer and managed accordingly. 	Compliant	All dust management measures were implemented which resulted in there being no dust incidents or complaints reported.
CEMP 27	The following noise management measures will be undertaken during construction: <ul style="list-style-type: none"> • The vehicles and power generating machinery will be regularly serviced to ensure they are operating efficiently. • Noise minimising equipment will be used where possible. 	Compliant	All noise management measures were implemented which resulted in there being no noise incidents or complaints reported.
CEMP 28	The following waste management measures will be undertaken during construction will include: <ul style="list-style-type: none"> • All waste material is to be appropriately disposed of to prevent habitation by feral animals. • A location for the collection of recyclable material for off-site recycling is to be established. • All waste disposal will be recorded on a Waste disposal form and Register. • Hydrocarbon spills are to be reported to the Site Supervisor/Civil Engineer and cleaned up immediately and recorded on the Spill Form and Register. • Hydrocarbon contaminated soil is to be collected and disposed to an approved off-site facility. 	Compliant	All waste management measures were implemented which resulted in there being no waste/spill incidents reported.
CEMP 29	Any works completed in summer or during a total fire ban would require the following: <ul style="list-style-type: none"> • Fire suppression unit comprising a minimum of 400 litres of water, operational pump and 20 m of hose located in close proximity to the worksite. • At least one able bodied person capable of operating the fire suppression unit who is not directly involved in the works being undertaken. • Contact the local government or its representative (e.g. fire control officer) prior to commencing works is to be made; • Contact must be made with the nearest FESA regional office prior to works commencing; • Fire extinguishers will be located in vehicles and all offices; • All site plant and equipment will be regularly maintained and serviced to ensure that it is in good running order and its operation does not pose a fire risk. 	NA	No works were completed in summer during this reporting period.
CEMP 30	The identified Aboriginal Heritage sites located within the development will be protected and managed as follows: <ul style="list-style-type: none"> • Construct temporary fencing around Aboriginal Heritage sites, based upon the boundaries provided by the DIA. • Erect screens during any blasting works within 20 m of an Aboriginal Heritage site. • Implement the Aboriginal Heritage Management Plan has been prepared for the site. 	Compliant	Aboriginal Heritage management measures were implemented during the works which included the use of monitors during the clearing and removal of topsoil.
CEMP 31	Aboriginal Heritage monitors are required for any ground disturbing activities over the site, where it is unlikely that the ground has been disturbed in the past (or it appears that the ground has been disturbed in the past). This would comprise approximately 80% of the site and refers to refers to any ground-disturbing activities, such as vegetation clearing and topsoil stripping.	Compliant	Horizon Heritage Management undertook monitoring during the construction activities.
CEMP 32	The discovery of any previously unrecorded Aboriginal Heritage sites or artefacts is to be reported immediately and will result in work ceasing until appropriately managed.	Compliant	During the course of the monitoring 30+ debitage assemblage was located by the Whadjuk monitors. The Whadjuk monitors chose to relocate the salvaged cultural material to a new place close to where it was found but away from any known disturbance.
CEMP 33	Prior to the commencement of any activities associated with the construction phase of the Development, all members of the Management Team and Contractors are to participate in a Site Environmental Induction.	Compliant	Site environmental inductions were provided for all relevant contractors entering the construction site.
CEMP 34	The Site Environmental Induction includes details relating to: <ul style="list-style-type: none"> • The location of conservation significant species and habitats and Aboriginal Heritage sites; 	Compliant	The site environmental induction was provided to all relevant contractors involved with Stage 8 and 9 civil works.

Reference Code	Action	Compliance Status	Evidence/Comments
	<ul style="list-style-type: none"> • The requirements for site access; • The requirements for land clearing; • Off road/track driving restrictions • Descriptions of invasive flora and fauna; • Waste management; and • Other management issues. 		
CEMP 35	A site meeting minutes form and register will be used to document the discussions and actions during project meetings involving the Proponent, Site Supervisor/Civil Engineer, Consultants and Contractors.	Compliant	The site meeting minutes have been documented including a record of attendees. These can be provided upon request.
CEMP 36	Monthly monitoring and inspections of the Development are to be undertaken by the Environmental Consultant and Site Supervisor/Civil Engineer to ensure that construction activities are undertaken in accordance with the requirements of the CMP.	Compliant	In consultation with the Environmental Consultant, regular inspections were undertaken by the Site Supervisor/Civil Engineer to ensure that construction activities were undertaken in accordance with the requirements of the CEMP.
CEMP 37	All emergencies and incidents are to be reported to the Site Supervisor/Civil Engineer immediately. These incidents will be recorded on an emergency response and incident reporting form.	Compliant	No incidences were reported during the reporting period.

4 SUMMARY

Avon Ridge Estate is located in Brigadoon, approximately 12 kilometres north of the Midland Regional Centre and 30 kilometres northeast of the Perth Central Business District. The development consists of a special rural subdivision of 214 Lots over 450 ha, with Lot sizes ranging from 1.5 ha to 5.1 ha. An additional area of 411 ha adjacent to the development is reserved as Parks and Recreation under the Metropolitan Region Scheme (MRS).

Commonwealth approval pursuant to the EPBC Act was granted for the proposed action on the 8th October 2009.

This report addresses the status and compliance of construction of the project with the conditions in the EPBC Act Approval 2008/4250 for the period 5th July 2021 to 4th July 2022. This report has been prepared for the purpose of meeting the requirements of Condition 12 of the Approval, which requires the proponent to submit annual compliance reports.

The compliance assessment for this reporting period revealed the following:

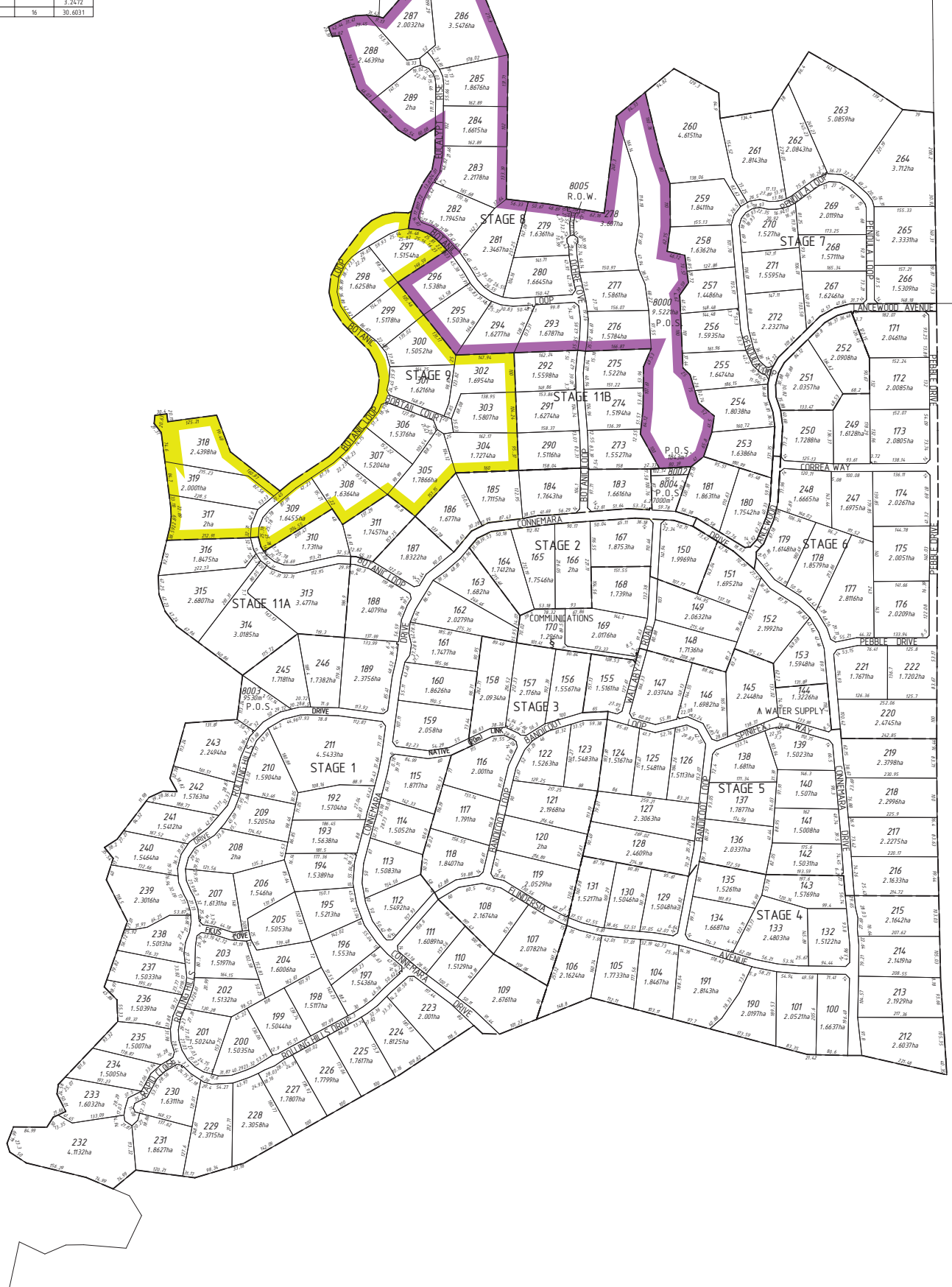
- EPBC Act Approval 2008/4250:
 - 12 compliances;
 - 5 conditions have been completed; and
 - 7 conditions were not applicable.
- Revegetation and Fire Management Plan:
 - 13 compliances; and
 - 12 conditions were not applicable.
- Construction and Environmental Management Plan:
 - 36 compliances; and
 - 1 condition was not applicable.

No incidents or non-compliances occurred during this report period.

APPENDIX A – STAGES 8 AND 9

STAGE 8 STATISTICS			
PARCEL TYPE	MAP SYMBOL	NUMBER OF PARCELS	AREA (ha)
Traditional Lots		18	36.3273
Public Open Space	P.O.S.	1	9.5221
Right of Ways	R.O.W.	1	0.0929
Roads (inc. truncations)			2.5763
STAGE TOTAL		20	48.5185

STAGE 9 STATISTICS			
PARCEL TYPE	MAP SYMBOL	NUMBER OF PARCELS	AREA (ha)
Traditional Lots		16	27.3559
Public Open Space	P.O.S.	0	0
Roads (inc. truncations)			3.2472
STAGE TOTAL		16	30.6031



Ver.	Description	Drawn	Date	Checked
M	Replace section of Dohere Cove with ROW Lot 8005, Move POS Lot 8000 into Stage 8	WHD	29/08/2022	TAV
L	Revise Stage 8 & 9 Boundary, and replace lot 8005 as road reserve	AFD	20/06/2022	TAV
K	Add new stages 8A, 8B, 9, 10, change 11 to 11B, Remove Unstaged #2	JK	25/10/2018	TAV
J	Remove Stages 8, 9 & 12 - replace with Stages 11, 11A and Unstaged#2, amended Stage colouring	SCL	10/10/2018	TAV
I	Attend to split Stage 9 into Stages 9 & 10	SOW	12/12/2016	SLAT
H	Attend lot 318 and add lot 319 in Stage 9	ER	03/03/2016	SLAT

FILES	PRELIMINARY LEGEND
map000 - PlanA07	Stage Boundary
Control Register - 92090	Vehicle Access Restriction
File Name - 92090p-407m.dgn	Potential Dwellings / Lot

CLIENT:

BRIGADOON STAGING PLAN

The contents of this plan are correct and correct as of the date stated within the revision panel. All consultants and persons wishing to utilize the data should verify the accuracy of the plan content by contacting the P&M Urban Team Group.

Project No:	92090 - 407 - M
Revision:	
Drawn:	
Checked:	

SCALE 1: 5000 @ A1 - 1: 10000 @ A3

 ALL DISTANCES ARE IN METRES

 For a true to scale reproduction of this plan, plot it to A1 with the Pacing Scaling set to None.

PLANNER'S DESIGN SOURCE FOR Rev L

 Planner - Creative

 Received date - 16/08/2022

 File name - 92090-316k.pdf

ENGINEER'S DESIGN SOURCE FOR Rev

 Engineer -

 Received date -

 File name -

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APPENDIX B – HAREWOOD REPORT

**Greg Harewood
Zoologist
PO Box 755
BUNBURY WA 6231
15 June 2022**

**Corrib Developments
PO BOX 244
COTTELSON WA 6911**

Attention: Rebecca Cooper

Dear Rebecca

RE: Avon Ridge – Stage 8 & 9 - Pre-Clearing Fauna Inspection

This letter details a “Pre-Clearing Fauna Inspection” undertaken within the Stage 8 & 9 area of Avon Ridge which forms part of the larger Brigadoon Estate.

The pre-clearing fauna inspection was undertaken in accordance with the approved Construction Environmental Management Plan (Cardno 2010) , and specifically section 7.2.2 (Civil Works) - Clearing Protocols, dot point one, which states:

- Vegetation should be inspected for fauna by Contractors prior to clearing (including tree hollows and bird nests). If fauna are found they should be released 50 metres from the construction site.

The inspection of proposed clearing and ground disturbance areas associated with the Stage 8 & 9 area of Avon Ridge was undertaken by myself on the 30 May 2022.

The inspection was carried out on foot and involved directly inspecting vegetation within the proposed clearing areas (primarily road reserves) for evidence of fauna habitation. Binoculars were used in some cases and where considered necessary and if possible, any hollow bearing trees were also inspected using a drone.

No evidence of the presence of any fauna resident with vegetation to be cleared was observed i.e. no nest sites and no fauna in hollow bearing trees or fallen hollow logs. In general the vegetation was found to be in a state of regeneration after a significant fire event which occurred in the previous year or two. The vast majority of hollow bearing trees and fallen logs appear to have been consumed by the fire thereby reducing the suitability of the area for fauna that rely on hollows for daytime refuge and/or nesting.

After the area was inspected clearing was commence with contractors involved briefed on the importance of remaining vigilant for fauna during site works, and if any were encountered to contact myself so that the appropriate action could be implemented.

It is understood that no fauna was detected during any stage of the clearing and the vegetation in question was removed without incident.



If you have any questions or queries relating the information provided here please contact the undersigned on 0402 141 197 / gharewood@inet.net.au

GHarewood
Greg Harewood
Zoologist



APPENDIX C - RESTRICTIVE COVENANTS



Annexure B Protective (Restrictive) Covenants

1. Protective Covenant Relating To The Property

The Buyer acknowledges that the Property will be encumbered by and is sold subject to the protective (restrictive) covenants to be imposed by the Seller as set out below, to be registered on the Property as restrictive covenants (subject to any amendments reasonably required by the Seller).

2. Clearing Limitations

2.1 The Buyer must not clear or allow to be cleared vegetation on the Property other than as reasonably required for the following purposes:

- a) for an approved Aerobic Treatment Unit Discharge Area (within the Approved Building Envelope) as approved by the Fire Management Consultant;
- b) for the Approved Driveway;
- c) for fire breaks approved by the Fire Management Consultant; or
- d) for the purpose of maintaining a Low Fuel Environment within the Building Protection Zone and the Hazard Separation Zone, in accordance with the approved Bushfire Management Plan,

provided that:

- e) in respect of clauses 2.1(a) - (d), the Buyer does not clear or allow to be cleared vegetation on the Property within the Building Protection Zone after the construction of a dwelling on the Property, except as otherwise approved by the Fire Management Consultant;
- f) the Buyer seeks advice on vegetation modification and clearing requirements from the Fire Management Consultant, prior to clearing within the Building Protection Zone and Hazard Separation Zone, conducts any clearing in accordance with this advice, arranges for the Fire Management Consultant to inspect the Property following the clearing to ensure that clearing has taken place in accordance with their advice, and the Buyer complies with any further modifications required by the Fire Management Consultant;
- g) if the Buyer undertakes, or allows to be undertaken, any over-clearing, the Buyer must not allow the affected vegetation of the kind that has been cleared (to the satisfaction of the Seller); and
- h) the total cleared area on the Property must not exceed the lesser of a total area of 2,000m² or 10% of the total area of the Property.

2.2 The Buyer must not choose the location of each house site unless it is done in consultation with the Fire Management Consultant.

2.3 No Declared Plants are to be planted on the Property.

2.4 The Buyer acknowledges that there is no additional clearing for access roads or other community infrastructure within the Project Area unless approved by the relevant local authority.

2.5 The Buyer is aware of the existence of potential and actual breeding habitats for Black Cockatoos as disclosed in the Interests and Notifications in Annexure F and must not undertake or allow to be undertaken:

- a) any clearance vegetation that provides habitat for Black Cockatoos outside the Building Protection Zone;
- b) any clearance of any habitat trees;
- c) any clearance of any other trees deemed as being Ecologically Significant Trees with a diameter by breast height of 300mm or greater unless those trees are:
 - (i) located within the Building Protection Zone; and
 - (ii) required to be removed for fire management purposes as advised by a qualified Fire Management Consultant.

3. Placement Of Approved Building Envelopes, Firebreaks & Driveways

3.1 The Buyer must not allow the Approved Building Envelope, the Building Protection Zone, firebreaks or any driveway to be present on portions of the Property identified on the Brigadoon Structure Plan as containing any of the following:

- a) Pristine Condition Vegetation;
- b) Excellent Condition Vegetation; and
- c) Priority Flora,

except in special circumstances where required for Bush Fire Protection purposes as defined by the approved Bushfire Management Plan and at the direction of the Fire Management Consultant.

3.2 The Buyer acknowledges that Approved Building Envelope boundaries must be at least 30m from Pristine Condition Vegetation and Excellent Condition Vegetation.

3.3 The Buyer is not to seek to alter, or allow to be sought to be altered, any of the Building Envelope Area as shown on the approved Brigadoon Structure Plan.

3.4 The Buyer must not relocate the crossover between the driveway on the Property and the public roadway as approved by the relevant local authority and as constructed by the Seller.

4. **Building Controls**

4.1 Individual dwellings shall not be constructed on the Property unless they are designed and built to conform with:

- a) Bush Fire Survival Manual Guidelines;
- b) any requirements specified by the local authority; and
- c) Australian Standards AS3959.

4.2 The Buyer must not construct or permit to be constructed on the Property any dwelling unless the form, scale and siting of the dwelling (and any associated outbuildings) are in harmony with the rural character of the balance of the Project Area.

4.3 The Buyer must not construct or permit to be constructed any outbuilding (including a shed) unless the outbuilding is located within the Approved Building Envelope.

4.4 The Buyer must not construct or permit to be constructed, the Approved Driveway unless:

- a) the Approved Driveway does not exceed 6.0m in width; and
- b) service connections to the primary residence (other than for Lots 190, 200, 230 and 241), including water, electricity and telecommunications, are positioned within the driveway area.

5. **Estate Fencing**

The Buyer must not alter, erect or allow to be altered or erected any fencing other than:

- a) estate fencing erected by the Seller; or
- b) 'Fauna-friendly' perimeter fencing up to 1.2m in height along the perimeter of the Approved Building Envelope (primarily to allow for the containment of domestic dogs).

6. **Restriction on Animals/Livestock**

The Buyer must not keep or permit to be kept on the Property:

- a) any livestock (excluding chickens);
- b) any domestic cats;
- c) any domestic dogs unless they are kept within the Approved Building Envelope and in a fenced area as specified in clause 5.1(b); or
- d) any chickens unless they are kept within the Approved Building Envelope and in a suitably constructed chicken coop.

7. **Vegetation**

The Buyer acknowledges and agrees that as a condition of subdivision approval of the land of which the Property forms part imposed by DoEE under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) the Seller is required to make the Buyer aware of:

- a) the existence of potential and actual breeding habitat trees for Black Cockatoos on the Property and the Interests and Notifications in Annexure F;
- b) the requirements to conserve habitat trees in perpetuity and not to clear such areas;
- c) the protective covenants set out in this document and, in particular the restrictions relating to the clearing of:
 - i) potential breeding habitat trees and any other trees with a diameter by breast height over 300mm; and
 - ii) areas within and outside the Building Protection Zone; and
- d) the species related information on all Black Cockatoos, their presence in the area, ecology, species range and details of habitat.

8. **Aerobic Treatment Unit**

The Buyer must not permit any aerobic treatment unit to remain unconnected to the dwelling on the Property after practical completion of construction of the dwelling on the Property.

9. **Definitions and Interpretation**

A reference to any law, policy, guideline or standard is deemed to include any change, amendment, re-enactment or consolidation to that law, policy, guideline or standard, from time to time in this Annexure, unless the context otherwise requires or a contrary intention appears:

Aerobic Treatment Unit Discharge Area means that part of the sub-strata of the Property required by the relevant local authority to be set aside for the aerobic treatment discharge area which comprises of a maximum discharge area of 150m²;

Approved Building Envelope means the building envelope (which area must not be greater than 10% of the total area of the Lot or 2000m², whichever is the lesser) approved by the City located within the Building Envelope Area for the construction of a house and outbuilding but does not include driveways and the approved fire break area on the Lot;

Approved Driveway means a driveway linking the Approved Building Envelope to the public roadway servicing the Property;

Australian Standards AS3959 means Australian Standards AS3959 - 2009 Construction of building in bushfire-prone areas;

Black Cockatoos means the species *Calyptorhynchus latirostris* also known as the Carnaby's Black Cockatoo and *Calyptorhynchus baudinii* also known as Baudin's Black Cockatoo;

Brigadoon Structure Plan means outline development plan for Brigadoon shown in Annexure J;

Building Envelope Area has the same meaning given to the expression 'Building Envelopes' as described in the Brigadoon Structure Plan;

Building Protection Zone means a 30m zone around the dwelling as shown hachured in red in the Brigadoon Structure Plan;

Bushfire Management Plan means the Fire Management Plan 2018 prepared by Bushfire Safety Consulting which provides the management objectives that aims to reduce the threat to residents and fire fighters in the event of bushfire within or near the site;

Bushfire-Prone Areas has the same meaning as 'Bushfire-prone area' as defined in Australian Standards AS3959-2009;

Bushfire Survival Manual Guidelines means Bush Fire Survival Manual Guidelines, FESA 6th Edition, 2014, which is a survival manual prepared by DFES to inform the community about bushfires;

Declared Plant means a plant that:

- a) has the same meaning given to that expression under section 7 of the Agriculture and Related Resources Protection Act 1976 (WA); or
- b) competes with native vegetation and has a detrimental impact on both native fauna and fire management regimes;

DoEE means the Federal Department of Environment and Energy;

DFES means the Department of Fire and Emergency Services (formerly the Fire and Emergency Services Authority of Western Australia);

Ecologically Significant Trees means trees that have been identified by the Fire Management Consultant as being worthy of retention due to habitat, ecosystem or amenity values. For example, trees that:

- a) provide food and shelter for native animals;
- b) has the potential of producing valuable hollows in the future;
- c) provide and maintain soil stability;
- d) provide landscape values; and
- e) provide shade;

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

Excellent Condition Vegetation means vegetation with its structure intact and with any disturbance (including weeds) affecting individual species of the vegetation only being non-aggressive;

Fire Management Consultant means an individual appointed by the Seller and approved by DFES to provide advice on fire management purposes for the project area;

Hazard Separation Zone means a 60m zone around the dwelling constructed on the Property;

Low Fuel Environment means an area of vegetation that is actively managed to maintain a reduced fuel level in order to minimise the risk of bushfire.

Priority Flora means species that are classified by the Department of Parks and Wildlife under the Conservation Codes for Western Australian Flora and Fauna as follows

- a) Priority One - Poorly known species - species that are known from one or a few collections or sight records (generally less than five), all on lands not managed for conservation, for example, agricultural or pastoral lands, urban areas, Shire, rail reserves and Main Roads WA road, gravel and soil reserves, and active mineral leases and under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes;
- b) Priority Two - Poorly known species - species that are known from one or a few collections or sight records, some of which are on lands not under imminent threat of habitat destruction or degradation, for example, national parks, conservation parks, nature reserves, State forest, unallocated Crown land, water reserves, etc. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes;
- c) Priority Three - Poorly known species - species that are known from collections or sight records from several localities not under imminent threat, or from a few but widespread localities with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Species may be included if they are comparatively well known from several localities but do not meet adequacy of survey requirements and known threatening processes exist that could affect them;
- d) Priority Four - Rare, Near Threatened and other species in need of monitoring -
 - (i) Rare: species that are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection, but could be if present circumstances change. These species are usually represented on conservation lands;

- (ii) Near Threatened: species that are considered to have been adequately surveyed and that do not qualify for Conservation Dependent, but that are close to qualifying for Vulnerable;
 - (iii) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy; and
- e) Priority Five - Conservation Dependent species - species that are not threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years;

Pristine Condition Vegetation means vegetation in pristine or near pristine condition, with no obvious signs of disturbance; and

Project Area means the area identified as 'the site' in the locality plan dated 30 April 2008 allocated with project number V7068 and drawing number SK01.



Protective Covenants

1. PROTECTIVE COVENANT RELATING TO THE PROPERTY

The Buyer acknowledges that the Property will be encumbered by and is sold subject to the protective (restrictive) covenants to be imposed by the Seller as set out below, to be registered on the Property as restrictive covenants (subject to any amendments reasonably required by the Seller).

2. CLEARING LIMITATIONS

2.1 The Buyer must not clear or allow to be cleared vegetation on the Property other than as reasonably required for the following purposes:

- a) for an approved Aerobic Treatment Unit Discharge Area (within the Approved Building Envelope) as approved by the Fire Management Consultant;
- b) for the Approved Driveway;
- c) for fire breaks approved by the Fire Management Consultant; or
- d) for the purpose of maintaining a Low Fuel Environment within the Building Protection Zone and the Hazard Separation Zone, in accordance with the approved Bushfire Management Plan,

provided that:

- e) in respect of clauses 2.1(a) - (d), the Buyer does not clear or allow to be cleared vegetation on the Property within the Building Protection Zone after the construction of a dwelling on the Property, except as otherwise approved by the Fire Management Consultant;
- f) the Buyer seeks advice on vegetation modification and clearing requirements from the Fire Management Consultant, prior to clearing within the Building Protection Zone and Hazard Separation

Zone, conducts any clearing in accordance with this advice, arranges for the Fire Management Consultant to inspect the Property following the clearing to ensure that clearing has taken place in accordance with their advice, and the Buyer complies with any further modifications required by the Fire Management Consultant;

- g) if the Buyer undertakes, or allows to be undertaken, any over-clearing, the Buyer must not allow the affected area to remain without vegetation of the kind that has been cleared (to the satisfaction of the Seller); and

- h) the total cleared area on the Property must not exceed the lesser of a total area of 2,000m² or 10% of the total area of the Property.

2.2 The Buyer must not choose the location of each house site unless it is done in consultation with the Fire Management Consultant.

2.3 No Declared Plants are to be planted on the Property.

2.4 The Buyer acknowledges that there is no additional clearing for access roads or other community infrastructure within the Project Area unless approved by the relevant local authority.

2.5 The Buyer is aware of the existence of potential and actual breeding habitats for Black Cockatoos as disclosed in the Interests and Notifications in Annexure F and must not undertake or allow to be undertaken:

- a) any clearance of any vegetation that provides habitat for Black Cockatoos outside the Building Protection Zone;
- b) any clearance of any habitat trees;



Protective Covenants

c) any clearance of any other trees deemed as being Ecologically Significant Trees with a diameter by breast height of 300mm or greater unless those trees are:

- i) located within the Building Protection Zone; and
- ii) required to be removed for fire management purposes as advised by a qualified Fire Management Consultant.

3. **PLACEMENT OF APPROVED BUILDING ENVELOPES, FIREBREAKS & DRIVEWAYS**

3.1 The Buyer must not allow the Approved Building Envelope, the Building Protection Zone, firebreaks or any driveway to be present on portions of the Property identified on the Brigadoon Structure Plan as containing any of the following:

- a) Pristine Condition Vegetation;
- b) Excellent Condition Vegetation; and
- c) Priority Flora,

except in special circumstances where required for Bush Fire Protection purposes as defined by the approved Bushfire Management Plan and at the direction of the Fire Management Consultant.

3.2 The Buyer acknowledges that Approved Building Envelope boundaries must be at least 30m from Pristine Condition Vegetation and Excellent Condition Vegetation.

3.3 The Buyer is not to seek to alter, or allow to be sought to be altered, any of the Building Envelope Area as shown on the approved Brigadoon Structure Plan.

3.4 The Buyer must not relocate the crossover between the driveway on the Property and the public roadway as approved by the

relevant local authority and as constructed by the Seller.

4. **BUILDING CONTROLS**

4.1 Individual dwellings shall not be constructed on the Property unless they are designed and built to conform with:

- a) Bush Fire Survival Manual Guidelines;
- b) any requirements specified by the local authority; and
- c) Australian Standards AS3959.

4.2 The Buyer must not construct or permit to be constructed on the Property any dwelling unless the form, scale and siting of the dwelling (and any associated outbuildings) are in harmony with the rural character of the balance of the Project Area.

4.3 The Buyer must not construct or permit to be constructed any outbuilding (including a shed) unless the outbuilding is located within the Approved Building Envelope.

4.4 The Buyer must not construct or permit to be constructed, the Approved Driveway unless:

- a) the Approved Driveway does not exceed 6.0m in width; and
- b) service connections to the primary residence (other than for Lots 190, 200, 230 and 241), including water, electricity and telecommunications, are positioned within the driveway area.

5. **ESTATE FENCING**

5.1 The Buyer must not alter, erect or allow to be altered or erected any fencing other than:

- a) estate fencing erected by the Seller; or
- b) 'Fauna-friendly' perimeter



Protective Covenants

fencing up to 1.2m in height along the perimeter of the Approved Building Envelope (primarily to allow for the containment of domestic dogs).

diameter by breast height over 300mm; and

ii) areas within and outside the Building Protection Zone; and

d) the species related information on all Black Cockatoos, their presence in the area, ecology, species range and details of habitat.

6. RESTRICTION ON ANIMALS/LIVESTOCK

The Buyer must not keep or permit to be kept on the Property:

- a) any livestock (excluding chickens);
- b) any domestic cats;
- c) any domestic dogs unless they are kept within the Approved Building Envelope and in a fenced area as specified in clause 5.1(b); or
- d) any chickens unless they are kept within the Approved Building Envelope and in a suitably constructed chicken coop.

8. AEROBIC TREATMENT UNIT

The Buyer must not permit any aerobic treatment unit supplied by the Seller to remain unconnected to the dwelling on the Property after practical completion of construction of the dwelling on the Property.

9. DEFINITIONS AND INTERPRETATION

A reference to any law, policy, guideline or standard is deemed to include any change, amendment, re-enactment or consolidation to that law, policy, guideline or standard, from time to time in this Annexure, unless the context otherwise requires or a contrary intention appears:

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Approved Driveway means a driveway linking the Approved Building Envelope to the public roadway servicing the Property;

Australian Standards AS3959 means Australian Standards AS3959 – 2009 Construction of building in bushfire-prone

7. VEGETATION

The Buyer acknowledges and agrees that as a condition of subdivision approval of the land of which the Property forms part imposed by DoEE under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) the Seller is required to make the Buyer aware of:

- a) the existence of potential and actual breeding habitat trees for Black Cockatoos on the Property and the Interests and Notifications in Annexure F ;
- b) the requirements to conserve habitat trees in perpetuity and not to clear such areas;
- c) the protective covenants set out in this document and, in particular the restrictions relating to the clearing of:
 - i) potential breeding habitat trees and any other trees with a



Protective Covenants

areas;

Black Cockatoos means the species *Calyptorhynchus latirostris* also known as the Carnaby's Black Cockatoo and *Calyptorhynchus baudinii* also known as Baudin's Black Cockatoo;

Brigadoon Structure Plan means outline development plan for Brigadoon shown in Annexure Q;

Building Envelope Area has the same meaning given to the expression 'Building Envelopes' as described in the Brigadoon Structure Plan;

Building Protection Zone means a 30m zone around the dwelling as shown hachured in red in the Brigadoon Structure Plan;

Bushfire Management Plan means the Fire Management Plan 2009 prepared by Bushfire Safety Consulting which provides the management objectives that aims to reduce the threat to residents and fire fighters in the event of bushfire within or near the site;

Bushfire-Prone Areas has the same meaning as 'Bushfire-prone area' as defined in Australian Standards AS3959-2009;

Bushfire Survival Manual Guidelines means Bush Fire Survival Manual Guidelines, FESA 5th Edition, 2008, which is a survival manual prepared by DFES to inform the community about bushfires;

Declared Plant means a plant that:

- a) has the same meaning given to that expression under section 7 of the *Agriculture and Related Resources Protection Act 1976* (WA); or
- b) competes with native vegetation and has a detrimental impact on both native fauna and fire management regimes;

DoEE means the Federal Department of Environment and Energy.

DFES means the Department of Fire and Emergency Services (formerly the Fire and Emergency Services Authority of Western Australia)

Ecologically Significant Trees means trees that have been identified by the Fire Management Consultant as being worthy of retention due to habitat, ecosystem or amenity values, as shown in Annexure M. For example, trees that:

- a) provide food and shelter for native animals;
- b) has the potential of producing valuable hollows in the future;
- c) provide and maintain soil stability;
- d) provide landscape values; and
- e) provide shade.

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

Excellent Condition Vegetation means vegetation with its structure intact and with any disturbance (including weeds) affecting individual species of the vegetation only being non-aggressive;

Fire Management Consultant means an individual appointed by the Seller and approved by DFES to provide advice on fire management purposes for the project area;

Hazard Separation Zone means a 60m zone around the dwelling constructed on the Property;

Low Fuel Environment means an area of vegetation that is actively managed to maintain a reduced fuel level in order to minimise the risk of bushfire.

Priority Flora means species that are classified by the Department of Parks and Wildlife under the Conservation Codes for Western Australian Flora and Fauna as follows

- a) Priority One – Poorly known



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- species - species that are known from one or a few collections or sight records (generally less than five), all on lands not managed for conservation, for example, agricultural or pastoral lands, urban areas, Shire, rail reserves and Main Roads WA road, gravel and soil reserves, and active mineral leases and under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes;
- b) Priority Two – Poorly known species – species that are known from one or a few collections or sight records, some of which are on lands not under imminent threat of habitat destruction or degradation, for example, national parks, conservation parks, nature reserves, State forest, unallocated Crown land, water reserves, etc. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes;
- c) Priority Three – Poorly known species – species that are known from collections or sight records from several localities not under imminent threat, or from few but widespread localities with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Species may be included if they are comparatively well known from several localities but do not meet adequacy of survey requirements and known threatening processes exist that could affect them;
- d) Priority Four – Rare, Near Threatened and other species in need of monitoring –
- (i) Rare: species that are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection, but could be if present circumstances change. These species are usually represented on conservation lands;
 - (ii) Near Threatened: species that are considered to have been adequately surveyed and that do not qualify for Conservation Dependent, but that are close to qualifying for Vulnerable;
 - (iii) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy; and
- e) Priority Five - Conservation Dependent species – species that are not threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years;
- Pristine Condition Vegetation** means vegetation in pristine or near pristine condition, with no obvious signs of disturbance; and
- Project Area** means the area identified as 'the site' in the locality plan dated 30 April 2008 allocated with project number V7068 and drawing number SK01

From: [Vaughn Cox](#)
To: [Rebecca Cooper](#)
Cc: [Kirsten Muir-Thompson](#); [Shane Farrell](#)
Subject: RE: Residential Development Brigadoon, WA (EPBC 2008/4250) | Condition 8 Approval [SEC=OFFICIAL]
Date: Tuesday, 3 May 2022 3:35:05 PM
Attachments: [2008-4250-20190329-avon_ridge-Stage 11 A and B proposed Protective Covenants - Jan 2019.pdf](#)
[PEET Protective Covenant for Lot Sales.pdf](#)
[Avon Ridge Restrictive Covenant V1.pdf](#)

Hi Rebecca,

Just following up on our phone conversation. I can only find in our records a version of the covenant the same as the one you provided.

I'm satisfied you are operating with the approved version.

Cheers

Vaughn Cox
0422 369 431

From: Rebecca Cooper <Rebecca@corrib.com.au>
Sent: Tuesday, 3 May 2022 3:45 PM
To: Vaughn Cox <Vaughn.Cox@awe.gov.au>
Cc: Kirsten Muir-Thompson <kirsten@accendoaustralia.com.au>; Shane Farrell <shane@corrib.com.au>
Subject: RE: Residential Development Brigadoon, WA (EPBC 2008/4250) | Condition 8 Approval [SEC=OFFICIAL]

Good afternoon Vaughn,

Thank you for your below email.

The reason for providing the Restrictive Covenant for assessment and approval was that EPBC 2008/4250 has recently been transferred to the new land owner, Corrib Aran Developments Pty Ltd and wanted to ensure that they had the most up to date documentation and approvals in place.

From the documentation provided by the previous owners (see attached PEET Protective Covenant for Lot Sales.pdf), there are no content changes to the Restrictive Covenant, however the inclusion of "(Restrictive)" in the document heading has been added.

Thank you and should you need anything further please feel free to contact me.

Kind regards

Rebecca Cooper

APPENDIX D – BUYERS PACKAGE



Annexure I
Document Acknowledgement

The Buyer acknowledges having received a copy of the following documents:

1. Locality Plan
2. Strategic Firebreak Plan
3. Bushfire Management Plan prepared March 2019
4. 'The Homeowners Bushfire Survival Manual' (2014) sixth edition published by Department of Fire and Emergency Services (formerly known as The Fire and Emergency Services Authority of WA)
5. 'Prepare. Act. Survive.' (2014) version 5 published by Department of Fire and Emergency Services (formerly known as The Fire and Emergency Services Authority of WA)
6. City of Swan Fire Hazard Reduction Notice (Firebreak Notice) 2021/2022
7. 'Fire Season Guide 2021/22' published by the City of Swan
8. Vegetation Conditions within Avon Ridge Estate
9. Plant Communities within Avon Ridge Estate
10. Habitat Tree Locations
11. Trees over 500mm Diameter at Breast Height (DBH) Plan
12. Aboriginal Heritage Site Plan
13. Wetland and Creek Locations within Avon Ridge Estate
14. Seller's Fire Management Consultant Bonus Application Form