



Compliance Report for EPBC Approval 2008/4250

Avon Ridge, Brigadoon

Prepared for Peet Limited

October 2011

Project Number V7068



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Executive Summary

Cardno, by appointment of Peet Limited (Peet), have prepared this report to satisfy Condition 12 of the *Environment Protection and Biodiversity Conservation Act 1999* approval which was granted by the Department of Environment, Water, Heritage and the Arts (now known as the Department of Sustainability, Environment, Water, Population and Communities (the Department)) on the 8th October 2009. The approval relates to Peet's approved development of approximately 450 hectares of land for a special rural-residential development (the Development), known as Avon Ridge, Brigadoon in Western Australia.

In addressing Condition 12 of the approval, this document outlines the current level of compliance with the conditions of the approval for the Development thus far. The intent of this document is to:

- Detail the actions undertaken within the Development to September 2011;
- Demonstrate the level of compliance with the conditions of approval; and
- Identify any further actions which are required to meet the conditions of the approval.

At present, Stage One of the Development is in progress with the civil works for this stage including the construction of access roads, dams and firebreaks having been completed. However, dwelling construction is yet to commence for individual lots which have been sold to date. The next stage of construction (Stage Two) is due for commencement in 2013/14. The construction of the Development thus far is considered to exhibit a high level of compliance with the approval conditions, as is outlined in **Table 1** and detailed throughout the various sections of this report.

The high level of compliance with the conditions of approval is largely due to the proponent's intention for the Development to preserve the integrity of the vegetation communities found within and adjacent to the site, which enables the fauna species to continue inhabiting the area. The rigorous environmental management measures prescribed by the Construction Environmental Management Plan and the Revegetation and Fire Management Plan (which apply to all stages throughout the Development) have supported the proponent's intentions. These management initiatives are supported by a host of ongoing monitoring measures, whereby pro-active and preventative environmental management is implemented through effective and continual monitoring. The combination of the management and monitoring strategies implemented throughout the site, have enabled the current level of construction within Stage One of the Development to be undertaken with minimal risk posed to the overall integrity of the flora and fauna found within the area.

This Compliance Report identifies a number of key issues regarding the ongoing management initiatives employed throughout the Development which have arisen to date (**Table 15**). Cardno and Peet have been working closely to identify such issues as they arise, and have collaborated in implementing pro-active measures to ensure that any environmental issues are managed appropriately and are subject to ongoing monitoring initiatives.

This report is the first the required annual reports to be submitted to the Department as per condition 12 of the approval.

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1 Introduction

1.1 Project Background

Peet Limited's (Peet) Avon Ridge, Brigadoon Special Rural Development (the Development) is situated on the outer fringes of Perth's metropolitan area, approximately 15 kilometres north of the Midland Regional Centre and 30 km north-east of the Perth Central Business District (**Figure 1**).

The Development is located on Lots 1010 and 1022 Campersic Road, a total area of approximately 861 hectares (ha) (**Figure 2**). The Development involves the subdivision of approximately 450 ha of the site into 214 individual lots, an area of Public Open Space (POS) and a Creekline and Wetland Conservation Area. An additional area of 411 ha that is reserved as "Parks and Recreation" under the Metropolitan Region Scheme will shortly be ceded to the Western Australian State Government.

The Development proposal was referred to the Australian Government Minister for the Environment, Heritage and the Arts, pursuant to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), in May 2008. The matters of national environmental significance triggered for the referral of the Development proposal are threatened species, as protected by Part 3 of the EPBC Act. The referral contained information on the Development, including the existing environment and environmental setting of the Development. The referral also contained information on the manner in which various potential environmental impacts were to be managed through both subdivision construction phase and future ownership and occupation by new lot owners (including dwelling construction and the use of the lots by individual landowners).

The delegate for Minister for the Environment, Heritage and the Arts decided in July 2008 that the Development constituted a "controlled action", and therefore required assessment and approval under the EPBC Act. The relevant controlling provisions were "listed threatened species and communities (sections 18 and 18A)". The Minister also determined that the assessment approach for the Development would be "preliminary documentation", and also requested additional information as part of the assessment process.

Cardno prepared a document entitled "Preliminary Documentation: Brigadoon Estate Special Rural Development, Brigadoon Western Australia, EPBC Reference 2008/4250" (Cardno, 2008), which provided information on the proposal and addressed the information requirements as outlined by the Department of Environment, Water, Heritage and the Arts (DEWHA) (now known as the Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC))¹. This document was released for public comment in November 2008.

The document entitled "Response to Submissions: Brigadoon Estate Special Rural Development, Brigadoon Western Australia, EPBC Reference 2008/4250" (Cardno, 2009) was also prepared in March 2009. This document provided information regarding the advertising and public comment process, a summary of submissions received, an outline of the amendments put in place or that are proposed and a response to the issues, comments and queries raised in submissions.

DEWHA issued environmental approval pursuant of the EPBC Act, subject to 16 Conditions on the 8th of October 2009.

¹ For the purposes of this document the Department of Sustainability, Environment, Water, Population and Communities will be referred to as the Department.

1.2 Purpose of Report

This document has been prepared to address Condition 12 of the environmental approval which states:

“Within three months of every annual anniversary of commencement of the action, the person taking the action must submit to the Department a report addressing compliance with the conditions of this approval. Annual Reports must be provided until the Minister is satisfied that the proponent has complied with all conditions of the approval.”

This report follows the Cardno advice to DSEWPC indicating the commencement of construction (dated 13th of July 2010) in accordance with Condition 11 of the approval, which requires:

“Within 30 days of commencement of construction, the person taking the action must advise the Department in writing the actual date of commencement.”

In accordance with this condition, and on behalf of the Proponent, Cardno advised that construction commenced on Monday 5th of July, 2010.

This document outlines the current level of compliance with the conditions of approval under the EPBC Act. The objectives of this report are to:

- Detail the actions undertaken within the Development to September 2011;
- Demonstrate the level of compliance with the conditions of approval; and
- Identify any further actions which are required to meet the conditions of approval.

As part of the above conditions of approval, Peet have appointed Cardno to prepare the Compliance Report for the 2011 reporting year and the proposed activities for the following year (2012).

1.3 Change in Contact Details

In accordance with Section 145 B of the EPBC Act, Peet notified the Department of the transfer in contact details for the Project Manager at Peet Limited in a letter dated 22 July 2011. The current Project Manager for the development at Avon Ridge, Brigadoon is Mr Craig Raynor, who took over management of the Estate from Ms Felicia Potter. This is summarised in a letter provided in **Appendix M**.

2 Approvals under the *Environment Protection and Biodiversity Conservation Act 1999*

As outlined previously in **Section 1.1**, approval under sections 130(1) and 133 of the EPBC Act for the Development was granted by the Minister for the Environment, Heritage and the Arts (EPBC 2008/4250).

Approval was subject to 16 Conditions, detailing that the Proponent must:

1. Not clear more than 58.2 ha of native vegetation within the project area;
2. Put in place measures to ensure clearing undertaken by future land owners within the project area will not exceed 17.1 ha of native vegetation;
3. Prepare a Revegetation and Fire Management Plan;
4. Ensure a Building Protection Zone is implemented within each lot, which must be supervised by a qualified Fire Management Consultant;
5. Ensure that all potential breeding habitat trees for Black Cockatoos are protected;
6. Ensure that the 411 ha Parks and Recreation Reserve be ceded to the WA State Government with management vested in the WA DEC;
7. Ensure that revegetation measures are implemented for individual lots;
8. Provide a final version of the Protective Covenant to the Department prior to sale of any lots;
9. Incorporate all elements specified as mandatory inclusions in the Outline Development Plan in either the Outline Development Plan, approved subdivision conditions or approved Protective Covenants;
10. Prepare and implement a Construction Management Plan;
11. Advise the Department of the actual date of commencement of construction;
12. Submit a report to the Department addressing compliance with the conditions of the approval within three months of every annual anniversary;
13. Not commence the action without written approval if, at any time after five years from the approval, the Minister is not satisfied that there has been substantial commencement of construction;
14. Submit for the Minister's approval if the person taking the action wishes to carry out an activity otherwise than in accordance with the plans, reports or strategies referred in the conditions;
15. Revise plans, reports or strategies if the Minister believes it is necessary or desirable for better protection of Threatened species and Threatened Ecological Communities (TECs) to do so; and
16. Maintain accurate records of all activities associated with or relevant to the above conditions of the approval.

A copy of the full conditions of the EPBC Act Approval is contained within **Appendix A**.

3 Compliance with Conditions of Approval

Table 1: Compliance Overview

Condition	Level of Compliance			Future Actions
	Low	Med	High	
Condition 1				
<i>The person taking the action must not clear more than 63 hectares of native vegetation within the project area (Attachment 1 of the approval) comprising:</i>				
a. up to 26 hectares for the purpose of constructing roads;			✓	› To September 2011, 10.4837ha have been cleared for the purpose of constructing roads.
b. up to 27 hectares of the purpose of constructing boundary firebreaks on individual lots as identified in Attachment 2 of the approval ;			✓	› To September 2011, 0.1732ha have been cleared for the purpose of constructing boundary firebreaks within lots.
c. up to 5.2 hectares for the purposes of constructing strategic firebreaks.			✓	› To September 2011, 2.8261ha have been cleared for the purpose of constructing strategic firebreaks.
Condition 2				
<i>The person taking the action must put in place measures to ensure that clearing undertaken by future land owners within the project area (Attachment 1 of the approval) will not exceed 24 hectares of native vegetation comprising:</i>				
a. up to 16.1 hectares for the purposes of constructing house sites and buffers around the house sites; and			✓	› To September 2011, 0.1732ha have been cleared for the purpose of constructing strategic firebreaks.
b. up to 1 hectare for the purpose of constructing driveways.			✓	› To September 2011, 0.0600ha have been cleared for the purpose of constructing driveways.
Condition 3				
Preparation, approval and implementation of a Revegetation and Fire Management Plan (RFMP).			✓	› Plan completed and approved. › Ongoing implementation required.
<i>The person taking the action must ensure that the Revegetation and Fire Management Plan includes (but is not restricted to):</i>				
a. Fuel reduction measures;		✓		› Fuel reduction measures are scheduled for Spring 2011. › Ongoing management to be provided by the Fire Management Consultant (FMC).
b. Revegetation measures to create additional Black Cockatoo habitat, specifically:			✓	› Landowners provided with sufficient information with the Protective Covenants (section 7) and the Sustainable Living Guidelines (pp. 38-42).
i. revegetation for all condition classes and vegetation complexes			✓	› Revegetation is proposed across the entire Development.

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Condition	Level of Compliance			Future Actions
	Low	Med	High	
ii. mix, numbers and density of species to be planted;			✓	<ul style="list-style-type: none"> › Although no planting has occurred within individual lots, new purchasers have been provided with a recommended plant list in the Sustainable Living Guidelines (pp. 41-42) which indicates species that are suitable for the nesting, roosting or feeding of the Black Cockatoos. › Revegetation within the Parks and Recreation Reserve has been undertaken and has included a wide range of suitable Black Cockatoo species.
iii. timing of proposed planting;			✓	Planting has been undertaken in winter every year to correspond with the wet season (June – August).
iv. weed management measures;			✓	<ul style="list-style-type: none"> › Weed management has been undertaken in the Parks and Recreation Reserve. Weed management will occur across the Development once lot level revegetation has commenced.
v. the survivorship rate of all revegetation measures must be at least 90% after three years;			✓	If the completion criteria is not achieved, all dead trees will be replaced and maintained for at least an additional two years.
vi. annual monitoring measures within the project area;	-	-	-	› To be implemented once monitoring is required.
vii. annual monitoring measures undertaken by an appropriately qualified and experienced specialist must commence in the Parks and Recreation Reserve;	-	-	-	› As the seedlings were planted in August of 2011, monitoring will be implemented in the spring of 2011 by revegetation specialists Tranen, with the support of Cardno.
viii. mapping of all potential Black Cockatoo habitat trees of 500 mm d.b.h or greater on individual lots and information on how these will be retained for permanent conservation.			✓	<ul style="list-style-type: none"> › All trees 300mm d.b.h have been mapped and marked with white flagging tape. › These trees have been included in the Protective Covenants and must be retained unless located within the house site, Building Protection Zone (BPZ) or required to be removed for fire management purposes (Section 3.6c).
Condition 4				
Thinning of vegetation for BPZ.			✓	› As the construction phase progresses, each lot will be subject to the thinning of vegetation for its BPZ, under the supervision of a FMC

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Condition	Level of Compliance			Future Actions
	Low	Med	High	
Thinning must not exceed 112,350 plants.			✓	<ul style="list-style-type: none"> › The number of trees cleared within the BPZ is monitored and recorded by the FMC in working with the landowner › Given that only 4 lots have been cleared so far within Stage One of the Development, with clearing of these lots not removing more than approximately 500 trees per lot, the thinning of the BPZ is on target to not exceed 112,350 plants.
Thinning of vegetation supervised by a FMC and comply with the RFMP.			✓	<ul style="list-style-type: none"> › Ongoing involvement from the FMC to supervise thinning of vegetation in accordance with the RFMP.
BPZ must be implemented on each of the 214 lots.			✓	<ul style="list-style-type: none"> › As the construction phase of the Development progresses, a BPZ will be installed in each lot.
Retention of vegetation outside of BPZ.			✓	<ul style="list-style-type: none"> › The retention of vegetation outside of the BPZ will occur in accordance RFMP.
Condition 5				
All potential breeding habitat trees protected in perpetuity via a Memorial on Title.			✓	<ul style="list-style-type: none"> › As the Development progresses, the Notifications on Title will apply to each newly released lot with potential habitat trees.
All trees with a d.b.h of 300mm or greater are retained unless they: <ol style="list-style-type: none"> a. They are located within the house site; b. They are located within the BPZ; and c. They are required to be removed for fire management purposes. 			✓	<ul style="list-style-type: none"> › Protective Covenants apply to all lots in Stage One. These include notification of potential and future habitat trees. › No disturbance has been recorded. › Monitoring will continue throughout the future stages of construction.
Condition 6				
The person taking the action must ensure at the 411 ha Park and Recreation reserve be ceded to the WA State Government.		✓		<ul style="list-style-type: none"> › The ceding of the Parks and Recreation reserve to the WA State Government will be completed in 2011, upon registration of the Deposited Plan for Stage One
Condition 7				
Each individual lot owner will be offered at least 1000 seedlings.	-	-	-	<ul style="list-style-type: none"> › Seedlings are to be provided to new lot owners following completion of dwelling construction.
Additional seedlings that cannot be planted because of Fire Management or other reasons, must be planted in the Parks and Recreation Reserve.			✓	<ul style="list-style-type: none"> › Planting of 30,000 seedlings was undertaken in July 2011 in 30ha of the Parks and Recreation Reserve.
<p><i>The person taking the action must ensure that all purchasers of lots within the project area, prior to sale and settlement:</i></p>				

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Condition	Level of Compliance			Future Actions
	Low	Med	High	
a. are aware of the existence of potential and actual breeding habitat trees on the individual lots, Notifications under Section 70A and the requirements that these must be conserved into perpetuity and not be cleared;			✓	› Future landowners will be notified through the Contract of Sale and Sustainable Living Guidelines (pp. 7-8).
b. are aware of the Protective Covenant;			✓	› Future landowners will be notified through the Contract of Sale and Sustainable Living Guidelines (p. i).
c. are aware of restrictions relating to clearing of:				
i. potential breeding habitat trees over 300mm d.b.h;			✓	Information included in the Contract of Sale, Notifications on Title, Protective Covenants (section 3.6) and Sustainable Living Guidelines (pp. 7-8)
ii. areas within and outside of the Building Protection Zone;			✓	› Information included in the Contract of Sale, Protective Covenants (section 2.1 and 2.2) and Sustainable Living Guidelines (pp.45-48).
d. are aware of proposed revegetation measures for their individual lot by person(s) as outlined in Condition 3; and			✓	› Information included in the Protective Covenants (section 7) and Sustainable Living Guidelines (p. 38). › Contractor Log sheets documenting revegetation works undertaken (including date, species and lot number). › Revegetation completion certificates for lot owners.
e. are provided with information on all Black Cockatoo species, their presence in the area, ecology, species range and details on habitat.			✓	› Information included in the Sustainable Living Guidelines (pp. 38-42) and purchaser information sheets.
Condition 8				
A final version of the Protective Covenant must be provided in writing to the Department for approval prior to the sale and settlement of any lot. The person taking the action must ensure that the approved Protective Covenant in place for each of the 214 lots.			✓	› The Final Protective Covenants were approved by the Department on the 31 st August 2010. › The implementation of the Protective Covenants is provided through the Purchaser Information Checklist, the Development Assessment checklist and the Contract of Sale. › Future landowners will be informed that Protective Covenants apply to the land and made aware of what is required to adhere to the Covenant.
Condition 9				

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Condition	Level of Compliance			Future Actions
	Low	Med	High	
All elements specified in Attachment 6 of the approval must be incorporated in either the Outline Development Plan, approved subdivision conditions or approved Protective Covenants.			✓	<ul style="list-style-type: none"> › All elements have been included in the Structure Plan, WAPC Conditions of Subdivision and Protective Covenants. › These will be implemented as the Development progresses.
This must be provided to the Department for approval.			✓	<ul style="list-style-type: none"> › Updates on the implementation of the components of Condition 9 have been provided to the Department. A further update will be provided to the Department following the final endorsement of the Structure Plan by the WAPC.
Condition 10				
Prepare, approve and implement a Construction Environmental Management Plan (CEMP).			✓	<ul style="list-style-type: none"> › The CEMP was approved by the Department on the 24th June 2010. › The CEMP will continue to be implemented as the Development progresses.
The Construction Management Plan must clearly demonstrate that:				
a. all habitat trees at are to be retained in perpetuity;			✓	<ul style="list-style-type: none"> › Notifications on Title apply to all lots in the Development which contain potential habitat trees for Black Cockatoos. › As the Development progresses, the Notifications on Title will apply to each newly released lot which contains potential habitat trees.
b. all trees to remain that are greater than 300mm d.b.h within the subdivision area and within 10 meters of an area proposed to be cleared are clearly marked and retained			✓	<ul style="list-style-type: none"> › Trees greater than 300mm d.b.h are marked with white coloured taping. › Protective Covenants apply to all lots in Stage One. › Trees greater than 300mm d.b.h will be retained unless the trees are: <ul style="list-style-type: none"> › Located within the house site; › Located within the BPZ; or › Required to be removed for fire management purposes, as advised by a Fire Management Consultant
c. areas of vegetation that are Black-Cockatoo habitat and not for clearance are clearly marked and retained			✓	Vegetation not to be cleared is marked with its respective coloured taping or spray paint There is to be no clearing outside pre-defined clearing areas.

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Condition	Level of Compliance			Future Actions
	Low	Med	High	
d. if clearing outside of stipulated areas occurs by other contract 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;		✓		<p>The rehabilitation of the accidental clearing area has been undertaken including the restriction of access.</p> <p>Future stages of construction will undertake the following measures to avoid any incidental clearing:</p> <ul style="list-style-type: none"> › Provision of site maps to all construction personnel detailing sites of significant flora, trees to be retained, fauna and heritage sites; and › Ensure all clearing boundaries and significant flora species are clearly demarcated, with any ambiguous boundaries to be checked with the Site Supervisor prior to clearing.
e. all contracted parties will undergo an induction programme prior to commencement of construction and/or clearing.			✓	<ul style="list-style-type: none"> › Prior to the commencement of any construction activities, Peet representatives and contractors participate in a Site Environmental Induction. › Any personnel who are involved with future site works will be required to participate in Site Environmental Inductions.
Condition 11				
Advise the Department of the actual date of commencement of construction.			✓	Cardno (on behalf of the Proponent) informed the Department that construction has commenced on Monday the 5 th July 2010, in the letter dated 13 th July 2010 (within 30 days).
Condition 12				
An annual report addressing compliance with the conditions of the approval is to be prepared within three months of every annual anniversary of commencement construction.			✓	Peet have appointed Cardno to prepare this Compliance Report for the 2011 reporting year.
Annual reports must be provided until the Minister is satisfied that the proponent has complied with all conditions of the approval.			✓	Cardno, on behalf of Peet, will issue the 2012 Compliance Report to the Department between 5 th July and 5 th October 2012.
Condition 13				
Not commence the action without written approval if, at any time after five years from the approval, the Minister is not satisfied that there has been substantial commencement of construction.			✓	As approval was granted under the EPBC Act on the 8 th October 2009 and construction commenced on Monday the 5 th July 2010, construction has commenced within the period of five years from the date of approval.
Condition 14				

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Condition	Level of Compliance			Future Actions
	Low	Med	High	
Submit for the Minister's approval if the person taking the action wishes to carry out an activity otherwise than in accordance with the plans, reports or strategies referred in the conditions.			✓	Proposed variations to components of the EPBC Act approval conditions have been provided to the Department for its consideration (Appendix L).
Condition 15				
Revise plans, reports or strategies if the Minister believes it is necessary or desirable for better protection of Threatened species and Threatened Ecological Communities (TECs) to do so.			✓	Comprehensive plans, reports and strategies are in place to ensure the ongoing protection of listed threatened species within the Development.
Condition 16				
Maintain accurate records of all activities associated with or relevant to the above conditions of the approval			✓	Peet and Cardno have comprehensive and accurate records of all activities associated with or relevant to the conditions of approval. Copies of the records are available upon request.

4 Condition 1: Clearing for the Purpose of Constructing

Condition 1 of the approval specifies:

*The person taking the action must not clear more than 58.2 hectares of native vegetation within the project area (**Attachment 1 of the approval**) comprising:*

- a. *up to 26 hectares for the purpose of constructing roads;*
- b. *up to 27 hectares of the purpose of constructing boundary firebreaks on individual lots as identified in **Attachment 2 of the approval**;*
- c. *up to 5.2 hectare for the purposes of constructing strategic firebreaks.*

Pursuant to Condition 1 of the approval, clearing has been undertaken taking into consideration the clearing restrictions stipulated in the approval. At present, clearing has only been completed for Stage One of Construction. This includes:

- Clearing for the purpose of constructing roads (this includes the clearing of the connecting road that has been constructed for fire management purposes to adjoin O'Brian Road);
- Clearing for lot level firebreaks for Stage One of Construction;
- Clearing for the strategic firebreaks for Stage One of Construction.

A detailed calculation of the current clearing has been undertaken using engineering drawings and an analysis of the most up to date aerial image (August 2011). **Table 2** provides a summary of the current level of clearing, the area remaining to be cleared and the percentage of clearing completed.

Table 2: Current level of clearing undertaken across the Development by the developer

Clearing Restrictions	Current level of clearing (ha)	Remaining clearing (ha)	Percentage of clearing complete (%)
a. up to 26 hectares for the purpose of constructing roads;	10.4837	15.5163	40.32
b. up to 27 hectares of the purpose of constructing boundary firebreaks on individual lots;	0.1732	26.8268	0.64
c. up to 5.2 hectares for the purposes of constructing strategic firebreaks.	2.8261	2.3739	54.34

During the detailed engineering design, it was identified that additional clearing maybe required to:

- Ensure the gradient and alignment of the roads is suitable for vehicles in accordance with road engineering standards provided by the City of Swan;
- Ensure road batters provide suitable drainage area for stormwater runoff;
- Provide access and construction of the batters and locate service trenches outside of batter areas;
- Construct water storage dams that provide onsite drainage storage following rainfall events.

It was determined that an additional 4.8ha will be required (4ha for the purpose of constructing roads and 0.8ha for the purpose of constructing a strategic firebreak) to meet these requirements. This variation in Condition 1 of the approval is currently being negotiated with the Department and is being prepared separately from the Compliance Report. Variations are allowed under Section 143 (1c) of the *Environment Protection and Biodiversity Conservation Act 1999* subject to the Minister's approval.

4.1 Summary of Compliance

Continual monitoring of the progress of clearing will occur and be reported annually as part of the Compliance Report. Clearing is managed by the Construction Environmental Management Plan (Condition 10).

Table 3: Condition 1 – Compliance Overview

Condition 1	Level of Compliance			Future Actions
	Low	Med	High	
<i>The person taking the action must not clear more than 58.2 hectares of native vegetation within the project area (Attachment 1 of the approval) comprising:</i>				
a. up to 26 hectares for the purpose of constructing roads;			✓	› At present 10.4837ha have been cleared for the purpose of constructing roads.
b. up to 27 hectares for the purpose of constructing boundary firebreaks on individual lots as identified in Attachment 2 of the approval ;			✓	› At present 0.1732ha have been cleared for the purpose of constructing boundary firebreaks.
c. up to 5.2 hectares for the purposes of constructing strategic firebreaks.			✓	› At present 2.8261ha have been cleared for the purpose of constructing strategic firebreaks.

5 Condition 2: Clearing for the Purpose of Constructing House Sites, Buffers and Driveways

Condition 2 of the approval specifies:

*The person taking the action must put in place measures to ensure that clearing undertaken by future land owners within the project area (**Attachment 1 of the approval**) will not exceed 17.1 hectares of native vegetation comprising:*

- a. *up to 16.1 hectares for the purposes of constructing house sites and buffers around the house sites; and*
- b. *up to 1 hectare for the purpose of constructing driveways.*

Pursuant to Condition 2 of the approval, clearing has been undertaken taking into consideration the clearing restrictions stipulated in the approval. At present, clearing has only been undertaken for three demonstrational lots (197, 200, 203) as well as a purchaser lot (192) within Stage One. Lots 197, 200 and 203 have been cleared as demonstration lots for future landowners.

A detailed calculation of the current clearing has been undertaken using an analysis of the most up to date aerial image (August 2011). **Table 4** provides a summary of the current level of clearing, the area remaining to be cleared and the percentage of clearing complete.

Table 4: Current level of clearing undertaken across the Development by individual landowners

Clearing Restrictions	Current level of clearing (ha)	Remaining clearing (ha)	Percentage of clearing complete (%)
a. up to 16.1 hectares for the purposes of constructing house sites and buffers around the house sites; and	0.1732	15.9268	1.07
b. up to 1 hectare for the purpose of constructing driveways.	0.0600	0.04	6

Following the approval of the Development, it was determined that additional clearing will be required to allow for:

- An additional area for onsite infiltration of effluent from the household wastewater treatment systems (Aerobic Treatment Units). This infiltration area is expected to be around 150m² per lot and must be constructed and maintained in accordance with the Department of Health and City of Swan requirements; and
- An increased building envelope in response to the 2011 Major Incident Review by the Fire and Emergency Services Authority (FESA 2011) into the community's preparation for bushfires. A larger building envelope is required to reduce the fire risk within each individual lot providing future landowners with greater certainty regarding the fire protection of their homes.

It was determined that an additional clearing of 20.3ha will be required to satisfy these modifications. This variation in Condition 2 of the approval is currently being negotiated with the Department and is being prepared separately from the Compliance Report. Variations are allowed under Section 143 (1c) of the *Environment Protection and Biodiversity Conservation Act 1999* subject to the Minister's approval.

5.1 Summary of Compliance

Continual monitoring of the progress of clearing will occur and be reported annually as part of the Compliance Report. Clearing is managed by the Contract of Sale and Protective Covenants. Further advice is provided to landowners in the Sustainable Living Guidelines.

Table 5: Condition 2 – Compliance Overview

Condition 2	Level of Compliance			Future Actions
	Low	Med	High	
<i>The person taking the action must put in place measures to ensure that clearing undertaken by future land owners within the project area (Attachment 1 of the approval) will not exceed 17.1 hectares of native vegetation comprising:</i>				
a. up to 16.1 hectares for the purposes of constructing house sites and buffers around the house sites; and			✓	› At present 0.1732ha have been cleared for the purpose of constructing strategic firebreaks.
b. up to 1 hectare for the purpose of constructing driveways.			✓	› At present 0.0600ha have been cleared for the purpose of constructing driveways.

6 Condition 3: Revegetation and Fire Management Plan

Condition 3 of the approval specifies:

*The person taking the action must prepare a Revegetation and Fire Management Plan that applies to the 100 ha within the Park and Recreation Reserve and 450 ha for the subdivision (as identified at **Attachment 5 of the approval**) including all 214 individual lots. The proponent must obtain written approval from FESA prior to submission to the Department for approval. The person taking the action must not commence clearing or construction within the project is until the Department has approved the Revegetation and Fire management Plan in writing. Once approved this plan must be implemented.*

The person taking the action must ensure that the Revegetation and Fire Management Plan includes (but is not restricted to):

- a. *fuel reduction measures (including cool burn measures) specifying the timing and frequency of fuel reduction measures to minimise impacts on Black Cockatoo habitat.*
- b. *revegetation measures to create additional Black Cockatoo habitat across the project sites, including in the Parks and Recreation Reserve, specifically:*
 - i. *revegetation for all condition classes (excluding pristine and excellent classes) and vegetation complexes (including maps)*
 - ii. *mix, numbers and density of species to be planted;*
 - iii. *timing of proposed planting (must be during or following the annual winter rain period and generally between 1 June and 30 November;*
 - iv. *weed management measures;*
 - 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;*
 - vi. *annual monitoring measures within the project area undertaken by an appropriate 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);*
 - vii. *annual monitoring measures undertaken by an appropriately qualified and experienced specialist must commence in the park and Recreation Reserve within 12 months of completion of revegetation and continue for at least three year 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;*
 - viii. *mapping of all potential Black Cockatoo habitat trees of 300 mm d.b.h or greater on individual lots and information on how these will be retained for permanent conservation.*

In accordance with Condition 3, and on behalf of the proponent, Cardno prepared the Revegetation and Fire Management Plan (RFMP) (Cardno 2010a) which was approved by the Department on the 24th of June 2010. Part 1 of the RFMP provides the overarching principles and objectives for revegetation and fire management across the site. Part 2 of the RFMP provides detail on the revegetation program for the first subdivision application for the development of the site. Part 3 details the second subdivision application for the development. The final version of the RFMP can be found in **Appendix C.1**).

In the letter provided to the Department dated 19th of March 2010, Cardno requested approval of the RFMP (**Appendix C.2**).

The RFMP received approval from the Fire and Emergency Services Authority (WA) (FESA) included in the correspondence from Ralph Smith dated 14th of May 2010 (**Appendix C.3**). In addition, following some amendments to the plan (**Appendix C.4**), the RFMP received approval from the Department as shown in correspondence dated 24th of June 2010 (**Appendix C.5**).

At this stage of construction there has been limited implementation of the RFMP as very few lots are under construction. The following measures have been undertaken with reference to the components of Condition 3:

- Fuel reduction measures are scheduled for Spring 2011. Fuel reduction measures were not undertaken in 2010 due to unfavourable conditions resulting from the limited rainfall in winter and harsh weather conditions.
- Although revegetation has not been undertaken in individual lots (due to the construction of lots), future and prospective landowners have been provided with detailed advice on revegetation measures for Black Cockatoo habitat found in the *Sustainable Bushland Living* section within the Sustainable Living Guidelines (**Appendix N**). Revegetation efforts have also been coordinated into Section 7 of the Protective Covenants (**Appendix H.3**).
- Revegetation has been undertaken in the Parks and Recreation Reserve with approximately 30,000 seedlings to be planted in the winter of 2011. This is further discussed in **Section 10 (Condition 7)** of the Compliance Report. Seedlings within the Parks and Recreation Reserve provide a mix of locally native Black Cockatoo foraging and breeding habitat species.
- Weed management has been undertaken across this area to support the success of the revegetation.
- Mapping of all trees 300mm d.b.h was undertaken prior to commencement of construction. All trees above 300mm d.b.h were marked with white flagging tape, with their co-ordinates recorded on the GPS. These trees have been referred to as Ecologically Significant Trees and have been included in the Protective Covenants, stipulating that these trees cannot be cleared unless located within the house site, Building Protection Zone or required to be removed for fire management purposes (**Section 3.6c**).

6.1 Summary of Compliance

Continual monitoring of the implementation of the RFMP will occur and be reported annually as part of the Compliance Report.

Table 6: Condition 3 – Compliance Overview

Condition 3	Level of Compliance			Future Actions
	Low	Med	High	
Preparation, approval and implementation of a RFMP.			✓	<ul style="list-style-type: none"> › Plan completed and approved. › Ongoing implementation required.
<i>The person taking the action must ensure that the Revegetation and Fire Management Plan includes (but is not restricted to):</i>				
a. Fuel reduction measures.		✓		<ul style="list-style-type: none"> › Fuel reduction measures are scheduled for Spring 2011. › Ongoing management to be provided by the FMC.
b. Revegetation measures to create additional Black Cockatoo habitat, specifically:			✓	Landowners provided with sufficient information with the Protective Covenants (section 7) and the Sustainable Living

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Condition 3	Level of Compliance			Future Actions
	Low	Med	High	
				Guidelines (pp. 38-42).
i. revegetation for all condition classes and vegetation complexes;			✓	Revegetation is proposed across the entire Development.
ii. mix, numbers and density of species to be planted;			✓	<ul style="list-style-type: none"> › Although no planting has occurred within individual lots, new purchasers have been provided with a recommended plant list the Sustainable Living Guidelines (pp. 41-42) which indicates species that are suitable for the nesting, roosting or feeding of the Black Cockatoos. › Revegetation within the Parks and Recreation Reserve has been undertaken and included a wide range of suitable Black Cockatoo habitat species
iii. timing of proposed planting;			✓	Planting has been undertaken in winter (June – August) every year to correspond with the wet season.
iv. weed management measures;			✓	Weed management has been undertaken in the Parks and Recreation Reserve and will continue on a regular basis. Weed management will occur across the Development once lot level revegetation has commenced.
v. the survivorship rate of all revegetation measures must be at least 90% after three years;			✓	If the completion criteria are not achieved, all dead plants will be replaced and maintained for at least an additional two years.
vi. annual monitoring measures within the project area;	-	-	-	To be implemented once monitoring is required.
vii. annual monitoring measures undertaken by an appropriately qualified and experienced specialist must commence in the Parks and Recreation Reserve	-	-	-	As the seedlings were planted in August of 2011, monitoring will be implemented in the Spring of 2011 by revegetation specialists Tranen, with the support of Cardno.
viii. mapping of all potential Black Cockatoo habitat trees of 300 mm d.b.h or greater on individual lots and information on how these will be retained for permanent conservation			✓	<ul style="list-style-type: none"> › All trees 300mm d.b.h have been mapped and marked with white flagging tape. › These trees have been included in the Protective Covenants and must be retained unless located within the house site, BPZ or required to be removed for fire management purposes (Section 3.6c).

7 Condition 4: Building Protection Zone

Condition 4 of the approval specifies:

*The person taking the action may thin native vegetation within the Building Protection Zone (**Attachment 2 of the approval**) on each housing lot (**Attachment 3 of the approval**). The total thinning within the Building Protection Zones of the 214 housing lots (**Attachment 3 of the approval**) must not exceed 112,350 plants suitable for foraging for Black Cockatoos. The thinning process must be managed under the terms of the approved Revegetation and Fire Management Plan, and be personally supervised (pre and post thinning inspection for individual lots) by a qualified Fire Management Consultant. The person taking the action must obtain written approval from FESA of the first appointed Fire Management Consultant prior to the provision of any Building Protection Zone thinning advice. Any subsequent appointment of Fire Management Consultants will be based on that consultant having similar qualification as the initially appointed consultant.*

*The Building Protection Zone must be implemented on each of the 214 housing lots in the dimensions specified in **Attachment 2 of the approval**. The location of each Building Protection Zone and house site must be chosen in consultation with the Fire Management Consultant for the purpose of maximising the retention of trees as specified in Condition 4.*

The person undertaking the action must ensure that all native vegetation that provides habitat for Black Cockatoos is retained outside of the Building Protection Zones within 214 housing lots. This excludes native vegetation that is specifically managed under the Revegetation and Fire Management Plan.

Pursuant to Condition 4 of the approval, the establishment of a Building Protection Zone (BPZ) will be undertaken for each respective lot purchased. This will continue as the lot sales of the Development progress and landowners initiate construction upon their individual lots. Given that the lots sales of the Development have only recently commenced, only four BPZs have been implemented.

The thinning of the BPZ has been undertaken for three demonstrational lots (197, 200, 203) as well as a purchaser lot (192) within Stage One of the Development. A Fire Management Consultant (FMC) is currently engaged with the preparation of the BPZs and Hazard Separation Zones (HSZ) for purchasers of lots, and will continue to provide guidance to new landowners regarding acceptable tree clearing practices prior to any lot clearing in accordance with the Protective Covenants (**Condition 8** of the approval).

The role of the FMC is to perform pre-thinning and post-thinning site checks to ensure that landowners understand what is required, and evaluate whether their clearing actions are compliant with the RFMP and condition 4 of the approval. These site checks are documented by the FMC in a Pre-Clearing Checklist and Post-Clearing Checklist (**Appendix D.1**). These Checklists provide information including:

- Tree thinning advice provided to the landowner;
- Preferential building envelope location;
- Location of Black Cockatoo habitat trees to be retained;
- Likely fire management requirements for the individual lot, and;
- The approximate number of trees that are proposed to be cleared as part of the fire management requirements.

The retention of vegetation outside of the BPZ is also monitored by the FMC for compliance with the RFMP, and documented in the Post-Clearing Checklist. Landowners are required to sign the pre-clearing checklist in acknowledgment that they understand the clearing requirements and advice provided by the FMC, and also enables them to nominate a date for a post- thinning inspection.

The Post-Clearing Checklist confirms whether clearing and vegetation modification has been undertaken in a manner that is consistent with the advice provided. This component is also particularly important in terms of the FMC being able to confirm that no habitat trees have been cleared. The pre-clearing and post-clearing inspection procedures of individual lots will be continued by the FMC as the sales and construction phases of the Development progresses.

Given that only four lots have been cleared so far within Stage One of the Development, with each of these lots not removing more than approximately 500 plants per lot, the total thinning of the combined BPZs throughout the Development is on target to not exceed 112,350 plants.

7.1 Summary of Compliance

Continual monitoring of the implementation of the BPZs will occur and be reported annually as part of the Compliance Report. The monitoring of the BPZs is performed by the FMC on behalf of Cardno.

Table 7: Condition 4 – Compliance Overview

Condition 4	Level of Compliance			Future Actions
	Low	Med	High	
Thinning of vegetation for BPZ.			✓	As the construction phase progresses, each lot will be subject to the thinning of vegetation within the BPZ, under the supervision of a FMC
Thinning must not exceed 112,350 plants.			✓	The number of trees cleared within the BPZ is monitored and recorded by the FMC in working with the landowner Given that only four lots have been cleared so far within Stage One of the Development, with clearing of these lots not removing more than approximately 500 plants per lot, the thinning of the BPZ is on target to not exceed 112,350 plants.
Thinning of vegetation supervised by a FMC and comply with the RFMP.			✓	Ongoing involvement from the FMC to supervise thinning of vegetation in accordance with the RFMP.
BPZ must be implemented on each of the 214 lots.			✓	As the construction phase of the Development progresses, a BPZ will be installed in each lot.
Retention of vegetation outside of BPZ.			✓	The retention of vegetation outside of the BPZ will occur in accordance RFMP.

8 Condition 5: Protection of Habitat Trees and Ecologically Significant Trees

Condition 5 of the approval specifies:

*The person taking the action must ensure that all potential breeding habitat trees for Black Cockatoos (as designated at **Attachment 4 and 4A of the approval**) are protected in perpetuity via a Memorial on Title.*

*The person taking the action must ensure that all other trees within the lot area (**Attachment 1 of the approval**) with a diameter by breast height (d.b.h) of 300mm or greater are retained unless:*

- a. *they are located within the house site;*
- b. *they are located within the Building Protection Zone; and*
- c. *they are required to be removed for fire management purposes as advised by a qualified Fire Management Consultant(s).*

Pursuant to Condition 5 of the approval, a Notification on Title is applicable to each individual lot of the Development which contain potential Black Cockatoo habitat trees. The Notification on Title is the primary mechanism to ensure that potential breeding habitat trees for Black Cockatoos are protected in perpetuity.

The Notification on Title under Section 70A of the *Transfer of Land Act 1893* has been included in **Appendix E.1**.

8.1 Clarification of Terms

Following the approval granted by the Department on the 8th October 2009, the proponent sought clarification with its legal representatives regarding the use of the term 'Memorial on Title' in Condition 5 and its accompanying definition on page 6 of the approval. In the letter dated 7th September 2010, the advice from Minter Ellison to the proponent clarified the use of the term 'Memorial on Title' and 'Notification on Title', as per section 70A of the Western Australian *Transfer of Land Act 1893* (TLA) (**Appendix E.2**). Minter Ellison highlighted the following considerations in the letter sent to the proponent:

'The use of the expression 'Memorials on Title' by DEWHA (DSEWPaC) in the Approval is not strictly correct. There is no reference to 'Memorials on Title' in section 70A of the TLA. However, in practical terms, the expressions 'Memorial on Title' and 'Notification' are one and the same for the purpose of the Approval. Strictly speaking, the expression 'Memorial on Title' referred in the Approval should be replaced with the expression 'Notification'.

Based on this advice and following discussion with the Department, Notifications on Title for each required lot have been deemed to be a record on the Certificate of Title, made pursuant to section 70A of the TLA. The Notifications under Section 70A are lodged by CWS Lawyers on behalf of the proponent. The notification is registered against a Certificate of Title, whereby the local authority believes that it is desirable that proprietors or prospective proprietors of the land are aware of certain factors affecting the use and enjoyment of the land or part of the land.

This revision of terms was included in the proposed variation to conditions of approval currently being negotiated with the Department.

8.2 Habitat Trees

Note 4 of the form of the Notification under Section 70A (**Appendix E.1**), which is prepared for those lots which contain habitat or remnant nesting trees in the Development, states that:

“The land is subject to specified cockatoo habitat trees or remnant nesting trees which are to be retained in perpetuity and are not to be cleared in any event. The registered proprietor and subsequent registered proprietors must familiarise themselves and comply with the Environment Protection and Biodiversity Conservation Act 1999 (Cth) prior to commencing any works on the land in order to conserve the specified cockatoo habitat trees and/or the remnant nesting trees and ensure that the cockatoos' habitats and/or remnants trees are protected.”

The proponent will satisfy Condition 5 of the approval through the application of Notifications under Section 70A for those lots which contain potential Black Cockatoo habitat trees. The Notifications under Section 70A detail the requirements for all potential Black Cockatoo habitat trees to be protected in perpetuity. Notifications under Section 70A will be lodged collectively during the application for titles within Stage One of the Development. This will take place for the following stages of the Development, with the Notifications under Section 70A to be lodged on a stage by stage basis.

8.3 Ecologically Significant Trees

Protective Covenants have been prepared for all individual lots within the Development, to ensure that all other trees within the lot area with a diameter by breast height of 300mm or greater are retained. These trees have been referred to as Ecologically Significant Trees. The Protective Covenant (discussed further in Condition 8) provides details so that:

“The buyer is aware of the existence of potential and actual breeding habitats for Black Cockatoos as disclosed in the Notification on Title and must not allow or allow to be undertaken:

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

While the Protective Covenants detail the requirement for the retention of any trees with a diameter by breast height of 300mm or greater, they also further support the Notifications under Section 70A by describing actions necessary for the protection of habitat trees for the Black Cockatoo. The Notifications under Section 70A and the Protective Covenants are implemented through the Construction Environmental Management Plan (CEMP) (Cardno 2010b), which is the management framework which serves to ensure the requirements of these two instruments are enacted.

8.4 Summary of Compliance

The requirements for the protection and retention of potential breeding habitat trees for Black Cockatoos are detailed in the Notifications under Section 70A and Protective Covenants. Continual monitoring of the protection and retention of potential habitat trees for Black Cockatoos will occur and be reported annually as part of the Compliance Report.

Table 8: Condition 5 – Compliance Overview

Condition 5	Level of Compliance			Future Actions
	Low	Med	High	
All potential breeding habitat trees protected in perpetuity via a Notification on Title.			✓	As the Development progresses, the Notifications on Title will apply to each newly released lot which displays potential habitat trees.
All trees with a d.b.h of 300mm or greater are retained unless they: <ol style="list-style-type: none"> a. They are located within the house site; b. They are located within the BPZ; and c. They are required to be removed for fire management purposes. 			✓	<ul style="list-style-type: none"> › Protective Covenants apply to all lots in Stage One. These include notification of potential and future habitat trees. › No disturbance has been recorded. › Monitoring will continue throughout the future stages of construction.

9 Condition 6: Ceding of the Parks and Recreation Reserve

Condition 6 of the approval specifies:

*The person taking the action must ensure that the 411 ha Parks and Recreation reserve as highlighted in green in **Attachment 5 of the approval** be ceded to the WA State Government with management vested to WA DEC within 12 months of the first stage subdivision approval being granted by the Western Australian Planning Commission for the proposal. The Department must be notified in writing once this has occurred.*

Although the Parks and Recreation Reserve has not yet been transferred to the WA State Government, actions have been undertaken by the proponent in advancing the completion of Condition 6, since the Subdivision Approval for the 1st stage subdivision was granted by the Western Australian Planning Commission (WAPC) on the 17th March 2010. The proponent acknowledges that the stipulated time period for the transfer to occur was to be within 12 months from the date of subdivision, being the 17th March 2011.

Unfortunately, the delays during the clearance of the WAPC subdivision conditions and the reconsideration of these conditions, and delays in the creation of the Parks and Recreation Reserve Certificate of Title, have prevented the transfer of the Parks and Recreation Reserve to the WA State Government within the timeframe stipulated in Condition 6. These factors which have led to the delay, were discussed in the advice provided to the Department by Cardno on the 22nd of March 2011 (**Appendix F.2**). This advice has been summarised below.

9.1 Clearance of Subdivision Conditions

The subdivision approval granted from the WAPC prescribed 34 conditions, which must be satisfied (cleared) before a deposited plan may be endorsed by the WAPC. The WAPC Conditions of Subdivision have been included in **Appendix F.2**.

Several conditions have required the approval from State Government agencies, including Local Government (City of Swan), Western Power, the Department of Water and the Department of Environment and Conservation. In seeking approval, the proponent has been working closely with these agencies to satisfy the subdivision conditions, however there have been delays in conducting the work required and receiving formal approval from these agencies. For example, Condition 34 requires the fencing of the Parks and Recreation Reserve boundary, which has yet to be completed due to the conditions on site including wet weather, ongoing construction over the site and the presence of machinery.

9.2 Reconsideration Request for the Subdivision Conditions

Following subdivision approval from the WAPC, the proponent submitted a request for the reconsideration of a number of conditions, to address errors within the conditions. This was submitted within 28 days of the subdivision approval being granted, in accordance with Section 151(1) of the *Planning and Development Act 2005*. The response to this reconsideration request was only issued by the WAPC on the 17th February 2011. Following this, the subdivision approval has been amended with some of the conditions having been removed, and the proponent has been working with these new and amended conditions.

9.3 Creation of the Parks and Recreation Reserve Certificate of Title

The Parks and Recreation Reserve area can only be transferred to the State Government when there is a separate piece of land (title) that incorporates the Parks and Recreation Reserve. Transfer of the Parks and Recreation Reserve to the State will occur when deposited plans are lodged following clearance of the conditions of subdivision.

The transfer of the Parks and Recreation Reserve is also detailed as a condition of the WAPC subdivision approval (Condition 10), which states: “*the areas of subject Lot 1010 and 1022 Campersic Road which are reserved for Parks and Recreation under the Metropolitan Region Scheme, and Lot 1055 Campersic Road, are to be ceded free of cost for the Crown for Regional Parks and Recreation purpose on the first deposited plan*”. The proponent therefore has a statutory obligation to transfer the Parks and Recreation Reserve under the *Planning and Development Act 2005* as well as the *Environment Protection and Biodiversity Conservation Act 1999*.

9.4 Summary of Compliance

Transfer of the Parks and Recreation Reserve has not occurred within the 12 months of the subdivision approval, as specified by the EPBC Act approval. The proponent is progressing clearance of all the WAPC subdivision conditions to allow this transfer as soon as possible, in accordance with the State issued approval under the *Planning and Development Act 2005*.

Based on recent discussions with the proponent, the transfer of the Parks and Recreation Reserve to the WA State Government is expected to be completed by mid October 2011.

Table 9: Condition 6 – Compliance Overview

Condition 6	Level of Compliance			Future Actions
	Low	Med	High	
The person taking the action must ensure at the 411 ha Parks and Recreation reserve be ceded to the WA State Government.		✓		The ceding of the Parks and Recreation reserve to the WA State Government will be completed in 2011, upon registration of the Deposited Plan for Stage One.

10 Condition 7: Revegetation Measures for Individual Lots

Condition 7 of the approval specifies:

The person taking the action must ensure that following the sale and settlement each individual lot owner will be offered at least 1000 seedlings suitable for foraging and breeding habitat for Black Cockatoos to be permanently planted on their purchased lot. This planting must be undertaken under the direct supervision of a Revegetation Specialist at the proponent's expense.

*The person taking the action must ensure that any seedlings allocated for individual lots that cannot be planted because of Fire Management or other reasons, must be planted in the Parks and Recreation Reserve as identified in **Attachment 7 of the approval**. Planting must be undertaken following the sale of settlement of the individual lots so that the planting under this condition total at least 214,000 plants on either individual lots or in the Parks and Recreation Reserve.*

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 on the individual lots, Notifications on Title and the requirements that these must be conserved into perpetuity and not be cleared;*
- b. are aware of the Protective Covenant;*
- c. are aware of restrictions relating to clearing of:
 - i. potential breeding habitat trees over 300mm d.b.h; and*
 - ii. areas within and outside of the Building Protection Zone; and**
- 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.*

The enactment of Condition 7 of the approval is yet to commence due to the current stage of construction of the development. At present only four lots have been sold to date within the Development. The 1000 seedlings will be offered to landowners following the completion of construction on each lot.

For those lots which have been sold and have settled, the planting of the seedlings prior to construction upon individual lots will be limiting to the survival of the seedlings. The traversing of the site by personnel, machinery and materials, as required during the construction process, will have a high chance of disturbing the young saplings. The proponent has therefore deemed the offering of the seedlings as subject to a holding period, whereby the seedlings will be offered nearing the completion of the construction activities. This will be done in the interest of achieving the highest survival rate possible for the seedlings, and avoiding any actions which may threaten the success of the plantings.

As stipulated by Condition 7, the proponent must ensure that all purchasers of lots (prior to the sale and settlement of their lot) are aware of the measures included in the Notifications on Title and Protective Covenants, clearing and revegetation measures, and are provided with information regarding the Black Cockatoos and their habitat. Pursuant to this Condition, the proponent has established a Purchaser Information Checklist and a Contract of Sale which are the instruments used to verify that a purchaser is aware of the restrictions upon the land, and has also received the relevant information which will aid them in adhering to the requirements of the Notifications on Title and the Protective Covenants.

The Contract of Sale (**Appendix G.1**) requires landowners to acknowledge the receipt of key documents and recognise that they are aware of their obligations when undertaking construction work within the Development. For example, landowners will be required to recognise that:

- Notifications on Title apply to specific lots and restrict activities;
- Protective Covenants apply;
- Clearing over their lot for dwellings, driveways and 5m buffer around the house site cannot exceed 800m² per lot. All other vegetation (other than what is required to be cleared for fire management), must be retained;
- Habitat trees must be retained in perpetuity;
- All trees greater than 300mm d.b.h must be retained (unless located within a house site, BPZ or required to be removed for fire management purposes);
- Buyers must thin their BPZ at the direction of the FMC; and
- Revegetation will be undertaken over their lot following construction of their home.

In conjunction with the Contract of Sale, the Purchaser Information Checklist (**Appendix G.2**) advises purchasers of their obligations when buying and living within the Development. The Purchaser Information Checklist requires that purchasers are supplied with, and briefed upon the following items:

- Amount of vegetation that can be cleared;
- Information on the proposed revegetation within their lot;
- The existence of potential and actual breeding trees on lots, Notifications on Title and the requirement for these to be conserved in perpetuity;
- Are aware of the Protective Covenant, Notifications on Title and the Fire Management Plan;
- Are aware to restrictions on clearing regarding:
 - Potential breeding trees over 300 mm d.b.h;
 - Areas within and outside of the BPZ; and
 - Are provided with species related information on all Black Cockatoos, their presence in the area, ecology, species range and details on habitat.

This information has been provided in the Sustainable Living Guidelines (**Appendix N**) which are provided to each future landowner. The *Sustainable Bushland Living* section provides information including:

- Suitable Black Cockatoo revegetation species;
- Water wise landscaping;
- Minimising the use of invasive plants; and
- Recommended plant list.

These documents are compliant with the specifications of Condition 7 and will be implemented as the Development progresses.

10.1 Revegetation within the Parks and Recreation Reserve

As a precursor to the revegetation proposed within individual lots, Peet have commissioned revegetation specialists to undertake revegetation within the Parks and Recreation Reserve. In 2011, approximately 30,000 seedlings have been planted within the Parks and Recreation Reserve following the onset of good winter rains. The following measures were undertaken in the Parks and Recreation Reserve to maximise the success of revegetation:

- Ripping of the soil to aerate the soil and break the ground surface;
- Weed control to minimise weed introduction across the revegetation area;
- Construction of a 1.8m galvanised fence to minimise grazing from native wildlife and pest species;
- Planting of established tubestock with fertilizer tablets to encourage seedling survival;
- Monitoring for three years to assess seedlings survival and progress; and

- Continuation of weed management until the completion of the monitoring process.

A photo palate of the revegetation is provided in **Appendix G.3**.

In support of these measures, the revegetation specialists Tranen will continue to monitor the progress of the seedlings and the security of the revegetation site on a monthly basis, and report the findings to Cardno. Monitoring of the revegetation activities will be carried out as required by the RFMP.

Signage has been installed which denotes the area as a 'Tranen revegetation site'. Further security measures to ensure the protection of the site from disturbance are currently being investigated by Tranen in conjunction with Cardno, and will be implemented shortly.

10.2 Risks to the Revegetation Measures within the Parks and Recreation Reserve

Cardno's restoration ecology specialists have identified several key issues regarding the survival of seedlings which have recently been planted within the Parks and Recreation Reserve. These are summarised below in order of greatest perceived risk.

10.2.1 Drought

The risk of drought poses a likely factor in affecting the survival and development of seedlings. A hot, dry summer can quickly reduce soil moisture. The rainfall received this winter however will greatly reduce the risk of drought affecting the plants, as planting was undertaken at a favourable time of year, giving the seedlings sufficient time to develop a healthy root system before plant available water in the soil is reduced. Should high mortality rates arise from a harsh summer, infill planting will be undertaken next winter.

10.2.2 Fire

Fire poses a significant risk to the entire site area due to the fuel loads surrounding the site and its sloping aspect. Effective fire management strategies within the surrounding area such as fuel load reduction and construction of strategic firebreaks, will reduce the risk of fire reaching the revegetation site. Risk reduction methods within the Parks and Recreation Reserve include the reduction of fuel loads by undertaking weed control actions. Weeds, especially grass species, have potential to increase fuel loads due to their high surface area and ability to quickly dry out over summer months.

10.2.3 Weed competition

By competing for light, water and nutrients, weeds can restrict the rate of growth of young plants within the revegetation area. To prevent this, further chemical weed control will be implemented for the revegetation site. Prior to planting, the area was treated with knock-down and pre-emergent chemical sprays to reduce the weed population present. However, weeds may continue to affect the site through residual soil seed banks and migration from adjacent populations. Regular monitoring and further control actions have been identified as necessary, especially during spring periods. This will also serve to reduce fuel loads.

10.2.4 Disease

Diseases such as *Phytophthora cinnamomi* (Dieback) pose a risk to the success of the revegetation, by killing susceptible plant species. Many of the revegetation species are susceptible to Dieback, and it is impossible to eradicate once introduced to an area. Ongoing preventative measures such as vehicle hygiene management are necessary to mitigate the risk of introducing and spreading plants pathogens such as *Phytophthora cinnamomi*. Site inspections in July and August 2011 did not reveal any significant, obvious signs of Dieback, although it was noted that a site visit by a DEC accredited Dieback Interpreter would be required to confirm the presence or absence of the disease. This is to be undertaken during the last quarter of 2011.

10.2.5 Predation

The area has been surrounded by a fence designed to exclude kangaroos, rabbits and other herbivores. This will greatly assist in reducing the impact from large herbivores, although insects will still be able to affect the plants. Regular monitoring will be undertaken to inspect the revegetation for signs of stress from predation or other factors, with treatment applied accordingly.

10.2.6 Vandalism

The main risk to the revegetation area is associated with people gaining access with 4WD vehicles and disturbing the revegetation area. This risk has been managed with fencing and informative signs. Although this will not necessarily prevent illegal access all practical measures have been taken to reduce this risk.

10.2.7 Frost

Cold, dewy nights over the winter/spring period have the potential to cause frost to form on the seedlings, which can severely damage plant cell structure. The risk of large-scale damage is small, but could have a severe impact if it does occur. In-fill planting will be implemented if the revegetation works are damaged by a frost event.

10.3 Summary of Compliance

Revegetation activities for individual lots are to commence following the completion of dwelling construction on each lot. Seedlings will be offered to landowners nearing the completion of the construction activities, in the interest of achieving the highest survival rate possible for the seedlings. The Purchaser Information Checklist and the Contract of Sale are the instruments used by the Proponent to verify that a purchaser is aware of the restrictions upon the land, and has also received the relevant information which will aid them in adhering to the requirements of the Notifications on Title and the Protective Covenants.

Continual monitoring of the revegetation activities undertaken within the Parks and Recreation Reserve will occur as required by the RFMP, and be reported annually as part of the Compliance Report.

Table 10: Condition 7 – Compliance Overview

Condition 7	Level of Compliance			Future Actions
	Low	Med	High	
Each individual lot owner will be offered at least 1000 seedlings.	-	-	-	Seedlings to be provided to new lot owner following completion of dwelling construction.
Additional seedlings that cannot be planted because of Fire Management or other reasons, must be planted in the Parks and Recreation Reserve.			✓	Planting of 30,000 seedlings in 30ha of the Parks and Recreation Reserve undertaken in July 2011.
<i>The person taking the action must ensure that all purchasers of lots within the project area, prior to sale and settlement:</i>				
a. are aware of the existence of potential and actual breeding habitat trees on the individual lots, Notifications of Title and the requirements that these must be conserved into perpetuity and not be cleared;			✓	Future landowners will be notified through the Contract of Sale and Sustainable Living Guidelines (pp. 7-8).
b. are aware of the Protective Covenant;			✓	Future landowners will be notified through the Contract of Sale and Sustainable Living Guidelines (p. i).
c. are aware of restrictions relating to clearing of:				
i. potential breeding habitat trees over 300mm d.b.h;			✓	Information included in the Contract of Sale, Notifications on Title, Protective Covenants (section 3.6) and Sustainable Living Guidelines (pp. 7-8).
ii. areas within and outside of the Building Protection Zone;			✓	Information included in the Contract of Sale, Protective Covenants (section 2.1 and 2.2) and Sustainable Living Guidelines (pp.45-48).
d. are aware of proposed revegetation measures for their individual lot by person(s) as outlined in Condition 3; and			✓	Information included in the Protective Covenants (section 7) and Sustainable Living Guidelines (p. 38). Contractor Log sheets documenting revegetation works undertaken (including date, species and lot number). Revegetation completion certificates for lot owners.
e. are provided with species related information on all Black Cockatoos, their presence in the area, ecology, species range and details on habitat.			✓	Information included in the Sustainable Living Guidelines (pp. 38-42) and purchaser information sheets.

11 Condition 8: Protective Covenants

Condition 8 of the approval specifies:

The person taking the action must provide a final version of the Protective Covenant in writing to the Department for approval prior to the sale and settlement of any lot. The person taking the action must ensure that the approved Protective Covenant is in place for each of the 214 lots.

Pursuant to Condition 8 of the approval, the final version of the Protective Covenant was approved by the Department prior to the release of land within the Development. In the letter dated the 10th of August 2010 (**Appendix H.1**), Cardno provided the Department with the final version of the Protective Covenant for the Development, referred to as Annexure B. A set of Annexures will be attached to the Offer and Acceptance Form which is provided in the sale of all 214 lots.

Approval of the Protective Covenants was granted by the Department in the letter dated the 31st of August 2010. This approval was granted prior to the commencement of sales, which began in September 2010 (**Appendix H.2**). Final Protective Covenants have been included in **Appendix H.3**.

Protective Covenants are applied on the Certificate of Title for all lots in accordance with the *Transfer of Land Act 1893*, and include information on areas which are not to be cleared within private landholdings. Specifically, the Protective Covenants detail the following:

- The use of a Fire Management Consultant to advise on clearing required for fire management, including pre and post clearing inspections;
- The retention of habitat trees;
- Restrictions on clearing of the dwelling, Building Protection Zone or driveway; and
- Restrictions on clearing after construction of the first house on each lot.

The implementation of the Protective Covenants is supported by the Contract of Sale, Development Application Checklist and Purchaser Information Checklist. The Purchaser Information Checklist is used by Peet sales staff to ensure that purchasers are fully aware of their obligations when purchasing lots at Avon Ridge, Brigadoon. This Checklist ensures that purchasers are supplied with and briefed upon the necessary information regarding Avon Ridge, Brigadoon and the development process, which includes information regarding the adherence to the Protective Covenant. Information regarding the application of Protective Covenants is also communicated in the Development Application Checklist, Contract of Sale and Sustainable Living Guidelines.

The Development Application Checklist will allow a third party (employed by Peet) to review development applications (prior to submission to Council), in order to ensure that they are consistent with the provisions of the Structure Plan and the Protective Covenants. This Development Application Checklist will demonstrate how landowners are adhering to the Covenants and provide an estimate of the amount of clearing that has been conducted by landowners for their building envelope, 5 metre buffer and driveways. Additionally, the Development Application Checklist will provide an estimate of the building envelope size to ensure it complies with the provisions of the Structure Plan.

Furthermore, the Contract of Sale requires landowners to acknowledge the requirements of the Protective Covenants and the receipt of other key documents, to ensure that purchasers are aware of their obligations when buying, constructing and living within Avon Ridge, Brigadoon. These Covenants are provided to each landowner following the purchase of each lot. Subsequent Development Applications made to the City of Swan will assess the proposed development of each lot to ensure that landowners are complying with the covenants.

A detailed summary of this process is provided to future landowners in the *Your Building and Design Approval* section (pp. ii-iii) in the Sustainable Living Guidelines (**Appendix M**).

11.1 Summary of Compliance

Protective Covenants are applied on the Certificate of Title for all lots in accordance with the *Transfer of Land Act 1893*, and include information on areas which are not to be cleared within private landholdings. The implementation of the Protective Covenants is supported by the Contract of Sale, Development Application Checklist and Purchaser Information Checklist.

Table 11: Condition 8 – Compliance Overview

Condition 8	Level of Compliance			Future Actions
	Low	Med	High	
The person taking the action must provide a final version of the Protective Covenant in writing to the Department for approval prior to the sale and settlement of any lot. The person taking the action must ensure that the approved Protective Covenant is in place for each of the 214 lots.			✓	<p>The Final Protective Covenants were approved by the Department on the 31st August 2010.</p> <p>The implementation of the Protective Covenants is provided through the Purchaser Information Checklist, the Development Assessment checklist and the Contract of Sale.</p> <p>Future landowners will be informed that Protective Covenants apply to the land and made aware of what is required to adhere to the Covenant.</p>

12 Condition 9: Mandatory Inclusions into the Structure Plan

Condition 9 of the approval specifies:

*All elements specified in **Attachment 6 of the approval** must be incorporated in either the Outline Development Plan, approved subdivision conditions or approved Protective Covenants. These must be complied with. The Department must be notified in writing on how all the elements in **Attachment 6 of the approval** have been incorporated and complied with. If any of the elements in **Attachment 6 of the approval** 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.*

Pursuant to Condition 9 of the approval all the elements specified in Attachment 6 of the approval have been incorporated in either the Structure Plan (previously referred to as the Outline Development Plan), conditions of subdivision approval or approved Protective Covenants.

Following the approval of the Development, Cardno provided the Department with a summary of how the different elements contained within Attachment 6 of the Approval were proposed to be addressed in accordance with the requirements of Condition 9 (dated 9 December 2009, **Appendix I.1**).

Subsequent to the approval of the WAPC Conditions of Subdivision, Cardno provided the Department with a letter (dated 13th July 2010) that outlines the approval and implementation of the Construction Environmental Management Plan pursuant to item 6 of Attachment 6 and Condition 14 of the WAPC Conditions of Subdivision (**Appendix I.2**).

In addition, Cardno provided a letter to the Department dated 11 August 2010 (**Appendix I.3**), which provided an update on implementation of the components of Condition 9.

The Structure Plan was adopted by the City of Swan as Outline Development Plan 147 on the 6th February 2008, where it resolved to delegate to the Principal Planner to approve the ODP subject to a number of modifications (**Appendix I.4**). On the 24th February 2010, the WAPC resolved to endorse the Structure Plan (dated 10 June 2009) subject to the modifications outlined in the Schedule of Modifications contained in **Appendix I.5**. The Structure Plan is pending final endorsement by the WAPC.

Following the final endorsement of the Structure Plan by the WAPC, a further update will be issued to the Department outlining the implementation of the components of Condition 9. All the components of Condition 9 and Attachment 6 of the approval have been addressed in the Protective Covenants, Structure Plan and WAPC Conditions of Subdivision. These mechanisms to include items from Attachment 6 for Condition 9 of the approval have been summarised in **Table 12**.

Table 12: Mechanisms to include items from Attachment 6 for Condition 9 of the approval

Attachment 6	Document	Documentation
Mandatory inclusion in the Outline Development Plan, Subdivision Approval Conditions or Protective Covenants.		
1. All habitat trees identified in Attachment 4 must be conserved in perpetuity via a Memorial on Title.	Protective Covenants via Notification on Title.	› Protective Covenants, Section 3.6 and Section 7.1
2. The restriction on building envelopes is a maximum of 10% of the gross lot area.	Structure Plan	› Structure Plan, Provision 1

3. Requirement for protective covenants to restrict clearing, including the use of a FESA approved Fire Management Consultant must be included.	Protective Covenants	› Protective Covenants, Section 2.1 and Section 3.5
4. Building development envelopes must not impinge on any areas identified by the Bush Forever vegetation condition classification as the following unless approved by Council: a. Areas determined to be in “pristine” condition; and b. Areas determined to be in an “excellent” condition. This includes driveways or other points of access.	Structure Plan and Protective Covenants	› Protective Covenants, Section 3.1 › Structure Plan, Provision 5
5. No additional clearing for access roads or other community infrastructure within the project area unless approved by Council.	Structure Plan	Clearing is limited to the areas stipulated in the WAPC Subdivisions Conditions of Approval and demonstrated in the Structure Plan.
6. A Construction Management Plan must be prepared and applied to all stages of development within the project area.	Condition of Subdivision	› WAPC Subdivision Conditions; Condition 14
7. A Revegetation and Fire Management Plan must be prepared and applied to all stages of development within the project area.	Condition of subdivision and Structure Plan	› WAPC Subdivision Conditions; Condition 29 › Structure Plan; Structure Plan Condition J
8. There should be no clearing outside the Building Protection Zone areas on the 214 lots, excluding those required for fire management purposes and approved driveway purposes.	Protective Covenants	› Protective Covenants, Condition 2.1 and Condition 7.1
9. There should be no clearing within the Building Protection Zone after the construction of the first house on each lot.	Protective Covenants	› Protective Covenants, Condition 2.8

12.1 Summary of Compliance

As outlined in **Table 12**, all the components of Condition 9 and Attachment 6 of the approval have been addressed in the Protective Covenants, Structure Plan and WAPC Conditions of Subdivision. Following the final endorsement of the Structure Plan by the WAPC, a further update will be issued to the Department outlining the implementation of the components of Condition 9.

Table 13: Condition 9 – Compliance Overview

Condition 9	Level of Compliance			Future Actions
	Low	Med	High	
All elements specified in Attachment 6 of the approval must be incorporated in either the Outline Development Plan, approved subdivision conditions or approved Protective Covenants.			✓	All elements have been included in the Structure Plan, WAPC Conditions of Subdivision and Protective Covenants. These will be implemented as the Development progresses.
This must be provided to the Department for approval.			✓	Updates on the implementation of the components of Condition 9 have been

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Condition 9	Level of Compliance			Future Actions
	Low	Med	High	
				provided to the Department. A further update will be provided to the Department following the final endorsement of the Structure Plan by the WAPC.

13 Condition 10: Construction Environmental Management Plan

Condition 10 of the approval specifies:

“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 any clearing taking place. The Construction Management Plan must clearly demonstrate that:

- a. all habitat trees at **Attachment 4 and 4A of the approval** are to be retained in perpetuity; and*
- b. all trees to remain that are greater than 300mm d.b.h within the subdivision area (as at **Attachment 3 of the approval**) and within 10 meters of an area 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 area) are clearly marked and retained;*
- d. if clearing outside of stipulated areas occurs by other contract 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 measure employed within the project areas to protect Black Cockatoo habitat.”*

Pursuant to condition 10 of the EPBC Act Approval, a Construction Environmental Management Plan (CEMP) has been prepared on behalf of the Proponent, and is applicable to all activities undertaken by the Development team (Peet, Consultants and Contractors) within the Development area.

13.1 Components of the Condition

The CEMP was submitted by Cardno on 16th April 2010 with approval received from the Department on 24th June 2010, (**Appendix J.1**). Implementation of the CEMP commenced on the 5th July 2010 as identified in the letter provided to the Department to satisfy Condition 11 of the approval.

Ongoing implementation will continue throughout the construction phase of the Development. The CEMP serves to:

- Provide an overall framework for onsite environmental management;
- Identify key environmental impacts to be addressed;
- Clearly outline the management objectives and strategies to minimise environmental impacts;
- Clearly outline roles and responsibilities;
- Identify monitoring and reporting requirements; and
- Document performance indicators and targets for environmental management.

a. Retainment of habitat trees

All Black Cockatoo habitat trees have been clearly marked and retained. The following management actions were taken in line with the CEMP:

- Clear marking (with white spray paint) of habitat trees to identify these trees during the construction period (construction activities limited to within 5m of habitat trees where possible);

- The requirement that these habitat trees must not be cleared as part of the construction process;
- Inclusion of habitat trees within Notifications on Title and Protective Covenants. These mandate the protection of habitat trees in perpetuity.

Photos of marked habitat trees can be found in **Appendix J.2**.

b. Retainment of trees greater than 300mm d.b.h

Mapping of all trees greater than 300mm diameter breast height (d.b.h) was undertaken in 2010 prior to the commencement of construction. These trees will be retained unless within a building envelope, building protection zone, strategic and lot firebreaks and road areas. These trees have been referred to as Ecologically Significant Trees.

Trees greater than 300mm d.b.h and within 10 meters of any proposed clearing area (which are not currently marked as habitat trees) are clearly marked with white flagging tape, to notify contractors that these trees cannot be cleared unless located in the above areas.

In addition, Protective Covenants will include the requirement to protect such trees on individual lots.

Photos of marked Ecologically Significant Trees can be found in **Appendix J.2**.

c. Areas excluded from clearing clearly marked and retained

Areas of “Pristine” and “Excellent” vegetation condition are protected by the following measures:

- No clearing other than for strategic firebreaks is permitted within these areas (In 2011, the strategic firebreaks in the northern portion of the Development were redrawn so as to not interfere with areas of “Pristine” condition vegetation. The CEMP will be updated to provide that no clearing is permitted within areas of “Pristine” and “Excellent” vegetation condition.).
- Areas of “Pristine” and “Excellent” vegetation condition are clearly demarcated with orange coloured flagging tape;
- Access to these vegetation areas is only permissible on foot or on designated tracks, such as existing tracks and constructed strategic and lot firebreaks; and
- Protective Covenants of the requirement to protect such vegetation on private lots.

Photos of marked “Pristine” and “Excellent” condition vegetation can be found in **Appendix J.2**.

d. Notification to the Department if clearing outside of stipulated areas occurs

The CEMP stipulates that there is to be no clearing outside pre-defined clearing areas and any unauthorised clearing will require the Contractor to revegetate and replace vegetation with the same vegetation type at their own expense.

Land Clearing Forms and Registers are to be completed and approved by the Proponent and Environmental Consultant prior to any vegetation clearing.

Any breaches of the management requirements of the CEMP constitute an environmental incident and require immediate reporting to the Proponent or Site Supervisor/Civil Engineer.

In liaison with the Environmental Consultant (Cardno), the Civil Engineer supervising the clearing in Stage One of construction confirmed that an isolated incident occurred on 13th July 2010 where two small areas (one approximately 20m and the other 50m in length) of clearing were undertaken outside of the boundary. The total clearing area is 407sqm (0.04ha). It was reported that due to the thick nature of *Banksia sessilis*, the surveyor had difficulty in marking the clearing boundary line due to

confusion with past marking tape. As a result the machine headed slightly offline. No large trees were cleared and the site disturbance was only due to the machine traversing the area. The incident was reported to the Site Supervisor and included in the Environmental Incident Register, with the area identified for rehabilitation. Future stages of construction will undertake the following measures to avoid any accidental clearing:

- Provide site maps to all construction personnel detailing sites of significant flora, fauna and heritage sites; and
- Ensure all clearing boundaries and significant flora species are clearly demarcated, with any ambiguous boundaries to be checked with the Site Supervisor prior to clearing.

The following remedial actions were undertaken to rectify the accidental clearing:

- Placement of boulders to restrict any further vehicle access into this area;
- Assessment of the accidental clearing area by Ecologists the following July to identify the rehabilitation potential of site. It was identified that the area has a high seed bank and a number of emergent seedlings including *Banksia sessilis*, *Corymbia calophylla*, *Eucalyptus marginata* and *Casuarina* sp.. This species diversity was largely representative of the surrounding vegetation;
- Spreading of *Banksia sessilis* brushing across the area to provide a micro-climate for emergent seedlings and further restrict access; and
- Planting of approximately 125 *Banksia sessilis* seedlings every 2sqm.

Photos of this area have been included in **Appendix J.3**.

e. All personnel to undergo an induction programme prior to commencement of construction and/or clearing

Prior to the commencement of any activities associated with the construction phase of the Development, Peet Representatives and Contractors participated in a Site Environmental Induction. The induction provides details regarding the location of significant conservation species and habitats and the requirements concerning land clearing within the Development. A copy on the induction PowerPoint was included within the CEMP.

Site inductions and adherence to the Clearing Protocols must also take place for additional clearing in future stages of construction.

13.2 Implementation of the Construction Environmental Management Plan

The CEMP has established environmental management strategies which are guiding environmental management throughout the construction phase of the Development. Upon completion of construction, the Revegetation and Fire Management Plan (RFMP), Notifications of Title and Protective Covenants (discussed further in **Condition 5, 7 and 8**) will become the active environmental management documents/instruments. The following management measures associated with the various construction phases have been taken to ensure compliance with Condition 10.

13.2.1 Site Preparation

Prior to the commencement of any activities associated with the construction phase of the Development, Peet Representatives and Contractors participated in a Site Environmental Induction. The induction provides details regarding the location of significant conservation species and habitats and the requirements concerning land clearing within the Development. Peet staff, Contractors and

Consultants accessing the construction site completed a site access form as approved by the Proponent. The site access form is completed to ensure no unauthorised access or ground disturbance occurs within the development site.

Site preparations prior to construction included the surveying of approved lot boundaries and road alignments, as well as the demarcation of clearing boundaries and significant environmental areas. The assessment of these areas allowed for the identification of significant trees to be retained within the clearing boundaries, to which they were clearly demarcated. Areas identified as having “Pristine” or “Excellent” vegetation condition were demarcated with orange flagging tape, along with the boundaries of Aboriginal heritage sites with white flagging tape and temporary fences, “habitat trees” with white spray paint and trees over 300 mm diameter breast height with white flagging tape. Refer to photos in **Appendix J.2**.

13.2.2 Civil Works

All instances of vegetation clearing and ground disturbance during the civil works phase were subject to a procedure which required a Land Clearing Form and Register to be completed and approved by the Proponent and environmental consultant prior to any such activities occurring. Completed forms and registers can be found in **Appendix J.4**. The Land Clearing Form requires information to be supplied regarding the location of the clearing, extent of clearing, details relating to topsoil stockpiling and the presence of Priority Flora sites. A set of Clearing Protocols which governed the areas required for construction activities were established and followed during this phase (which is still ongoing), of which some include:

- Trees identified as “habitat trees” are to be avoided at all times. Any additional trees observed with hollows are to be avoided during clearing;
- There is to be no removal of vegetation within areas defined as “Excellent” and “Pristine” vegetation and Aboriginal heritage sites; and
- There is to be no clearing outside pre-defined clearing areas and any unauthorised clearing will require the Contractor to revegetate and replace vegetation with the same vegetation type at their own expense.

These Clearing Protocols were also established in conjunction with various other management measures which are implemented in the civil works phase of construction, and cover the following aspects:

- Protection of Fauna;
- Containment of Dieback;
- Protection of the Wetland and Creekline Conservation Area;
- Fire Mitigation and Prevention;
- Preservation of Aboriginal Heritage Sites;
- Enhancement of Visual Amenity;
- Access/Traffic Control;
- Prevention of Invasive Flora;
- Mitigation of Dust Levels;
- Noise Mitigation; and
- Waste Removal and Reuse.

At this stage, the road reserves have been cleared for Stage One of Construction. This clearing occurred in July 2010. All roads within Stage One of Construction have been sealed including the connecting road to O’Brian Road (constructed for fire management purposes). Photos of the land clearing for the civil works are in shown in **Appendix J.5**.

13.2.3 Additional Lot Works

As with the civil works phase of construction, additional lot works including minor vegetation clearing for firebreaks and the installation of fencing along individual lot boundaries also require Site Access and Land Clearing Forms and Registers to be completed and approved, prior to any such clearing or ground works taking place. Site inductions and adherence to the Clearing Protocols must also take place for additional lot works.

At present lot level firebreaks have been prepared for Stage One of Construction. The strategic firebreak located along the perimeter of Stage One of Construction has also been constructed. These actions have been completed in accordance with the Clearing Protocols and have also required the relevant forms and registers to be completed. Photos of firebreaks have been included in **Appendix J.5**.

13.2.4 Individual Lot Works

Following the submission of a development proposal by the landowner to the Proponent and the City of Swan, the landowner will be required to adhere to the requirements outlined within the Protective Covenants. Peet will engage the Fire Management Consultant on behalf of the landowner prior to the strategic modification of existing vegetation. As required by the Fire Management Plan (FMP), the Fire Management Consultant will inspect the site and document the proposed modifications required to adhere to the FMP, as well as performing a post-clearing site inspection to ensure that no extraneous clearing has taken place. The Fire Management Consultant will submit a pre-clearing and post-clearing checklist in accordance with the CEMP. The Protective Covenants also requires landowners who clear vegetation in a manner other than what is stipulated, to revegetate the cleared area at their own cost.

At present (September 2011), only four lots have been cleared in Stage One. The thinning of the BPZ has been undertaken for three demonstrational lots (197, 200, 203) as well as a purchaser lot (192) within Stage One of the Development.

13.2.5 Performance Indicators

The following performance indicators were established in the CEMP in order to monitor the effectiveness of the environmental management actions taken, in ensuring the construction activities are not having any adverse effects on the environment. Performance indicators for the construction of the Development have been included in **Table 14**.

Table 14: Construction Environmental Management Plan – Performance Indicators

Performance Indicators	Level of Compliance			Comments/Further Actions
	Low	Med	High	
<i>Vegetation Clearing and Ground Disturbance</i>				
All areas designated for vegetation clearing are clearly delineated and no unauthorised clearing incidents have occurred.		✓		Remediation of the 407sqm area of accidental clearing has been undertaken with the following measures: <ul style="list-style-type: none"> › Placement of boulders to restrict any further vehicle access into this area; › Spreading of brushings to create a micro-climate for emergent seedlings and further restrict access; and › Planting of approximately 125 <i>Banksia sessilis</i> seedlings every 2sqm.

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Performance Indicators	Level of Compliance			Comments/Further Actions
	Low	Med	High	
The locations of significant conservation species (habitat trees, "Pristine" and "Excellent" condition vegetation, Priority Flora, potential Priority Flora habitat) are clearly demarcated and avoided.			✓	No disturbance. Monitoring will continue throughout the future stages of construction.
Cleared and topsoil has been stockpiled correctly for later use.			✓	Topsoil has been stockpiled on the Development and is used with new road batters.
Unauthorised clearing of Pristine or Excellent condition vegetation has not occurred.			✓	None identified. Monitoring will continue throughout the future stages of construction.
Aboriginal heritage sites have not been disturbed.			✓	None identified. Monitoring will continue throughout the future stages of construction.
Unauthorised removal of habitat trees has not occurred.			✓	None identified. Monitoring will continue throughout the future stages of construction.
Unauthorised clearing in the Wetland and Creekline Conservation Area has not occurred.			✓	None identified. Monitoring will continue throughout the future stages of construction.
No Water discharge into the Wetland and Creekline Conservation Area has occurred.	-	N/A	-	This indicator does not apply to Stage One of the Development.
Access and Traffic				
No unauthorised off-track use or unapproved vehicle traffic outside the area of disturbance has been identified.			✓	None identified. Monitoring will continue throughout the future stages of construction.
No fauna incidents have been reported (injured/killed).		✓		<p>On the 8th July 2010, an incident occurred where a bird nest was disturbed during clearing, whereby a young honeyeater was dislodged from the tree. The bird was returned to the nest and the area was demarcated for future protection. This incident was recorded in the Fauna Incident Register. Future stages of construction will undertake the following measures to avoid any further incidents:</p> <ul style="list-style-type: none"> › Prior to clearing, areas are to be inspected by the contractor for obvious signs of fauna inhabitation; › If fauna are found to inhabit proposed clearing sites, relocation of the fauna will take place whereby they will be released by a Wildlife Carer a minimum of 50 meters from the proposed areas. › Excavated areas (such as trenches constructed during civil works) are to be regularly inspected for trapped fauna and fauna egress are to be created in such areas.

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Performance Indicators	Level of Compliance			Comments/Further Actions
	Low	Med	High	
<i>Invasive Flora & Fauna</i>				
There has been no introduction or spread of weeds.			✓	None identified. Monitoring will continue throughout the future stages of construction.
There has been no further introduction of feral animals.			✓	The provisions of the Pest Management Strategy have ensured that pest populations are adequately managed and that no further pest species are introduced to the site. As part of the Pest Management Strategy ongoing monitoring will occur.
<i>Dust</i>				
No impact on vegetation attributed to dust generation		✓		During the summer of 2010/2011, the levels of dust dispersal were considered to be a minor issue, having arisen due to the decreasing moisture levels in the soil. Further management measures will be applied in controlling dust levels as the Development progresses.
<i>Noise</i>				
There have been no noise complaints received			✓	None identified. Monitoring will continue throughout the future stages of construction.
<i>Waste/Rubbish</i>				
All recyclable material have been salvaged and stockpiled appropriately			✓	Recyclable material has been salvaged, where in particular some timber previously used by contractors was salvaged and disposed of at a recycling facility.
Putrescible waste and non-recoverable material has been removed from site and disposed of at an approved off-site landfill facility			✓	Waste and non-recoverable material has been removed and disposed of at a landfill site.
There has been no incidents of littering			✓	None identified. Monitoring will continue throughout the future stages of construction.
There has been no recorder hydrocarbon spills			✓	None identified. Monitoring will continue throughout the future stages of construction.
<i>Fire</i>				
There have been no fires as a direct result of the construction activities			✓	None identified. Monitoring will continue throughout the future stages of construction. Although the Development site remained unaffected, the Development site was evacuated at the time of the February 2011 bushfires.

13.2.6 Monitoring and Inspections

Regular monitoring and inspections of the Development are performed by the Site Supervisor/Civil Engineer and Environmental Consultants to ensure that construction activities are undertaken in accordance with the provisions of the CEMP and Condition 10 of the EPBC Act approval.

Monitoring and inspection of the Development assesses the effectiveness of the environmental management initiatives. Monitoring covers the entire Development area and is measured against the Performance Indicators, with the findings being documented in a Site Inspection Checklist. In addition to the Site Inspection Checklist, there are several other forms and registers which are completed relating to various environmental management concerns, as they arise throughout the course of the development. These include the following forms and registers;

- Fauna Incident Register
- Vehicle Hygiene Register;
- Environmental Incident Register;
- Site Inspection Checklist;
- Land Clearing Approval Form;
- Site Access Form;
- Waste Disposal Register;
- Spill Register; and
- Site Access Register.

The completed forms and registers have been included in **Appendix J.4**

This documentation process aids in ensuring that the stipulated management actions of the CEMP are implemented correctly. Any breaches of the management actions are deemed as an environmental incident, and are immediately reported to the Proponent or the Site Supervisor/Civil Engineer. Any environmental incidents are also recorded in the Environmental Incident Form and Register.

Since the commencement of construction on the 5th July 2010, there have been two incidents which have been deemed as environmental incidents. As outlines in **Table 15** (CEMP performance indicators), these were the clearing of a small area (407sqm) outside of the vegetation clearing boundaries and the disturbance of a honeyeater's nest. For both these events the reporting procedures stipulated in the CEMP were followed. Both incidents were immediately reported to the Site Supervisor, with the incident registers (Environmental Incident Register and the Fauna Incident Register) being completed with the details of the event.

These monitoring and inspection measures form an integral part in serving the intent of the Development, to preserve the overall integrity of the ecosystem which enables fauna species to continue inhabiting the area, regardless of the construction occurring within the site.

These measures, in conjunction with the Performance Indicators which apply to all stages of construction, will continue to be implemented throughout the duration of the Development, forming an ongoing assessment process. This will facilitate the attainment of the Development's intent, while also satisfying the provisions of the CEMP and the EPBC Act approval conditions.

13.3 Summary of Compliance

The final CEMP has been included in **Appendix J.6**.

Table 15: Condition 10 – Compliance Overview

Condition 10	Level of Compliance			Future Actions
	Low	Med	High	
Prepare, approve and implement a Construction Management Plan.			✓	The CEMP was approved by the Department on the 24 th June 2010. The CEMP will continue to be implemented as the Development progresses.
<i>The Construction Management Plan must clearly demonstrate that:</i>				
a. all habitat trees at are to be retained in perpetuity			✓	Notifications on Title apply to all lots in the Development which contain potential habitat trees for the Black Cockatoo. As the Development progresses, the Notifications on Title will apply to each newly released lot which contain potential habitat trees.
b. all trees to remain that are greater than 300mm d.b.h within the subdivision area and within 10 meters of an area proposed to be cleared are clearly marked and retained			✓	<ul style="list-style-type: none"> › Trees greater than 300mm d.b.h are marked with white coloured flagging tape › Protective Covenants apply to all lots in Stage One. › Trees greater than 300mm d.b.h will be retained unless the trees are: <ul style="list-style-type: none"> › Located within the house site; › Located within the BPZ; or › Required to be removed for fire management purposes, as advised by a Fire Management Consultant
c. areas of vegetation that are Black-Cockatoo habitat and not for clearance are clearly marked and retained			✓	Vegetation not to be cleared is marked with its respective coloured flagging tape or spray paint There is to be no clearing outside pre-defined clearing areas.
d. if clearing outside of stipulated areas occurs by other contract 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;		✓		The rehabilitation of the accidental clearing area has been undertaken including the restriction of access. Future stages of construction will undertake the following measures to avoid any accidental clearing: <ul style="list-style-type: none"> › Provision of site maps to all construction personnel detailing sites of significant flora, trees to be retained, fauna and heritage sites; and › Ensure all clearing boundaries and significant flora species are clearly demarcated, with any ambiguous

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Condition 10	Level of Compliance			Future Actions
	Low	Med	High	
				boundaries to be checked with the Site Supervisor prior to clearing.
e. all contracted parties will undergo an induction programme prior to commencement of construction and/or clearing.			✓	<p>Prior to the commencement of any construction activities, Peet representatives and contractors participate in a Site Environmental Induction.</p> <p>Any personnel who are involved with future site works will be required to participate in Site Environmental Inductions.</p>

14 Conditions 11-16

14.1 Condition 11: Commencement of Construction

Condition 11 of the approval specifies:

Within 30 days of commencement of construction, the person taking the action must advise the Department in writing the actual date of commencement.

Construction commenced within the Development on Monday the 5th July 2010. Pursuant to condition 11 of the EPBC Act approval, Cardno (on behalf of the Proponent) informed the Department that construction has commenced on the site, in the letter dated 13th July 2010 (**Appendix K.1**). The Department was notified within 30 days of the commencement of construction.

14.2 Condition 12: Compliance Report

As referenced in **Section 1.2** of this report, this document seeks to satisfy Condition 12 of the environmental approval which states:

“Within three months of every annual anniversary of commencement of the action, the person taking the action must submit to the Department a report addressing compliance with the conditions of this approval. Annual Reports must be provided until the Minister is satisfied that the proponent has complied with all conditions of the approval”

The Compliance Report follows the advice from Cardno to the Department (dated 13th of July 2010) indicating that construction commenced on Monday the 5th July in accordance with Condition 11 of the approval.

This Compliance Report outlines the current level of compliance with the conditions of approval under the EPBC Act. The objectives of this report are to:

- Detail the actions undertaken within the Development to date (September 2011);
- Demonstrate the level of compliance with the conditions of approval; and
- Identify any required actions which are needed to meet the conditions of approval.

As part of the above conditions of approval, Peet have appointed Cardno to prepare the Compliance Report for the 2011 reporting year and the proposed activities for the following year (2012).

The 2012 Compliance Report will be issued to the Department between 5th July and 5th October 2012. This will report will provide an update on the progression of the Development for the 2011-2012 reporting period.

14.3 Condition 13: Substantial Commencement of Construction

Condition 13 of the approval specifies:

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.

As approval was granted under the EPBC Act on the 8th October 2009 and construction commenced on Monday the 5th July 2010, the level of construction has occurred as required within the period of five years from the date of approval. The next stage of construction (Stage Two) is due to commence in 2013/14.

14.4 Condition 14: Revision of the Action

Condition 14 of the approval specifies:

If the person taking the action wishes to carry out any activity otherwise than in accordance with the plans, reports or strategies referred to in these conditions, the person taking action must submit for the Minister's approval a revised version of any such plan, report or strategy. If the Minister approves such a revised plan, report or strategy, that plan, report or strategy must be implemented in place of the plan, report or strategy originally approved.

As outlined in the correspondence from Cardno to the Department in the letter dated 12th of August 2011 (**Appendix L.1**), variations to components of the EPBC Act approval conditions have been proposed including:

- Changes to clearing calculations in combination with a contribution towards the purchase of an offset site nominated by the Department of Environment and Conservation (DEC); and
- Changes of wording to reflect the Western Australian Planning Commission processes and the correct legislative nomenclature.

These proposed variations have been provided to the Department for its consideration.

14.5 Condition 15: Revision of Level of Protection of Threatened Species and Threatened Ecological Communities

Condition 15 of the approval specifies:

If the minister believes that it is necessary or desirable for the better protection of threatened species and threatened ecological communities (s18 & s 18A) to do so, the Minister may request that the person taking the action make specified revisions to the plans, reports or strategies approved pursuant to Condition 2 and submit the revised plan, report or strategy for the Minister's approval. The person taking the action must comply with any such request. The revised approved plan, report or strategy must be implemented in place of the plan, report or strategy originally approved.

It is considered that comprehensive plans, reports and strategies are in place to ensure the ongoing protection of the listed threatened species found within the Development site.

14.6 Condition 16: Record of Compliance

Condition 16 of the approval specifies:

The person taking the action must maintain accurate records of all activities associated with or relevant to the above conditions of the approval, and make them available on request by the Department. Such documents may be subject to audit by the Department and 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. Peet and Cardno have maintained comprehensive and accurate records of all activities associated with or relevant to the conditions of approval. Copies of the records are available upon request.

15 Ongoing Monitoring and Management

The regular and continual monitoring and management of the Development is seen by Peet and Cardno to be of vital importance in ensuring that the Development is compliant with the EPBC Act approval conditions. The monitoring and management measures discussed in this report also form an integral part in facilitating the attainment of the Development's intent, to preserve the overall integrity of the vegetation complexes which enable significant fauna species to continue inhabiting the area, regardless of the construction occurring within the site.

A summary of the key issues which have been discussed in this report regarding the ongoing management initiatives employed throughout the Development are provided in **Table 16**.

Table 16: Ongoing Monitoring and Management – Summary of Key Issues

Management Issue	Condition	Primary Responsibility	Supporting Responsibility	Future Actions
Monitoring the amount of land clearing for the purpose of construction	1	Cardno; Development Engineering Consultants.	Peet.	Continual monitoring of the progress of clearing will occur annually as part of the Compliance Report. Clearing is managed by the Construction Environmental Management Plan (Condition 10).
Monitoring the amount of land clearing for the purpose of constructing house sites, buffers and driveways.	2	Cardno; Fire Management Consultant.	Peet.	Continual monitoring of the progress of clearing will occur and be reported annually as part of the Compliance Report. Clearing is managed by the FMC, Contract of Sale and Protective Covenants. Further advice has been provided to landowners in the Sustainable Living Guidelines.
Initiation and continuation of fuel reduction measures	3	Fire Management Consultant; Cardno.	Peet.	Fuel reduction measures were not undertaken in 2010 due to unfavourable conditions resultant of the limited rainfall in winter and harsh weather conditions. Fuel reduction measures are scheduled to be implemented during the last quarter of 2011, with continual management to follow.
Recording of the number of trees suitable for foraging habitat for Black Cockatoos cleared for the purpose of constructing the Building Protection Zone (BPZ).	4	Fire Management Consultant.	Cardno.	The FMC in conjunction with the individual landowners will monitor and record the number of trees suitable for foraging removed within the BPZ on the Pre-Clearing Checklist. Cardno are to maintain a record of these forms.
Monitoring of the revegetation efforts within the Parks and Recreation Reserve to ensure high levels of seedling succession	7	Tranen.	Cardno.	Tranen, with the support of Cardno, will monitor the revegetation within the Parks and Recreation Reserve to ensure adequate weed management and survivorship of seedlings. Monitoring of the revegetation undertaken in the Parks and Recreation Reserve in 2011 will take place until the Autumn of 2014.
Rehabilitation of the accidental vegetation clearing site	10	Cardno; Development Engineering Consultants.	Peet.	The rehabilitation of the accidental clearing area has been undertaken including the restriction of access to the area.

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Management Issue	Condition	Primary Responsibility	Supporting Responsibility	Future Actions
Prevention of further accidental clearing.	10	Development Engineering Consultants; Contractors.	Cardno; Peet.	<p>Future stages of construction will undertake the following measures to avoid any accidental clearing:</p> <ul style="list-style-type: none"> › Ensure the provision of site maps to all construction personnel detailing sites of significant flora, fauna and heritage sites; and › Ensure all clearing boundaries and significant flora species are clearly demarcated, with any ambiguous boundaries to be checked with the Site Supervisor prior to clearing.
Prevention of Fauna disturbances (injuries and deaths).	10	Cardno; Development Engineering Consultants	Peet; Wildlife Carer.	<p>The disturbance of a Honeyeater's nest was recorded in the Fauna Incident Register. Future stages of construction will undertake the following measures to avoid any further incidents:</p> <ul style="list-style-type: none"> › Prior to clearing, areas are to be inspected by the contractor for obvious signs of fauna inhabitation. › If fauna are found to inhabit proposed clearing sites, relocation of the fauna will take place whereby they will be released by a Wildlife Carer a minimum of 50 meters from the proposed areas. › Excavated areas (such as trenches constructed during civil works) are to be regularly inspected for trapped fauna and fauna escape ramps are to be provided in such areas.
Dust generation mitigation	10	Development Engineering Consultants; Contractors.	Cardno.	<p>During the summer of 2010/2011, the levels of dust dispersal were considered to be a minor issue, having arisen due to the decreasing moisture levels in the soil. Further management measures will be applied in controlling dust levels as the Development progresses.</p>

The items summarised in **Table 16** have been identified as the key management issues which have arisen to date. Cardno, Peet and the site supervisor have been working closely to identify such issues as they arise, and have collaborated in implementing pro-active measures to ensure that any environmental issues are managed accordingly and are subject to ongoing monitoring initiatives.

This Compliance Report constitutes a significant aspect of the monitoring and management efforts of the Development, whereby annual reporting ensures that environmental issues are subject to rigorous investigation year-round. The management and monitoring measures as discussed throughout this report, as provided for in the Construction Environmental Management Plan, apply to all stages of construction and will continue to be implemented throughout the duration of the Development, forming an ongoing assessment process. This will facilitate the attainment of the Development's intent, while also satisfying the provisions of the CEMP and the EPBC Act approval conditions.

16 Conclusion

This report has been prepared to satisfy Condition 12 of the EPBC Act approval which was granted by the Department on the 8th October 2009. In addressing Condition 12, this document has outlined the level of compliance with the conditions of the approval for the Development September 2011. The intent of this document has been to:

- Detail the actions undertaken within the Development to date (September 2011);
- Demonstrate the level of compliance with the conditions of approval; and
- Identify any further actions which are required to meet the conditions of the approval.

The construction of the Development thus far is considered to exhibit a high level of compliance with the approval conditions, as is outlined in **Table 1**, and detailed throughout the various sections of this report.

The high level of compliance with the conditions of approval is due in part to the rigorous environmental management measures prescribed by the Construction Environmental Management Plan and the Revegetation and Fire Management Plan (which apply to all stages throughout the Development). The compliance is also a result of the Proponent's intention for the Development to preserve the integrity of the vegetation communities found within and adjacent to the site which enable the fauna species to continue inhabiting the area. The environmental management initiatives which apply to the entire development are supported by ongoing monitoring measures. The implementation of the management initiatives throughout the site, in conjunction with the monitoring measures, have enabled construction within Stage One of the Development to be undertaken with minimal risk to the overall integrity of the biodiversity values found within the area.

17 References

- Cardno. 2009. *Brigadoon Estate – Response to Submissions: Brigadoon Estate Special Rural Development, Brigadoon Western Australia (EPBC Reference 2008/4250)*.
- Cardno. 2010a. *Brigadoon Estate Fire and Revegetation Management Plan Part 1*, Unpublished Report prepared for Peet Limited.
- Cardno. 2010a. *Brigadoon Estate Fire and Revegetation Management Plan Part 2*, Unpublished Report prepared for Peet Limited.
- Cardno. 2010a. *Brigadoon Estate Fire and Revegetation Management Plan Part 3*, Unpublished Report prepared for Peet Limited.
- Cardno. 2010b. *Construction Environmental Management Plan*, Unpublished Report prepared for Peet Limited.
- Department of Sustainability, Environment, Water, Population and Communities. *Environment Protection and Biodiversity Conservation Act 1999*.
- FESA. 2011. *Major Incident Review: Lake Clifton, Red Hill and Roleystone Fires*.
- Government of Western Australia. *Planning and Development Act 2005*.
- Government of Western Australia. *Transfer of Land Act 1893*.