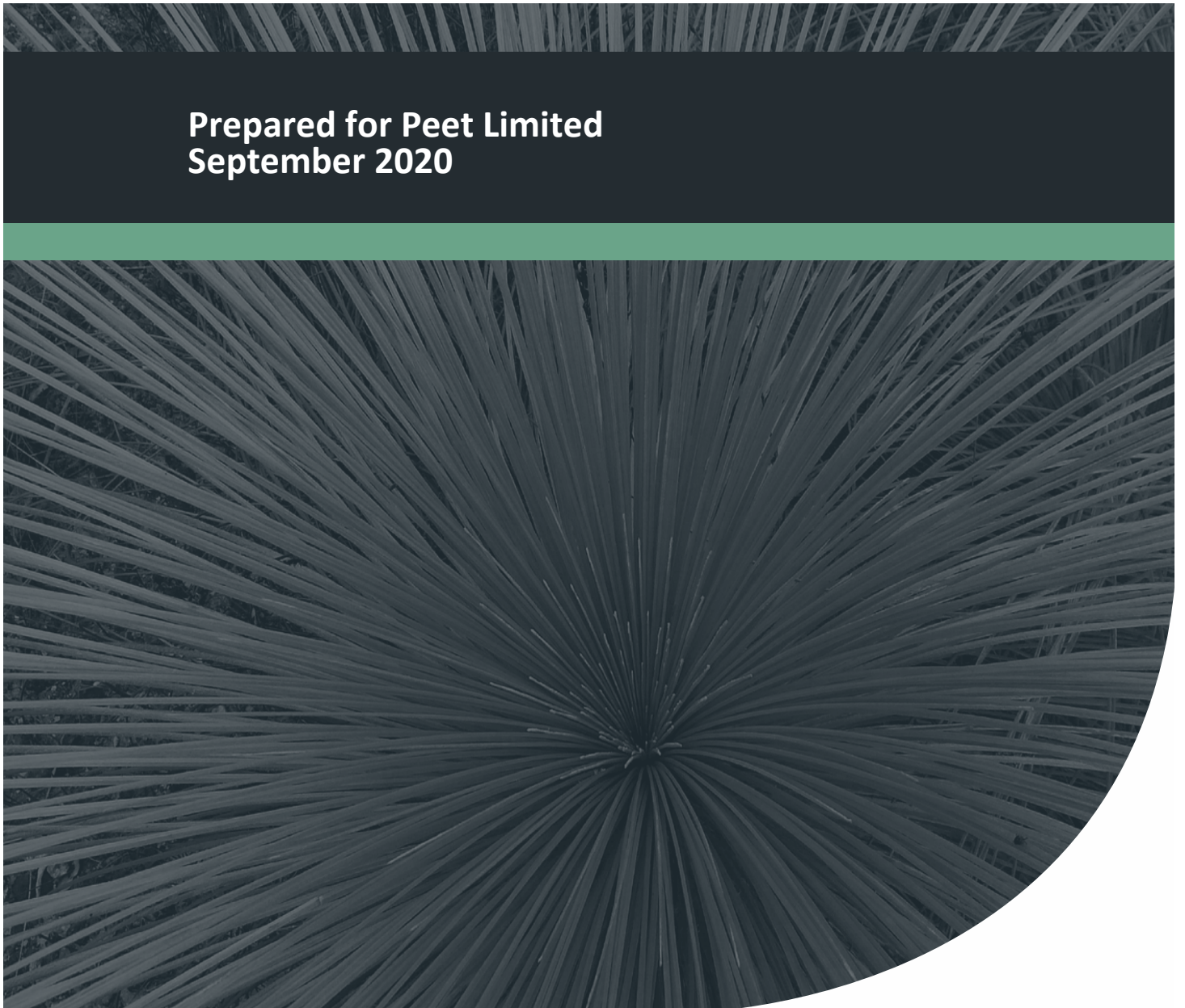


# 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon

Project No: EP13-041(25)

**Prepared for Peet Limited  
September 2020**



# 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon



## Document Control

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## 2020 Compliance Report for EPBC Approval 2008/4250 Avon Ridge Estate, Brigadoon



### Executive Summary

Peet Limited (Peet) received approval pursuant to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for the special rural development of Lots 1010 and 1022 Campersic Road in Brigadoon in Western Australia on 8 October 2009 (EPBC 2008/4250).

The development, known as Avon Ridge Estate, is located approximately 30 km northeast of the Perth Central Business District, and contains a 450 hectare (ha) subdivision area and an adjacent 411 ha reserve for Parks and Recreation (PR Reserve) under the Metropolitan Region Scheme (MRS).

Emerge Associates (Emerge) has been appointed by Peet to prepare an annual compliance report (this report) to satisfy condition 12 of the approval. This document outlines the current level of compliance with all the conditions of EPBC 2008/4250 for the development thus far.

Specifically, this document:

- Details the actions undertaken within the development from 5 July 2019 to 4 July 2020.
- Demonstrates the level of compliance with the conditions of approval.
- Identifies any further actions which are required to meet the approval conditions.

No additional stages have been cleared or constructed during the reporting period. To date, stages one through four, stage seven and stage eleven (out of a total of nine stages) have been subject to clearing and construction activities, with 126 lots out of a total 214 settled.

Compliance has been achieved against the conditions during the reporting period through the ongoing implementation of Protective (restrictive) Covenants, Notifications on Title, and the following two management plans:

- The Construction Management Plan (Cardno 2010).
- The Revegetation and Fire Management Plan (Emerge Associates 2017).

# 2020 Compliance Report for EPBC Approval 2008/4250

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Figure 1: Avon Ridge Stages 4, 7, 11a and 11b Location

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### **Appendix A**

Conformance with Revegetation and Fire Management Plan

## 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon

### List of Abbreviations

Table A1: Abbreviations – General terms

General terms	
CMP	Construction Management Plan
GIS	Geographic information systems
MNES	Matters of National Environmental Significance
RFMP	Revegetation and Fire Management Plan

Table A2: Abbreviations – units of measurement

Units of measurement	
cm	Centimetre
dbh	Diameter breast height
ha	Hectare
m	Metre
mm	Millimetre

Table A3: Abbreviations – Organisations

Organisations	
DBCA	Department of Biodiversity, Conservation and Attractions
DEWHA	Department of Environment, Water, Heritage and the Arts (now DAWE)
DFES	Department of Fire and Emergency Services
DAWE	Department of Agriculture, Water and the Environment
DPaW	Department of Parks and Wildlife (now DBCA)

Table A4: Abbreviations – Planning terms

Planning terms	
MRS	Metropolitan region scheme
PR Reserve	Parks and Recreation Reserve

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## 1 Declaration of accuracy

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

Signed:

Full name (Please print):

Olivia Mary Hammond

Position (please print):

Senior Development Manager

Organisation (please print including ABN/ACN if applicable):

Peet Limited

Date:

25/09/2020



# 2020 Compliance Report for EPBC Approval 2008/4250

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## 2 Introduction

### 2.1 Purpose

This Annual Compliance Report (ACR) has been prepared to satisfy the requirements of condition 12 of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2008/4250 (EPBC 2008/4250). This condition requires the proponent to publish an annual compliance report addressing compliance with each condition of EPBC 2008/4250, and states:

*The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must:*

- a) publish each compliance report on the website within 60 business days following the relevant 12 month period;*
- b) notify the Department by email that a compliance report has been published on the website within five business days of the date of publication;*
- c) keep all compliance reports publicly available on the website until this approval expires;*
- d) exclude or redact sensitive ecological data from compliance reports published on the website;*  
*and*
- e) where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.*

### 2.2 Scope

The action commenced on 5 July 2010. The reporting period reflects the annual anniversary of the commencement of the action. This Annual Compliance Report (ACR) is to be submitted to the Department within 60 business days after the commencement of the action. On this basis, the reporting period covers the period of 5 July to 4 July each year and each ACR should be available on the proponent's website by the 28 September 2020. The objectives of this report are to:

- Detail the actions undertaken within the development from 5 July 2019 to 4 July 2020.
- Demonstrate compliance with conditions of approval.
- Demonstrate conformance with the commitments in the management plans.
- Identify further actions which are required to meet conditions of approval.

The details of compliance with each condition under EPBC 2008/4250 are presented in **Table 3**.

As part of the preparation of the ACR the relevant environmental management commitments/obligations, included in the following management plans, were assessed to determine if the plans have been satisfactorily implemented:

- Revegetation and Fire Management Plan (RFMP) (Emerge Associates 2017) – required by condition 3.
- Construction Management Plan (CMP) (Cardno 2010) – required by condition 10.

## 2020 Compliance Report for EPBC Approval 2008/4250 Avon Ridge Estate, Brigadoon



Where a previous ACR found a condition or management commitment to be 'Completed' that finding was accepted as being applicable to the current audit period, unless circumstances to the contrary were identified, in which case the item was re-assessed.

### 2.3 Proposal background

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

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

### 2.4 Approvals under the *Environment Protection and Biodiversity Conservation Act 1999*

The Department of Environment, Water, Heritage and the Arts (DEWHA) (now Department of Agriculture, Water and the Environment (DAWE) also referred to as "the Department") issued an environmental approval for the development on 8 October 2009 subject to 16 conditions. Four separate variations to the approval conditions have been approved by the Department.

**Table 3** lists the 17 approval conditions, incorporating all variations and corrections published by the Department to date.

In addition to the above, a number of revisions to the original RFMP have been made to date. The original RFMP entitled *Brigadoon Estate Revegetation and Fire Management Plan Parts 1, 2 and 3* was approved by the Fire and Emergency Services Authority (now DFES) in May 2010 and the Department in June 2010. A revised RFMP was provided to the Department in June 2017. This version was approved by the Department on 17 July 2017.

## 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon



### 3 Project status

#### 3.1 Lot settlement

A total of ten lots were sold or settled between 5 July 2019 and 4 July 2020, see **Table 1** and **Figure 1**. Two of these (315 and 270) contain black cockatoo nesting trees that have been identified for retention. To date, 126 lots out of the total 214 lots have settled.

*Table 1: Lots settled and conditioned during the reporting period.*

Stage	Lot number	Contract status	Sold	Cancelled	Settled
11A	273	Settled	11/2019		03/2020
11A	274	Settled	02/2020		03/2020
11A	275	Conditional	02/2020 and 06/2020 (Sold twice)	03/2020	-
11A	290	Settled	11/2019		12/2019
11A	291	Settled	08/2019		10/2019
11A	292	Conditional	05/2020		-
11B	311	Conditional	06/2020		
11B	315	Settled	02/2020		03/2020
4	134	Settled	Pre-reporting period		09/2019
7	270	Settled	29/7/2019		10/2019

#### 3.2 Civil construction works

No additional stages have been cleared or constructed during the reporting period.

Stages one through four, stage seven, and stage eleven (out of a total nine stages) have been subject to clearing and construction activities since the action commenced. The total extent of vegetation clearing associated with civil construction works is discussed further in **Section 5.2.1**. in relation to requirements of condition 1 of the approval.

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### 4 Audit terminology

The 'Compliance Status' field of the audit tables describes the implementation of actions and compliance with the approval. **Table 2** details the terminology that has been applied in this audit.

Table 2 Audit terminology

Compliance status term	Abbreviation	Description
Regulatory requirements - applicable to the conditions of approval		
Compliant	C	When all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
Completed	CLD	Where a requirement with a finite period of application has been satisfactorily completed.
Not Applicable	NA	Where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example a condition which applies to an activity that has not yet commenced.
Non-compliant	NC	Where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
Corporate policies, standards and procedures – applicable to the RFMP and CMP		
Conformant	C	When sufficient evidence has been provided to confirm that the requirements within a corporate policy, standard and/or procedure (including an environmental management plan) has been satisfactory implemented.
Completed	CLD	Where a requirement with a finite period of application has been satisfactorily completed.
Not Applicable	NA	Where the requirements of a corporate policy, standard and/or procedure (including an environmental management plan) fall outside of the scope of the current reporting period. For example, a management plan which applies to an activity that has not yet commenced.
Non-conformant	NC	Where the requirements within a corporate policy, standard and/or procedure (including an environmental management plan) have not been satisfactory implemented.

\*adapted from OEPA (2012b, 2012a); DoEE (2014); Graham A Brown & Associates (2014); OEPA (Undated)

## 2020 Compliance Report for EPBC Approval 2008/4250

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## 5 Audit findings

The approval conditions of EPBC Act Approval 2008/4250 are listed in **Table 3**, together with a summary of the current compliance status of the project.

The results of the 2020 audit of conformance with the management actions within the RFMP (condition 3) are outlined in **Section 5.1** and detailed further in **Appendix A** (RFMP). Given no construction works occurred for the current reporting period, a CMP was not applicable for the current reporting period and hence, omitted from the 2020 Compliance Report and outlined in **Section 5.1.2**.

### 5.1 Compliance with EPBC 2008/4250

Two non-compliances with the conditions of EPBC 2008/4250 (**Table 3**) were identified during the audit, pertaining to condition 5 and condition 8.

#### Condition 5

The wording of condition 5 states that the person taking the action must ensure that all potential breeding habitat trees for Black Cockatoos (as designated at Attachment 4 and 4A) are protected in perpetuity via a notification on title. Lot 315 on Deposited Plan 416540 (226 Botanic Loop, Brigadoon) within Stage 11A of the project site was sold during the 2019/2020 compliance period. This lot contains a potential breeding habitat tree as identified on Attachment 4 and 4A of the EPBC 2008/4250 approval. However, a notification on title under Section 70A of the *Transfer of Land Act 1893* was not included onto the title for this lot as required under the wording of condition 5. Notifications were included within the Restrictive Covenant, as outlined further below.

This information was revealed during the preparation of this annual compliance report and was confirmed by Peet Limited on 16 September 2020.

In accordance with condition 12A and 12B of approval EPBC 2008/4250, the Department were notified of the non-compliance with condition 5 (and additional information on this non-compliance) for Lot 315 Deposited Plan 416540 (Stage 11A) within two business days.

Following confirmation of the non-compliance of condition 5 for Lot 315, it was revealed that the unsettled Lots 313, 314 and 316 on Deposited Plan 416540 also did not contain the required notification on title under Section 70A of the *Transfer of Land Act 1893*. This was confirmed by Peet Limited on 16 September 2020 and the Department was notified of the non-compliance within two business days in accordance with Condition 12A of approval EPBC 2008/4250.

It is also noted that as at 30 August 2020, no works appear to have commenced on the only lot sold, 315 (according to satellite imagery). Given no works have commenced at Lot 315, the proponent does not believe that any damage has occurred to the nesting trees located on the listed lots despite the non-compliance of condition 5.

## 2020 Compliance Report for EPBC Approval 2008/4250

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Despite the absence of a notification on title for Lots 313, 314, 315 and 316, the contracts of sale for these lots and the associated lot diagrams noted the presence of remnant/nesting trees and the requirement that these be retained is further stated in the Deed of Restrictive Covenant, registered against Deposited Plan 416540 and applied to individual lots. In addition, Lots 313, 314, 315 and 316 also contained a notice on title notifying the registered proprietors and prospective purchasers of the land of pristine and excellent category vegetation and/or priority flora on the land which must be preserved in perpetuity. This notice on title states that such vegetation or flora from the land must not be cleared unless such vegetation or flora is within a building envelope first approved by the City of Swan, or if outside the building envelope, the City must provide written consent prior to clearing.

In accordance with Condition 12B Peet intend to provide further details regarding the incident, including any corrective actions within 10 business days. The outcome of this non-compliance will be discussed in the annual compliance report for the 2020/2021 reporting period.

### Condition 8

The wording of condition 8 states that the sale and settlement of any lot must not proceed unless the Restrictive Covenant has been approved in writing by the Department. A total of ten lots have been sold and settled within this reporting period with unauthorised Protective (restrictive) Covenants.

The previous wording of Condition 8 of the approval did not allow for the modification of the covenant which was first approved by the Department in August 2010. While subsequent versions of the Protective (restrictive) Covenants were 'approved' by the Department, these approvals were deemed invalid as the previous version of the approval did not allow for variations to the covenants. In 2017, the proponent became aware that Condition 8 of the approval did not allow for the modification of the covenant first approved in August 2010, and in April 2019 the Department varied Condition 8 to allow for revisions of the Protective Covenant.

Therefore, the covenants placed on these lots within Stages 4 and 7 were non-complaint because they differed from the original version approved in August 2010. This non-compliance was reported by the proponent on 7 July 2020 within two business days as required under Condition 12A (outside of the current ACR reporting period).

The Protective (restrictive) Covenants placed on lots within stages 11A and 11B were also non-compliant, although this non-compliance occurred following the 2019 Condition 8 variation. This non-compliance occurred due to a change in project managers in Peet, whereby the variation approved by the Department was not attached to titles. This non-compliance was reported by the proponent on 7 July 2020 within two business days as required under Condition 12A (outside of the current ACR reporting period).

Non-compliances of condition 8 are considered minor, given the Department is already aware of the non-compliant covenants from previous Compliance Reports and the content and intent of these covenants do not allow for additional impacts on MNES. In addition, the proponent has contacted the compliance team within DAWE to ascertain what measures can be implemented to avoid continual non-compliances with the historic Protective (restrictive) Covenants.

## 2020 Compliance Report for EPBC Approval 2008/4250

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### 5.1.1 Conformance with the Revegetation and Fire Management Plan

No non-conformances with the requirements of the RFMP (**Appendix A**) were identified during the audit.

### 5.1.2 Conformance with the Construction Management Plan

Given no construction works occurred for the current reporting period, a CMP was not applicable for the current reporting period and hence, omitted from the 2020 Compliance Report.

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Avon Ridge Estate, Brigadoon



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## 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon



Table 3: List of approval conditions and current compliance status of EPBC 2008/4250

Condition No.	Condition	Compliance status	Comments	Evidence
1	<p>The person taking the action must not clear more than 83.2 hectares of native vegetation within the project area (<a href="#">Attachment 1</a>) comprising:</p> <ul style="list-style-type: none"> <li>a) up to 30 hectares for constructing roads;</li> <li>b) up to 45 hectares for constructing boundary firebreaks on individual lots as identified in <a href="#">Attachment 2</a>; and</li> <li>c) up to 8.2 hectares for the purposes of constructing strategic firebreaks and dams.</li> </ul>	C	<ul style="list-style-type: none"> <li>• No clearing was undertaken within the reporting period (E104), and the area cleared is consistent with the calculations provided in the 2019 compliance report (R108).</li> <li>• Clearing is managed under the Construction Management Plan (CMP), approved by the Department 24 June 2010 (L002).</li> </ul>	<ul style="list-style-type: none"> <li>• E104 Emerge Associates 2020 Avon Ridge Outstanding items</li> <li>• R108_Emerge Associates 2019 ACR for EPBC 2008/4250</li> <li>• L002_DoEE Decision on approval of RFMP and CMP</li> <li>• D0014_Development Engineering Consultants 43712 Lots 1010 &amp; 1022 Campersic Road Brigadoon Avon Ridge clearing plan</li> </ul>

## 2020 Compliance Report for EPBC Approval 2008/4250

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Condition No.	Condition	Compliance status	Comments	Evidence
2	<p>The person taking the action must put in place measures to ensure that clearing of native vegetation undertaken by future landowners within the project area (<a href="#">Attachment 1</a>) will not exceed 70.4 hectares, comprising:</p> <p>a) 42.1 hectares to construct dwellings, infiltration areas, driveways and buffers around the dwellings; and</p> <p>b) 28.3 hectares in accordance with the approved Revegetation and Fire Management Plan.</p>	C	<ul style="list-style-type: none"> <li>Clearing is managed through the Structure Plan and Protective (restrictive) Covenants (refer to <b>Section 5.2.2</b>).</li> <li>Protective (restrictive) Covenants were placed on ten titles within Stages 4, 7, 11A and 11B of the development during the reporting period (E104) (L102) (L103) (L104) (E109).</li> <li>Clearing restrictions regarding building envelopes for lots are outlined in the approved Structure Plan (R004).</li> </ul>	<ul style="list-style-type: none"> <li>L102 PEET Annexure B Stage 4 Protective Covenants</li> <li>L103 PEET Annexure B Stage 7 Protective Covenants</li> <li>L104 PEET Stage 11 Contract Excluding Lot Diagrams and Annexure B Stage 11 Protective Cov</li> <li>R004_PEET Brigadoon Structure Plan</li> <li>E104 Emerge Associates 2020 Avon Ridge Outstanding items</li> <li>E109 PEET 2020 RE: Avon Ridge Firebreaks invoicing and lots settled</li> </ul>

## 2020 Compliance Report for EPBC Approval 2008/4250

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Table 3: List of approval conditions and current compliance status of EPBC 2008/4250 (continued)

Condition No.	Condition	Compliance Status	Comments	Evidence
3	<p><b>Revegetation and Fire Management Plan</b></p> <p>The person taking the action must prepare a Revegetation and Fire Management Plan that applies to the 100 ha within the Parks and Recreation Reserve and 450 ha of the subdivision (as identified at <a href="#">Attachment 5</a>) including all 214 individual lots. The proponent must obtain written approval from DFES prior to submission to the Department for approval. The person taking the action must not commence clearing or construction within the project area until the Department has approved the Revegetation and Fire Management Plan in writing. Once approved, this plan must be implemented.</p>	C	<ul style="list-style-type: none"> <li>A revised RFMP was provided to the Department in June 2017 in accordance with the provision of condition 14(a). This version was approved by the Department on 17 July 2017 (E001).</li> <li>The implementation of the RFMP is ongoing throughout the development, however some components have been completed (refer to 3b) below).</li> <li>Refer to <b>Appendix A</b> detailing conformance with the RFMP.</li> </ul>	<ul style="list-style-type: none"> <li>E001_DoEE_EPBC 2008/4250 Update to an Approved Management Plan RFMP</li> </ul>

## 2020 Compliance Report for EPBC Approval 2008/4250

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Condition No.	Condition	Compliance Status	Comments	Evidence
	<p>The person taking the action must ensure that the Revegetation and Fire Management Plan includes (but is not restricted to):</p> <p>a) fuel reduction measures (including cool burn measures) specifying the timing and frequency of fuel reduction measures to minimise impacts on Black Cockatoo habitat.</p>	C	<ul style="list-style-type: none"> <li>The RFMP outlines a prescribed burn schedule for the development, timed to occur in stages over a number of years.</li> <li>The 2019 Compliance Report details the prescribed burns previously undertaken over the development in 2013, 2014, 2015, 2017 and 2018 (R108).</li> <li>One prescribed burn has occurred during the reporting period, on 25 October 2019 to 26 October 2019. The burn was carried out over approximately &lt;5 ha across the north and south portion of the east block of Lot 9006 Connemara Drive Brigadoon. Due to the advanced dryness and forecast conditions, it was not deemed appropriate to complete any more burning (R101) (D102) (E103) (D103) (D104).</li> <li>An additional prescribed burn was scheduled to occur in between April and May 2020 over the western block of lot 9006 Connemara Drive Brigadoon (R101). The proposed burn was not completed due to COVID-19 restrictions and this was deemed as impractical to do so (E103).</li> <li>Larger trees were identified and protected by a combination of raking away fuels and direct water spray to minimise the risk of damage to Black Cockatoo habitat (E103).</li> <li>Refer to <b>Appendix A</b> detailing conformance with the RFMP.</li> </ul>	<ul style="list-style-type: none"> <li>R108_Emerge Associates 2019 ACR for EPBC 2008/4250</li> <li>D0012_Bushfire Safety Consulting Spring 2018 prescribed burn area</li> <li>R101_City of Swan 2019 Level Two Hazard Reduction Burn Plan</li> <li>E103 City of Swan Fire Services 2020 Avon Ridge prescribed Burns 2019/2020</li> <li>D102_City of Swan Fire Services 2019 Avon Ridge Prescribed burn map</li> <li>D103_City of Swan Fire Services 2019 Avon Ridge Prescribed Spring Burn</li> <li>D104_City of Swan Fire Services 2019 Avon Ridge Prescribed Spring Burn</li> </ul>

## 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon



Table 3: List of approval conditions and current compliance status of EPBC 2008/4250 (continued)

Condition No.	Condition	Compliance status	Comments	Evidence
3	<p>b) revegetation measure to create additional Black Cockatoo habitat across the project site, including in the Parks and Recreation Reserve, specifically:</p> <ul style="list-style-type: none"> <li>i. revegetation for all condition classes (excluding pristine and excellent classes) and vegetation complexes (including maps);</li> <li>ii. mix, numbers and density of species to be planted;</li> <li>iii. timing of proposed planting (must be during or following the annual winter rain period and generally between 1 June and 30 November);</li> <li>iv. weed management measures;</li> <li>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;</li> </ul>	CLD	<ul style="list-style-type: none"> <li>• 88,255 seedlings have been planted to date as part of the revegetation program. The three year monitoring period for this planting has now passed.</li> <li>• The requirements of this section of condition 3 have now been completed as detailed in the Avon Ridge Estate 2017 ACR (R001).</li> </ul>	<ul style="list-style-type: none"> <li>• R001_Emerge Associates 2017 ACR for EPBC 2008/4250</li> <li>• L001_DoEE RFMP Variation Decision Letter</li> </ul>

## 2020 Compliance Report for EPBC Approval 2008/4250

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Table 3: List of approval conditions and current compliance status of EPBC 2008/4250 (continued)

Condition No.	Condition	Compliance status	Comments	Evidence
3	<p>vi. annual monitoring measures within the project area undertaken by an appropriately qualified and experienced ecologist and must commence within 12 months of the completion of revegetation and continue for at least three year after the initial revegetation planting in any particular area (given that revegetation will be staged across the development);</p> <p>vii. annual monitoring measures undertaken by an appropriately qualified and experienced specialist must commence in the Parks and Recreation Reserve within 12 months of completion of revegetation and continue for at least three years after the initial revegetation planting in the Parks and Recreation Reserve for the purposes of establishing the survivorship rates and replanting efforts within the project area;</p>	CLD	<ul style="list-style-type: none"> <li>The requirements of this section of condition 3 has now been completed and detailed in the 2017 Compliance Report (R001).</li> </ul>	<ul style="list-style-type: none"> <li>A R001_Emerge Associates 2017 ACR for EPBC 2008/4250</li> </ul>
	<p>viii. mapping of all potential Black Cockatoo habitat trees of 500 mm DBH or greater on individual lots and information on how these will be retained for permanent conservation</p>	C	<ul style="list-style-type: none"> <li>Known potential habitat trees of 500 mm DBH or greater are flagged with white tape prior to clearing events and construction by Peet Limited for each stage of development.</li> <li>Potential habitat trees within the lot are identified in the Restrictive Covenant which only allows for clearing of these trees within the Building Protection Zone or for fire management purposes (L102) (L103) (L104).</li> </ul>	<ul style="list-style-type: none"> <li>L102 PEET Annexure B Stage 4 Protective Covenants</li> <li>L103 PEET Annexure B Stage 7 Protective Covenants</li> <li>L104 PEET Stage 11 Contract Excluding Lot Diagrams and Annexure B Stage 11 Protective Cov</li> </ul>

## 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon



Table 3: List of approval conditions and current compliance status of EPBC 2008/4250 (continued)

Condition No.	Condition	Status	Comments	Evidence
4	<p><b>Building Protection Zone</b></p> <p>The person taking the action may thin native vegetation within the Building Protection Zone (<a href="#">Attachment 2</a>) on each housing lot (<a href="#">Attachment 3</a>). The thinning process must be in accordance with the approved Revegetation and Fire Management Plan, and be personally supervised (pre and post thinning inspections for individual lots) by a qualified Fire Management Consultant. The person taking the action must obtain written approval from DFES of the first appointed Fire Management Consultant(s) prior to the provision of any Building Protection Zone thinning advice. Any subsequent appointment of Fire Management Consultant(s) must be based upon the consultant(s) having similar qualifications as the first appointed consultant.</p> <p>The location of each Building Protection Zone and house site must be chosen in consultation with the Fire Management Consultant for the purpose of retention of trees specified in <a href="#">Condition 5</a>.</p> <p>The person taking the action must ensure that all native vegetation that provides habitat for Black Cockatoos is retained outside the Building Protection Zones within the 214 housing lots. This excludes native vegetation that is specifically managed under the Revegetation and Fire Management Plan.</p>	C	<ul style="list-style-type: none"> <li>Protective (restrictive) Covenants addressing Building Protection Zone requirements, in accordance with the RFMP, continue to be implemented throughout the development.</li> <li>The Fire Management Consultant prepares a Bushfire Attack Level Assessment Report and Management Statement for each lot. This statement indicates the management commitments with regard to fire safety and provides guidance to new landowners regarding acceptable vegetation modification practices prior to any lot clearing in accordance with the covenants. This statement is kept on file as a record of compliance.</li> <li>The Fire Management Consultant has provided Bushfire Attack Level Assessment Report and Management Statements for five (5) lots during this reporting period (R102) (R103) (R104) (R106) (R109).</li> <li>The Fire Management Consultant has provided an Asset Protection Zone Report for two (2) lots during this reporting period (R105) (R107).</li> <li>The Fire Management Consultant verbally provides post-thinning advice to homeowners, specifically on the quality of the APZ establishment, retention of black cockatoo trees and practical advice regarding maintenance of fuel loads (E004).</li> <li>There has been no change of Fire Management Consultant during this audit period. The Department has approved the current Fire Management Consultant appointed August 2016 (E002).</li> </ul>	<ul style="list-style-type: none"> <li>E002_DoEE_Condition 4 - Fire Management Consultant</li> <li>R102_Bushfire Safety Consulting_Lot 273 Botanic Loop Brigadoon Bushfire Attack Level Assessment Report</li> <li>R103_Bushfire Safety Consulting_Lot 245 Rollinghills Drive Brigadoon BAL report</li> <li>R104_Bushfire Safety Consulting_Lot 95 Pendula Loop Brigadoon BAL report</li> <li>R105_Bushfire Safety Consulting_Lot 253 Lancewood Avenue Brigadoon APZ Cert</li> <li>R106 Bushfire Safety Consulting Lot 291 Botanic Loop Brigadoon BAL report</li> <li>R107 Bushfire Safety Consulting Lot 291 Botanic Loop Brigadoon APZ Cert</li> <li>R109 Bushfire Safety Consulting Lot 260 Pendula Loop Brigadoon BAL report</li> <li>E004_Bushfire Safety Consulting Brigadoon prescribed burn and post thinning advice</li> </ul>

## 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon



Table 3: List of approval conditions and current compliance status of EPBC 2008/4250 (continued)

Condition No.	Condition	Status	Comments	Evidence
5	<p>The person taking the action must ensure that all potential breeding habitat trees for Black Cockatoos (as designated at <a href="#">Attachment 4 and 4A</a>) are protected in perpetuity via a Notification on Title.</p> <p>The person taking the action must ensure that all other trees within the lot area (<a href="#">Attachment 1</a>) with a diameter by breast height (DBH) of 500 mm or greater are retained unless:</p> <ol style="list-style-type: none"> <li>they are located within the house site;</li> <li>they are located within the Building Protection Zone; and</li> <li>they are required to be removed for Fire Management purposes as advised by a qualified Fire Management Consultant(s).</li> </ol>	NC	<ul style="list-style-type: none"> <li>Notifications of Titles and Protective (restrictive) Covenants addressing these requirements continue to be implemented throughout development.</li> <li>Protective (restrictive) Covenants were placed on ten titles within Stages 4, 7, 11A and 11B of the development during the reporting period (E104) (L102) (L103) (L104) (E109). Notifications pursuant to Section 70A of the <i>Transfer of Land Act 1983</i> are to be registered on the 'certificates of title' of any lots that contain remnant nesting trees identified on the Structure Plan (R004).</li> <li>Two (Lots 315 and 270) of the ten lots settled or sold during the reporting period contain identified black cockatoo nesting trees for retention, therefore notifications on titles were required.</li> <li>A Notification on title was only placed on Lot 270 (D111) and not on Lot 315 within Stage 11A of the project site despite this lot containing a potential breeding habitat tree as identified on Attachment 4 and 4A of the EPBC 2008/4250 approval (D112).</li> <li>This information was revealed during the preparation of the current compliance report and confirmed by Peet Limited on 16 September 2020 (E008) and reported to the department within two business days (L108) specified in <a href="#">Condition 12A and Condition 12B</a>. Additional unsettled lots within Stage 11A (Lots 313, 314 and 316) did not contain the required notification on title under Condition 5.</li> <li>An update of further actions provided by the proponent (E008) in association with the non-compliances of condition 5 will be provided in the following compliance report.</li> </ul>	<ul style="list-style-type: none"> <li>E104 Emerge Associates 2020 Avon Ridge Outstanding items</li> <li>L102 PEET Annexure B Stage 4 Protective Covenants</li> <li>L103 PEET Annexure B Stage 7 Protective Covenants</li> <li>L104 PEET Stage 11 Contract Excluding Lot Diagrams and Annexure B Stage 11 Protective Cov</li> <li>R004_PEET Brigadoon Structure Plan</li> <li>E109 PEET 2020 RE: Avon Ridge Firebreaks invoicing and lots settled</li> <li>D111 Landgate 2016 Notification on title section 70A Lot 270</li> <li>D112 Landgate 2019 Deposited Plan 416540</li> <li>E008 PEET 2020 non-compliance condition 5</li> <li>L108 Emerge Associates 2020 Letter to DAWE notification of non-compliance condition 5</li> </ul>



## 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon



Table 3: List of approval conditions and current compliance status of EPBC 2008/4250 (continued)

Condition No.	Condition	Status	Comments	Evidence
6	The person taking the action must ensure at the 411 ha Park and Recreation Reserve, as highlighted in green at <a href="#">Attachment 5</a> , be ceded to the WA State Government. The Department must be notified in writing once this has occurred.	CLD	<ul style="list-style-type: none"> <li>On 5th July 2012, the PR Reserve was ceded to the WA State Government.</li> <li>The Certificate of Title for Lot 8001 Campersic Road Brigadoon (the PR Reserve) provides evidence of the completion of condition 6 (L003).</li> </ul>	<ul style="list-style-type: none"> <li>L003_Landgate Certificate of Title Lot 8001</li> </ul>
7	The person taking the action must ensure that a minimum of 88,000 seedlings suitable for foraging and breeding habitat for Black Cockatoos are planted within the Parks and Recreation Reserve as identified in <a href="#">Attachment 7</a> .	CLD	<ul style="list-style-type: none"> <li>88,255 seedlings have been planted to date as part of the revegetation program. The three year monitoring period for this planting has now passed, with all of the completion criteria outlined in condition 7 met for this planting.</li> <li>Evidence of completion of condition 7 was provided in the 2017 Compliance Report (R001).</li> </ul>	<ul style="list-style-type: none"> <li>R001_Emerge Associates 2017 ACR for EPBC 2008/4250</li> </ul>
7A	<p>The person taking the action must ensure that all purchasers of lots within the project area, prior to sale and settlement:</p> <ol style="list-style-type: none"> <li>are aware of the existence of potential and actual breeding habitat trees over 500 mm dbh on the individual lots, Notifications on Title and the requirements that these must be protected in perpetuity and not be cleared;</li> <li>are aware of the Restrictive Covenant;</li> <li>are aware of restriction relating to clearing of               <ol style="list-style-type: none"> <li>potential breeding habitat trees over 500 mm DBH; and</li> <li>areas within and outside of the Building Protection Zone.</li> </ol> </li> <li>are aware of proposed revegetation measures for their individual lot by person(s) as outlined in Condition 3;</li> <li>are provided with species related information on all Black Cockatoos, their presence in the area, ecology, species range and details on habitat.</li> </ol>	C	<ul style="list-style-type: none"> <li>Information regarding the Notifications of Titles, Protective (restrictive) Covenants and the lot owner clearing requirements continues to be provided in the purchaser information pack (R0010) (L102) (L103) (L104).</li> </ul>	<ul style="list-style-type: none"> <li>L102 PEET Annexure B Stage 4 Protective Covenants</li> <li>L103 PEET Annexure B Stage 7 Protective Covenants</li> <li>L104 PEET Stage 11 Contract Excluding Lot Diagrams and Annexure B Stage 11 Protective Cov</li> <li>R0010_PEET Annexure G - Purchaser Information</li> </ul>

## 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon



Table 3: List of approval conditions and current compliance status of EPBC 2008/4250 (continued)

Condition No.	Condition	Status	Comments	Evidence
8	<p>The person taking the action must submit a Restrictive Covenant for approval by the Department. The sale and settlement of any lot must not proceed unless the Restrictive Covenant has been approved in writing by the Department and the approved Restrictive Covenant is an annexure to the sale contract.</p> <p>If the person taking the action wishes to vary the approved Restrictive Covenant, a revised Restrictive Covenant must be submitted to the Department for approval. The subsequent sale and settlement of any lot must not proceed unless the currently approved Restrictive Covenant is an annexure to the sale contract.</p>	NC	<ul style="list-style-type: none"> <li>A number of versions of the Restrictive Covenant have been developed, approved and implemented to date.</li> <li>Ten lots were settled during the reporting period. The covenants placed on the lots within Stages 4 and 7 was non-complaint because it differed from the version approved in August 2010. The Restrictive Covenant placed on lots within Stages 11A and 11B did not include variations made by the Department (due to a change in project manager) and was therefore non-compliant.</li> <li>The Department were informed of the technical non-compliance with Condition 8 of the unauthorised Protective (restrictive) Covenants placed on lots during the 2019/2020 reporting period through the non-compliance letter (L105) (E106) (E107) submitted on 7 July 2020.</li> </ul>	<ul style="list-style-type: none"> <li>E106 Emerge Associates 2020 Avon Ridge - Outstanding Items</li> <li>E107 Emerge Associates 2020 EPBC Act Approval 2008 4250 - Condition 8</li> <li>L105 Emerge Associates 2020 Minor non-compliance with EPBC 2008/4250 approval Condition 8</li> </ul>

## 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon



Table 3: List of approval conditions and current compliance status of EPBC 2008/4250 (continued)

Condition No.	Condition	Status	Comments	Evidence
9	All elements specified in <u>Attachment 6</u> must be incorporated in either the Structure Plan, approved subdivision conditions or approved Restrictive Covenants. These must be complied with. The Department must be notified in writing on how all the elements in <u>Attachment 6</u> have been incorporated and complied with. If any of the elements in <u>Attachment 6</u> 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.	C	<ul style="list-style-type: none"> <li>The Structure Plan was endorsed by the WAPC on 27 March 2014.</li> <li>Subdivision of all lots within the development has been approved, through various subdivision approvals. The Stage 11 subdivision plan was approved by the Western Australian Planning Commission on 15 March 2018 (L009) (D0015).</li> <li>Protective (restrictive) Covenants are currently applied to all new lots within the site.</li> <li>These mechanisms collectively incorporate all elements outlined in Attachment 6 and continue to be implemented as development progresses.</li> <li>Previous compliance reports (R005, R006) have provided details on how the different elements contained within Attachment 6 of the Approval were included in the above planning mechanisms. Ongoing compliance of condition 9 will involve the continued application of the Structure Plan, conditions of subdivision approval and Protective (restrictive) Covenants.</li> </ul>	<ul style="list-style-type: none"> <li>R004_PEET Brigadoon Structure Plan</li> <li>L009_Western Australian Planning Commission Stage 11 Subdivision approval</li> <li>D0015_Western Australian Planning Commission Stage 11 Subdivision plan</li> <li>R005_Cardno 2012 ACR</li> <li>R006_Cardno 2011 ACR for EPBC 2008/4250</li> <li>L005_Landgate Annexure B Stage 7 Protective Covenant</li> <li>L007_Landgate Annexure B Stage 1 Protective Covenant</li> <li>L008_Landgate Annexure B Stage 4 Protective Covenant</li> <li>D108 PEET 2013 Annexure F Interest and notifications stage 7</li> <li>D109 PEET Annexure I approved building envelopes stage 7</li> <li>E110 PEET 2020 Stage 7 annexure covenant</li> </ul>

## 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon



Table 3: List of approval conditions and current compliance status of EPBC 2008/4250 (continued)

Condition No.	Condition	Status	Evidence/Comments	Evidence
10	The person taking the action must prepare and implement a Construction Management Plan. This plan must be submitted and approved by the Department prior to any clearing taking place.	C	<ul style="list-style-type: none"> <li>The CMP was approved by the Department 24 June 2010.</li> </ul>	<ul style="list-style-type: none"> <li>L002_DoEE Decision on approval of RFMP and CMP</li> </ul>
	<p>The Construction Management Plan must clearly demonstrate that:</p> <p>a) all habitat trees at <u>Attachment 4 and 4A</u> are to be retained in perpetuity; and</p> <p>b) all trees to remain that are greater than 500 mm DBH within the subdivision area (as at <u>Attachment 3</u>) and within 10 meters of an area to be proposed to be cleared (excluding those in the Building Protection Zone) are clearly marked and retained.</p> <p>c) areas of vegetation that are Black Cockatoo habitat and not for clearance (including roadside vegetation, streamline vegetation and Public Open Space areas) are clearly marked and retained;</p> <p>d) if clearing outside of stipulated areas occurs by other contracted parties, then the person taking the action must notify the Department in writing and will ensure that these areas will be revegetated to the same density (following the annual winter rain period and between 1 September – 30 November); and</p> <p>e) all contracted parties will undergo an induction programme prior to commencement of construction and/or clearing. This programme will include information on EPBC listed species and measures employed within the project area to protect Black cockatoo habitat.</p>	C	<ul style="list-style-type: none"> <li>The civil contractor manages the implementation of the CMP, including the completion of required onsite forms and registers.</li> <li>In relation to conditions 8 and 10, the Department have reviewed and noted these non-compliances based on the available information provided to the Department (during the 2018/2019 reporting period). The Department have concluded (notified Emerge Associates within the current reporting period – 2019/2020) that neither prosecution nor issuing an infringement notice would be an appropriate course of action in this case (L101). Therefore, no further compliance action will be taken in relation to the non-compliance of conditions 8 and 10 for the last reporting period (2018/2019).</li> <li>No construction works were undertaken for 2019/2020 reporting period and therefore no CMP was implemented / required (E104).</li> </ul>	<ul style="list-style-type: none"> <li>L101_DoEE Contravention of EPBC Act 1999 for EPBC 2008/4250 2020</li> <li>E104 Emerge Associates 2020 Avon Ridge Outstanding items</li> </ul>
11	Within 30 days of commencement of construction, the person taking the action must advise the Department in writing the actual date of commencement.	CLD	<ul style="list-style-type: none"> <li>Evidence provided in the 2011 Compliance Report (R006).</li> </ul>	<ul style="list-style-type: none"> <li>R006_Cardno 2011 ACR for EPBC 2008/4250</li> </ul>

## 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon



Table 3: List of approval conditions and current compliance status of EPBC 2008/4250 (continued)

Condition No.	Condition	Status	Comments	Evidence
12	<p>The approval holder must prepare a compliance report for each 12 month the date of period following the date of commencement of the action, or as otherwise this notice agreed to in writing by the Minister. The approval holder must:</p> <ol style="list-style-type: none"> <li>publish each compliance report on the website within 60 business days following the relevant 12-month period;</li> <li>notify the Department by email that a compliance report has been published on the website within five business days of the date of publication;</li> <li>keep all compliance reports publicly available on the website until this approval expires;</li> <li>exclude or redact sensitive ecological data from compliance reports published on the website; and</li> <li>where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.</li> </ol>	C	<ul style="list-style-type: none"> <li>This condition came into effect April 2019, and consequently, the proponent has not been required to publish previous ACR's before this period.</li> <li>The Avon Ridge 2020 Compliance Report (for EPBC Approval 2008/4250) will be published on the PEET website on 28 September 2020.</li> <li>The Department will be notified via email when the 2020 ACR is published on the PEET website.</li> <li>Approved Compliance Reports are available from the PEET website (<a href="https://www.peet.com.au/communities/perth-and-wa/avon-ridge/purchaser-and-builder-documents">https://www.peet.com.au/communities/perth-and-wa/avon-ridge/purchaser-and-builder-documents</a>) including the Avon Ridge Brigadoon 2019 Annual Compliance Report (E007).</li> <li>Evidence of website publication and Department notification will be provided in the following compliance report.</li> </ul>	<ul style="list-style-type: none"> <li>E007 PEET 2019 Annual compliance reports website publication</li> </ul>

## 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon



Table 3: List of approval conditions and current compliance status of EPBC 2008/4250 (continued)

Condition No.	Condition	Status	Comments	Evidence
12A	<p>The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <ol style="list-style-type: none"> <li>the condition which is or may be in breach; and</li> <li>a short description of the incident and/or non-compliance.</li> </ol>	C	<ul style="list-style-type: none"> <li>A non-compliance with condition 8 has been noted pertaining to the unapproved covenants placed on lot titles settled during the reporting period. The proponent became aware of these non-compliances on 3 July 2020 (E106) and the Department was notified on 7 July 2020 (E107) (L105).</li> <li>A non-compliance with condition 5 has been noted pertaining to the absence of a notification on title under Section 70A of the <i>Transfer of Land Act 1893</i> on the settled Lot, 315 during the reporting period. The proponent became aware of this non-compliance on 16 September 2020 (E008) and the Department was notified on 18 September 2020 (L108).</li> </ul>	<ul style="list-style-type: none"> <li>E106 Emerge Associates 2020 Avon Ridge – Outstanding Items</li> <li>E107 Emerge Associates 2020 EPBC Act Approval 2008 4250 – Condition 8</li> <li>L105 Emerge Associates 2020 Minor non-compliance with with EPBC 2008 4250 approval condition 8</li> <li>E008 PEET 2020 non-compliance condition 5</li> <li>L108 Emerge Associates 2020 letter to DAWE non-compliance with condition 5</li> </ul>
12B	<p>The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <ol style="list-style-type: none"> <li>any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</li> <li>the potential impacts of the incident or non-compliance; and</li> <li>the method and timing of any remedial action that will be undertaken by the approval holder.</li> </ol>	C	<ul style="list-style-type: none"> <li>Refer to condition 12A.</li> </ul>	

## 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon



Table 3: List of approval conditions and current compliance status of EPBC 2008/4250 (continued)

Condition No.	Condition	Status	Comments	Evidence
13	If, at any time after five (5) years from the date of this approval, the Minister notifies the person taking the action in writing that the Minister is not satisfied that there has been substantial commencement of the construction of the rural residential development at Brigadoon, Western Australia, the action must not thereafter be commenced without the written agreement of the Minister.	NA	<ul style="list-style-type: none"> <li>Evidence provided in the 2013 Compliance Report (R007).</li> </ul>	<ul style="list-style-type: none"> <li>R007_Emerge Associates 2013 ACR for EPBC 2008/4250</li> </ul>
14	<p>The person taking the action may choose to revise a plan approved by the Department under conditions 3 and 10 without submitting the revised plan for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact. If the person taking the actions makes this choice they must:</p> <p>a) Notify the Department in writing that the approved plan has been revised and provide the Department with:</p> <ul style="list-style-type: none"> <li>An electronic copy of the revised plan;</li> <li>An explanation of the differences between the revised plan and the approved plan; and</li> <li>The reasons the person taking the action considers that taking the action in accordance with the revised plan would not be likely to have a new or increased impact.</li> </ul> <p>b) Advise the Department in writing of an earliest date on which the revised plan will be implemented by the person taking the action. The earliest date of first implementation must be at least 28 days after condition 14a) is satisfied.</p>	NA	<ul style="list-style-type: none"> <li>No revised plans were submitted to the Department for approval during the reporting period.</li> </ul>	

## 2020 Compliance Report for EPBC Approval 2008/4250

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Table 3: List of approval conditions and current compliance status of EPBC 2008/4250 (continued)

Condition No.	Condition Requirement	Status	Evidence/Comments	Evidence
15	The person taking the action may revoke their choice under condition 14 at any time by notice to the Department. If the approval holder revokes the choice to implement a revised plan without approval under section 143A of the EPBC Act, the approval holder must implement the version of the plan most recently approved by the Department.	C	<ul style="list-style-type: none"> <li>Refer to condition 14, no update required.</li> </ul>	
15A	<p>If the Department gives a notice to the person taking the action that the Department is satisfied that the taking of the action in accordance with the revised plan would be likely to have a new or increased impact, then:</p> <p>a) Condition 14 does not apply, or ceases to apply, in relation to the revised plan; and</p> <p>b) The person taking the action must implement the version of the plan most recently approved by the Department.</p> <p>To avoid any doubt, this condition does not affect any operation of conditions 14 and 15 in the period before the day after the notice is given.</p> <p>At the time of giving a notice under Condition 15, the Department may also notify that for a specified period of time Condition 15 does not apply for one or more specified plans required under the approval.</p>	C	<ul style="list-style-type: none"> <li>Refer to condition 14, no update required.</li> </ul>	
15B	Conditions 14, 15 and 15A are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised plan to the Department for approval.	C	<ul style="list-style-type: none"> <li>Refer to condition 14, no update required.</li> </ul>	



## 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon



Table 3: List of approval conditions and current compliance status of EPBC 2008/4250 (continued)

Condition No.	Condition Requirement	Status	Evidence/Comments	Evidence
15C	If the Department considers that it is necessary or convenient for the protection of threatened species of threatened ecological (s18 & s18A) to do so, the Department may request that the person taking the action make specific revisions to the plans approved under conditions 3 and 10 and submit the revised plan for the Department's approval. The person taking the action must comply with any such request. The revised plan must be implemented in place of the plan originally approved.	C	<ul style="list-style-type: none"> <li>Refer to condition 14, no update required.</li> </ul>	

## 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon



Table 3: List of approval conditions and current compliance status of EPBC 2008/4250 (continued)

Condition No.	Condition Requirement	Status	Comments	Evidence
16	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement management plans required under Conditions 3 and 10 of this approval, and make them available on request by the Department. Such records may be subject to audit by the Department and or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits may be posted on the Department website. The results of audits may also be publicised through the general media.	C	<ul style="list-style-type: none"> <li>Records of activities undertaken within the site which are associated with these approval conditions are maintained by the proponent and its project team.</li> <li>These records are updated as required and have been used to inform this annual compliance report.</li> <li>Further information regarding conformance with the RFMP is provided in <b>Appendix A</b>.</li> </ul>	<ul style="list-style-type: none"> <li>Refer to other items in this table and appendices.</li> </ul>
17	In order to offset the impact of clearing of Black Cockatoo habitat, before 1 September 2017, the person taking the action must: <ol style="list-style-type: none"> <li>provide funds to DPAW for the acquisition and management of one or more properties that contain at least 490 hectares of high quality foraging habitat for Black Cockatoos to be protected in perpetuity. The offset property must be approved in writing by the Department.</li> <li>provide documentary evidence to the Department that funds have been provided to the DPAW as required by approval condition 17a.</li> </ol>	CLD	<ul style="list-style-type: none"> <li>The requirements of this condition have now been completed as discussed in the 2017 Compliance Report (R001).</li> </ul>	<ul style="list-style-type: none"> <li>R005_Cardno 2012 ACR for EPBC 2008/4250</li> <li>R001_Emerge Associates 2017 ACR for EPBC 2008/4250</li> </ul>

## 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon



### 5.2 Compliance details

The following section provides additional detail relating to the ongoing compliance with the conditions of approval, specifically relating to:

- **Section 5.2.1-** Clearing extent, in accordance with the requirements of condition 1.
- **Section 5.2.2-** Measures to manage landowner clearing restrictions, in accordance with the requirements of condition 2.
- **Section 5.2.4 -** Information regarding the wording amendment for the Restrictive Covenant, in reference to condition 8.

Supporting evidence has been included in the Appendices, where applicable.

#### 5.2.1 Civil Works clearing for strategic firebreaks, lot boundary firebreaks and roads - condition 1

During the 2019/2020 reporting period, no civil construction works and associated clearing relating to Condition 1 has occurred within the estate. The current area cleared is consistent with the calculations provided in the last reporting period (Emerge Associates 2018). Clearing for all purposes set out in Condition 1 are all compliant and have not exceeded their respective clearing allowances.

**Table 4** provides a summary of clearing within the site undertaken to date associated with Condition 1, as determined through a spatial analysis (using GIS software) conducted in 2019.

*Table 4: Areas cleared to date under condition 1*

CONDITION 1 CLEARING RESTRICTIONS	CURRENT LEVEL OF CLEARING (HA)	REMAINING CLEARING (HA)	PERCENTAGE CLEARING (%)
Up to 30 hectares for the purpose of constructing roads	18.04	11.96	60.1
Up to 45 hectares of the purpose of constructing boundary firebreaks on individual lots	27.5	17.5	61.1
Up to 8.2 hectares for the purposes of constructing strategic firebreaks and dams	5.84	2.36	71.2

The methodology used to quantify the extent of vegetation clearing associated with the civil construction works involved a comprehensive spatial analysis (using GIS software) of high-resolution aerial photography. The methodology used to quantify clearing was described in the Avon Ridge Estate 2016 ACR and has been summarized below:

- Analysis of high-resolution aerial imagery captured prior to July 2018 to attain a baseline dataset which delineates which areas were A) vegetated and B) non-vegetated prior to the reporting period. This ensures that areas which were previously cleared as a part of the staged development have not been incorrectly added to the current clearing works associated with this reporting period.
- Analysis of high-resolution aerial imagery captured between July 2018 and July 2019 to determine A) vegetated and B) non-vegetated areas. This allows for all areas cleared since the previous reporting period to be delineated and quantified to a high degree of accuracy.

## 2020 Compliance Report for EPBC Approval 2008/4250

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- The areas identified as being cleared during the current reporting period were then attributed regarding their clearing purpose; either for the construction of roads, lot boundary firebreaks or strategic firebreaks (or for other purposes not specified in condition 1).

### 5.2.2 Measures to manage clearing within lots - condition 2

A range of measures have been implemented by the proponent in order to manage clearing within lots by future landowners, as outlined below. These measures continue to be implemented the proponent, maintaining compliance with the requirements of condition 2.

#### Restrictive Covenants

Restrictive Covenants<sup>1</sup> apply to all residential lots sold within the project area, and are created under Section 136D of the *Transfer of Land Act 1893*, providing specific controls on:

- Clearing being permitted only for specific purposes including Aerobic Treatment Unit (ATU) discharge area, driveway, firebreaks and low fuel environment within a building protection zone (BPZ) (now Asset Protection Zone (APZ)) and hazard separation zone (HSZ).
- A restriction on clearing after the construction of the first dwelling
- The total cleared area not exceeding 10% of the lot (or 2,000 m<sup>2</sup>) whichever is the lesser
- The clearing of habitat trees and trees with a diameter at breast height greater than 500 mm
- The use of the Fire Management Consultant to provide specific advice on vegetation modification and clearing of house sites, buffers, APZs and HSZs.

In addition, the Restrictive Covenants explicitly inform the landowner of their obligations pursuant to the EPBC Act. The Restrictive Covenants are registered on the title (which carries over to subsequent landowners) and are enforceable by other landowners within a subdivision stage (which are all lodged on the same deposited plan).

Ten (10) lots sold or settled occurred during the period 5 July 2019 to 4 July 2020.

#### Structure plan

The development of the site is being implemented in accordance with an approved structure plan, which is spatial plan prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* and to which a decision maker (i.e. local government) must have 'due regard' when determining an application (such as a development application or building license) within a structure plan area.

The approved structure plan outlines the maximum allowable size of building envelopes within subdivided lots to be 2000 m<sup>2</sup> or 10% of the lot area, whichever is lesser. This criterion was used as a basis to calculate the 31.4 ha of total allowable clearing across the development identified in condition 2 for the establishment of building envelopes. This allowable clearing area is considered a reasonable area of clearing to incorporate the required infrastructure within an individual lot.

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<sup>1</sup> Restrictive Covenants are created under Section 138D of the *Transfer of Land Act 1893* and are referred to as 'Restrictive Covenants' within the approval conditions of EPBC 2008/4250 and within this report.

## 2020 Compliance Report for EPBC Approval 2008/4250

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Individual building envelopes are approved by the City of Swan when considering building licence applications. As outlined above, this decision making process should involve due regard to the approved structure plan and the provisions within it, specifically relating to maximum allowable building envelope size.

### 5.2.3 Notification on title - condition 5

Two of the ten lots settled or sold during the reporting period contained identified black cockatoo nesting trees for retention (Lots 315 and 270), therefore, notifications on titles were required. A Notification on the Certificate of Title under Section 70A of the *Transfer of Land Act 1893* regarding the specific requirement to retain Black cockatoo trees for Lot 270 was submitted. However, due to an apparent administrative oversight, a notification on title was not included on Lot 315 to retain the potential breeding habitat tree on this specific lot. This information was revealed during the preparation of the current compliance report and was confirmed by Peet Limited on 16 September 2020 and reported to the department within two business days specified in Condition 12A and Condition 12B. Additional unsettled lots within Stage 11A (Lots 313, 314 and 316) did not contain the required notification on title under Condition 5, confirmed by Peet Limited on 16 September 2020.

As the habitat trees to be retained within Lots 313, 314, 315 and 316 are all located outside of the approved building envelopes, and no permission for additional clearing has been sought from the City of Swan, it is believed that no clearing of habitat trees has occurred. It is also noted that as at 30 August 2020 a review of satellite imagery confirmed that no construction works have commenced on the only lot sold (Lot 315). Given the above, the proponent does not consider that any damage has occurred to the habitat trees located within Lots 313, 314, 315 and 316 despite a non-compliance with condition 5 of EPBC 2008/4250.

An update of further actions provided by the proponent in association with the non-compliances of condition 5 will be provided in the following compliance report.

### 5.2.4 Restrictive Covenant - condition 8

Approval of the original Restrictive Covenant was granted by the Department in August 2010. Since this time, a number of revisions have been made to the Restrictive Covenant and have subsequently been referred to the Department for approval, described in detail in the 2014 ACR.

In 2017 the Department determined that the wording of condition 8 at that time did not allow for revisions to the Restrictive Covenant, although it was concluded that the revisions that had been made up to that date had not resulted in any adverse impacts to the environment, MNES or any other significant environmental values. The proponent requested a variation to Condition 8 and in April 2019, the Department approved the variation which enacted the current wording of Condition 8.

Nevertheless, historic covenants prior to 2019 still continue to be sold and settled by the proponent and as such are non-compliant. This includes lots sold/settled within Stages 4 and 7 over the current reporting period. In addition, and as outlined in the 2019 ACR, an administrative error and change of project managers resulted in the Protective (restrictive) covenants from Stages 11A and 11B being attached to titles without approval. These non-compliances were reported to DAWE on 7 July 2020 (outside of the current ACR reporting period)

## 2020 Compliance Report for EPBC Approval 2008/4250

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The Department has advised is unable to provide retrospective approval for these historic covenants, however the proponent will work with the Department to work through the ongoing non-compliances that are associated with the Restrictive Covenants.

Notification from DAWE was received in June 2020 that confirmed that non-compliances discussed in the 2019 ACR associated with the historic covenants contravened Section 142 of the EPBC Act however, no further compliance action would be undertaken.

## 2020 Compliance Report for EPBC Approval 2008/4250 Avon Ridge Estate, Brigadoon



### 6 Conclusion

This report has been prepared to satisfy condition 12 of the EPBC Act Approval which was granted by the Department on 8 October 2009. The report outlines the level of compliance with the approval's conditions during the 5 July 2019 to 4 July 2020 reporting period.

Ongoing compliance with the approval conditions has been demonstrated during the reporting period. This is due to the implementation of environmental management measures prescribed by the following documents and mechanisms:

- Construction Management Plan
- Revegetation and Fire Management Plan
- Restrictive Covenants
- Notification on Titles
- Use of the Fire Management Consultant.

Ongoing monitoring and evaluation of environmental management works supports continued compliance with approval conditions.

## 2020 Compliance Report for EPBC Approval 2008/4250 Avon Ridge Estate, Brigadoon



## 7 References

### 7.1 General references

Cardno 2010a. *Brigadoon Estate Construction Environment Management Plan*. Unpublished Report prepared for Peet Limited.

Department of Environment and Energy (DoEE) 2014, *Annual Compliance Report Guidelines*, Canberra.

Emerge Associates 2017b. *Revegetation and Fire Management Plan (Revised 2017)*. Unpublished report prepared for Peet Limited.

Emerge Associates 2018, *2019 Compliance Report for EPBC Approval 2008/4250*, EP13-041(24), A.

Graham A Brown & Associates 2014, *Environmental Audit Guidebook*, Thomson Reuters.

Office of the Environmental Protection Authority (OEPA) 2012a, *Post Assessment Guideline for Preparing a Compliance Assessment Report*.

Office of the Environmental Protection Authority (OEPA) 2012b, *Post Assessment Guidelines for Preparing an Audit Table*.

Office of the Environmental Protection Authority (OEPA) Undated, *Post Assessment Form 2 for a Statement of Compliance*, Perth, WA.

### 7.2 Online references

Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) 2010. *Bushfire Management and National Environment Law*. <

<http://www.environment.gov.au/system/files/resources/f8b2f5e8-14cd-490e-bf35-5a509317e651/files/bushfire-factsheet.pdf>>



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## 8 Glossary

TERM	DEFINITION
Notifications on Title	Are created under Section 70A of the Western Australian <i>Transfer of Land Act 1893</i> to notify landowners of factors that may interfere with the use of their land. The person taking the action must put these titles in place to alert future purchasers if their lot contains habitat trees that must be retained in perpetuity and are not to be cleared in line with fire management procedures
Protection in perpetuity	A tenure or a conservation status on a notification attached to individual land titles that guarantees permanent preservation of vegetation into the future and ensures that no clearing will be undertaken.

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# Figures



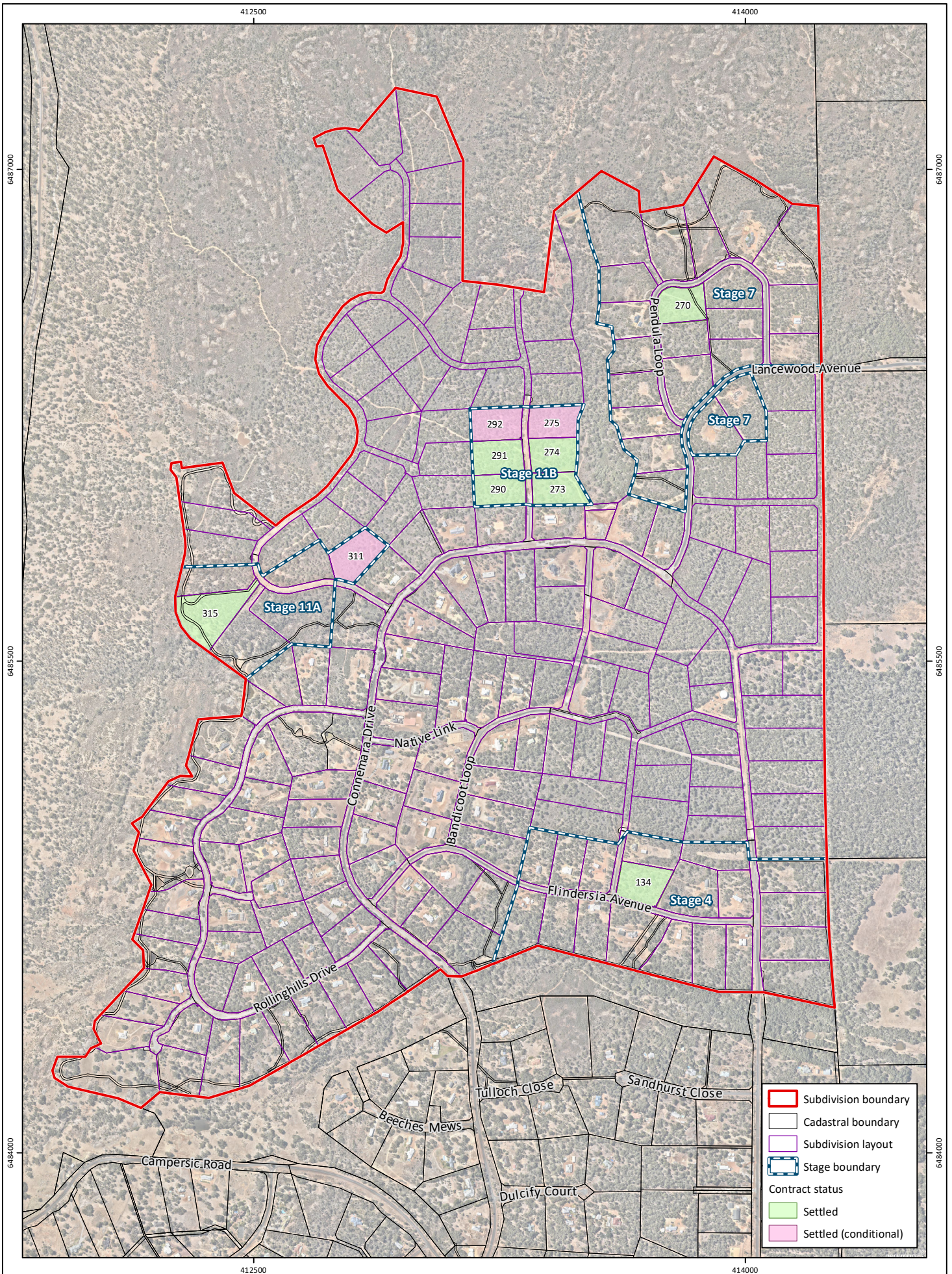
*Figure 1: Avon Ridge Stages 4, 7, 11a and 11b Location*

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**Figure 1: Avon Ridge Stages 4, 7, 11a, and 11b Location**

**Project:** 2020 Compliance Report for EPBC Approval 2008/4250  
Avon Ridge Development Support

**Client:** Peet Avon Ridge Development Support

**Plan Number:** EP13-041(24)--F142  
**Drawn:** GAR  
**Date:** 27/08/2020  
**Checked:** DRAFT  
**Approved:** DRAFT  
**Date:** --/--

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While Emmerge Associates makes every attempt to ensure the accuracy and completeness of data, Emmerge accepts no responsibility for externally sourced data used



# Appendix A

Conformance with Revegetation and Fire Management Plan



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Table A1 Conformance with Revegetation and Fire Management Plan

Reference code	Action	Status	Comment	Evidence
RFMP 1	Undertake revegetation and monitoring activities in alignment with condition 3 of the EPBC Act approval	CLD	<ul style="list-style-type: none"> <li>All RFMP actions pertaining to condition 3 of the approval have been completed and there are no outstanding revegetation requirements regarding maintenance.</li> <li>Revegetation occurred from 2011 to 2013. The completion criteria of a 90% survival rate after a period of three years after initial planting has been met.</li> <li>Evidence of completion was provided in the 2017 Compliance report (R001)</li> </ul>	<ul style="list-style-type: none"> <li>R001_Emerge Associates 2017 ACR for EPBC 2008/4250</li> </ul>
RFMP 2	Implement the Fire Management Plan (FMP) prepared by FirePlan WA (2013) across the development site.	C	<ul style="list-style-type: none"> <li>Refer to RFMP 3 – RFMP 25.</li> </ul>	



## 2020 Compliance Report for EPBC Approval 2008/4250

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Reference code	Action	Status	Comment	Evidence
RFMP 3	<p>Planning for prescribed burning will involve determining and arranging the following:</p> <ul style="list-style-type: none"> <li>Fuel loadings</li> <li>Forecast weather conditions (taking into consideration smoke management)</li> <li>Fire management resources</li> <li>Traffic control and access</li> <li>Notification of nearby lot owners and residents</li> </ul>	C	<ul style="list-style-type: none"> <li>One prescribed burn has occurred during the reporting period, on 25 October 2019 with mopup/patrol 26 October 2019. Due to rapid spring drying, there was only a small window of opportunity to undertake the burn.</li> <li>The burn was carried out over less than the anticipated burn area (R101) (D102) with burning occurring only across the northern end slowly working through the south of the east block (less than 5 ha in total of burning) of Lot 9006 Connemara Drive Brigadoon. Due to the advanced dryness and forecast conditions, it was not deemed appropriate to complete any more burning (E103). Photographs of the burn were taken as evidence (D103) (D104).</li> <li>Pre burn planning was conducted in consultation with The City of Swan, East Swan Volunteer Bushfire Brigade, which involved an assessment of fuel loadings, weather conditions, fire management resources and traffic control and access (E103) (R101).</li> </ul>	<ul style="list-style-type: none"> <li>R101_City of Swan 2019 Level Two Hazard Reduction Burn Plan</li> <li>D102_City of Swan Fire Services 2019 Avon Ridge Prescribed burn map</li> <li>E103 City of Swan Fire Services 2020 Avon Ridge prescribed Burns 2019/2020</li> <li>D103 City of Swan Fire Services 2019 Avon Ridge Prescribed Spring Burn</li> <li>D104 City of Swan Fire Services 2019 Avon Ridge Prescribed Spring Burn</li> </ul>

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Reference code	Action	Status	Comment	Evidence
RFMP 4	Experienced fire fighters and fire appliances will be used to carry out all hazard reduction burns. The Brigades will be coordinated by an experienced fire manager acting on behalf of Peet.	C	<ul style="list-style-type: none"> <li>The prescribed burn conducted on 25 October to 26 October 2019 was undertaken by the East Swan Volunteer Bushfire Brigade who have been contracted by Peet for previous prescribed burns (E103).</li> <li>The East Swan Volunteer Bushfire Brigade is coordinated by John Mangini, the Deputy Chief Bush Fire Control Officer of the City of Swan Fire Services, and an experienced fire manager acting on behalf of Peet (R101) (E103).</li> <li>The East Swan Volunteer Bushfire Brigade was assisted by units from West Swan (E105)</li> </ul>	<ul style="list-style-type: none"> <li>R101_City of Swan 2019 Level Two Hazard Reduction Burn Plan</li> <li>E103 City of Swan Fire Services 2020 Avon Ridge prescribed Burns 2019/2020</li> <li>E105 Emerge Associates 2020 Avon Ridge Annual Compliance Report - Prescribed Burns 2019/2020</li> </ul>
RFMP 5	<p>The timing for hazard reduction burning within the development site will need to comply with the requirements of the <i>Bush Fires Act 1954</i> (BF Act);</p> <ul style="list-style-type: none"> <li>Any future hazard reduction burning across the site will be prohibited during "Prohibited Burning Times" and on days when the Fire Danger Index reaches "Very High" to "Catastrophic".</li> <li>During "Restricted Burning Time" permits are required from the local Fire Control Officer for any burning under the BF Act.</li> </ul>	C	<ul style="list-style-type: none"> <li>The 2019/2020 City of Swan unrestricted burning period runs from June 1 until September 30.</li> <li>The prescribed burn was undertaken between 25 October and 26 October 2019 and therefore is within the restricted burning times outlined in the <i>Bush Fires Act 1954</i>.</li> <li>A City of Swan Burn Permit was issued prior to the commencement of the prescribed burn, as a part of the standard bushfire planning process in coordination with the East Swan Volunteer Bushfire Brigade and units from West Swan (E103) (E105).</li> </ul>	<ul style="list-style-type: none"> <li>E103 City of Swan Fire Services 2020 Avon Ridge prescribed Burns 2019/2020</li> <li>R101_City of Swan 2019 Level Two Hazard Reduction Burn Plan</li> <li>E105 Emerge Associates 2020 Avon Ridge Annual Compliance Report - Prescribed Burns 2019/2020</li> </ul>
RFMP 6	Any hazard reduction burn will be carried out in the September to October period to achieve a low intensity burn and low scorch height.	C	Refer to RFMP 3.	

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Reference code	Action	Status	Comment	Evidence
RFMP 7	Any future hazard reduction burning will comply with smoke management guidelines as contained in the City of Swan firebreak and hazard reduction notice, <i>Your Guide to the 2014/15 Fire Season</i> .	C	<ul style="list-style-type: none"> <li>Prior to burning the bushfire management consultant undertook pre-burn planning in accordance with the City of Swan. Refer to RFMP 3.</li> </ul>	<ul style="list-style-type: none"> <li>E103 City of Swan Fire Services 2020 Avon Ridge prescribed Burns 2019/2020</li> <li>R101_City of Swan 2019 Level Two Hazard Reduction Burn Plan</li> </ul>
RFMP 8	The hazard reduction burn will aim to reduce fuel loads by 60% across 80% of the proposed burn area.	C	<ul style="list-style-type: none"> <li>The extent of the prescribed burn occurred over less than 5 ha (D102). The percentage of fuel over the area was at least 70% (E103).</li> </ul>	<ul style="list-style-type: none"> <li>D102_City of Swan Fire Services 2019 Avon Ridge Prescribed burn map</li> <li>E103 City of Swan Fire Services 2020 Avon Ridge prescribed Burns 2019/2020</li> </ul>
RFMP 9	Should the undertaking of the prescribed burn be delayed due to unforeseen circumstances such as unsuitable weather conditions and the unavailability of personnel to conduct, DFES will be informed and the proposed prescribed burn be planned for the following year.	C	<ul style="list-style-type: none"> <li>A prescribed burn was completed on 25th October 2019 within this reporting period (E103).</li> <li>A prescribed burn was anticipated to occur for Autumn 2020 but was deemed as impractical due to COVID-19 restrictions, where brigades were limited to response only. East Swan Brigade intends to progress further burning subject to weather, which will likely require at least one week of dry weather before any further burning is practicable (E103).</li> </ul>	<ul style="list-style-type: none"> <li>E103 City of Swan Fire Services 2020 Avon Ridge prescribed burn</li> </ul>

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Reference code	Action	Status	Comment	Evidence
RFMP 10	DFES and the City of Swan will be informed by Peet's appointed Fire Management Consultant (FMC) of the completion of prescribed burns.	C	<ul style="list-style-type: none"> <li>As a part of the prescribed bushfire preparation, the appointed FMC notifies DFES of the proposed burn timing.</li> <li>The appointed FMC works in coordination with John Mangini, the Deputy Chief Bush Fire Control Officer for the City of Swan Fire Services. The City of Swan was therefore aware of the completion of the prescribed burn.</li> </ul>	<ul style="list-style-type: none"> <li>E103 City of Swan Fire Services 2020 Avon Ridge prescribed Burns 2019/2020</li> <li>R101_City of Swan 2019 Level Two Hazard Reduction Burn Plan</li> </ul>
RFMP 11	Should prescribed burns be delayed or not undertaken as proposed within this 2017 RFMP a revised prescribed burn plan will be forwarded to DFES.	NA	<ul style="list-style-type: none"> <li>A prescribed burn was conducted during the reporting period. Refer to RFMP 9.</li> </ul>	Refer to RFMP 9
RFMP 12	The FMP will be supplied to all lot owners and there will be a notification on the title that the FMP must be adhered to and complied with.	C	<ul style="list-style-type: none"> <li>Notifications of Titles and Protective (restrictive) Covenants which include the FMP continue to be implemented throughout development.</li> <li>The purchaser information pack is provided to the lot owner detailing requirement to adhere to the FMP (R0010) (L102) (L103) (L104) (D108) (D109) (E110).</li> </ul>	<ul style="list-style-type: none"> <li>R0010_PEET Annexure G - Purchaser Information</li> <li>L102 PEET Annexure B Stage 4 Protective Covenants</li> <li>L103 PEET Annexure B Stage 7 Protective Covenants</li> <li>L104 PEET Stage 11 Contract Excluding Lot Diagrams and Annexure B Stage 11 Protective Cov</li> <li>D108 PEET 2013 Annexure F Interest and notifications stage 7</li> <li>D109 PEET Annexure I approved building envelopes stage 7</li> <li>E110 PEET 2020 Stage 7 annexure covenant</li> </ul>

## 2020 Compliance Report for EPBC Approval 2008/4250

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Reference code	Action	Status	Comment	Evidence
RFMP 13	Private lot firebreaks will be installed by Peet/the developer prior to the clearance of lot titles and maintained by Peet/developer until the lot is sold, to the standards outlined in the City of Swan Fire Hazard Reduction Notice. Following sale, the lot purchaser will be responsible for the maintenance of this firebreak in perpetuity.	C	<ul style="list-style-type: none"> <li>The internal lot firebreaks installed by the developer have been built to a minimum width of 3 m in accordance with the City of Swan <i>Firebreak Notice</i> and the Avon Ridge Estate Bushfire Management Plan (BMP) and established immediately inside and adjacent to all external property boundaries (D101) (E102).</li> <li>The internal firebreaks continue to be maintained to a low-threat standard by the proponent until lots are sold (D101) (E102) (E108) (D105).</li> <li><i>Eldiaza Pty Ltd Coastal Firebreaks and Slashing</i> was contracted in October 2019 to reinstate internal firebreaks around lots 273, 274, 275 and 292 (Stage 11A) of the development (D107) (E109).</li> </ul>	<ul style="list-style-type: none"> <li>D101 Bushfire Safety Consulting Avon Ridge Brigadoon Trafficable Firebreaks Nov 2019</li> <li>E102 Bushfire Safety Consulting Avon Ridge trafficable firebreaks November 2019</li> <li>E108 PEET 2020 Avon Ridge Outstanding items Fencing and Firebreaks</li> <li>D105 AMC Earthworks Pty Ltd 2019/2020 AMC Earthworks invoice</li> <li>D107 Eldiaza Pty Ltd Coastal Firebreaks and Slashing 2019 Firebreak maintenance invoice</li> <li>E109 PEET 2020 RE: Avon Ridge Firebreaks invoicing and lots settled</li> </ul>

## 2020 Compliance Report for EPBC Approval 2008/4250

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Reference code	Action	Status	Comment	Evidence
RFMP 14	<p>A strategic firebreak will be installed by Peet/the developer as development progresses within the site to ensure perimeter access for firefighting purposes is in place around all developed areas. The Strategic fire break will follow the standard outlined below:</p> <ul style="list-style-type: none"> <li>• Minimum 6 m wide with a 4 m trafficable surface</li> <li>• Minimum 4 m vertical clearance over the full 6 m width</li> <li>• Where the strategic firebreak is within private lots, no fencing/gates or any form of obstruction is to cross the strategic firebreak.</li> <li>• At regular intervals (every 4 to 6 lots, approximately), a linking firebreak to the public road network will be provided. This link is to be located within a single lot and can be a part of the lot access (i.e. driveway) within each lot, or adjacent to the lot boundary as part of the internal firebreak. These links do not necessarily have to be located on the lot boundary, but must be accessible at all times.</li> <li>• A minimum 60 m-wide setback between the strategic firebreak and any future dwellings, which is facilitated through the designation of BEAs.</li> </ul>	C	<ul style="list-style-type: none"> <li>• The strategic firebreak continues to be installed around the perimeter of Avon Ridge as development progresses to the minimum standard outlined in the City of Swan <i>Firebreak Notice</i> and the Avon Ridge Estate Bushfire Management Plan (BMP) (D101) (E102).</li> <li>• The strategic firebreak will continue to be maintained to the satisfaction of the City of Swan prior to the clearance of lot titles and maintained until all affected lots are sold (D101) (E102) (E108) (D105).</li> <li>• <i>Eldiaza Pty Ltd Coastal Firebreaks and Slashing</i> was contracted in October 2019 to reinstate firebreaks around unsold lots of the development. Firebreaks were reinstated around the perimeter of several lots (273, 274, 275 and 292), in addition to around the sale office land parcel and around remaining landholdings (D107) (E109).</li> </ul>	<ul style="list-style-type: none"> <li>• D101 Bushfire Safety Consulting Avon Ridge Brigadoon Trafficable Firebreaks Nov 2019</li> <li>• E102 Bushfire Safety Consulting Avon Ridge trafficable firebreaks November 2019</li> <li>• E108 PEET 2020 Avon Ridge Outstanding items Fencing and Firebreaks</li> <li>• D105 AMC Earthworks Pty Ltd 2019/2020 AMC Earthworks invoice</li> <li>• D107 Eldiaza Pty Ltd Coastal Firebreaks and Slashing 2019 Firebreak maintenance invoice</li> <li>• E109 PEET 2020 RE: Avon Ridge Firebreaks invoicing and lots settled</li> </ul>
RFMP 15	<ul style="list-style-type: none"> <li>• Rural gates (minimum width 4.1 metres) will be installed to provide access from the strategic firebreak to the linking firebreak with a standard City of Swan key system (to prevent unauthorised vehicle access). These gates will be installed by Peet/developer prior to the clearance of lot titles.</li> <li>• Rural gates (minimum width 4.1 metres) will be erected where the strategic firebreak interfaces with a public road, with a standard City of Swan key system to prevent unauthorised vehicle access. These gates will be installed by Peet/developer prior to the clearance of lot titles. Signage will be provided where strategic firebreak meet public roads, indicating the FSARs are for "Fire Access Only."</li> </ul>	C	<ul style="list-style-type: none"> <li>• <i>Treacy Fencing &amp; Landscaping</i> was contracted in August 2019 to supply and install rural gates within Stages 11A and 11B of the development. Gates were installed for several lots including 315, 273, 291, 292 and 290.</li> <li>• Firebreaks have been requested to be widened to 4.2 metres meeting the minimum width of 4.1 metres (D105).</li> <li>• Signage is provided for fire access tracks by the proponent (E111)(D110).</li> </ul>	<ul style="list-style-type: none"> <li>• E108 PEET 2020 Avon Ridge Outstanding items Fencing and Firebreaks</li> <li>• D106 Treacy Fencing &amp; Landscaping 2020 invoice</li> <li>• D105 AMC Earthworks Pty Ltd 2019/2020 AMC Earthworks invoice</li> <li>• D110 PEET 2019 Fire Access Track Photo</li> <li>• E111 PEET 2020 Fire Access Track and Lots 315 &amp; 270</li> </ul>

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Reference code	Action	Status	Comment	Evidence
RFMP 16	Peet will provide lot owners purchaser information as part of the contract of sale which explains the requirement of BPZ's and HSZ's, the role of the FMC and other fire management information, including the City of Swan maintenance of firebreaks under Section 33 of the <i>Bush Fires Act 1954</i> .	C	<ul style="list-style-type: none"> <li>Information regarding the clearing requirements continues to be provided in the purchaser information pack (R0010).</li> </ul>	<ul style="list-style-type: none"> <li>R0010_PEET Annexure G - Purchaser Information</li> </ul>
RFMP 17	Peet will organise and fund annual information sessions for Avon Ridge Estate residents attended by the FMC and representatives from DFES, the East Swan Volunteer Bushfire Brigade and City of Swan over three years. Information on how to form the Avon Ridge Estate BRG as well as fuel hazard reduction and bushfire readiness training and support by the agencies will be provided.	C	<ul style="list-style-type: none"> <li>A bushfire information session was not completed during this reporting period.</li> <li>Two previous workshops have been completed, on 8 April 2017 (D0016) and 14 December 2017 (D0013).</li> <li>Due to poor attendance additional workshops have not been progressed.</li> </ul>	<ul style="list-style-type: none"> <li>D0013_Bushfire Safety Consulting 2017.12.14 Record of Avon Ridge BRG Session</li> <li>D0016_Emerge Associates 2017.04.08 Record of Avon Ridge BRG Session</li> </ul>
RFMP 18	A Building Protection Zone of minimum of 20 metres is to be constructed around all buildings and must be within the Lot boundaries. BPZs are to be installed prior to any dwelling construction commencing and are to be part of the Building Licence approval. Bushfire fuel loadings must be maintained to a maximum of 2 tonnes/ha.	C	<ul style="list-style-type: none"> <li>Restrictive Covenants addressing Building Protection Zone and Hazard separation zone requirements, in accordance with the RFMP, continue to be implemented throughout the development (R105) (R107).</li> <li>Lot owners are required to maintain their BPZ's and HSZ's in accordance with the Protective (restrictive) Covenants.</li> <li>Lot owners are informed of their obligations through the purchaser information pack provided at the time of the lot settlement.</li> <li>The Fire Management Consultant inspects the quality of the BPZ and HSZ establishment after initial vegetation thinning has occurred within the lot.</li> </ul>	<ul style="list-style-type: none"> <li>R0010_PEET Annexure G - Purchaser Information</li> <li>R105_Bushfire Safety Consulting_Lot 253 Lancewood Avenue Brigadoon APZ Cert</li> <li>R107 Bushfire Safety Consulting Lot 291 Botanic Loop Brigadoon APZ Cert</li> </ul>
RFMP 19	The Hazard Separation Zone will built to a width determined at the stage of building site assessment (at least a further 30 m beyond the BPZ). HSZs are to be installed by the landowner prior to construction of a dwelling on the site. Bushfire fuel loadings must be maintained to a maximum of 4-6 tonnes/ha.	C	Refer to RFMP 18.	

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Avon Ridge Estate, Brigadoon



Reference code	Action	Status	Comment	Evidence
RFMP 20	<p>Peet will provide a service to purchasers to have the building envelope, BPZ and HSZ within their lot inspected by a qualified FMC (at Peet's cost) to ensure compliance prior to the commencement of any in lot clearing. The FMC will undertake the following assessments:</p> <ul style="list-style-type: none"> <li>• BAL (Bushfire Attack Level) rating assessment in accordance with AS3959.</li> <li>• Pre-clearing checklist to identify trees and shrubs requiring vegetation modification.</li> <li>• Post-clearing checklist to confirm vegetation modification has been undertaken.</li> </ul>	C	<ul style="list-style-type: none"> <li>• The Fire Management Consultant prepares a Bushfire Attack Level Assessment Report and Management Statement for each lot. This statement indicates the management commitments with regard to fire safety and provides guidance to new landowners regarding acceptable vegetation modification practices prior to any lot clearing in accordance with the Restrictive Covenants. This statement is kept on file as a record of compliance.</li> <li>• The Fire Management Consultant has provided pre-thinning Bushfire Attack Level Assessment Report and Management States for five (5) lots during this audit period (R102, R103, R104, R106, R109).</li> <li>• The Fire Management Consultant has provided post-thinning Asset Protection Zone Reports for two (2) lots during this audit period (R105) (R107).</li> <li>• The Fire Management Consultant verbally provides post-thinning advice to homeowners in regards to the quality of the APZ establishment.</li> </ul>	<ul style="list-style-type: none"> <li>• R102_Bushfire Safety Consulting_Lot 273 Botanic Loop Brigadoon Bushfire Attack Level Assessment Report</li> <li>• R103_Bushfire Safety Consulting_Lot 245 Rollinghills Drive Brigadoon BAL report</li> <li>• R104_Bushfire Safety Consulting_Lot 95 Pendula Loop Brigadoon BAL report</li> <li>• R105_Bushfire Safety Consulting_Lot 253 Lancewood Avenue Brigadoon APZ Cert</li> <li>• R106 Bushfire Safety Consulting Lot 291 Botanic Loop Brigadoon BAL report</li> <li>• R107 Bushfire Safety Consulting Lot 291 Botanic Loop Brigadoon APZ Cert</li> <li>• R109 Bushfire Safety Consulting Lot 260 Pendula Loop Brigadoon BAL report</li> </ul>
RFMP 21	<p>Lot owners will need to maintain their fuel loadings within lots as follows:</p> <ul style="list-style-type: none"> <li>• Within the BPZ at less than or equal to (<math>\leq</math>) 2 tonnes per hectare (t/ha).</li> <li>• Within the HSZ at <math>\leq</math> 4 to 6 t/ha.</li> <li>• Beyond the HSZ at <math>\leq</math> 6 to 8 t/ha.</li> </ul>	C	Refer to RFMP 18 and 19.	



## 2020 Compliance Report for EPBC Approval 2008/4250

Avon Ridge Estate, Brigadoon



Reference code	Action	Status	Comment	Evidence
RFMP 22	Lot owners will be required to reduce their fire hazards prior to the summer fire season and will need to undertake their fuel reduction in conjunction with the maintenance of firebreaks, which are required to be cleared under Section 33 of the <i>Bush Fires Act 1954</i> .	C	<ul style="list-style-type: none"> <li>Lot owners are required to maintain their BPZ's, HSZ's, and firebreaks in accordance with the restrictive covenants and City of Swan <i>Firebreak notice</i>.</li> <li>Information regarding the clearing requirements for fuel reduction continues to be provided in the purchaser information pack.</li> </ul>	<ul style="list-style-type: none"> <li>R0010_PEET Annexure G - Purchaser Information</li> </ul>
RFMP 23	All habitable buildings will be setback a minimum of 60 m from the edge of the Wetland and Creek Line Conservation area boundary.	NA	<ul style="list-style-type: none"> <li>Building envelopes are set back 60 m from the edge of the Wetland and Creek Line Conservation as set out in the Avon Ridge Estate Structure plan (R004).</li> </ul>	<ul style="list-style-type: none"> <li>R004_PEET Brigadoon Structure Plan</li> </ul>
RFMP 24	All habitable buildings located adjacent to the Wetland and Creek Line Conservation Area are to be constructed to BAL 29 (BAL 29 has a heat Flux of less than 19 Kw/m <sup>2</sup> to 29 Kw/m <sup>2</sup> ).	NA	Refer to RFMP 23.	
RFMP 25	All habitable buildings in lots that are located adjacent to the PR Reserve to the west and north and the Southern POS area to the south are to be setback a minimum of 60 metres from the strategic Firebreaks or fire service access ways	NA	<ul style="list-style-type: none"> <li>Building envelope areas are set back 60 m from the PR Reserve to the west and north and the Southern POS area to the south as set out in the Avon Ridge Estate Structure plan (R004).</li> </ul>	<ul style="list-style-type: none"> <li>R004_PEET Brigadoon Structure Plan</li> </ul>

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