



Lot 9006 Reilly Road, Harrisdale (EPBC 2016/7846)

Environmental Protection and Biodiversity Conservation Act 1999

Satterley Reilly Rd Harrisdale Pty Ltd

Annual Compliance Report (2024)

JBS&G Australia Pty Ltd | 66295 | Rev 0

24 July 2024





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

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

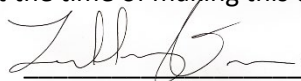
Caring for Country The Journey of JBS&G
Artist: Patrick Caruso, Eastern Arrernte



Declaration of accuracy

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

Signed



Full name (please print)

Jack-Henry Bresa

Position (please print)

Development Manager

Organisation (please print including ABN/ACN if applicable)

Satterley Property Group 38 009 0584 979

Date 09/08/2024

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1. Introduction

This report addresses the status and compliance of implementation of Satterley Reilly Rd Harrisdale Pty Ltd (Satterley) with the conditions in *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval decision notice 2016/7846 (EPBC 2016/7846) (Appendix A) for the Lot 9006 Reilly Road, Harrisdale (Harrisdale; the Project) residential development. This report has been prepared for the purpose of meeting the requirements of condition 6 of EPBC 2016/7846, which requires the proponent to prepare and publish annual compliance reports of the previous 12 months.

1.1 Project Background

Satterley is developing the Project residential land use. The Project is located approximately 19 km southeast of Perth, WA and upon completion will comprise largely of single residential lots at a range of densities, public open space (POS), bushfire protection zone and an area of retained vegetation. The proposed action will involve the clearing of approximately 6.3 hectares (ha) of native vegetation.

The Concept Plan is approximately 10 ha in size of which 4 ha is a proposed future primary school (to be developed by the Department of Education) and 6 ha subdivision area (now Lot 9007, following subdivision).

The proposed action results in the removal of 4.66 ha of Banksia Woodland TEC and the retention of approximately 0.33 ha of the TEC within the Conservation Area (northwest POS area). There is also 0.19 ha area of Banksia Woodlands TEC in the southern corner of the Project Area which will be retained in accordance with bushfire management requirements as POS; however, the Department of Agriculture, Water and Environment (DAWE), now Department of Climate Change, Energy, the Environment and Water (DCCEEW), considered that as this area will be isolated from other areas of the Banksia Woodlands TEC once clearing within the Project Area has taken place and therefore will no longer be of a sufficient size to be representative of the TEC. DAWE considered that this POS area will be indirectly impacted by the Proposed Action and, as such, will be offset as a compensatory measure.

1.2 Environmental Approval to Implement the Project

The Project was referred by Sytka Pty Ltd (Sytka) under the EPBC Act to the then Department of Environment and Energy (now DCCEEW) and was determined to be a controlled action due to the potential for significant impacts on listed threatened species and communities (sections 18 and 18A). The Project was assessed on preliminary information with approval issued on 17 March 2019 (EPBC 2016/7846; Appendix A). The Project commenced on 11 May 2020.

On 24 August 2020 a notification of intent to transfer the approval holder from Sytka to Satterley was submitted to the DAWE. On 14 September 2020 the DAWE issued a notice approving the transfer of the EPBC 2016/7846 approval to Satterley.

2. Current Status

All civil stages & POS construction were completed in the previous ACR period (11 May 2022 and 10 May 2023). Works undertaken in the reporting period was limited to the on-going maintenance of both POS and the bushland conservation POS.

All lots have been sold by Satterley. The activities anticipated for the current ACR reporting period (11 May 2024 to 10 May 2025) include:

- Maintenance of civil stages and handover to the City of Armadale.
- Maintenance of both POS including ongoing revegetation of the Bushland Conservation POS.

- Replacement of some dead trees in the bushland conservation POS.

3. Audit Methodology

3.1 Audit Plan

3.1.1 Purpose & Scope

This document has been prepared for Satterley (the proponent) to fulfil the requirements of condition 6 of EPBC 2016/7846. Condition 6 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.”*

3.1.2 Timeframe

This Annual Compliance Report (ACR) addresses the audit period between 11 May 2023 and 10 May 2024 and is to be published on the Satterley website 12 August 2024 (60 business days following the relevant 12 month period). The ACR addresses each condition of approval (condition 1 to 11).

3.1.3 Methodology

The audit was undertaken in July 2024 by Andrea Wills (Consultant, JBS&G) and involved a desktop assessment of compliance against conditions where evidence was requested from the proponent to certify that the conditions were met. Consultation via phone calls and email with the Development Manager Jack-Henry Bresa was undertaken during the audit.

3.1.4 Terminology

The ‘Status’ field of audit table (refer to Section 4.1) describes the level of compliance against the approval conditions. In 2023, the DCCEEW issued the *Annual Compliance Report Guidelines* (DCCEEW 2023). Terminology from this guidance has been applied in the audit and is listed below in Table 3.1.

Table 3.1: Terminology used for the Audit (DCCEEW 2023)

Term	Definition
Compliant	'Compliance' is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
Potentially non-compliant	A designation of 'potentially non-compliant' must be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
Not applicable	A designation of 'not applicable' must be given 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 that applies to an activity that has not yet commenced.

4. Audit Results

4.1 Summary of Compliance

The results of the audit of EPBC 2016/7846 are shown in Table 4.1. A total of 11 conditions were audited from EPBC 2016/7846.

4.1.1 EPBC Decision 2016/7846 Approval

A total of 21 sub-conditions of EPBC Decision 2016/7846 were audited in Table 4.1 below. The following audit results were determined:

- Five conditions were found to be 'Compliant';
- Four conditions were found to be 'Complete';
- 11 conditions were found to be 'Not applicable'; and
- One condition was found to be 'Potentially non-compliant'.

Table 4.1: Audit Table of Compliance with EPBC Decision 2016/7846

Condition No.	Condition	Timing	Verification Method	Evidence	Determination	Compliance Finding
EPBC 2016/7846 Condition 1		The approval holder must not clear more than 4.66 hectares of within the project area shown at Attachment 1.				
EPBC 1	Clear less than 4.66 ha of Banksia Woodlands TEC within the development area.	During clearing.	Audit of Spatial Data – Development Area & Indicative Site Layout.	M01_240719 SPG Harrisdale Evidence request response	The 2023 ACR reported that approximately 3.83 ha of native vegetation mapped as Banksia Woodlands TEC had been cleared for the project to 10/05/2023. There was no clearing of Banksia Woodlands TEC in the reporting period.	Compliant
EPBC 2016/7846 Condition 2		To compensate for the loss of Banksia Woodland TEC, the approval holder must: <ul style="list-style-type: none"> a. make a financial contribution to DBCA to fully fund the purchase and management for conservation of 13 hectares of Banksia Woodland TEC at Lot 102 Wannamal Road South. b. make a financial contribution to DBCA to fully fund the purchase and management for conservation of an additional offset site(s) that contains a minimum of 56 hectares of Banksia Woodlands TEC in very good to excellent condition. c. prior to the commencement of the action provide written evidence to the Department that the financial contributions specified in Condition 2a. and 2b. have been made to DBCA d. within one year of commencement of the action, or as otherwise agreed to by the Minister in writing, provide the Department with: <ul style="list-style-type: none"> i. the offset attributes, shapefiles, textual descriptions, and maps to clearly define the location and boundaries of the offset site(s) ii. a summary of the ecological values of the offset site(s) acquired by DBCA. 				
EPBC 2A	Fund DBCA for the purchase and management for conservation of 13 hectares of Banksia Woodland TEC at Lot 102 Wannamal Road South.	Prior to 11/05/2020.	DBCA payment receipt	R02_2023 Harrisdale ACR Rev 0	Funds were provided to the DBCA on 29th March 2019. Compliant in previous audit period.	Complete
EPBC 2B	Fund DBCA for the purchase and management for conservation of an offset site(s) that contains a minimum of 56 hectares of Banksia Woodlands TEC in very good to excellent condition.	Prior to 11/05/2020.	DBCA payment receipt	R02_2023 Harrisdale ACR Rev 0	Compliant in previous audit period.	Complete
EPBC 2C	Provide written evidence to the Department that the funds in EPBC 2A and EPBC 2B have been provided to DBCA.	Prior to 11/05/2020.	Correspondence submission to DCCEEW with evidence of payment	R02_2023 Harrisdale ACR Rev 0	Evidence provided in previous audit period	Complete
EPBC 2D	Provide to the Department the offset attributes, shapefiles, textual descriptions, and maps to clearly define the location and boundaries of the offset site(s) and a summary of the ecological values of the offset site(s) acquired by DBCA.	Within one year of commencement of the action.	Correspondence submission to DCCEEW with offset details.	R02_2023 Harrisdale ACR Rev 0 C01_Offset Details Condition 2d email	The attributes, shapefiles, textual descriptions, maps and a summary of ecological values is pending from DBCA as per advice to the Department 12th March 2024 (C01) and follow up in August 2024. This has been a potential non-compliance on the Harrisdale ACR since 11th May 2021.	Potentially non-complaint
EPBC 2016/7846 Condition 3		The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.				
EPBC 3	Notify the Department of the date of commencement of the action.	Within 10 business days after the date of commencement of the action.	Notification correspondence to the Department	R02_2023 Harrisdale ACR Rev 0	Compliant in previous audit period.	Complete
EPBC 2016/7846 Condition 4		The approval holder must maintain accurate and complete compliance records.				
EPBC 4	The approval holder must maintain accurate and complete compliance records.	Ongoing.	Compliance audit	R01_2024 Harrisdale ACR Rev 0 Appendix B	Assessed as part of this compliance report. Appendix B contains a register of the evidence maintained to verify compliance with this Approval.	Compliant
EPBC 2016/7846 Condition 5		If the Department makes a request in writing, the approval holder must provide electronic copies.				
EPBC 5B	The approval holder must make records available to the Department.	On request	Correspondence with the Department	M01_240719 SPG Harrisdale Evidence request response	Satterley has advised that the Department have not made a request for evidence in the reporting period.	Not applicable

Condition No.	Condition	Timing	Verification Method	Evidence	Determination	Compliance Finding
EPBC 2016/7846 Condition 6						
		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: <ul style="list-style-type: none"> 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. 				
EPBC 6A	An ACR must be published on the approval holder website annually.	Annually by 10 August	Compliance audit	C02_RE_ Notice of EPBC Act Approval 2016_7846 2022 Annual Compliance Report for Harrisdale _SEC_OFFICIAL_ R02_2023 Harrisdale ACR Rev 0 E01_Website Screenshot ACRs 2024-07-26	The 2023 21/07/2023 ACR (R02) is available at (E01): https://satterley.com.au/heron-park-north/buying-building/ The report was published on 29/07/2023 (C02).	Compliant
EPBC 6B	The approval holder must notify the Department that the compliance report has been published.	Annually by 15 August	Notification email to the Department containing hyperlink to webpage with ACR.	C02_RE_ Notice of EPBC Act Approval 2016_7846 2022 Annual Compliance Report for Harrisdale _SEC_OFFICIAL_	DAWE were notified by email (C02) of the publishing of the ACR (29/07/2023) on the 29/07/2023 within 5 days of the date of publication.	Compliant
EPBC 6C	All ACRs must remain on the approval holder website for the period of approval.	Until 31/12/2029	Compliance audit	E01_Website Screenshot ACRs 2024-07-26	Links to the 2021, 2022 and 2023 ACR are available on the Satterley Heron Park North website: https://satterley.com.au/heron-park-north/buying-building/	Compliant
EPBC 6D	Exclude or redact sensitive ecological data from ACRs published on the website	Until 31/12/2029		Not applicable	No data has been excluded or redacted from the ACRs.	Not applicable
EPBC 6E	Submit the full ACR to the Department.	Within 5 business days of publication	Submission email to DCCEEW with full ACR	Refer to EPBC 6D	Refer to EPBC 6D	Not applicable
EPBC 2016/7846 Condition 7						
		The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions. 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: <ul style="list-style-type: none"> a. the condition which is or may be in breach; and b. a short description of the incident and/or non-compliance. 				
EPBC 7	Incidents or non-compliances with the conditions of the approval must be reported to the Department.	As soon as practicable and no later than two business days.	Incident reports Correspondence with the Department reporting the potential /actual contravention	M01_240719 SPG Harrisdale Evidence request response	There were no incidents or non-compliances with the conditions of the approval in the reporting period.	Not applicable
EPBC 2016/7846 Condition 8						
	The approval holder must ensure that independent audits of compliance with the conditions are conducted as otherwise requested in writing by the Minister.					
EPBC 8	Conduct independent audits as requested by the Minister.	On Minister's request	Request correspondence from the Minister Independent audit report	M01_240719 SPG Harrisdale Evidence request response	No independent audits of compliance were requested by the Minister in the reporting period.	Not applicable
EPBC 2016/7846 Condition 9						
		For each independent audit, the approval holder must: <ul style="list-style-type: none"> a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and c. submit an audit report to the Department within the timeframe specified in the approved audit criteria. 				

Condition No.	Condition	Timing	Verification Method	Evidence	Determination	Compliance Finding
EPBC 9A	Provide the name and qualifications of the independent auditor and the draft audit criteria to the Department for approval	On Minister's request	Correspondence with the Department containing details of audit team and audit criteria	Refer to EPBC 8	Refer to EPBC 8	Not applicable
EPBC 9B	Only commence the independent audit once the audit criteria have been approved in writing by the Department	On approval of audit criteria	Compliance audit	Refer to EPBC 8	Refer to EPBC 8	Not applicable
EPBC 9C	Submit an audit report to the Department within the timeframe specified in the approved audit criteria.	As per audit criteria timeframe	Independent audit report	Refer to EPBC 8	Refer to EPBC 8	Not applicable
EPBC 2016/7846 Condition 10		The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep -the audit report published on the website until the end date of this approval.				
EPBC 10A	Publish the Department approved audit report.	Within 10days of approval receipt	Independent audit report	Refer to EPBC 8	Refer to EPBC 8	Not applicable
EPBC 10B	All independent audits must remain on the approval holder website for the period of approval.	Until 31/12/2029	Screenshot of Website	Not applicable	There have been no independent audits for this approval.	Not applicable
EPBC 2016/7846 Condition 11		Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.				
EPBC 11	Notify the Department of the action completion date.	Within 30 days after the completion of the action.		Not applicable.	The action has not been completed and therefore this condition does not yet apply.	Not applicable.

5. Limitations

Scope of Services

This report ('the report') has been prepared by JBS&G in accordance with the scope of services set out in the contract, or as otherwise agreed, between the Client and JBS&G. In some circumstances, a range of factors such as time, budget, access and/or site disturbance constraints may have limited the scope of services. This report is strictly limited to the matters stated in it and is not to be read as extending, by implication, to any other matter in connection with the matters addressed in it.

Reliance on Data

In preparing the report, JBS&G has relied upon data and other information provided by the Client and other individuals and organisations, most of which are referred to in the report ('the data'). Except as otherwise expressly stated in the report, JBS&G has not verified the accuracy or completeness of the data. To the extent that the statements, opinions, facts, information, conclusions and/or recommendations in the report ('conclusions') are based in whole or part on the data, those conclusions are contingent upon the accuracy and completeness of the data. JBS&G has also not attempted to determine whether any material matter has been omitted from the data. JBS&G will not be liable in relation to incorrect conclusions should any data, information or condition be incorrect or have been concealed, withheld, misrepresented or otherwise not fully disclosed to JBS&G. The making of any assumption does not imply that JBS&G has made any enquiry to verify the correctness of that assumption.

The report is based on conditions encountered and information received at the time of preparation of this report or the time that site investigations were carried out. JBS&G disclaims responsibility for any changes that may have occurred after this time. This report and any legal issues arising from it are governed by and construed in accordance with the law as at the date of this report.

Environmental Conclusions

Within the limitations imposed by the scope of services, the preparation of this report has been undertaken and performed in a professional manner, in accordance with generally accepted environmental consulting practices. No other warranty, whether express or implied, is made.

The advice herein relates only to this project and all results conclusions and recommendations made should be reviewed by a competent person with experience in environmental investigations, before being used for any other purpose.

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6. References

Department of Climate Change, Energy, the Environment and Water (2023) *Annual Compliance Report Guidelines*, Reporting under the Environment Protection and Biodiversity Conservation Act 1999, Commonwealth of Australia, Canberra.

Appendix A EPBC 2016/7846 Approval

Appendix B Evidence Register

Table B.1: Evidence Register

Code	Reference	Author	Electronic	Hard-copy	Topic
C01	C01_Offset Details Condition 2d email	DCCEEW	X		Email response from DCCEEW 03/04/2024 following update from JBS&G on contacting DBCA for offset information progress update.
C02	C02_RE_ Notice of EPBC Act Approval 2016_7846 2022 Annual Compliance Report for Harrisdale_SEC_OFFICIAL_	DCCEEW	X		Email acceptance from DCCEEW dated 31/07/2024 following submission of the 2023 ACR.
E01	E01_Website Screenshot ACRs 2024-07-26	JBS&G	X		Website screenshot taken 26/07/2024 of: https://satterley.com.au/heron-park-north/buying-building/ Showing Harrisdale 2021, 2022 and 2023 ACRs.
M01	M01_240719 SPG Harrisdale Evidence request response	Satterley	X		Response from Satterley Development Manager Jack-Henry Bresa 23/07/2024 to JBS&G evidence request.
R01	R01_2024 Harrisdale ACR Rev 0	JBS&G	X		This Annual Compliance Report
R02	R02_2023 Harrisdale ACR Rev 0	JBS&G	X		Satterley Reilly Rd Harrisdale Pty Ltd Lot 9006 Reilly Road, Harrisdale Annual Compliance Report (EPBC 2016/7846) 21 July 2023 (Rev 0).

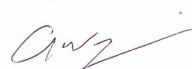
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