



# Upper Swan Residential Development, WA (EPBC 2017/8062)

Satterley Property Group

2025 Annual Compliance Report (Rev 2)

165,391 | 68623 (Rev 2)

14 April 2025





**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.

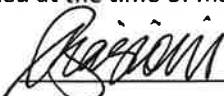
Caring for Country The Journey of JBS&G  
Artist: Patrick Caruso, Eastern Arrernte



### 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)

SANDY BIAGIONI

Position (please print)

PROJECT DIRECTOR

Organisation (please print including ABN/ACN if applicable)

Satterley Property Group, ABN: 38 009 054 979

Date 04 / 04 / 2025

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# 1. Introduction

This Annual Compliance Report (ACR) addresses the status and compliance of the Upper Swan Residential Development (the Project), located 25 km north, north-east of Perth central business district (CBD), Western Australia with the conditions in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decision notice EPBC 2017/8062 (Appendix A).

## 1.1 Project Background

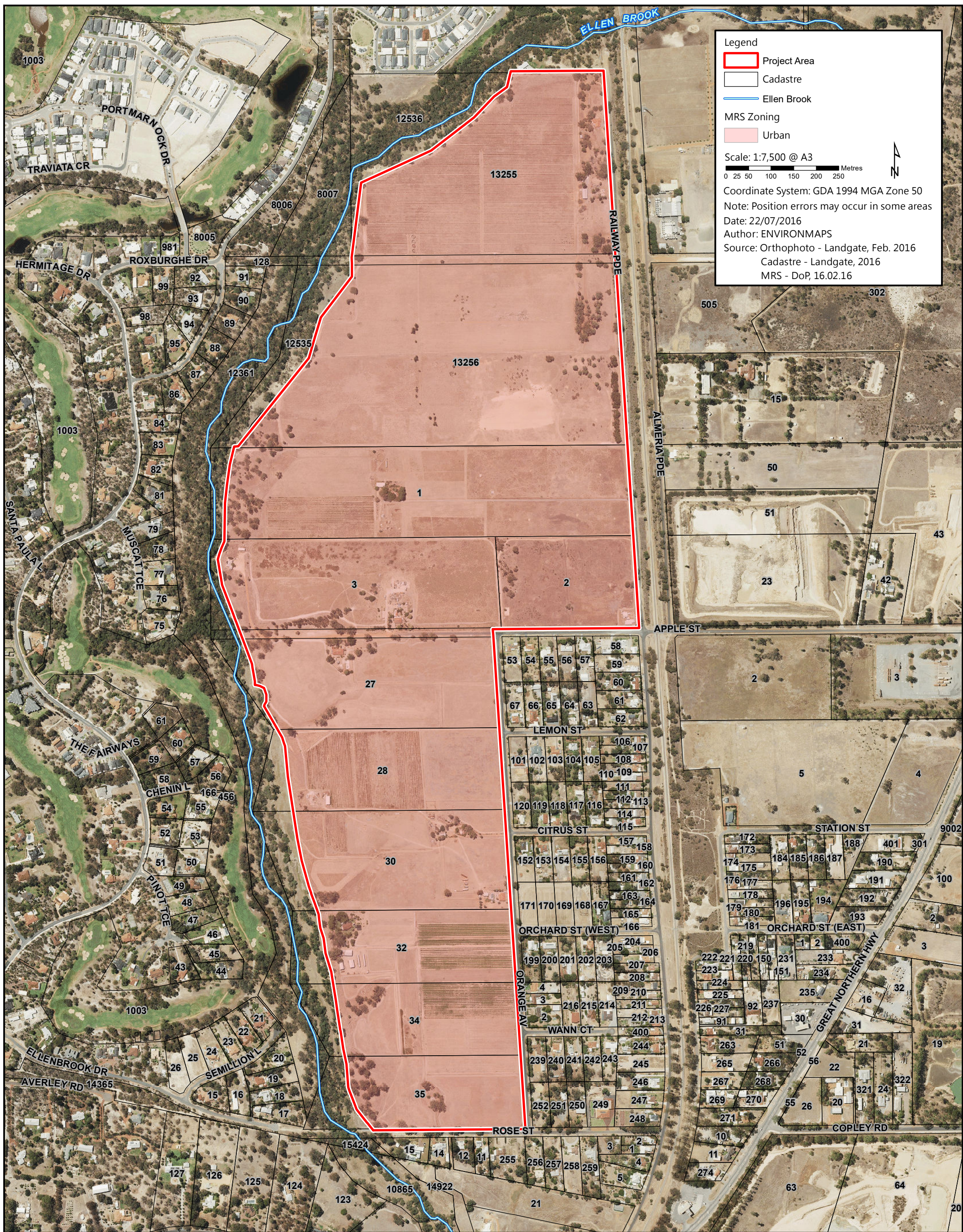
Satterley Property Group (Satterley) is developing the Upper Swan Development) (Figure 1.1) in the City of Swan, Western Australia, which involves the clearing of vegetation for a residential, commercial and education development. Once completed the Project will comprise residential, commercial, education and public open space (POS) land uses within the 132.9 ha of development area (the Project area). The development aims to create between 1600 – 1700 residential dwellings ranging from 150 m<sup>2</sup> – 900 m<sup>2</sup> in size.

## 1.2 Environmental Approval to Implement Project

The Project was referred to the Department of Environment and Energy (DEE), now Department of Climate Change, Energy the Environment and Water (DCCEEW) in August 2017 for assessment under the EPBC Act (EPBC 2017/8062). On 19 March 2018, the delegate for the Minister of the Environment determined the Project was a controlled action requiring an assessment through preliminary documentation, with a reconsideration of decision also determining it was a controlled action on 4 October 2018. The controlling provisions under Part 3 of the EPBC Act are listed threatened species and ecological communities (Sections 18 and 18A) namely:

- Western Swamp Tortoise (*Pseudemydura umbrina*) (critically endangered)
- Clay Pans of the Swan Coastal Plain ecological community (critically endangered)
- *Corymbia calophylla* – *Xanthorrhoea preissii* woodlands and shrublands of the Swan Coastal Plain (endangered).

On 29 November 2018, Department of Agriculture, Water and the Environment (DAWE), now DCCEEW, requested further information to enable assessment through preliminary documentation, with the additional information provided on 9 April 2019. The Project was approved with conditions on 16 January 2020 (EPBC 2017/8062; Appendix A).



## 2. Current Status

The action (Project) commenced on 23 January 2020.

The activities undertaken during the reporting period (23 January 2024 to 22 January 2025) included:

- Clearing and bulk earthworks for Stages 4, 5A and 5B (ongoing) (see Figure 1.2).
- Civil works for Stages 4A, 4B, 5, 9A, 9B and 10A.

## 3. Audit Methodology

### 3.1 Purpose and Scope

This report has been prepared for Satterley (the approval holder) to fulfil the requirements of Condition 16 of the EPBC 2017/8062 (Appendix A) which states that:

*“The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been 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 and provide the weblink for the compliance report 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*
- 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.”*

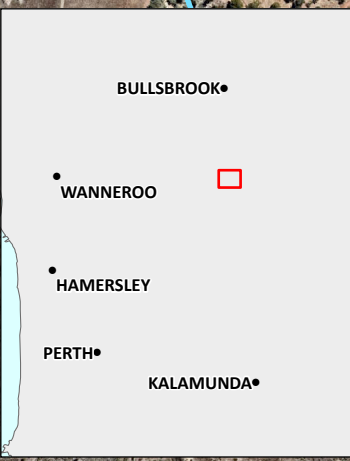
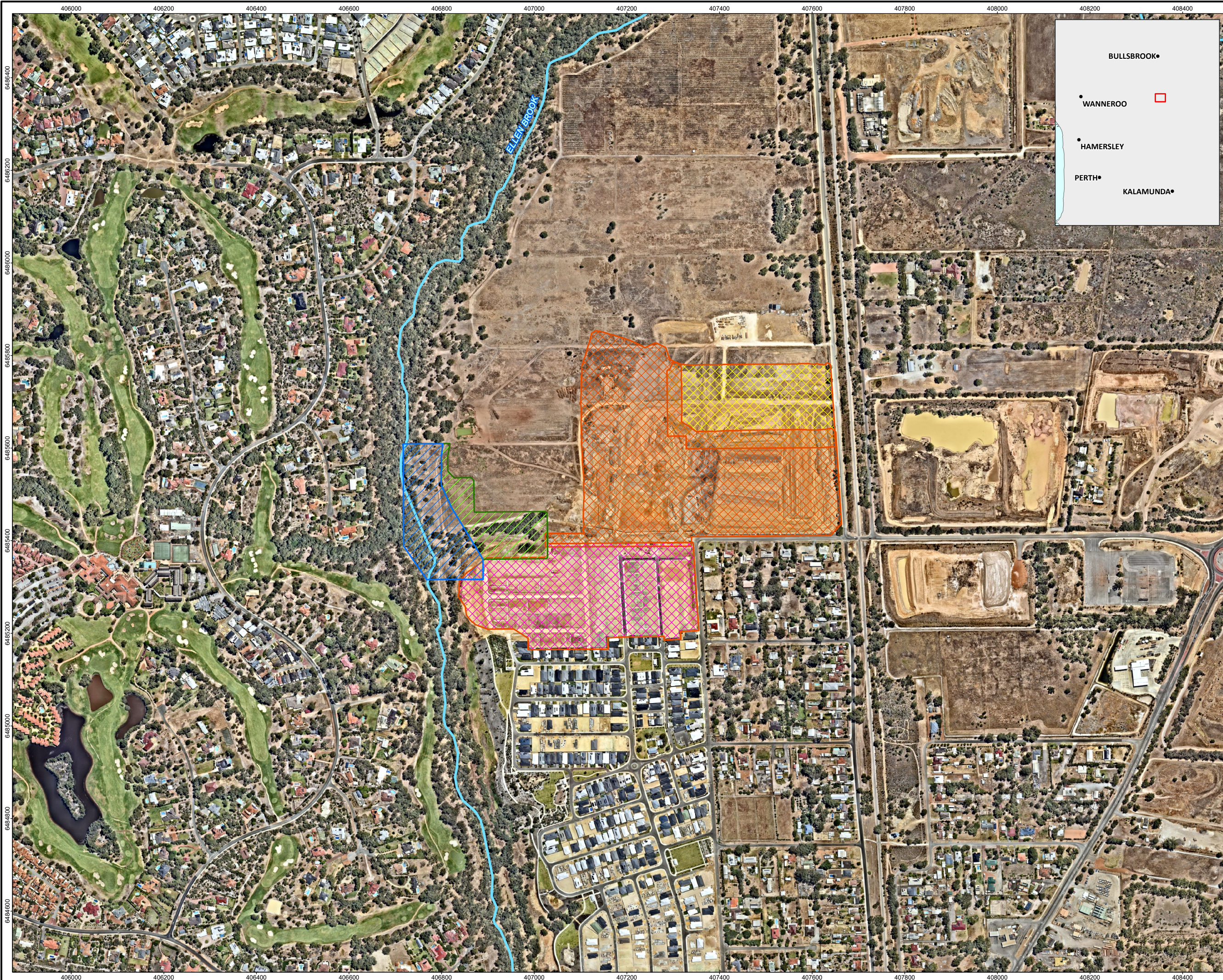
*“The approval holder must ensure that **independent audits** of compliance with the conditions are conducted for the 12 month period from the commencement of the action and for every subsequent 12 month period, or as otherwise requested in writing by the **Minister.**”*

### 3.2 Reporting Period

This ACR addresses the reporting period between 23 January 2024 and 22 January 2025 for the conditions of EPBC 2017/8062 i.e. covering the 12 month period since the date of commencement of the action (Project) on 23 January 2020. This report is due to be submitted to DCCEEW by 16 April 2025.

### 3.3 Methodology

The audit was undertaken from March to April 2025, with a desktop audit completed by Environmental Auditor Tracey Parker from JBS&G. Table 3-1 provides an overview of the personnel consulted as part of the audit.

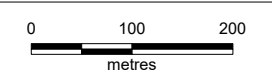


- Legend**
- Foreshore reserve
  - Public open space (POS)
  - Stages 4A/B & 5
  - Phase 5A Earthworks
  - Phase 5B Earthworks
  - Watercourse -major, non-perennial



Job No: 67818  
 Client: Satterley Property Group Pty Ltd  
 Version: A Date: 09-Apr-2025  
 Drawn By: bsunderland Checked By: TP

Scale 1:7,500 at A3



Coord. Sys. GDA2020 MGA Zone 50

**Upper Swan 2024/2025 Clearing**

**PROJECT AREA**

**FIGURE 1.2**

**Table 3-1: Persons Consulted**

Person and Position	Organisation	Purpose
Sandy Biagioni, Regional Manager South	Satterley	To obtain verifiable evidence to assist in determining compliance with EPBC 2017/8062.
Luke Coyle, Civil Engineer	Cossill & Webley Consulting Engineers	To obtain verifiable evidence to assist in determining compliance with EPBC 2017/8062.
Vinh Trinh, Senior Project Engineer	Cossill & Webley Consulting Engineers	To obtain verifiable evidence to assist in determining compliance with EPBC 2017/8062.

### 3.4 Audit Terminology

The 'Status' field of the audit tables (refer to Table 3-2) describes the implementation of actions and compliance with the approval. DCCEEW's 2023 published *Annual Compliance Report Guidelines Reporting under the Environment Protection and Biodiversity Conservation Act 1999* was applied in this audit (Table 3-2).

**Table 3-2: Action Implementation Status**

Status	Description
Compliant	'Compliance' is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
Non-Compliant	A designation of 'non-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.

Source: Adapted from DCCEEW (2023)

## 4. Audit Results

### 4.1 Compliance with Conditions

The results of the audit of EPBC 2017/8062 are shown in Table 4-1. Of 34 sub-conditions of EPBC 2017/8062:

- 22 were found to be 'compliant'
- 12 were found to be 'not applicable'
- 0 were found to be 'non-compliant'.

### 4.2 Non-compliance

There were no non-compliances identified for EPBC Approval 2017/8062, for the reporting period.

### 4.3 Corrective Actions

As there were no non-compliances identified for the reporting period, there are no corrective actions required.

### 4.4 New Environmental Risks

As reported by Satterley, there were no new environmental risks that became apparent during the reporting period.

**Table 4-1: EPBC 2017/8062 Approval Conditions Compliance Table**

Reference	Criteria	Timing	Verification Method	Documents Sighted	Evidence	Determination	Compliance Finding
EPBC Approval Condition 2017/8062 (1)		To minimise impacts to the <b>Western Swamp Tortoise</b> , the approval holder must not clear more than 132.9 hectares of vegetation in the area designated as the 'Project Area' in Attachment A, which is in close proximity to the only viable and naturally occurring population of the <b>Western Swamp Tortoise</b> in the wild.					
EPBC 1	Action Clear no more than 132.9ha of vegetation within the designated project area.	At all times	Verification of how much clearing has been undertaken	Records of clearing in the Project Area	E01_Evidence Request_Satterley Response_February2025  C01_Evidence Request_Followup  E02_2024/2025 Clearing Figure 1.2	Clearing was undertaken in Stage 4, Stage 5A and Stage 5B during the reporting period.  21.8 ha in total has been cleared within the Project Area.  Clearing is in the designated project area.	Compliant
EPBC Approval Condition 2017/8062 (2)		To avoid the impacts of water pooling on the <b>Western Swamp Tortoise</b> , the approval holder must not construct any surface water body within 200 metres of <b>lot 505 Almeida Parade</b> . a. The approval holder must also: prior to the sale of each lot, that is entirely or partially within 200 metres of <b>lot 505 Almeida Parade</b> , inform in writing each prospective purchaser of such a lot that a <b>restrictive covenant</b> will be placed on the title of the lot preventing the construction of a <b>surface water body</b> within 200 metres of <b>lot 505 Almeida Parade</b> b. The approval holder must also: at the time of sale, place a restrictive covenant on the title of each lot, part or all of which is within 200 metres of <b>lot 505 Almeida Parade</b> , preventing the construction of a surface water body within 200 metres of <b>lot 505 Almeida Parade</b> .					
EPBC 2	Action Do not construct any surface water bodies within 200m of Lot 505.	At all times	Check information provided to prospective buyers	Records of construction activities	E01_Evidence Request_Satterley Response_February2025	No construction or subdivision works have commenced within 200 m of lot 505 Almeida Parade	Not applicable
EPBC 2a	Action Inform each prospective purchaser that a restrictive covenant will be placed on the title of all lots within 200m of Lot 505 preventing the construction of a surface water body.	Prior to the sale of each lot that is entirely or partially within 200 m of lot 505 Almeida Parade	Check information provided to prospective buyers	Records of notices to prospective purchasers of each relevant lot	E01_Evidence Request_Satterley Response_February2025	No construction or subdivision works have commenced within 200 m of lot 505 Almeida Parade	Not applicable
EPBC 2b	Action Place a restrictive covenant on the title of all lots within 200m of Lot 505 to prevent the construction of a surface water body.	At the time of sale	Review example Certificates of Title	Records of each restrictive covenant placed on each relevant lot	E01_Evidence Request_Satterley Response_February2025	No construction or subdivision works have commenced within 200 m of lot 505 Almeida Parade	Not applicable
EPBC Approval Condition 2017/8062 (3)		To avoid the impacts of water pooling on the <b>Western Swamp Tortoise</b> , the approval holder must ensure that all works associated with the action do not contribute any additional water into the roadside drainage system or increase water pooling along <b>Railway Parade</b> and are designed and constructed in consultation with the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> and the <b>City of Swan</b> to prevent water from remaining in pools. The approval holder must not commence construction of roadside drainage along Railway Parade until the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> and the <b>City of Swan</b> have each confirmed in writing that the design will prevent the creation of surface water bodies					
EPBC 3a	Action Ensure all works associated with the action do not contribute any additional water into the roadside drainage system How Design and construct the roadside drainage system in consultation with DBCA and CoS to prevent water from remaining in pools.	At all times	Review correspondence with DBCA and CoS	Approved Urban Water Management Plans for each stage of development.	E03_Evidence Request_Satterley Response_February2025	There was no construction of roadside drainage on Railway Parade during the reporting period.	Not applicable
EPBC 3b	Action Do not commence construction of roadside drainage along Railway Parade without approval. How Provide evidence of DBCA and CoS approval for construction of roadside drainage along Railway Parade.	Prior to commencement of roadside drainage along Railway Parade	Review approval correspondence from DBCA and CoS	Records of construction activities along Railway Parade  Correspondence from the Western Australian Department of Biodiversity Conservation and Attractions (DBCA) and the City of Swan	E03_Evidence Request_Satterley Response_February2025	There was no construction of roadside drainage on Railway Parade during the reporting period.	Not applicable

Reference	Criteria	Timing	Verification Method	Documents Sighted	Evidence	Determination	Compliance Finding
EPBC Approval Condition 2017/8062 (4)		To minimise the impacts of water pooling on the <b>Western Swamp Tortoise</b> as a result of dewatering activities undertaken during construction of the action, the approval holder must: <ul style="list-style-type: none"> <li>a. only undertake <b>dewatering activities</b> within 200 m of 'lot 505' in Attachment A for a maximum of two weeks duration during each <b>construction phase</b>.</li> <li>b. ensure that no infiltration basins are constructed within 400 metres outside of the area designated as 'lot 505' in Attachment A.</li> <li>c. ensure that all infiltration basins are fully drained within 96 hours of the conclusion of <b>dewatering activities</b>.</li> </ul>					
EPBC 4a	Action Ensure dewatering activities are only undertaken within 200m of Lot 505 for a maximum of two weeks duration during each construction phase.	During construction	Engineering Drawings Visual inspection	Records of all dewatering activities undertaken within 200 m of lot 505	E01_Evidence Request_Satterley Response_February2025  E02_2024/2025 Clearing Figure 1.2	Dewatering activities were undertaken in Stage 4 and 5 during the audit period. This required the use of a sump pump to control perched water.  Stage 4 and 5 are not within 200m of Lot 505.	Compliant
EPBC 4b	Action Ensure no infiltration basins are constructed within 400m of Lot 505.	During construction	Engineering Drawings Visual inspection	Records of all infiltration basins constructed	E01_Evidence Request_Satterley Response_February2025	No infiltration basins were constructed within 400m of Lot 505.	Compliant
EPBC 4c	Action Ensure that all infiltration basins are fully drained within 96 hours of the conclusion of dewatering activities.	Within 96 hrs of conclusion of dewatering	Visual Inspection Incident Report	Monitoring of infiltration basins	E03_Evidence Request_Satterley Response_February2025	Infiltration basins were fully drained within 96 hours of the conclusion of dewatering activities.	Compliant
EPBC Approval Condition 2017/8062 (5)		To minimise the impacts of water pooling as a result of irrigation activities on the <b>Western Swamp Tortoise</b> , the approval holder must implement the <b>Local Water Management Strategy</b> .					
EPBC 5	Action Implement the LWMP.	At all times	LWMP Audit within ACR	Approved Urban Water Management Plan for each stage of development	R01_LWMS Rev0 E03_Evidence Request_Satterley Response_February2025 C01_Evidence Request_Followup	The LWMS was sighted during the audit. Areas are required to receive an average of 7500 kL/ha/yr of irrigation as per the LWMS. The POS is currently being irrigated at this rate. No water pooling as a result of irrigation occurred during the reporting period.	Compliant
EPBC Approval Condition 2017/8062 (6)		To avoid and mitigate the impacts of <b>predators</b> and <b>feral</b> animals on the <b>EPBC Act listed species and ecological communities</b> , the approval holder must provide the equivalent of \$30,000 (by application of the National Consumer Price Index published by the Australian Bureau of Statistics indexed to its value in 2019) to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> for <b>predator</b> and <b>feral animal</b> control activities in the Ellen Brook Nature Reserve. This funding must be provided to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> within six months of the commencement of the action. Within two weeks of the approval holder providing the funding to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> , the approval holder must provide evidence to the <b>Department</b> in writing that the funding (stating its actual amount) has been provided to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> .					
EPBC 6a	Action Provide \$30,000 to DBCA for predator and feral animal control activities in the Ellen Brook Nature Reserve within 6 months of commencement of construction.	Within 6 months of commencement of the action	Review DBCA acknowledgement of funds receipt	Records of funding provided to DBCA	R02_2023 Upper Swan ACR	This condition was met in a previous reporting period. The proponent provided evidence of payment of \$30,000 on 23/07/2020 predator and feral animal control activities in the Ellen Brook Nature Reserve in accordance with condition 6. DBCA acknowledged receipt 23/07/2020. This met the six month requirement	Compliant
EPBC 6b	Action Notify the Department that funding has been provided to DBCA.	Within 2 weeks of providing funding	Review Department email acknowledging that condition 6 had been met	Correspondence with the Department	R02_2023 Upper Swan ACR	This condition was met in a previous reporting period. The proponent provided evidence of payment to the Department on 07/08/2020 and the Department accepted the evidence satisfied condition 6. on 14/09/2020.	Compliant
EPBC Approval Condition 2017/8062 (7)		To avoid and mitigate the impacts of increased human pressure arising from the action on the <b>Western Swamp Tortoise</b> , the approval holder must provide the equivalent of \$20,000 (by application of the National Consumer Price Index published by the Australian Bureau of Statistics indexed to its value in 2019) to the Western Australian <b>Department of Biodiversity, Conservation and Attractions</b> for: <ul style="list-style-type: none"> <li>a. the ongoing maintenance of the predator' proof fence around the <b>lot 505 Almeida Parade</b> and the <b>Ellen Brook Nature Reserve</b>;</li> <li>b. the construction and ongoing maintenance of a predator proof fence around <b>lot 15</b>; and</li> <li>c. ongoing monitoring and management of weeds in <b>lot 505 Almeida Parade</b>, the <b>Ellen Brook Nature Reserve</b> and <b>lot 15</b> for the life of the approval.</li> </ul>					

Reference	Criteria	Timing	Verification Method	Documents Sighted	Evidence	Determination	Compliance Finding
		<p>The approval holder must provide the funding to the Western Australian <b>Department of Biodiversity, Conservation and Attractions</b> within six months of the commencement of construction.</p> <p>Within two weeks of the approval holder providing the funding (stating its actual amount) to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b>, the approval holder must provide evidence to the <b>Department</b> in writing that the funding has been provided to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b>.</p>					
EPBC 7a	<p>Action</p> <p>Provide \$20,000 within 6 months of commencement of construction for:</p> <ul style="list-style-type: none"> <li>Ongoing maintenance of the predator proof fence around Lot 505 and Ellen Brook NR</li> <li>Construction and maintenance of a predator proof fence around Lot 15</li> <li>Ongoing monitoring and management of weeds in Lot 505, Ellen Brook NR and Lot 15 for the life of the approval.</li> </ul>	Within 6 months of commencement of construction	DBCA acknowledgement of funds receipt	Records of funding provided to DBCA	R02_2023 Upper Swan ACR	<p>This condition was met in a previous reporting period.</p> <p>The proponent provided evidence of payment of \$20,000 on 23/07/2020 for predator proof fences and weed management in accordance with condition 7. DBCA acknowledged receipt 23/07/2020. This met the six month requirement</p>	Compliant
EPBC 7b	<p>Action</p> <p>Provide evidence to the Department that the funds in EPBC 7a have been provided to DBCA.</p>	Within 2 weeks of providing funding	Department email acknowledging that condition 7 had been met	Correspondence with the Department	R02_2023 Upper Swan ACR	<p>This condition was met in a previous reporting period.</p> <p>The proponent provided evidence of payment to the Department on 07/08/2020 and the Department accepted the evidence satisfied condition 7 on 14/09/2020.</p>	Compliant
EPBC Approval Condition 2017/8062 (8)		To avoid and mitigate the impacts of fire on the EPBC Act listed species and ecological communities, the approval holder must implement the Bushfire Management Plan for the life of the approval.					
EPBC 8	<p>Action</p> <p>Implement the Bushfire Management Plan.</p>	At all times	Bushfire Compliance Report	Bushfire Compliance Reports for each stage of development	<p>R03_BMP Rev 3</p> <p>R04_Clementine Nth Precinct Subdivision BMP Rev 0</p> <p>R05_Stage 5 BMP Compliance Report Rev 0</p> <p>R06_Stage 9A Compliance Report Rev 0</p> <p>R07_Stage 9B Compliance Report Rev 0</p> <p>R08_Stage 10A BMP Compliance Report Rev 0</p>	<p>In accordance with the structure plan Bushfire Management Plan, subdivision BMPs were prepared and include Stages 5, 9A, 9B &amp; 10A of the subdivision (R03).</p> <p>The Stage 5, 9A, 9B and 10A BMP compliance reports were prepared at the completion of Stages 5, 9A, 9B and 10A construction, and found that the applicable BMP had been implemented throughout the duration of subdivisional works to achieve compliance with bushfire protection outcomes.</p>	Compliant
EPBC Approval Condition 2017/8062 (9)		<p>To compensate for the residual significant impact of the action on <b>aestivation habitat for the Western Swamp Tortoise</b>, the approval holder must provide the equivalent of \$15,000 (by application of the National Consumer Price Index published by the Australian Bureau of Statistics indexed to its value in 2019) to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> for the ongoing research, monitoring and management of domestic cats in the <b>Ellen Brook Nature Reserve</b>.</p> <p>The approval holder must provide the funding to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b> within six months of the commencement of construction.</p> <p>Within two weeks of the approval holder providing the funding to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b>, the approval holder must provide evidence to the <b>Department</b> in writing that the funding (stating its actual amount) has been provided to the <b>Western Australian Department of Biodiversity, Conservation and Attractions</b>.</p>					
EPBC 9a	<p>Action</p> <p>Provide \$15,000 within 6 months of the commencement of construction to DBCA for ongoing research, monitoring and management of domestic cats in the Ellen Brook Nature Reserve.</p>	Within 6 months of commencement of construction	DBCA correspondence acknowledging receipt of funding.	Records of funding provided to DBCA	R02_2023 Upper Swan ACR	<p>This condition was met in a previous reporting period.</p> <p>The proponent provided evidence of payment of \$15,000 on 23/07/2020 for research, monitoring and management of domestic cats in the Ellen Brook Nature Reserve in accordance with condition 9. DBCA acknowledged receipt 23/07/2020. This met the six month requirement</p>	Compliant

Reference	Criteria	Timing	Verification Method	Documents Sighted	Evidence	Determination	Compliance Finding
EPBC 9b	Action Provide evidence funding has been provided to DBCA.	Within 2 weeks of providing funding	Department email acknowledging that condition 9 had been met	Correspondence with the Department	R02_2023 Upper Swan ACR	This condition was met in a previous reporting period. The proponent provided evidence of payment to the Department on 07/08/2020 and the Department accepted the evidence satisfied condition 9. on 14/09/2020.	Compliant
EPBC Approval Condition 2017/8062 (10)		The approval holder must notify the <b>Department</b> in writing of the date of <b>commencement of the action</b> within 10 <b>business days</b> after the date of <b>commencement of the action</b>					
EPBC 10	Action Notify the Department of the date of commencement of the action within 10 days after commencement.	Within 10 business days after the date of commencement of the action	Email notification to Department that action had commenced.	Correspondence with the Department	R02_2023 Upper Swan ACR	This condition was met in a previous reporting period. Notification in writing was provided to the Department on 30/01/2020 that the action had commenced on 23/01/2020 (notification was provided within 10 business days after the date of commencement of the action)	Compliant
EPBC Approval Condition 2017/8062 (11)		The approval holder must maintain accurate and complete <b>compliance records</b> .					
EPBC 11	Action Maintain accurate and complete compliance records.	At all times	Assessment during audit	Maintain accurate and complete compliance records	This report	Accurate records for all applicable conditions have been maintained as per the register in Appendix B.	Compliant
EPBC Approval Condition 2017/8062 (12)		If the <b>Department</b> makes a request in writing, the approval holder must provide electronic copies of compliance records to the <b>Department</b> within the timeframe specified in the request.					
EPBC 12	Action Upon request by the Department, provide compliance records.	Within the timeframe specified in the request	Correspondence from the Department	Compliance records, and records of requests received from the Department.	C01_Requests for compliance records from DCCEEW or DBCA	There were no requests received from the Department during the reporting period for records to be made available.	Not applicable
EPBC Approval Condition 2017/8062 (13)		Annual Compliance Reporting The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must: <ul style="list-style-type: none"> <li>a. publish each compliance report on the website within 60 business days following the relevant 12 month period.</li> <li>b. notify the <b>Department</b> by email that a compliance report has been published on the website and provide the weblink for the compliance report within five <b>business days</b> of the date of publication.</li> <li>c. keep all compliance reports publicly available on the website until this approval expires.</li> <li>d. exclude or redact sensitive ecological data from <b>compliance reports</b> published on the website</li> <li>e. where any sensitive ecological data has been excluded from the version published, submit the <b>full compliance report</b> to the <b>Department</b> within 5 business days of publication.</li> </ul>					
EPBC 13	Action Prepare an annual compliance report annually for the 12 month period following commencement of the action.	Throughout the life of the approval	Annual ACR	Compliance report	This report	The action commenced on 23 January 2020 and therefore this report is the fifth compliance report which covers the 12 month period following the date of commencement of the action (i.e. 23 January 2024 to 22 January 2024).	Compliant
EPBC 13a	Action Publish compliance report on the website within 60 business days of anniversary of commencement of action.	Within 60 business days following the relevant 12 month period	Check website	Records of compliance report publication on the website.	E04_Website Screenshot R09_2024 Upper Swan ACR Rev 0	The 2024 ACR was published on the website 22/04/2024 within 60 business days following the relevant 12 month period.	Compliant
EPBC 13b	Action Notify the Department that the compliance report has been published on the website within five business days of publication.	Within 5 business days of date of publication	Correspondence to the Department	Correspondence with the Department	C02_Satterley Upper Swan Annual Compliance Report (EPBC2017_8062)	The Department was notified by email 24/04/2023 that the compliance report had been published online at: <a href="https://satterley.com.au/clementine/buying-building-resources/conservation-and-compliance-reports/">https://satterley.com.au/clementine/buying-building-resources/conservation-and-compliance-reports/</a>	Compliant
EPBC 13c	Action Keep all compliance reports publicly available.	At all times	Check website	Records of compliance report publication on the website.	E04_Website Screenshot	Annual Compliance Report 2021, 2022, 2023 and 2024 were published online at: <a href="https://satterley.com.au/clementine/buying-">https://satterley.com.au/clementine/buying-</a>	Compliant

Reference	Criteria	Timing	Verification Method	Documents Sighted	Evidence	Determination	Compliance Finding
						<a href="#">building-resources/conservation-and-compliance-reports/</a>	
EPBC 13d	Action Exclude or redact sensitive ecological data from compliance reports published on the website	At all times		Records of compliance report publication on the website.	Not applicable	There is no sensitive ecological information that will be published with this compliance report	Not applicable
EPBC 13e	Action Submit full compliance report to the Department.	Within 5 business days of publication		Correspondence with the Department.	Not applicable	Refer to EPBC 13d	Not applicable
EPBC Approval Condition 2017/8062 (14)		The approval holder must notify the <b>Department</b> in writing of any: <b>incident</b> ; non-compliance with the conditions; or non-compliance with the commitments made in <b>plans</b> . The notification must be given as soon as practicable, and no later than two <b>business days</b> after becoming aware of the incident or non-compliance. The notification must specify: <ul style="list-style-type: none"> <li>a. any condition which is or may be in breach;</li> <li>b. a short description of the incident and/or non-compliance; and</li> <li>c. the location (including co-ordinates), date, and time of the incident and/or non-compliance.</li> </ul> In the event the exact information cannot be provided, provide the best information available.					
EPBC 14	Action Notify the Department with details of incidents or non-compliance with conditions or commitments made in plans ASAP or within 2 days The notification is to specify: <ul style="list-style-type: none"> <li>• Condition in breach</li> <li>• Description of incident / non-compliance</li> <li>• Location, date and time</li> </ul>	As soon as practicable and within 2 business days of becoming aware of an incident or non-compliance	Email notification correspondence with the Department	Records of each non-compliance and all relevant correspondence with the Department.	Not applicable	The Department did not need notification as there were no known incidents or non-compliances with the conditions or commitments made in plans.	Not applicable
EPBC Approval Condition 2017/8062 (15)		The approval holder must provide to the <b>Department</b> the details of any <b>incident</b> or non-compliance with the conditions or commitments made in <b>plans</b> as soon as practicable and no later than 10 <b>business days</b> after becoming aware of the <b>incident</b> or non-compliance, specifying: <ul style="list-style-type: none"> <li>d. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</li> <li>e. the potential impacts of the <b>incident</b> or non-compliance; and</li> <li>f. the method and timing of any remedial action that will be undertaken by the approval holder.</li> </ul>					
EPBC 15	Action Provide the Department with details of incidents or non-compliance with conditions or commitments made in plans within 10 days How Provide a report specifying: <ul style="list-style-type: none"> <li>• Corrective action or investigation</li> <li>• Potential impacts</li> <li>• Method and timing of remedial actions to be undertaken</li> </ul>	Within 10 business days after becoming aware of the incident	Email notification correspondence with the Department	Records of each non-compliance and all relevant correspondence with the Department	Not applicable	The Department did not need notification as there were no known incidents or non-compliances with the conditions or commitments made in plans.  The 2024 ACR reported a non-compliance against EPBC Condition 17, whereby the 2024 independent audit commenced prior to the independent audit criteria being approved. This will be rectified by the 2025 independent audit commencing after the audit criteria is approved.	Not applicable
EPBC Approval Condition 2017/8062 (16)		The approval holder must ensure that <b>independent audits</b> of compliance with the conditions are conducted for the 12 month period from the commencement of the action and for every subsequent 12 month period, or as otherwise requested in writing by the <b>Minister</b> .					
EPBC 16	Action Conduct independent compliance audits annually or as requested by the Minister. How Contract an independent auditor to undertake audit.	Annually	Independent Audit Report	Records of all compliance with the conditions, and requests from the Department	R10_2024 Upper Swan Independent Audit Rev 0  C03_DCCEEW_Approval of audit criteria and auditor letter	The 2024 independent audit was conducted in conjunction with the 2024 ACR.  The 2025 independent audit Auditor was approved by DCCEEW on 18/3/25.	Compliant
EPBC Approval Condition 2017/8062 (17)		For each <b>independent audit</b> , the approval holder must <ul style="list-style-type: none"> <li>a. provide the name and qualifications of the <b>independent auditor</b> and the draft audit criteria to the <b>Department</b>;</li> </ul>					

Reference	Criteria	Timing	Verification Method	Documents Sighted	Evidence	Determination	Compliance Finding
b. only commence the independent audit once the audit criteria have been approved in writing by the <b>Department</b> . c. submit an audit report to the <b>Department</b> within the timeframe specified in the approved audit criteria							
EPBC 17a	Action Provide the name and qualification of the independent auditor and the draft criteria to the Department.	Prior to commencement of independent audit	Correspondence with the Department	Correspondence with the Department	C04_Audit Criteria and Auditor Qualifications	The name and qualifications of the independent auditor and the draft audit criteria were provided to the Department 14/02/2024.	Compliant
EPBC 17b	Action Commence independent compliance audit once the audit criteria have been approved by the Department.	Prior to commencement of independent audit	Correspondence from the Department	DCCEEW approval of draft audit criteria	C05_Audit Criteria Acceptance_2024 R10_Upper Swan Independent Audit 2024	The 2024 audit criteria were approved by DCCEEW on 13 June 2024 and the 2024 Audit Report reports the independent audit was undertaken in June 2024.	Compliant
EPBC 17c	Action Submit independent audit no later than two months after audit criteria has been accepted	Following audit criteria acceptance	ACR	Correspondence with the Department	C05_Audit Criteria Acceptance_2024 C06_Email to DCCEEW RE 2024 Audit Report	The letter approving the audit criteria stated the deadline for the Audit Report was 13 June 2024. The 2024 Independent Audit Report was submitted to DCCEEW on 12/8/2024, before the due date stipulated by the department.	Compliant
EPBC Approval Condition 2017/8062 (18)		The approval holder must publish the audit report on the <b>website</b> within 10 <b>business days</b> of receiving the <b>Department's</b> approval of the audit report and keep the audit report published on the <b>website</b> until the end date of this approval.					
EPBC 18	Action Publish the audit report on the website within 10 days of receiving the Department's approval of the audit report and keep published on the website until the end of the approval.	Within 10 business days of receiving Departmental approval	Check of website during ACR	Records of the publication of audit reports on the website.	E04_Website Screenshot	ACRs have been posted on the Satterley website, including the 2024 ACR.  The 2025 Independent Audit Report is due to be published on Satterley's website within 10 days of receiving the Department's approval of the audit report. This requirement is outside the reporting period of this 2025 ACR.	Not Applicable
EPBC Approval Condition 2017/8062 (19)		Within 30 days after the <b>completion of the action</b> , the approval holder must notify the <b>Department</b> in writing and provide <b>completion data</b> .					
EPBC 19	Action Provide in writing the completion data How Provide in writing to the Department	Within 30 days of completion of the action	Email notification to the Department	Correspondence with the Department	Not applicable	The action is not complete, this condition is not applicable for this reporting period.	Not applicable

## 5. Limitations

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

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

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

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

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

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

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

## 6. References

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

## Appendix A EPBC Approval 2017/8062

**PROPOSED APPROVAL**

**Upper Swan Residential Development, 25 km north, north-east of Perth, Western Australia (EPBC 2017/8062)**

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

**Details**

<b>Person to whom the approval is granted (approval holder)</b>	Satterley Property Group Pty Ltd
<b>ACN or ABN of approval holder</b>	ACN: 009 054 979
<b>Action</b>	To clear vegetation to develop the Upper Swan Urban Development, approximately 25 km north, north-east of Perth central business district, Western Australia [See EPBC Act referral 2017/8062].

**Proposed Approval decision**

My decision on whether or not to approve the taking of the action for the purposes of the controlling provision for the action is as follows.

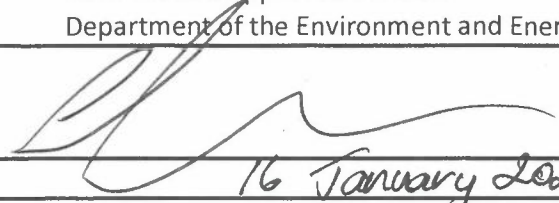
**Controlling Provisions**

<b>Listed Threatened Species and Communities</b>	
Section 18	Approve
Section 18A	Approve

**Period for which the approval has effect**

This approval has effect until 30 December 2039.

**Decision-maker**

<b>Name and position</b>	Chris Videroni Acting Assistant Secretary Environment Approvals Division Department of the Environment and Energy
<b>Signature</b>	
<b>Date of decision</b>	16 January 2019

**Conditions of approval**

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

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## ANNEXURE A – CONDITIONS OF APPROVAL

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### Part A – Conditions specific to the action

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1. To minimise impacts to the **Western Swamp Tortoise**, the approval holder must not clear more than 132.9 hectares of vegetation in the area designated as the 'Project Area' in Attachment A, which is in close proximity to the only viable and naturally occurring population of the **Western Swamp Tortoise** in the wild.
2. To avoid the impacts of water pooling on the **Western Swamp Tortoise**, the approval holder must not construct any **surface water body** within 200 metres of **Lot 505 Almeida Parade**. The approval holder must also:
  - a) prior to the sale of each lot, that is entirely or partially within 200 metres of **Lot 505 Almeida Parade**, inform in writing each prospective purchaser of such a lot that a **restrictive covenant** will be placed on the title of the lot preventing the construction of a **surface water body** within 200 metres of **Lot 505 Almeida Parade**; and
  - b) at the time of sale, place a **restrictive covenant** on the title of each lot, part or all of which is within 200 metres of **Lot 505 Almeida Parade**, preventing the construction of a **surface water body** within 200 metres of **Lot 505 Almeida Parade**.
3. To avoid the impacts the impacts of water pooling on the **Western Swamp Tortoise**, the approval holder must ensure that all works associated with the action do not contribute any additional water into the roadside drainage system or increase water pooling along **Railway Parade** and are designed and constructed in consultation with the **Western Australian Department of Biodiversity, Conservation and Attractions** and the **City of Swan** to prevent water from remaining in pools. The approval holder must not **commence construction** of roadside drainage along **Railway Parade** until the **Western Australian Department of Biodiversity, Conservation and Attractions** and the **City of Swan** have each confirmed in writing that the design will prevent the creation of **surface water bodies**.
4. To minimise the impacts of water pooling on the **Western Swamp Tortoise** as a result of dewatering activities undertaken during **construction** of the action, the approval holder must:
  - a) only undertake **dewatering activities** within 200 m of 'Lot 505' in Attachment A for a maximum of two weeks duration during each **construction phase**;
  - b) ensure that no infiltration basins are constructed within 400 metres outside of the area designated as 'Lot 505' in Attachment A;
  - c) ensure that all infiltration basins are fully drained within 96 hours of the conclusion of **dewatering activities**.
5. To minimise the impacts of water pooling as a result of irrigation activities on the **Western Swamp Tortoise**, the approval holder must implement the **Local Water Management Strategy**.
6. To avoid and mitigate the impacts of **predators** and **feral animals** on the **EPBC Act listed species and ecological communities**, the approval holder must provide the equivalent of \$30,000 (by application of the National Consumer Price Index published by the Australian Bureau of Statistics indexed to its value in 2019) to the **Western Australian Department of Biodiversity, Conservation and Attractions** for **predator** and **feral animal** control activities in the **Ellen Brook Nature Reserve**. This funding must be provided to the **Western Australian Department of Biodiversity, Conservation and Attractions** within six months of the **commencement of the action**. Within two weeks of the approval holder providing the funding to the **Western Australian Department of Biodiversity, Conservation and Attractions**, the approval holder must provide evidence to the **Department** in writing that the funding (stating its actual amount) has been provided to the **Western Australian Department of Biodiversity, Conservation and Attractions**.

7. To avoid and mitigate the impacts of increased human pressure arising from the action on the **Western Swamp Tortoise**, the approval holder must provide the equivalent of \$20,000 (by application of the National Consumer Price Index published by the Australian Bureau of Statistics indexed to its value in 2019) to the **Western Australian Department of Biodiversity, Conservation and Attractions** for:
  - a) the ongoing maintenance of the predator proof fence around the **Lot 505 Almeida Parade** and the **Ellen Brook Nature Reserve**;
  - b) the construction and ongoing maintenance of a predator proof fence around **Lot 15**; and
  - c) ongoing monitoring and management of weeds in **Lot 505 Almeida Parade**, the **Ellen Brook Nature Reserve** and **Lot 15** for the **life of the approval**.

The approval holder must provide the funding to the **Western Australian Department of Biodiversity, Conservation and Attractions** within six months of the commencement of **construction**. Within two weeks of the approval holder providing the funding (stating its actual amount) to the **Western Australian Department of Biodiversity, Conservation and Attractions**, the approval holder must provide evidence to the **Department** in writing that the funding has been provided to the **Western Australian Department of Biodiversity, Conservation and Attractions**.

8. To avoid and mitigate the impacts of fire on the **EPBC Act listed species and ecological communities**, the approval holder must implement the **Bushfire Management Plan** for the **life of the approval**.
9. To compensate for the residual significant impact of the action on **aestivation habitat for the Western Swamp Tortoise**, the approval holder must provide the equivalent of \$15,000 (by application of the National Consumer Price Index published by the Australian Bureau of Statistics indexed to its value in 2019) to the **Western Australian Department of Biodiversity, Conservation and Attractions** for the ongoing research, monitoring and management of domestic cats in the **Ellen Brook Nature Reserve**. The approval holder must provide the funding to the **Western Australian Department of Biodiversity, Conservation and Attractions** within six months of the commencement of **construction**. Within two weeks of the approval holder providing the funding to the **Western Australian Department of Biodiversity, Conservation and Attractions**, the approval holder must provide evidence to the **Department** in writing that the funding (stating its actual amount) has been provided to the **Western Australian Department of Biodiversity, Conservation and Attractions**.

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## **Part B – Standard administrative conditions**

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### **Notification of date of commencement of the action**

10. 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**.

### **Compliance records**

11. The approval holder must maintain accurate and complete **compliance records**.
12. If the **Department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.

**Note:** **Compliance records** may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department's** website or through the general media.

### Annual compliance reporting

13. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or otherwise in accordance with an annual date that has been 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** and provide the weblink for the **compliance report** 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.

**Note:** **Compliance reports** may be published on the **Department's** website.

### Reporting non-compliance

14. The approval holder must notify the **Department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than two **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
- a. any condition which is or may be in breach;
  - b. a short description of the **incident** and/or non-compliance; and
  - c. the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.
15. The approval holder must provide to the **Department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:
- a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
  - b. the potential impacts of the **incident** or non-compliance; and
  - c. the method and timing of any remedial action that will be undertaken by the approval holder.

### Independent audit

16. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted for the 12 month period from the commencement of the action and for every subsequent 12 month period, or as otherwise requested in writing by the **Minister**.
17. For each **independent audit**, the approval holder must:
- 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.

18. 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.

#### **Completion of the action**

19. Within 30 days after the **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.

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### **Part C - Definitions**

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In these conditions, except where contrary intention is expressed, the following definitions are used:

**Aestivation habitat for the Western Swamp Tortoise** includes clay soils within a 200 metre radius of the predator proof fence surrounding the Ellen Brook Nature Reserve.

**Bushfire Management Plan** means the *Bushfire Management Plan (2017)* prepared for Satterley Property Group by Strategen, provided to the Department on 9 September 2019.

**Business day** means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

**City of Swan** means the City of Swan or any future agencies that hold its roles and responsibilities in relation to local road design and construction.

**Clay Pans of the Swan Coastal Plain Threatened Ecological Community** means the EPBC Act listed Clay Pans of the Swan Coastal Plain Threatened Ecological Community.

**Clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the *Australian weeds strategy 2017 to 2027* for further guidance).

**Commence** means the first instance of any specified activity associated with the **construction**.

**Commencement of the action** means the first instance of any specified activity associated with the action including **clearing** and **construction**. **Commencement of the action** does not include minor physical disturbance necessary to:

- i. undertake pre-clearance surveys or monitoring programs;
- ii. install signage and /or temporary fencing to prevent unapproved use of the project area;
- iii. protect environmental and property assets from fire, weeds and pests, including **use** of existing surface access tracks; and
- iv. install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the **protected matters**.

**Completion data** means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The **Department's** preferred spatial data format is **shapefile**.

**Completion of the action** means all specified activities associated with the action have permanently ceased.

**Compliance records** means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.

**Compliance reports** means written reports:

- i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plans**;

- ii. consistent with the **Department's Annual Compliance Report Guidelines (2014)**;
- iii. include a **shapefile** of any clearance of any **protected matters**, or their habitat, undertaken within the relevant 12 month period; and
- iv. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period.

**Construction** means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage.

**Construction phase** is as defined in the *Upper Swan (Concept Plan) Masterplan (2019)*, prepared by Rowe Group Design for Satterley Property Group, provided to the Department of the Environment and Energy on 18 October 2019.

**Corymbia calophylla (Marri) – Xanthorrhoea preissii (Balga) Woodlands and Shrublands of the Swan Coastal Plain** means the **EPBC Act** listed *Corymbia calophylla (Marri) – Xanthorrhoea preissii (Balga)* Woodlands and Shrublands of the Swan Coastal Plain.

**Department** means the Australian Government agency responsible for administering the **EPBC Act**.

**Dewatering activities** means any dewatering activities required for construction of the action.

**Ellen Brook Nature Reserve** means the area designated as 'Ellen Brook Nature Reserve' in Attachment A.

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

**EPBC Act listed species and ecological communities** means the **Western Swamp Tortoise, Clay Pans of the Swan Coastal Plain Threatened Ecological Community and Corymbia calophylla (Marri) – Xanthorrhoea preissii (Balga) Woodlands and Shrublands of the Swan Coastal Plain**

**EPBC Regulations** means the *Environment Protection and Biodiversity Conservation Regulations 2000 (Cth)*.

**Feral animals** includes, but may not be limited to, Rabbits (*Oryctolagus cuniculus*) and Pigs (*Sus scrofa*).

**Incident** means any event which has the potential to, or does, impact on one or more **protected matter(s)**.

**Independent audit**: means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines (2019)*.

**Life of the approval** means the period for which this approval has effect.

**Local Water Management Strategy** means the Local Water Management Strategy (September 2017), prepared for Satterley Property Group by Strategen, and provided to the **Department** as part of the preliminary documentation on 24 November 2018.

**Lot 15** means the area designated as 'Lot 507' in Attachment B.

**Lot 505 Almeida Parade** means the area designated as 'Lot 505' in Attachment A. Lot 505 Almeida Parade is on Deposited Plan 50920.

**Monitoring data** means the data required to be recorded under the conditions of this approval.

**Minister** means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

**Plan(s)** means any of the documents required to be prepared, approved by the **Minister**, and/or implemented by the approval holder and published on the **website** in accordance with these conditions (includes action management plans and/or strategies).

**Predators** includes, but may not be limited to, European Red Fox (*Vulpes vulpes*), Black Rats (*Rattus rattus*), Water Rats (*Hydromys chrysogaster*) and Australian Ravens (*Corvus coronoides*).

**Protected matter** means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

**Railway Parade** includes Railway Parade as identified in Figure 3, page 10, of the preliminary documentation.

**Restrictive covenant** means a restrictive covenant placed on the respective lot under section 136D of the *Transfer of Land Act 1893 (WA)*.

**Sensitive ecological data** means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*.

**Shapefile** means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

**Suitably qualified person** means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

**Surface water bodies** means any pool, dam, pond, sump, or other hollow capable of holding water to a depth of 50 cm or greater, that is potentially accessible to a **Western Swamp Tortoise** roaming outside the **Ellen Brook Nature Reserve**.

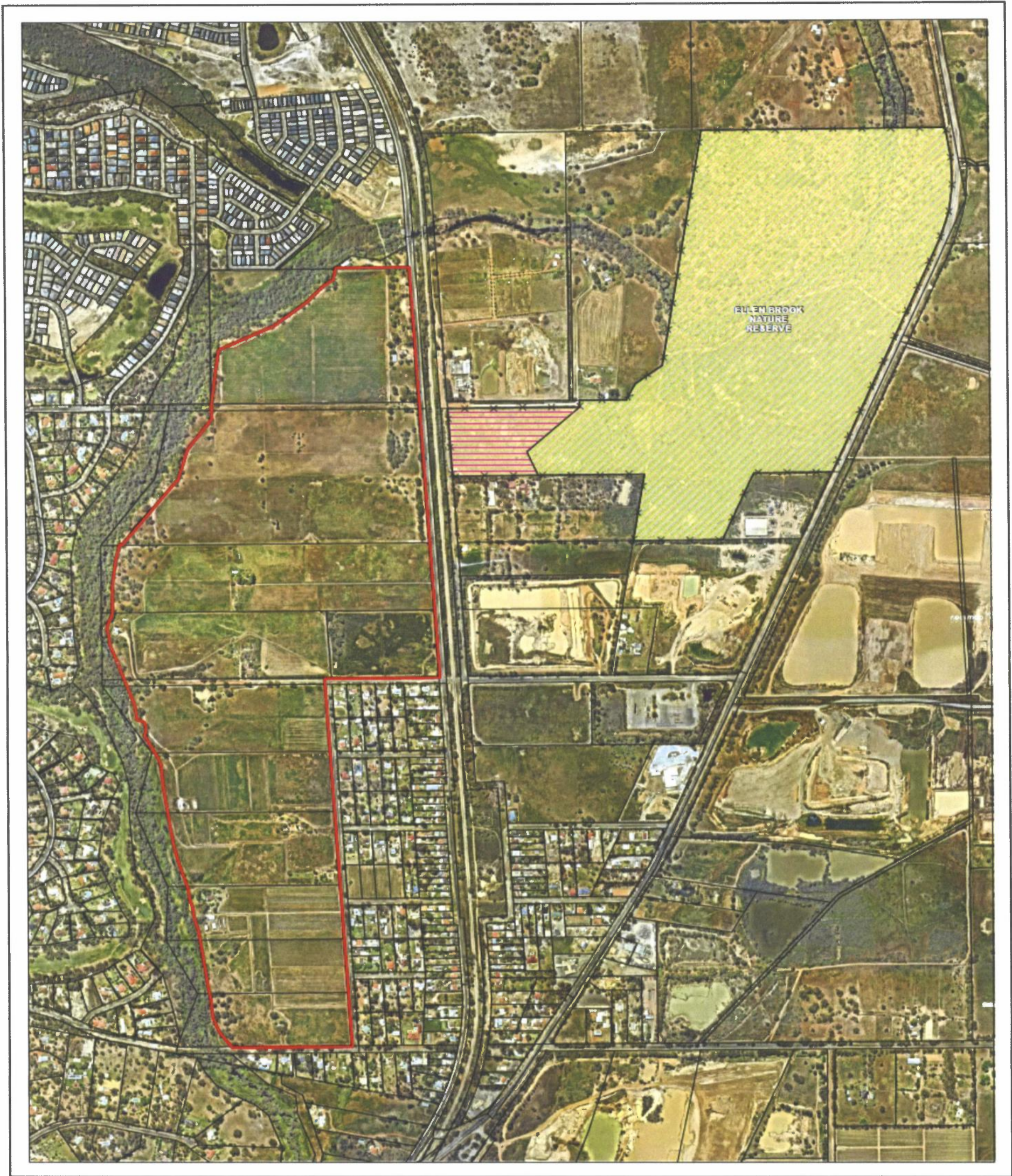
**Website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

**Western Australian Department of Biodiversity, Conservation and Attractions** means the Western Australian Department of Biodiversity, Conservation and Attractions or any future agencies that hold its roles and responsibilities in relation to conservation of native wildlife.

**Western Swamp Tortoise** means the **EPBC Act** listed Western Swamp Tortoise (*Pseudemydura umbrina*).

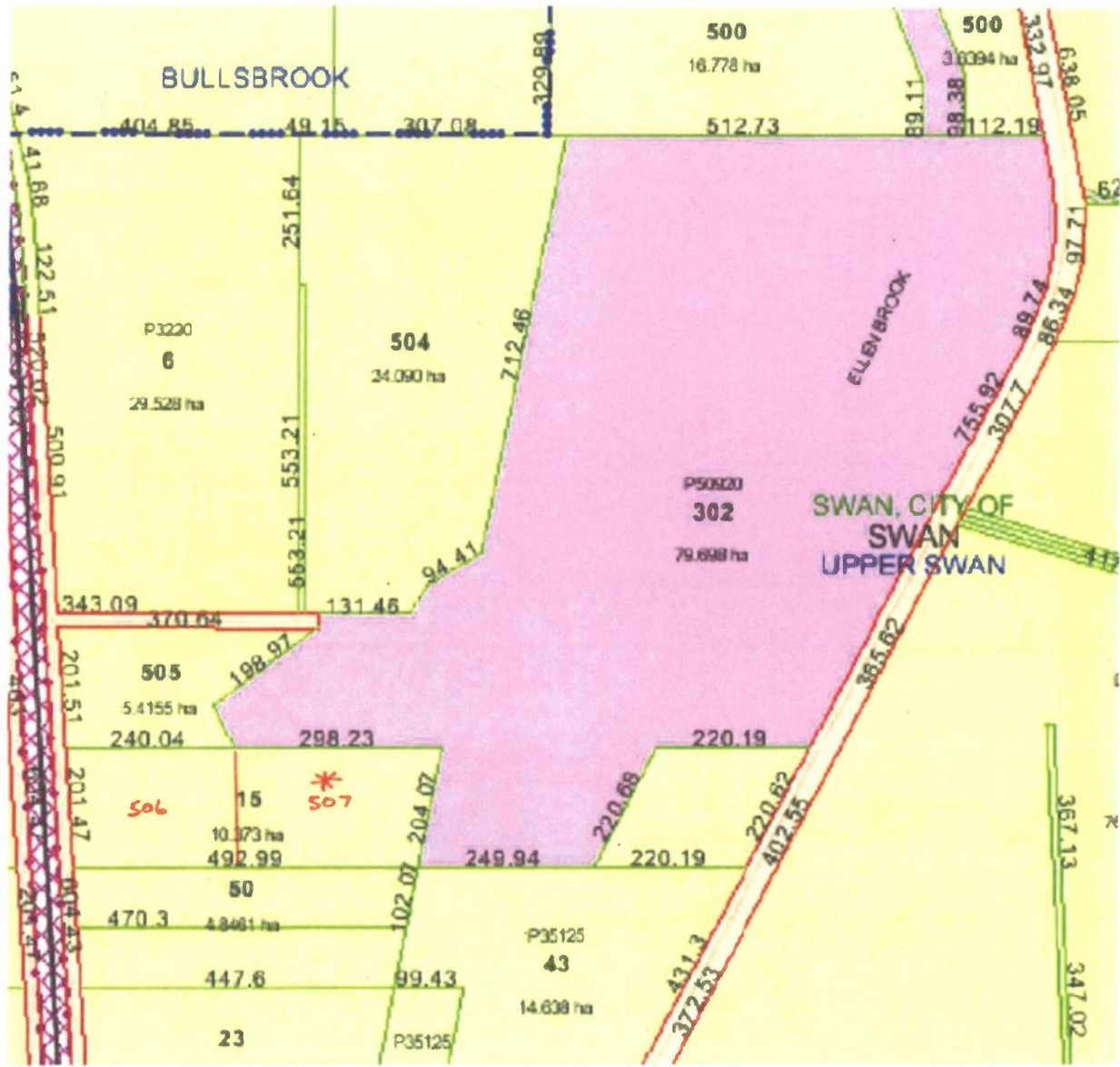
**ATTACHMENTS**

**ATTACHMENT A – Map of project area, Ellen Brook Nature Reserve and Lot 505 Almeida Parade**



<b>Legend:</b> Project area Cadastral boundary Lot 505 Ellen Brook Nature Reserve Habitat - Western Swamp Tortoise (DWER) Fox proof fence				Upper Swan WA
	Job No: 37428 Client: Satterley Property Group Drawn By: hsullivan Checked By: DN	Scale 1:10,000 at A4 Coord. Sys: GDA 1994 MGA Zone 50		SURROUNDING MNES

ATTACHMENT B – Map of Lot 15



## Appendix B Evidence Register

**Table B-1: Evidence Register**

Code	Reference	Author	Electronic	Hard copy	Topic
C01	C01_Requests for compliance records from DCCEEW or DBCA	JBS&G Satterley	X		Satterley request for compliance records from DCCEEW or DBCA to JBS&G and JBS&G response
C02	C02_Satterley Upper Swan Annual Compliance Report (EPBC2017_8062)	JBS&G	X		Notification to the DCCEEW that the 2024 ACR had been published on the Satterley website.
C03	C03_DCCEEW_Approval of audit criteria and auditor letter	DCCEEW	X		Approval of the 2025 independent auditor and audit criteria.
C04	C04_Audit Criteria and Auditor Qualifications	Environnivate	X		Audit criteria and auditor qualifications provided to the DCCEEW for the 2024 independent audit.
C05	C05_Audit Criteria Acceptance_2024	DCCEEW	X		The 2024 audit criteria approved by DCCEEW
C06	C06_Email to DCCEEW RE 2024 Audit Report	Satterley	X		Email to DCCEEW submitting the 2024 Audit Report
C07	C07_Evidence Request_Followup	Satterly	X		Email response to further evidence request
E01	E01_Evidence Request_Satterley Response_February2025	Satterley	X		Satterley response to JBS&G request for evidence for the 2025 ACR
E02	E02_2024/2025 Clearing Figure 1.2	JBS&G	X		Upper Swan 2024/2025 Clearing Figure using shapefiles provided by Cossil & Webley Consulting Engineers
E03	E03_Evidence Request_Satterley Response_February2025	Satterley	X		Satterley response to JBS&G request for evidence for the 2025 ACR
E04	E04_Website screenshot	Satterley	X		Screenshot of Satterley EPBC ACR website

Code	Reference	Author	Electronic	Hard copy	Topic
R01	R01_LWMS Rev 0	JBS&G Stratagen	X		2016 Local Water Management Strategy
R02	R02_2023 Upper Swan ACR	JBS&G	X		2023 Annual Compliance Report
R03	R03_BMP Rev 3	JBS&G Stratagen	X		2017 Bushfire Management Plan
R04	R04_Clementine Nth Precinct Subdivision BMP Rev 0	JBS&G	X		2023 Stages 10, 12 & 13 Clementine Estate Northern Precinct Bushfire Management Plan
R05	R05_Stage 5 BMP Compliance Report Rev 0	JBS&G	X		2024 Stage 5 Clementine Estate Bushfire Management Plan Compliance Report
R06	R06_Stage 9A Compliance Report Rev 0	JBS&G	X		2024 Stage 9A Clementine Estate Bushfire Management Plan Compliance and Condition Clearance Report
R07	R07_Stage 9B Compliance Report Rev 0	JBS&G	X		2024 Stage 9B Clementine Estate Bushfire Management Plan Compliance and Condition Clearance Report
R08	R08_Stage 10A BMP Compliance Report Rev 0	JBS&G	X		Stage 10A Clementine Estate Certification of Bushfire Management Plan Compliance
R09	R09_2024 Upper Swan ACR Rev 0	JBS&G	X		2024 Annual Compliance Report
R10	R10_2024 Upper Swan Independent Audit Rev 0	JBS&G	X		2024 Upper Swan Independent Audit Report

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#### 1.1.1.1 Document Distribution

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#### 1.1.1.2 Document Status

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