

**Lots 13, 14 and 18 Barfield  
Rd and Lots 48-51 Rowley  
Rd, Hammond Park (EPBC  
2012/6524)**

**Annual Compliance Report**

Prepared for  
Richard Noble  
by Strategen-JBS&G

July 2019

**Lots 13, 14 and 18 Barfield Rd  
and Lots 48-51 Rowley Rd,  
Hammond Park (EPBC  
2012/6524)**

**Annual Compliance Report**

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July 2019

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### **Client: Richard Noble**

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**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) Peter Dockett  
Position (please print) Senior Development Manager  
Organisation (please print including ABN/ACN if applicable) (a)  
Date 26 / 7 / 19

(a) Richard Noble and Company on behalf of  
Gold Estates Holdings Pty Ltd (ABN 40 097 065 944)

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# 1. Introduction

This report addresses the status and compliance of Gold Estates Holdings Pty Ltd (GEH), with the conditions in *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2012/6524 (EPBC 2012/6524) to clear native vegetation on Lots 13, 14, 18 Barfield Road and Lots 48-51 Rowley Road, Hammond Park, Western Australia (the action). This report has been prepared for the purpose of meeting the requirements of condition 6 of EPBC 2012/6524, which requires the proponent to verify compliance with the conditions of approval.

## 1.1 Project background

Richard Noble, on behalf of GEH, is developing the Vivente Residential Development (the Project), located within Lots 13, 14, 18 Barfield Road and Lots 48-51 Rowley Road, Hammond Park, Western Australia. The Project site covers approximately 33.5 ha, of which up to 22.92 ha of native vegetation is permitted to be cleared for firebreaks, residential lots, Public Open Space (POS) and other disturbances.

On-site and off-site rehabilitation will be undertaken to offset the impacts of the development on Carnaby's and Forest Red-tail black cockatoos (referred to collectively as 'black cockatoos' throughout the document). Off-site rehabilitation will take place at Bibra Lake Reserve, where 1.78 ha of degraded vegetation has been identified for rehabilitation. On-site bushland in good condition will be retained in POS and further rehabilitated. In addition, non-native tree species will be used in streetscaping (with the exception of *Corymbia ficifolia*), as required by the City of Cockburn, which will provide a foraging source for black.

## 1.2 Environmental approval to implement the Project

The action was referred to the former federal Department of Sustainability, Environment, Water, Populations and Community (now Department of the Environment and Energy [DEE]) on 27 August 2012. The action was deemed a 'controlled action' under the EPBC Act on 27 September 2012, to be assessed by Preliminary Documentation. The action was conditionally approved on 6 November 2013 under EPBC 2012/6524. The original approval was issued jointly to GEH and the Western Australian Housing Authority. Subsequent to the issue of the approval, the State Government transferred its interest in the action and GEH was offered the option to purchase the Housing Authority share of the land, which it accepted.

A variation to EPBC 2012/6524 was approved on 23 July 2014, amending condition 2 and Attachment A, regarding a new offset site. This coincided with approval of the initial Rehabilitation Management Plan (RMP), required by condition 2, which was also approved on 23 July 2014.

The Project commenced on 28 April 2015.

A second variation to EPBC 2012/6524, submitted on 11 May 2015, was approved on 15 April 2016, amending condition 2 and Attachment B, which changed the offset location from Frankland Reserve to Bibra Lake, and required re-approval of the RMP (Revision 5).

A third variation to EPBC 2012/6524 was submitted to DEE on 15 December 2015, requesting an amendment to condition 8 requiring the approval holder to submit all versions of management plans for Ministerial or delegate approval, and a variation to condition 9 regarding the Minister's request to make changes to the RMP. These variations were initially approved on 14 March 2016; however, an error was made by not including both the original approval holders on the variation, as a formal transfer of approval to GEH as the sole approval holder had not occurred. The variation was declared invalid on 23 March 2016 by DEE. A notice of transfer of approval from GEH and Housing Authority to GEH was issued on 20 July 2016.

The purpose of the third variation request was to allow minor amendments to the RMP to address the City of Cockburn regulations that only non-native species were now permitted within the subdivision, with the exception of the native *Corymbia ficifolia* (a black cockatoo foraging species).

A fourth variation request to vary condition 8 was submitted to the DEE on 28 March 2018, to enable revisions of the RMP to be made without ministerial approval, providing that any proposed amendments would not result in an increased impact to the protected matter. The request was approved on 12 April 2018.

Subject to condition 8 of EPBC 2012/6524, a revised RMP (Revision 6) was submitted to DEE in May 2019 to notify them of the changes made. As submission of the revised Plan occurred outside of the current audit period, conformance with Revision 6 of the RMP will be assessed in the 2020 Annual Compliance Report (ACR).

## 2. Current status

Activities undertaken at the Vivente Estate during the audit period (28 April 2018 to 27 April 2019) involved the following:

- stage 3 civil works and stage 5 earthworks were completed
- clearing in POS A2 and construction of activity stairs
- part construction of drainage basin and associated landscaping in POS F
- ongoing rehabilitation works were implemented at the Bibra Lake offset.
- handover of POS B and POS C to the City of Cockburn for ongoing management was accepted on the 3 September 2018.

The DEE undertook an inspection of the Vivente residential development on 19 June 2018. At the time of the site visit DEE officers identified a potential issue with POS F, associated with vandalism of the rehabilitation, relating to Condition 2 of EPBC 212/6524.

DEE requested further information in relation to the site visit in March 2019, and following provision of aerial imagery showing rehabilitation status, it was confirmed that the vandalism will not have an impact to the overall achievement of rehabilitation targets, therefore did not represent a potential non-conformance. No further action was taken by the DEE in relation to this matter.



### 3. Audit methodology

#### 3.1 Audit plan

##### 3.1.1 Purpose and scope

This document has been prepared for Richard Noble, on behalf of GEH to fulfil the requirements of condition 7 of EPBC 2012/6524. Condition 7 states:

*'Within three months of every 12 month anniversary of the commencement of construction, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the RMP as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the department at the same time as the compliance report is published. Non-compliance with any of the conditions of the approval must also be reported to the department within 2 business days of becoming aware of the non-compliance.'*

This ACR addresses the audit period between 28 April 2018 and 27 April 2019. The ACR addresses each condition of EPBC 2012/6524. Key management actions of the RMP (Revision 5) required by condition 2 of EPBC 2012/6524 were also assessed to determine if the plan had been satisfactorily implemented.

Completion criteria in the RMP were assessed for POS B and POS C given that these areas have been handed over to the City of Cockburn during the audit period (Table 3).

##### 3.1.2 Methodology

The audit was undertaken between May – July 2019 and involved a site inspection with the Senior Development Manager from Richard Noble on 30 May 2019. A review of documentation to support the audit was also undertaken.

Table 1 provides an overview of the personnel consulted as part of the audit.

Table 1: Persons consulted during audit

Name	Position	Organisation
Peter Dockett	Senior Development Manager	Richard Noble

### 3.2 Audit terminology

The Department of the Environment guidelines (DotE 2014) were applied in this audit. The 'Status' field of the audit tables (refer to Section 4 and Appendix 1) describes the implementation of actions and compliance with the approval.

Table 2: Action implementation status

Status	Acronym	Description
<b>Conditions of approval</b>		
Compliant	C	All the requirements of a condition have been met, including the implementation of management plans or other measures required by condition.
Potentially non-compliant	PNC	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	N/A	The requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example; a condition which applies to an activity that has not yet commenced.
<b>Management Plans</b>		
Conformant	C	All the requirements of a key management action detailed within a subsidiary plan or program have been satisfactorily met.
Potentially non-conformant	PNC	All the requirements of a key management action detailed within a subsidiary plan or program have not been met satisfactorily.
Not applicable	N/A	The requirements of a management action fall outside of the scope of the current reporting period. For example; a condition which applies to an activity that has not yet commenced.

Source: Adapted from DotE (2014)

## 4. Audit results

The results of the audit of EPBC 2012/6524 are shown in Table 3. Condition 2 requires the preparation and implementation of the approved RMP. The results of conformance with the management actions contained within the RMP are outlined in Appendix 1.

A total of 45 items were audited from EPBC 2012/6524 and the RMP.

### 4.1 Compliance with conditions of EPBC 2012/6524

The audit addressed 15 sub-conditions and GEH was found to be fully compliant with EPBC 2012/6524, with six conditions being assessed as complete and 1 condition not applicable within the audit period.

### 4.2 Compliance with RMP

The audit addressed 30 actions of the RMP, of which GEH was found to be:

- conformant with 16 requirements
- assessed as having completed eight requirements
- three requirements were not applicable during the audit period
- potentially non-conformant (PNC) with three requirements.

### 4.3 Compliance with completion criteria for POS areas

Rehabilitation at both POS B and POS C were assessed against the completion criteria in the RMP as they were handed over to the City of Cockburn during the audit period. Of the seven POS completion criteria, all were found to be complete for both these sites.

Table 3: EPBC 2012/6524 audit table

Condition number	Condition	Timing	Evidence	Comments	Compliance status
EPBC 1	The person taking the action must not clear more than 22.92 ha of potential foraging habitat for endangered Carnaby's Black Cockatoo ( <i>Calyptorhynchus latirostris</i> ) and vulnerable Forest Red-tailed Black Cockatoo ( <i>Calyptorhynchus banksii naso</i> ) (black cockatoos).	Survey/map - prior to clearing commencing.  Ongoing - check via annual compliance reporting.	R_001_Richard Noble_Retained and cleared vegetation_2019 C_008_Richard Noble_RE_Vivente - EPBC - Non-compliances_2072018	Clearing was undertaken within POS A2 during the audit period. POS A2 comprises an area of 9,700 m <sup>2</sup> of which approximately 6,426 m <sup>2</sup> of vegetation has been retained.  In accordance with Attachment B of EPBC 2012/6524, 6,600 m <sup>2</sup> is proposed to be retained in POS A2. Therefore, an additional 174 m <sup>2</sup> of vegetation was cleared above that identified to be cleared within POS A2 (Attachment B).  The auditors note that as this condition doesn't specifically refer to the amount of clearing within each location, the clearing has been assessed on a site wide basis. An additional area of 1,705 m <sup>2</sup> of vegetation has been retained in POS F.  The total area of vegetation prior to clearing amounted to 22.92 ha (229,200 m <sup>2</sup> ) and when onsite deductions were taken into consideration (high school site, degraded vegetation, completely degraded vegetation, cleared areas) (C_009). Based on the retention of approximately 2.51 ha (25,100 m <sup>2</sup> ) within POS areas (shown in Attachment B) of potential foraging habitat vegetation the auditors conclude clearing cannot have exceeded the 22.92 ha limit.	Compliant
EPBC 2	To mitigate impacts to black cockatoos, the person taking the action must prepare and submit a Rehabilitation Management Plan (RMP) to the Minister for approval. The RMP must include, but not be limited to:	At least three months prior to commencement.	R_002_Strategen_RMP_Rev 5_06042016.	RMP (revision 5) was approved on 15 April 2016 (R_002).	Compliant (Complete)
<i>Proposal site</i>					
EPBC 2a)	avoidance and mitigation measures to prevent impacts to black cockatoos during construction;	In preparation of RMP.	R_002_Strategen_RMP_Rev 5_06042016.	The approved RMP includes the required details. Refer to EPBC 2.	Compliant
EPBC 2b)	details of tree species, number to be planted and location within the street scape and the POS;	In preparation of RMP.	Refer to EPBC 2a).		
EPBC 2c)	objectives, targets and completion criteria for seeding and planting programs within the street scape and POS;	In preparation of RMP.	Refer to EPBC 2a).		
EPBC 2d)	management measures to control weeds and erosion within the POS;	In preparation of RMP.	Refer to EPBC 2a).		
EPBC 2e)	details of monitoring, reporting and contingency measures if performance indicators are not met;	In preparation of RMP.	Refer to EPBC 2a).		
EPBC 2f)	timeframes for the implementation of the above measures; and	In preparation of RMP.	Refer to EPBC 2a).		
EPBC 2g)	roles and responsibilities of personnel associated with implementing each of the above measures.	In preparation of RMP.	Refer to EPBC 2a).		
<i>Bibra Lake Reserve</i>					
EPBC 2h)	details of revegetation of the 1.78 ha within Bibra Lake Reserve, at the 'rehabilitation site' shown in the map at <a href="#">Attachment A</a> , including how seeds collected from the Proposal site will be utilised, and the species and number of plants that will be planted*;	In preparation of RMP.	Refer to EPBC 2a).	The RMP includes the required details. Refer to EPBC 2. <i>Note: Variation of condition 2 was approved on 15 April 2016 which changed the off-set location from Frankland Reserve to Bibra Lake.</i>	Compliant
EPBC 2i)	objectives, targets and completion criteria for seeding and planting programs;	In preparation of RMP.	Refer to EPBC 2a).		
EPBC 2j)	management measures to control site access, weeds and erosion;	In preparation of RMP.	Refer to EPBC 2a).		
EPBC 2k)	details of monitoring, reporting and contingency measures if performance indicators are not met;	In preparation of RMP.	Refer to EPBC 2a).		
EPBC 2l)	timeframes from the implementation of the above measures; and	In preparation of RMP.	Refer to EPBC 2a).		
EPBC 2m)	roles and responsibilities of personnel associated with implementing each of the above measures.	In preparation of RMP.	Refer to EPBC 2a).		

Condition number	Condition	Timing	Evidence	Comments	Compliance status
EPBC 2	The RMP must be submitted to the department at least three months prior to the commencement of construction. If the Minister approves the RMP, the approved RMP must be implemented. Construction must not commence until the RMP is approved by the Minister.	Submission at least three months prior to commencement.  Ongoing implementation.	R_002_Strategen_RMP_Rev 5_06042016. R_003_Strategen_ACR_27072018	The Project commenced on 28 April 2015. The initial RMP was approved on 23 July 2014, at least three months prior to commencement of construction (R_003) as required. The current RMP (Rev 5) was approved on 15 April 2016 (R_002). Refer to Appendix 1; of 30 actions of the RMP. GEH was found to be: <ul style="list-style-type: none"> <li>conformant with 16 requirements</li> <li>completed eight requirements</li> <li>potentially non-conformant (PNC) with three requirements (refer to Appendix 1 for details).</li> <li>three requirements were assessed as not applicable</li> </ul> As 22 of the 27 applicable items were compliant (or completed) and the objectives of the RMP were achieved, regardless of the 5 PNC's, GEH has been found to be conformant with the requirement to implement the RMP.	Compliant
EPBC 3	The person taking the action must provide for an offset for the loss of black cockatoo habitat.	Prior to commencement.	R_003_Strategen_ACR_27072018	This item was assessed to be Compliant (Completed) in the previous ACR.	Compliant (Complete)
EPBC 4	To offset the loss of black cockatoo habitat, the person taking the action must:	Prior to commencement.	Refer to EPBC 4a) and 4b).	N/A.	Compliant (Complete)
EPBC 4a)	Prior to the commencement of construction, provide the department with written evidence of the provision of \$240,000 to DPaW for the acquisition of 107 ha of the offset property. The written evidence must include a textual description and map clearly defining the location and boundaries of the 107 ha within the offset property and be accompanied with the offset attributes and shapefile.	Prior to commencement.	R_003_Strategen_ACR_27072018	This item was assessed to be Compliant (Completed) in the previous ACR.	Compliant (Complete)
EPBC 4b)	Prior to the commencement of construction, the person undertaking the action must provide the department with written evidence of the provision of \$10,000 to DPaW for the initial set-up for conservation protection of the 107 ha within the offset property.	Prior to commencement.	R_003_Strategen_ACR_27072018	This item was assessed to be Compliant (Completed) in the previous ACR.	Compliant (Complete)
EPBC 4c)	If at any time the person taking the action is advised that the property cannot be acquired, the person taking the action must advise the department in writing of the situation and advise of steps being undertaken to provide for an acceptable alternative offset.	As required (Minister's request).	Refer to EPBC 4a) N/A.	This item was assessed to be Compliant (Completed) in the previous ACR.	Compliant (Complete)
EPBC 5	Within 30 days after the commencement of construction, the person taking the action must advise the department in writing of the actual date of commencement.	Within 30 days following commencement of construction.	R_003_Strategen_ACR_27072018	This item was assessed to be Compliant (Completed) in the previous ACR.	Compliant (Complete)
EPBC 6	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the RMP required by this approval, and make them available upon request to the department. Such records may be subject to audit by the department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify the compliance with the conditions of approval. Summaries of audits will be posted on the department's website. The results of audits may also be publicised through the general media.	Ongoing.  As required (DotE decision).	This report.	Accurate records for the majority of applicable conditions and actions of the RMP have been maintained and were available at the time of the audit and following the audit.	Compliant
EPBC 7	Within three months of every 12-month anniversary of the commencement of construction, the person taking the action must publish a report on their website addressing compliance with each of the conditions. Documentary evidence providing proof of the date of publication must be provided to the department at the same time as the compliance report is published. Non-compliance with any of the conditions of the approval must also be reported to the department within two business days of becoming aware of the non-compliance.	Within three months of every 12 month anniversary commencement.  Same day the compliance report is published Within two business days of being aware of NC/PNC.	C_001_FW_Vivente - EPBC Audit Report 2017_2018 - Website upload_27072018 C_002_RE_EPBC 2012_6524_Lots 13_14 and 18 Barfield Rd_ and Lots 48-51 Rowley Rd_Hammond Park - Annual Compliance Report_27072018 W_001_Richard Noble_Website_07052019 Management advice on 30 April 2019.	The 2018 ACR was published on the Richard Noble website on 27 July 2018 (C_001). The Department was notified via email that the report had been published and a copy was provided on the same day (C_002).	Compliant
EPBC 8	If the person taking the action wishes to carry out any activity otherwise than in accordance with the RMP as specified in the conditions, the person taking the action must submit to the department for the Minister's written approval a revised version of the RMP. The varied activity shall not commence until the Minister has approved the varied RMP in writing. The Minister will not approve the varied RMP unless the revised RMP would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised RMP, the RMP must be implemented in place of the RMP originally approved.	As required.	R_002_Strategen_RMP_Rev 5_06042016.	The approved RMP (Revision 5) was not varied during the audit period and did not require submission to the department. Refer to EPBC 2 and Appendix 1 for details of implementation of RMP.	Compliant

Condition number	Condition	Timing	Evidence	Comments	Compliance status
EPBC 9	<p>If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, the Minister may request that the person taking the action make specified revisions to the RMP specified in the conditions and submit the revised RMP for the Minister's written approval.</p> <p>The person taking the action must comply with any such request.</p> <p>The revised approved RMP must be implemented.</p> <p>Unless the Minister has approved the revised RMP, then the person taking the action must continue to implement the RMP originally approved, as specified in the conditions.</p>	As required (Minister's request).	Management advice on 30 April 2019.	The Minister did not request revisions to the RMP.	Compliant
EPBC 10	<p>Unless otherwise agreed to in writing by the Minister, the person taking the action must publish the RMP referred to in these conditions of approval on their website.</p> <p>The RMP must be published on the website within 1 month of being approved.</p>	Within one month of RMP approval.	C_003_RNO_implementation of the Rehabilitation Management Plan – EPBC 2012 6524_30052017 W_001_Richard Noble_Website_07052019	The RMP (version 5) was approved on 15 April 2016 and was published on the Richard Noble website on 24 May 2016, the month following RMP approval (C_003). It is still available on the website during this audit period (W_001).	N/A

## 5. References

Department of the Environment (DotE) 2014, *Annual Compliance Report Guidelines*, Commonwealth of Australia, Canberra.

**Appendix 1**  
**Implementation of Rehabilitation**  
**Management Plan**



Rehabilitation Management Plan audit table

Reference	Key action	Timing	Evidence	Comments	Conformance status
<i>On-site - Public Open Space (POS)</i>					
RMP 1	<p>Implement site inductions for all contractors prior to their commencement of work on site. The induction will detail the following:</p> <ul style="list-style-type: none"> <li>• fauna management strategies</li> <li>• hygiene management measures</li> <li>• demarcation and areas of no entry</li> <li>• waste management.</li> </ul> <p>Contractors will undertake works in accordance with an approved Construction Environmental Management Plan.</p>	Prior to rehabilitation and ongoing.	<p>Management advice 30 May 2019.</p> <p>R_004_Total Eden_Vivente Induction</p> <p>R_005_Total Eden_Retained Vegetation Induction_05112018</p> <p>R_006_Total Eden_Project Induction Register</p> <p>R_007_Wormall_Wormall Civil - Plan - PHSEQMP_190319</p> <p>C_004_Wormall_RE CEMP Vivente Stage 5_18072019</p> <p>C_005_Richard Noble_Vivente - EPBC Audit - Additional evidence required_18072019</p> <p>C_009_Total Eden - Fauna and hygiene response_23072019</p> <p>R_018_Total Eden R_018_Total Eden_HSE-FR-02-01 Project Risk Assessment - Vivente Estate (002)_2010208</p> <p>R_019_Total Eden_HSE-FR-01-01 Project Induction Form_102018</p> <p>R_020_Total Eden_HSE-PLN-01 Project HSEMP - Vivente Estate A2F_012017</p>	<p>Works completed on site during the audit period included Stage 5 bulk earthworks, conducted by Wormall in accordance with their Project Health Safety Environment and Quality Management Plan (PHSEQMP; R_007; C_004) and construction and revegetation within POS A2 conducted by Total Eden in accordance with their own CEMP (C_005).</p> <p>A series of Total Eden inductions including a general Vivente Induction (R_004), a Retained Vegetation Induction (R_005), a Project Induction (R_019) and a signed Project Induction Register (R_006) were provided. The general Vivente Induction (R_004) includes waste and general housekeeping provisions and vegetation protection measures, including access restrictions. In addition to the general Vivente induction a site-specific project induction (R_019) is conducted for all employees, contractors and visitors on site as directed in the Total Eden HSEMP (R_20). Included within this project induction is discussion on the Project Risk Assessment (R_018) which adequately addresses fauna management measures.</p> <p>The following was included in the Project Risk Assessment under 'discussed' during the project site induction to address hygiene management:</p> <p><i>"maintenance, cleaning, refuelling and servicing of plant must be completed off site where possible."</i></p> <p>Wormall advised that inductions were completed prior to Stage 5 works being undertaken (C_004) and have previously been assessed as compliant. Therefore, they weren't reviewed as part of this audit.</p> <p>The auditors have found Richard Noble to be compliant with this action, however, recommend that additional information is included in the inductions relating to specific hygiene management measures on site going forward.</p>	Conformant
RMP 2	Install signage indicating the area is being rehabilitated, including information summarising the purpose of rehabilitation works, key works undertaken, and access restrictions.	Prior to rehabilitation and ongoing.	<p>R_008_Natural Area_Rehabilitation Report_06062019</p> <p>P_001_Strategen_Revegetation signs_30052019</p>	<p>Signs indicating the area is being rehabilitated were installed at Vivente Estate in July 2017 (R_008).</p> <p>Signage was sighted at POS areas inspected during the audit (P_001).</p>	Conformant
RMP 3	<p>Cordon off POS areas during clearing activities.</p> <p>All areas of retained vegetation will be identified using GPS coordinates referenced to the Civil Engineers site clearing drawing. Setting out of the works will be carried out by a qualified surveyor. No personnel may enter the area unless authorised by the Construction Manager.</p>	During clearing.	<p>P_002_POS A2 Clearing_31102018</p> <p>P_003_POS A2 Clearing_31102018</p> <p>P_004_POS A2 Clearing_31102018</p> <p>P_005_POS A2 Clearing_31102018</p> <p>P_006_POS A2 Clearing_31102018</p> <p>P_007_POS A2 Clearing_31102018</p> <p>G_001_Emerge Associates_POS A2 EPBC Overlay_16102018</p> <p>C_008_Richard Noble_RE_Vivente - EPBC - Non-compliances_2072018</p>	<p>POS A2 was demarcated with bunting during clearing activities (P_002 – P_007).</p> <p>Areas of retained vegetation were identified using GPS coordinates, referencing surveyors' drawings.</p> <p>Attachment B details POS areas, comprising proposed retained vegetation and proposed revegetation (comprising degraded vegetation). A cleared pathway runs through the centre of POS A2, which has been developed into a designated stairway and boardwalk during the audit period (G_001). The design of the stairway and boardwalk encroaches into proposed retained vegetation, consequently, 174 m<sup>2</sup> of additional vegetation has been cleared outside of that identified in Attachment B, within POS A2.</p> <p>The auditors were advised by Richard Noble that there is a discrepancy in the original mapping of POS areas, when compared to the cleared pathway, as shown in Attachment B of the approval, and consequently the discrepancy has resulted in an additional area of clearing. The area of retained vegetation identified within the approval for POS A2 is 6,600 m<sup>2</sup> in comparison to the area surveyed which totalled 6,520 m<sup>2</sup> (G_001). Based on surveyors' calculations this reduces the total area of retained vegetation cleared to 94 m<sup>2</sup>, of which Richard Noble advised was degraded (C_008).</p> <p>Notwithstanding this error, this action is considered to be a PNC, as POS A2 was not cordoned off as per Attachment B, and an additional amount of vegetation has been cleared to that originally proposed.</p> <p>It should be noted that the total clearing to date is still within the total black cockatoo habitat permitted to be cleared as per Condition 1 of EPBC 2012/6524 (refer to EPBC 1). The actual area of native vegetation retained is 2.51 ha or 19.3% above the requirements of the approval (C_008).</p>	Potentially non-conformant

Reference	Key action	Timing	Evidence	Comments	Conformance status
RMP 4	Follow hygiene protocols to prevent the spread of weeds and dieback during access to the site: <ul style="list-style-type: none"> <li>vehicles used in clearing and removing topsoil, excavation or transport are to be clean and free from soil or plant material prior to arriving on site from an area known or thought to be dieback infected. Cleaning should be conducted off site on bitumen areas surrounding the project area. In dry weather, this will be achieved by brushdown. Washdown with water and an appropriate reagent will be required during wet weather</li> <li>all drivers and plant operators are made aware of the need to have clean trucks and plant when initially arriving on or accessing the site</li> <li>machinery will work from higher vegetation condition to lower vegetation condition</li> <li>vehicles to use designated tracks</li> <li>footwear to be free of mud and soil when entering the Rehabilitation area</li> <li>all plants, seeds and other materials used in rehabilitation are sourced from dieback free areas.</li> </ul>	During clearing. Construction phase. During rehabilitation.	R_017_Wormall_Seed and weed register_03102018C_009_Total Eden - Fauna and hygiene response_23072019 R_018_Total Eden_HSE-FR-02-01 Project Risk Assessment - Vivente Estate (002)_2010208	Works completed on site during the audit period included Stage 5 bulk earthworks, conducted by Wormall and construction and revegetation within POS A2 and landscaping in POS F were conducted by Total Eden. A weed and seed register was maintained by Wormall to prevent the spread of weeds and dieback during bulk earthworks (R_017). A project risk assessment was conducted by Total Eden prior to undertaking work within POS A2 and POS F (R_018). Included within the risk assessment was the following proposed risk control in relation to bulk earth works: "maintenance, cleaning, refuelling and servicing of plant must be completed off site wherever possible." The auditors acknowledge that this item addresses the cleaning of plant offsite however we conclude that it is not sufficient in addressing the hygiene protocols required by the RMP 4. Therefore, this item has been assessed as potentially non-conformant.	Potentially non-conformant
RMP 5	Install temporary fencing or tree guards, and signage around revegetation areas to prevent unauthorised access and fauna entry.	Prior to commencement of revegetation for fencing and signage. At the time of planting for tree guard installation.	Management advice during site visit on 30 May 2019. P_008_Strategen_POS C revegetation_30052019. P_009_Strategen_POS F revegetation_30052019.	No new revegetation activities were undertaken during the audit period. No temporary fencing or tree guards were observed during the audit, however as revegetation has significantly progressed, tree guards and fencing have been removed as appropriate (P_008; P_009).	Conformant
RMP 6	Undertake weed mapping of the rehabilitation sites (revegetation areas and retained vegetation areas).	Prior to commencement of clearing.	R_008_Natural Area_Rehabilitation Report_06062019 R_009_Natural Area_Vivente Estate Rehabilitation Weed Mapping Report	POS A2 was the only area cleared during the audit period and this area was mapped in 2016, prior to clearing activities (R_008; R_009).	Conformant
RMP 7	Undertake ongoing maintenance weed control (as described in section 4.1) through a combination of manual removal / spraying of herbicide within retained vegetation areas and continue weed control measures until handover to the City of Cockburn.	During rehabilitation.	R_010_Natural Area_Vivente 2018 works dates R_011_Natural Area_2018 Rehabilitation Report_13122018	Herbicide application, hand weeding and mechanical (brush cutting) weed control was undertaken at the Vivente site during the audit period (R_010; R_011).	Conformant
RMP 8	Undertake a combination of manual and chemical weed control (as described in section 4.1) of on-site rehabilitation areas for at least one year prior to broad cast seeding.	Construction phase.	Refer to RMP 7	Refer to RMP 7	Conformant
RMP 9	Undertake site preparation such as ripping and mounding of on-site rehabilitation areas as described in section 4.3 prior to direct seeding.	Prior to direct seeding.	N/A	There was no direct seeding in rehabilitation areas during the audit period, so site preparation was not required.	N/A
RMP 10	Undertake direct seeding and infill planting as described in section 4.4.	After the completion of one year of weed control.	R_008_Natural Area_Rehabilitation Report_06062019 R_011_Natural Area_2018 Rehabilitation Report_13122018	There was no direct seeding and infill planting conducted at Vivente during the audit period. (R_008; R_011). It was determined that direct seeding was not required at the Vivente Estate site as most of the bushland was in a healthy condition and native seed recruitment would occur naturally (R_011).	N/A
RMP 11	Undertake ongoing maintenance weed control (as described in section 4.1) through manual removal / spraying of herbicide and continue weed control measures.	Up to two years or until completion criteria are met.	Refer to RMP 7	Refer to RMP 7	Conformant
RMP 12	Undertake opportunistic visual inspections of the rehabilitated profiles to ensure erosion is not taking place.	Opportunistically.	R_011_Natural Area_2018 Rehabilitation Report_13122018	Monitoring was undertaken at the Vivente Estate site on 29 June 2018 (R_011). During monitoring, minor erosion was noted around the northern and eastern most bushland pockets, where 'shelves' had been created presumably by the removal of soil for site levelling/road construction. In some locations around the northern bush block, sand also appeared to have been pushed into the bushland pocket.	Conformant
<i>On-site – street trees</i>					
RMP 13	Determine number of trees required for planting and select black cockatoo preferred foraging species in accordance with planting lists (RMP Appendix 2).	Construction phase.	R_002_Strategen_RMP_Rev 5_06042016. R_012_Richard Noble_Street Tree Plan_25072018 Site inspection 30 May 2019	The Vivente Street Tree Plan indicates that the street tree mix includes <i>Corymbia ficifolia</i> (Red Flowering Gum), <i>Liquidambar styraciflua</i> (Liquidambar) and <i>Gleditsia tricanthos</i> (Golden honey locust). These species are the only street tree species permitted by the City of Cockburn. This list differs to the species listed in the planting palette provided as Appendix 2 of the RMP (of which only <i>C. ficifolia</i> is listed). It is understood that the streetscape planting palette has since been updated in the RMP (Revision 6) to reflect the City of Cockburn's approved planting species. However, as this revision was completed after the auditing period, this management item will remain a PNC for the purpose of this ACR. It should be noted that Richard Noble drafted RMP (Rev 6) changes prior to the end of the audit period, however formal notification of the revised RMP to the DEE was delayed until May 2019.	Potentially non-conformant

Reference	Key action	Timing	Evidence	Comments	Conformance status
RMP 14	Undertake tree planting within median strips and areas adjoining POS.	Construction phase in spring.	Site inspection 30 May 2019 R_012_Richard Noble _Street Tree Plan_25072018 P_010_Strategen POS F median strip tree planting_30052019	Planting has been undertaken along median strips and areas adjoining POS (R_012; P_010), however did not occur during this audit period.	N/A
RMP 15	Black cockatoo preferred foraging species will not be planted along roads with speed limits exceeding 50 km/hr.	Construction phase.	Site inspection 30 May 2019 R_012_Richard Noble _Street Tree Plan	Management advised that all streets where street trees are planted have a maximum speed limit of 50 km/hr. This is a requirement of the Street Tree implementation plan (R_012).	Conformant
RMP 16	Undertake fortnightly watering of planted street trees (median strips and adjoining POS areas only) from October to March for up to two years, except following rains.	Fortnightly from October to March, for up to two years.	R_012_Richard Noble _Street Tree Plan	Management advised that street trees are generally connected to the reticulation of the adjoining dwelling, therefore fortnightly watering is not required. Where street trees are in the public realm they are irrigated for a minimum of two years.	Conformant
<i>Completion criteria – POS retained vegetation areas</i>					
POS CC 1	No evidence of declining vegetation health and death of susceptible species at the Site, which are attributable to Project activities during the duration of the rehabilitation management plan.	For the duration of rehabilitation	R_011_Natural Area_2018 Rehabilitation Report_13122018	This was measured as a visual inspection of the site as per monitoring program detailed in the RMP. There was no evidence that Project activities were causing a decline in retained vegetation health (R_011).	Conformant (Complete)
POS CC 2	Weed control is implemented as per the rehabilitation management plan.	For the duration of rehabilitation	R_010_Natural Area_Vivente 2018 works dates R_011_Natural Area_2018 Rehabilitation Report_13122018	Herbicide application, hand weeding and mechanical (brush cutting) weed control is undertaken at the Vivente site in accordance with the rehabilitation management plan (R_010; R_011)	Conformant (Complete)
<i>Completion criteria – POS revegetation areas</i>					
POS CC 3	Revegetate 0.3 ha of degraded land within POS areas.	For the duration of rehabilitation	R_011_Natural Area_2018 Rehabilitation Report_13122018	Revegetation is being undertaken in the bare areas of the Vivente Estate site, which cover 0.3 ha. Installation of 2,290 tubestock was undertaken in 2016 and installation of 630 tubestock occurred in winter 2017. No further planting was undertaken during the audit period (R_011)	Conformant (Complete)
POS CC 4	Enhance the vegetation condition of degraded areas of POS (via direct seeding and/ or planting seedlings) by increasing the species richness of native flora to at least 12 species within two years of establishment.	For the duration of rehabilitation	R_011_Natural Area_2018 Rehabilitation Report_13122018	25 species were installed in the Vivente Estate POS areas in 2016 and 2017. Based on the 2018 Natural Area rehabilitation report, total native species diversity was 47 species as a result of planting works and natural recruitment on the site (R_011)	Conformant (Complete)
POS CC 5	At least 50% of tree and shrub species planted within revegetation areas are to be primary foraging plants for black cockatoo species.	For the duration of rehabilitation	R_011_Natural Area_2018 Rehabilitation Report_13122018	1,160 of the plants installed in 2016 and 342 of the plants installed in 2017 were primary foraging plants for black cockatoo species, representing 51.4% of the total plants installed (R_011).	Conformant (Complete)
POS CC 6	Revegetation to be undertaken with local provenance species approved to at least 5000 stems/ha to achieve a minimal survival rate of 70 – 80% over two years.	For the duration of rehabilitation	R_011_Natural Area_2018 Rehabilitation Report_13122018	Installation of 8,000 stems per ha was the minimum requirement of the RMP, with the expectation that the remaining 8,000 stems per ha would be recruited from the onsite seed bank Over 2016 and 2017, 2,920 plants have been installed at a density of 9,733 stems/ha over the 0.3 ha revegetation areas. As of 2018 monitoring, average stem density was 20.6/m <sup>2</sup> (206,000 stems/ha) (R_011).	Conformant (Complete)
POS CC 7	No introduction of new weed species and existing species are not spread (i.e., total weed cover is no more than 10% of baseline weed cover).	For the duration of rehabilitation	R_011_Natural Area_2018 Rehabilitation Report_13122018	No new weed species were recorded during the 2018 monitoring event, and weed coverage was 2.8%, below the cover target (R_011).	Conformant (Complete)
<i>Off-site - site preparation and survey</i>					
RMP 17	Undertake dieback mapping at the rehabilitation site.	To commence following identification of the off-site rehabilitation location.	R_003_Strategen_ACR July 2018_27072018	This item was assessed to be Completed in the previous ACR.	Conformant (Complete)
RMP 18	Undertake weed mapping of the rehabilitation site.	To commence following identification of the off-site rehabilitation location.	R_003_Strategen_ACR July 2018_27072018	This item was assessed to be Completed in the previous ACR.	Conformant (Complete)
RMP 19	Undertake weed control (as described in section 4.1) at off-site rehabilitation area as required for at least one year prior to commencing rehabilitation activities.	To commence following identification of the off-site rehabilitation location.	R_003_Strategen_ACR July 2018_27072018	This item was assessed to be Completed in the previous ACR.	Conformant (Complete)
RMP 20	Determine the quantity of Carnaby's Cockatoo and Forest Red-tailed Black Cockatoo foraging species based on specific site requirements (following selection of the off-site area) required for rehabilitation site. Engage contractors to undertake the necessary seed collection from areas at the Hammond Park residential development site designated for clearing.	Prior to clearing of proposal site.	R_003_Strategen_ACR July 2018_27072018	This item was assessed to be Completed in the previous ACR.	Conformant (Complete)
RMP 21	Install fencing and signage around rehabilitation areas to restrict unauthorised access and fauna entry for the duration of the rehabilitation program.	Prior to commencement of rehabilitation.	R_003_Strategen_ACR July 2018_27072018	This item was assessed to be Completed in the previous ACR.	Conformant (Complete)
<i>Off-site - site work and topsoil transfer</i>					
RMP 22	Undertake topsoil harvesting of the top 10 cm from on-site cleared areas for transfer to off-site rehabilitation area.	Immediately following on-site clearing.	R_003_Strategen_ACR July 2018_27072018	This item was assessed to be Completed in the previous ACR.	Conformant (Complete)
RMP 23	Transfer topsoil to off-site rehabilitation area and respread to a maximum depth of 10 cm.	Prior to seeding and planting.	R_003_Strategen_ACR July 2018_27072018	This item was assessed to be Completed in the previous ACR.	Conformant (Complete)

Reference	Key action	Timing	Evidence	Comments	Conformance status
<i>Off-site - rehabilitation</i>					
RMP 24	Undertake a combination of site preparation techniques (as described in section 4.3) prior to direct seeding.	Prior to direct seeding.	R_003_Strategen_ACR July 2018_27072018	This item was assessed to be Completed in the previous ACR.	Conformant (Complete)
RMP 25	Undertake direct seeding and infill planting as described section 4.4.	After the completion of one year of weed control (unless scalping used to control weeds, refer to section 4.1).	C_006_Natural Area_Bibra Lake - Direct seeding advice_11122018 R_011_Natural Area_2018 Rehabilitation Report_13122018	Direct seeding of approximately 200g of seed was undertaken on 12 December 2018 at the Bibra lake offset site (C_006; R_11).	Conformant
RMP 26	Undertake ongoing maintenance weed control (as described in section 4.1) through manual removal / spraying of herbicide and continue weed control measures.	During winter and spring, for up to two years post-planting or until completion criteria are met.	C_007_Natural Area_Bibra Lake - Geraldton Wax_28112018 R_010_Natural Area_Vivente 2018 Work Dates R_011_Natural Area_2018 Rehabilitation Report_13122018	Removal of the Geraldton Wax weed species was undertaken in November 2018 at the Bibra Lake Offset site prior to direct seeding (C_007). Herbicide application, hand weeding and mechanical (brush cutting) weed control was undertaken at the Bibra Lake offset site during the audit period (R_010; R_011)	Conformant
<i>Off-site - hygiene measures</i>					
RMP 27	Induct all personnel in relation to weed and dieback risk, potential impacts and management.	Prior to personnel commencing work on-site.	R_013_Natural Area_Induction Acknowledgement_19072019	The Natural Area induction acknowledgement sheet was supplied as evidence that personnel have been inducted prior to conducting works at the Bibra Lake offset site (R_013). Personnel signed that they acknowledged the following items from the rehabilitation management plan: <ul style="list-style-type: none"> <li>• fauna management strategies</li> <li>• hygiene management strategies</li> <li>• demarcation and areas of no entry</li> <li>• waste management.</li> </ul>	Conformant
RMP 28	Ensure vehicles used in clearing and removing topsoil, excavation or transport are clean and free from soil or plant material prior to arriving on site. Cleaning should be conducted off site on bitumen areas surrounding the project area. In dry weather, this will be achieved by brush down. Washdown with water and an appropriate reagent will be required during wet weather.	During clearing, topsoil transfer and rehabilitation.	R_014_Natural Area_Chemical Weed Control SOP_27022019 R_015_Natural Area_Revegetation and Planting SOP_07122018 R_016_Natural Area_JSA Bibra Lake_14062016	Dieback protocols are included within the Natural Area revegetation and planting and chemical weed safe operating procedures (R_014; R_015). The Job Safety Analysis (JSA), for Bibra Lake maintenance also details the requirement to implement dieback protocols on site (R_016).	Conformant
RMP 29	Ensure all plants; seeds and other material used in rehabilitation are free of dieback and weeds.	During rehabilitation.	R_011_Natural Area_2018 Rehabilitation Report_13122018 C_006_Natural Area_Bibra Lake - Direct seeding advice_11122018 C_007_Natural Area_Bibra Lake - Geraldton Wax_28112018 R_021_Natural Area_CMS NIASA Certification_2018	Direct seeding was undertaken at the Bibra Lake offset site in December 2018. Correspondence between Natural Area and Richard Noble (C_006; C_007) indicates that seeds were sourced from the Natural Area nursery which is an accredited nursery under the Nursery Industry Accreditation Scheme, Australia (NIASA) (R_021) and dieback/weed free. The auditors recommend that plant delivery notes for any rehabilitation materials sourced are included within the rehabilitation report provided by Natural Area, as per previous rehabilitation reports.	Conformant
RMP 30	Ensure vehicles, machinery, equipment and footwear are free of mud and soil when entering rehabilitation area.	During rehabilitation.	R_014_Natural Area_Chemical Weed Control SOP_27022019 R_015_Natural Area_Revegetation and Planting SOP_07122018 R_016_Natural Area_JSA Bibra Lake_14062016	Dieback protocols are included within the Natural Area revegetation and planting and chemical weed safe operating procedures (R_014; R_015). The Job Safety Analysis (JSA), for Bibra Lake maintenance also details the requirement to implement dieback protocols on site (R_016).	Conformant