

2020 Compliance Report for EPBC Approval 2017/8041

Lot 105 Stock Road, Lakelands

Project No: EP16-060(26)

**Prepared for Lot 105 Lakelands Pty Ltd
March 2021**



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	Issued to client.				

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Executive Summary

This annual compliance report (ACR) has been prepared on behalf of Lot 105 Lakelands Pty Ltd (the Proponent), to satisfy the requirements of condition 18 of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2017/8041. The approved action is the residential development of part of Lot 105 Stock Road, Lakelands, which commenced on 9 December 2019.

The objectives of this ACR are to detail the actions undertaken within the development from 9 December 2019 to 8 December 2020 (herein referred to as the 'reporting period') and assess compliance with conditions of the approval within the reporting period.

Works completed during the reporting period associated with the action have generally been limited to the earthworks, subdivision and development activities in the south-eastern portion of Lot 105 Stock Road, aligning with the first stage of the residential estate. This includes an area of approximately 7.5 ha which has been subdivided into 100 residential lots and an associated local road network.

Compliance has been achieved against the conditions during the reporting period, primarily associated with the following activities:

- Commencement of the action occurring within two years of the approval date.
- Completion of pre-clearing black cockatoo hollow inspections.
- Undertaking clearing in accordance with the areas specified in the conditions.
- Installation and monitoring of 18 artificial nesting hollows.
- Preparation and submission of an Offset Strategy.
- Commencement of revegetation works.

In preparing this ACR, one non-compliance has been identified in relation to the timing of artificial nesting hollow inspections (Condition 5d). A three and a half week separation between inspections occurred, instead of the required four week separation. The Proponent has notified the Department of this non-compliance (in accordance with Condition 19).

A range of approval conditions were determined to be 'not applicable' during the reporting period, given their pre-requisite requirements had not been triggered.

The action will continue to be implemented over the coming years, in accordance with the approval conditions.

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List of Abbreviations

Table A1: Abbreviations – General terms

General terms	
ACR	Annual compliance report
MNES	Matters of national environmental significance

Table A2: Abbreviations – Units of measurement

Units of measurement	
cm	Centimetre
km	Kilometre
ha	Hectare
m	Metre
mm	Millimetre

Table A3: Abbreviations – Organisations

Organisations	
DAWE	Department of Agriculture, Water and the Environment
DBCA	Department of Biodiversity, Conservation and Attractions
CoM	City of Mandurah

Table A4: Abbreviations – Planning terms

Planning terms	
PRS	Peel Region Scheme
TPS	Town planning scheme

Table A5: Abbreviations – Legislation

Legislation	
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>

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1 Declaration of Accuracy

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

Signed:

A handwritten signature in black ink, appearing to read 'THOMAS KEOGH', is written over a horizontal line.

Full name (Please print):

THOMAS KEOGH

Position (please print):

Director

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

LOT 105 PTY LTD

Date:

10-3-21

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2 Introduction

2.1 Purpose

This annual compliance report (ACR) has been prepared on behalf of Lot 105 Lakelands Pty Ltd (the Proponent), to satisfy the requirements of condition 18 of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2017/8041 (EPBC 2017/8041). Condition 18 requires the proponent to publish an ACR addressing compliance with each condition of EPBC 2017/8041, and states:

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.*

2.2 Scope

The action commenced on 9 December 2019. The reporting period reflects the annual anniversary of the commencement of the action. This ACR is to be submitted to the Department within 60 business days after the commencement date of the action. On this basis, the reporting period covers the period of 9 December to 8 December each year and each ACR should be available on the proponent's website by 10 March annually (60 business days after 9 December).

The objectives of this ACR are to detail the actions undertaken within the development from 9 December 2019 to 8 December 2020 (herein referred to as the 'reporting period') and assess compliance with conditions of the approval within the reporting period.

The details of compliance with each condition under EPBC 2017/8041 are presented in **Table 2**.

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3 Project status

The project involves the residential development of part of Lot 105 Stock Road, Lakelands, Western Australia. The approved *Lakelands North-East Local Structure Plan* is guiding implementation of development, and provides for:

- Residential development of the eastern portion of Lot 105, including:
 - Residential lots
 - Public open space reserves
 - The arterial road network
 - A primary school.
- Reservation of the majority of Lot 105 (western and central areas associated with Paganoni Swamp) for 'regional open space', which will be ceded to the Department of Biodiversity, Conservation and Attractions (DBCA) for long-term management for conservation purposes.
- Provision of a wetland buffer between the future reserve (Paganoni Swamp) and the approved areas of residential development.

The approved action associated with EPBC 2017/8041 is to clear vegetation and develop part of Lot 105 for residential purposes. The spatial extent of the action is shown in **Figure 1** and comprises the vegetated areas in the east of Lot 105 which are zoned for development.

Works completed between 9 December 2019 and 8 December 2020 have generally been limited to the earthworks, subdivision and development works in the south-eastern portion of Lot 105, aligning with the first stage of the residential estate. This includes an area of approximately 7.5 ha which has been subdivided into 100 residential lots and an associated local road network.

The extent of clearing during the reporting period is discussed further in **Table 2** in relation to compliance with Condition 1.

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4 Compliance Assessment

4.1 Terminology used

The terminology applied in the compliance assessment is consistent with the designations outlined in the *Annual Compliance Report Guidelines* (DoEE 2014), as outlined in **Table 1**.

Table 1: Compliance terminology

Compliance status term	Abbreviation	Description
Compliant	C	Where all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
Non-compliant	NC	Where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
Not Applicable	NA	Where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example a condition which applies to an activity that has not yet commenced.

4.2 Compliance table

Table 2 provides an assessment of compliance against each of the approval conditions for the period between 9 December 2019 and 8 December 2020.

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Table 2: List of approval conditions and current compliance status for EPBC 2017/8041

No.	Condition wording	Compliance	Evidence/comments
1	The approval holder must not clear more than 10.9 hectares of black cockatoo habitat, must not clear more than 158 potential breeding trees, and must not clear more than six suitable nesting hollows within the project area.	C	<p>As shown in Figure 1:</p> <ul style="list-style-type: none"> 2.8 ha of black cockatoo habitat was cleared during the reporting period. 2.8 ha of black cockatoo habitat has been cleared in total since commencement of the action. 31 potential breeding trees were cleared during the reporting period. 31 potential breeding trees have been cleared in total since commencement of the action. One suitable nesting hollow was cleared during the reporting period. One suitable nesting hollow has been cleared in total since commencement of the action.
2	<p>To contribute to offsetting the loss of 10.9 hectares of black cockatoo habitat and 158 potential breeding trees, the approval holder must:</p> <ol style="list-style-type: none"> undertake revegetation works within revegetation area 1 and revegetation area 2 to establish a self-sustaining native vegetation cover that is integrated with the adjacent ecosystem, provides black cockatoo habitat, and meets the revegetation completion criteria ensure that the revegetation effort is sufficient to meet the revegetation completion criteria commence revegetation required under Condition 2.a. within 12 months of commencement of the action provide the Department with written and geo-referenced photographic evidence of the commencement of the revegetation works within five business days of their commencement not cease revegetation works until the Department has accepted as sufficient, in writing, documentary evidence endorsed by a suitably qualified horticulturist, that the revegetation works meet the revegetation completion criteria after receiving written acceptance of the documentary evidence by the Department, ensure all areas of revegetation are inspected by a suitably qualified horticulturist at least once every two years, during spring, for a further 10 years to verify that the revegetation completion criteria are still being met, and provide the Department with a report of each inspection detailing how the revegetation is progressing against the revegetation completion criteria within 25 business days after the inspection re-establish the revegetation completion criteria within revegetated areas within three months of becoming aware that any area of revegetation no longer meets the revegetation completion criteria. 	C	<p>The Proponent commenced revegetation works within revegetation area 1 and area 2 on 17 July 2020. Emerge Associates, on behalf of the Proponent, provided geo-referenced photographic evidence of the commencement of revegetation to the Department on 24 July 2020, five business days after revegetation commenced.</p> <p>Emerge Associates (2020), on behalf of the Proponent, has prepared a Revegetation Management Plan (RMP) to guide the implementation of revegetation works required under Condition 2. The RMP objectives align with the revegetation completion criteria specified in the approval, to ensure the revegetation approach and effort is sufficient to meet these criteria.</p> <p>The Proponent will continue to implement revegetation works into the future until the completion criteria are met (a minimum of 5 years).</p> <p>Conditions 2f and 2g are not applicable for this reporting period, as they are yet to be triggered.</p>

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No.	Condition wording	Compliance	Evidence/comments
3	<p>To contribute to offsetting the losses of 10.9 hectares of black cockatoo habitat and 158 potential breeding trees, the approval holder must, within six months from commencement of the action, submit an Offset Strategy for the Minister's written approval. The Offset Strategy must be consistent with the EPBC Act Environmental Offsets Policy, and must:</p> <ol style="list-style-type: none"> include the details of, and justification for, one or more proposed offset area(s) ensure that any proposed offset area(s) proposed contains the same type and the same, or better, quality of black cockatoo habitat as the project area and is located within 50 km of the project area discuss how the offset area(s) is consistent with the principles of the EPBC Act Environmental Offsets Policy detail the process, including for preparation of the Offset Area Management Plan specified in Conditions 9 and 10, to ensure the offset area(s) is legally secured with a restrictive statutory conservation covenant for its protection in perpetuity within 18 months from commencement of the action. <p>The approved Offset Strategy must be implemented. The approval holder must commence implementing the approved Offset Strategy and legally secure the offset area(s) with a restrictive statutory conservation covenant for its protection in perpetuity within 18 months from commencement of the action.</p>	C	<p>Emerge Associates, on behalf of the Proponent, submitted an Offset Strategy to the Department via email on 9 June 2020. The Offset Strategy was prepared to include the specific information required under conditions 3a-3d.</p> <p>The Department provided comments on the Offset Strategy and the document is being updated to address these comments. Once approved by the Minister, the Offset Strategy will be implemented.</p>
4	<p>To mitigate potential direct impacts to nesting black cockatoos, the approval holder must investigate all suitable nesting hollows in the project area within seven days prior to clearing them. The investigation must be undertaken by a suitably qualified ecologist. If any black cockatoo is detected utilising any hollow in any tree, the approval holder must:</p> <ol style="list-style-type: none"> clearly identify, mark and record the location of the tree being used only clear the identified nesting tree and vegetation within a 10 metre radius of the tree if a suitably qualified ecologist has verified that the hollow in the tree is no longer being used by black cockatoos. 	C	<p>As outlined above in relation to Condition 1, one suitable nesting hollow was cleared during the reporting period (Figure 1). This was inspected by a qualified consulting zoologist from Whistling Reds Pty Ltd, who completed a pre-clearing hollow inspection (as well as other fauna spotting activities) between 9 December 2019 and 13 December 2019. No black cockatoos were detected utilising the hollow and it was cleared within seven days after the hollow inspection was completed. Given no other suitable nesting hollows were cleared during the reporting period, these were not inspected.</p> <p>Conditions 4a and 4b were not applicable in this instance, given no black cockatoos were detected utilising the hollow.</p>

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No.	Condition wording	Compliance	Evidence/comments
5	<p>To mitigate and offset the loss of six suitable nesting hollows within the project area, the approval holder must install, within the Paganoni Swamp reserve, revegetation area 1 and/or revegetation area 2, and in accordance with artificial hollow installation guidelines, at least 18 artificial nesting hollows. To maximise the likelihood of the installed artificial nesting hollows being used by black cockatoos, the approval holder must:</p> <ol style="list-style-type: none"> install at least 18 artificial nesting hollows prior to the beginning of the next breeding season following the commencement of the action undertake adaptive management of the artificial nesting hollows and, as a component of adaptive management, ensure that each installed artificial nesting hollow is: <ol style="list-style-type: none"> monitored and maintained in accordance with the artificial hollow maintenance guidelines for the life of the approval, with maintenance actions undertaken outside of the breeding season not installed in a manner that requires additional clearing of black cockatoo habitat or within 10 metres of the edge of any road seals or buildings, so as to reduce the risk of vehicle strike and human disturbance. prior to clearing the trees containing suitable nesting hollows, have a suitably qualified ecologist undertake an inspection of all suitable nesting hollows during the peak breeding season immediately preceding clearing, to confirm whether there is any evidence of use by black cockatoos. If a suitably qualified ecologist certifies in writing that no evidence of use is observed, then compliance with Conditions 5.d., 5.e. and 6 is not required ensure that each installed artificial nesting hollow is inspected at least twice each year, and at least four weeks apart, by a suitably qualified ecologist during the peak breeding season for nine years commencing within one year of their installation, to record any evidence of use by black cockatoos and to identify any maintenance requirements not cease adaptive management of artificial nesting hollows until at least one artificial nesting hollow¹ for each suitable nesting hollow identified with evidence of use under Condition 5.c. has shown evidence of use by black cockatoos for three consecutive years, as verified in writing by a suitably qualified ecologist. <p>¹ The artificial nesting hollow in use for three consecutive years need not be the same artificial nest hollow each year.</p>	C (except for 5d - NC)	<p><u>Artificial hollow installation</u> (Conditions 5, 5a, 5b)</p> <ul style="list-style-type: none"> Landcare SJ Inc., on behalf of the Proponent, installed 18 artificial nesting hollows within revegetation area 1 and revegetation area 2 (Figure 1). The artificial hollows were installed on 9 and 10 June 2020, prior to 1 July 2020 (which was the beginning of the next black cockatoo breeding season after commencement). The installation did not require any additional clearing to be completed, nor were any artificial hollows installed within 10 m of any roads or buildings. No maintenance of the artificial hollows was determined to be required during the reporting period, based on the parameters identified in the maintenance guidelines. <p><u>Natural hollow inspection</u> (Condition 5c)</p> <ul style="list-style-type: none"> One tree with a suitable nesting hollow was cleared during the reporting period, which was inspected between 9 and 13 December 2019, during the peak breeding season, immediately prior to its clearing. No evidence of use was observed within this hollow. The remaining suitable nesting hollows were not scheduled to be cleared prior to the next peak breeding season and thus were not inspected in December 2019. The majority of these remaining suitable nesting hollows were inspected on 23 December 2020 (outside of this reporting period). <p><u>Artificial hollow monitoring</u> (Conditions 5d, 5e)</p> <ul style="list-style-type: none"> All artificial hollows were inspected once during the reporting period, on 30 November 2020. This is within the peak breeding period. An additional two inspections of all artificial hollows were completed after the reporting period; on 23 December 2020 (within the peak breeding season) and on 13 January 2021 (within the breeding season and immediately following the peak breeding season). In preparing this ACR, it has been determined that the two inspections completed during the 2020 peak breeding season were undertaken approximately three and a half weeks apart, which is less than the four week separation required under Condition 5d. This is a non-compliance with Condition 5d. There has been no adverse impact as a result of this non-compliance. This has been demonstrated through the results of a subsequent artificial hollow inspection completed immediately following the peak breeding season. This meant that over a six week period, three separate inspections were completed. Any nesting activity during this period would have been observed. As such, no action is considered necessary to correct the non-compliance. The non-compliance is likely the result of a scheduling error for the artificial hollow inspections, resulting from the Christmas holiday shutdown. This will be avoided in

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No.	Condition wording	Compliance	Evidence/comments
			<p>future years by ensuring inspections are scheduled well in advance of the Christmas shutdown.</p> <ul style="list-style-type: none"> The Proponent became aware of the non-compliance on 10 March 2021 as a result of this ACR. The Proponent notified the Department by email on 10 March 2021.
6	<p>If, after nine years from commencement of the action, the approval holder is unable to provide the verification by a suitably qualified ecologist required under Condition 5.e., the approval holder must, within ten years after commencement of the action:</p> <ol style="list-style-type: none"> submit to the Minister, for written approval, the details of an offset that meets the requirements of the EPBC Environmental Offsets Policy and will compensate for the permanent loss of the number of suitable nesting hollows identified with evidence of use under Condition 5.c. submit to the Department a report assessing, in detail, the factors that caused the failure to achieve black cockatoo nesting in at least one artificial nesting hollow" for each suitable nesting hollow with evidence of use for three consecutive years. 	NA	Nine years has not passed since the commencement of the action. As such, this condition has not been triggered and was therefore not applicable during the reporting period.
7	In the event that an approved management authority agrees to take over implementation of Conditions 2, 5 and/or 6 prior to the completion of the timeframes stipulated in these conditions, the approval holder's responsibilities in relation to Conditions 2, 5 and/or 6 may cease. Prior to ceasing responsibility for Conditions 2, 5 and/or 6, the approval holder must provide the Department with written agreement from the approved management authority stating that the approved management authority will comply with Conditions 2, 5 and/or 6 or manage the relevant matters as otherwise agreed by the Department.	NA	No agreement has been reached with an approved management authority to take over implementation of Condition 2, 5 and/or 6. As such, the requirements of this condition are not currently applicable.
8	All data, enquiries and findings of the monitoring required by Condition 4 must be provided to the Department and the Western Australian Department of Biodiversity, Conservation and Attractions to contribute to broader research into the use of artificial nesting hollows by black cockatoos. This must occur within one year of the verification by a suitably qualified ecologist required under Condition 5.e. being achieved, or within 25 business days after submitting the report required under Condition 6.b.	NA	This requirement will be triggered once Condition 5e or 6b are satisfied, which did not occur during the reporting period. As such, this requirement was not applicable during the reporting period.

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No.	Condition wording	Compliance	Evidence/comments
9	The approval holder must submit an Offset Area Management Plan (OAMP) for each offset area proposed in the approved Offset Strategy. A suitably qualified person must verify in writing to the Department that the OAMP meets the requirements of Condition 10. The verified OAMP must be published on the approval holder's website until the offset area(s) have been ceded to an approved management authority. The verified OAMP must be implemented within 18 months from commencement of the action.	NA	The Offset Strategy has not yet been approved by the Minister. As such, no Offset Area Management Plan/s were prepared and submitted during the reporting period. Given the above, this condition is not currently applicable.
10	The OAMP must be consistent with the Department's Environmental Management Plan Guidelines, and must include: <ul style="list-style-type: none"> a. the OAMP environmental objectives, relevant EPBC Act protected matters and a reference to EPBC Act approval conditions and commitments in the approved Offset Strategy to which the OAMP refers b. a table of commitments made in the OAMP to achieve the objectives, and a reference to where the commitments are detailed in the OAMP c. reporting and review mechanisms, and documentation standards to demonstrate compliance with the OAMP d. an assessment of risks to achieving the OAMP environmental objectives and risk management strategies that will be applied e. a monitoring program, which must include: <ul style="list-style-type: none"> iii. measurable performance indicators iv. trigger values for corrective actions v. the timing and frequency of monitoring to detect changes in the performance indicators vi. proposed corrective actions, if trigger values are reached f. Provide any links to other plans or conditions of approval (including State approval conditions). 	NA	As outlined above, no Offset Area Management Plan/s were prepared and submitted during the reporting period. As such, this condition is not currently applicable.
11	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.	C	Emerge Associates, on behalf of the Proponent, notified the Department in writing on 18 December 2019 that the action commenced on the 9 December 2019. The Department was notified 7 business days after commencement of action, in accordance with the requirements of condition 11.
12	If the commencement of the action does not occur within two years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	C	Commencement of action occurred on 9 December 2019, within two years of the date of the approval (3 December 2019).

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No.	Condition wording	Compliance	Evidence/comments
13	The approval holder must maintain accurate and complete compliance records.	C	The approval holder maintains accurate and complete compliance records as required by this condition.
14	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.	NA	The Department has not made any such requests under this condition to date. As such, this condition is currently not applicable.
15	The approval holder must: <ul style="list-style-type: none"> a. submit plans electronically to the Department; b. publish each plan on the website within 20 business days of the date the plan is approved by the Minister or the Department, unless otherwise agreed to in writing by the Minister; c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and d. keep plans published on the website until the end date of this approval. 	C	The Offset Strategy was submitted to the Department electronically by email. The Offset Strategy has not yet been approved by the Minister and as such has not been published on the approval holder's website. This will occur following approval of the strategy. No other plans have been submitted to the Department to date.
16	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under conditions of this approval, is prepared in accordance with the Department's <i>Guidelines for biological survey and mapped data</i> (2018) and submitted electronically to the Department within six months of the monitoring taking place.	C	<p>Monitoring data required under this approval is limited to the monitoring data required under condition 5 in relation to installed artificial hollows. No other monitoring data, surveys, maps or other spatial and metadata is required under the approval.</p> <p>The artificial hollows installed within the site were monitored (inspected) during the reporting period on 30 November 2020. This monitoring data is therefore required to be provided to the Department by 30 June 2021. Additional inspections of the artificial hollows were completed outside of the reporting period, on 23 December 200 and 13 January 2021.</p> <p>This data was not submitted to the Department during the reporting period, but will be submitted during the next reporting period, within the required 6 month timeframe.</p>
17	The approval holder may apply to the Minister for a variation to the management plan approved by the Minister under Condition 9 or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves the revised management plan (RMP) then, from the date specified, the approval holder must implement the RMP in place of the previous management plan.	NA	No management plans have been approved by the Minister under Condition 9. As such, this condition is not currently applicable.

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No.	Condition wording	Compliance	Evidence/comments
18	<p>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:</p> <ol style="list-style-type: none"> publish each compliance report on the website within 60 business days following the relevant 12 month period; 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; keep all compliance reports publicly available on the website until this approval expires; exclude or redact sensitive ecological data from compliance reports published on the website; and 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. 	NA	<p>This ACR is the first to be prepared for EPBC 2017/8041. As such, no annual compliance reports were prepared during the reporting period and as such this condition is not applicable in this instance.</p> <p>This ACR will be published in accordance with the requirements of Condition 18.</p>
19	<p>The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <ol style="list-style-type: none"> any condition which is or may be in breach; a short description of the incident and/or non-compliance; and the location (including co-ordinates), date, and time of the incident and/or non-compliance 	NA	<p>During the reporting period, the proponent did not become aware of any incidents, non-compliance with the conditions or non-compliance with the commitments made in plans.</p>
20	<p>The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <ol style="list-style-type: none"> any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; the potential impacts of the incident or non-compliance; and the method and timing of any remedial action that will be undertaken by the approval holder. 	NA	<p>No approved plans were applicable to the project during the reporting period.</p>

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No.	Condition wording	Compliance	Evidence/comments
21	The approval holder must ensure that independent audits of compliance with the conditions are conducted when requested in writing by the Minister.	NA	No requests for an independent audit have been made by the Minister to date.
22	For each independent audit, the approval holder must: <ul style="list-style-type: none"> a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and c. submit an audit report to the Department within the timeframe specified in the approved audit criteria. 	NA	No requests for an independent audit have been made by the Minister to date.
23	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.	NA	Given no audits have been requested to date, no audit reports currently exist.
24	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	NA	At the end of the reporting period, the action was still ongoing and was yet to be completed. It is anticipated that the action will not be completed for a number of years.

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5 Conclusion

Compliance has been achieved against the conditions during the reporting period, primarily associated with the following activities:

- Commencement of the action occurring within two years of the approval date.
- Completion of pre-clearing black cockatoo hollow inspections.
- Undertaking clearing in accordance with the areas specified in the conditions.
- Installation and monitoring of 18 artificial nesting hollows.
- Preparation and submission of an Offset Strategy.
- Commencement of revegetation works.

In preparing this ACR, one non-compliance has been identified in relation to the timing of artificial nesting hollow inspections (Condition 5d). A three and a half week separation between inspections occurred, instead of the required four week separation. The Proponent has notified the Department of this non-compliance (in accordance with Condition 19).

A range of approval conditions were determined to be 'not applicable' during the reporting period, given their pre-requisite requirements had not been triggered.

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Figures



Figure 1: 2020 Clearing Extent – Black Cockatoo Habitat

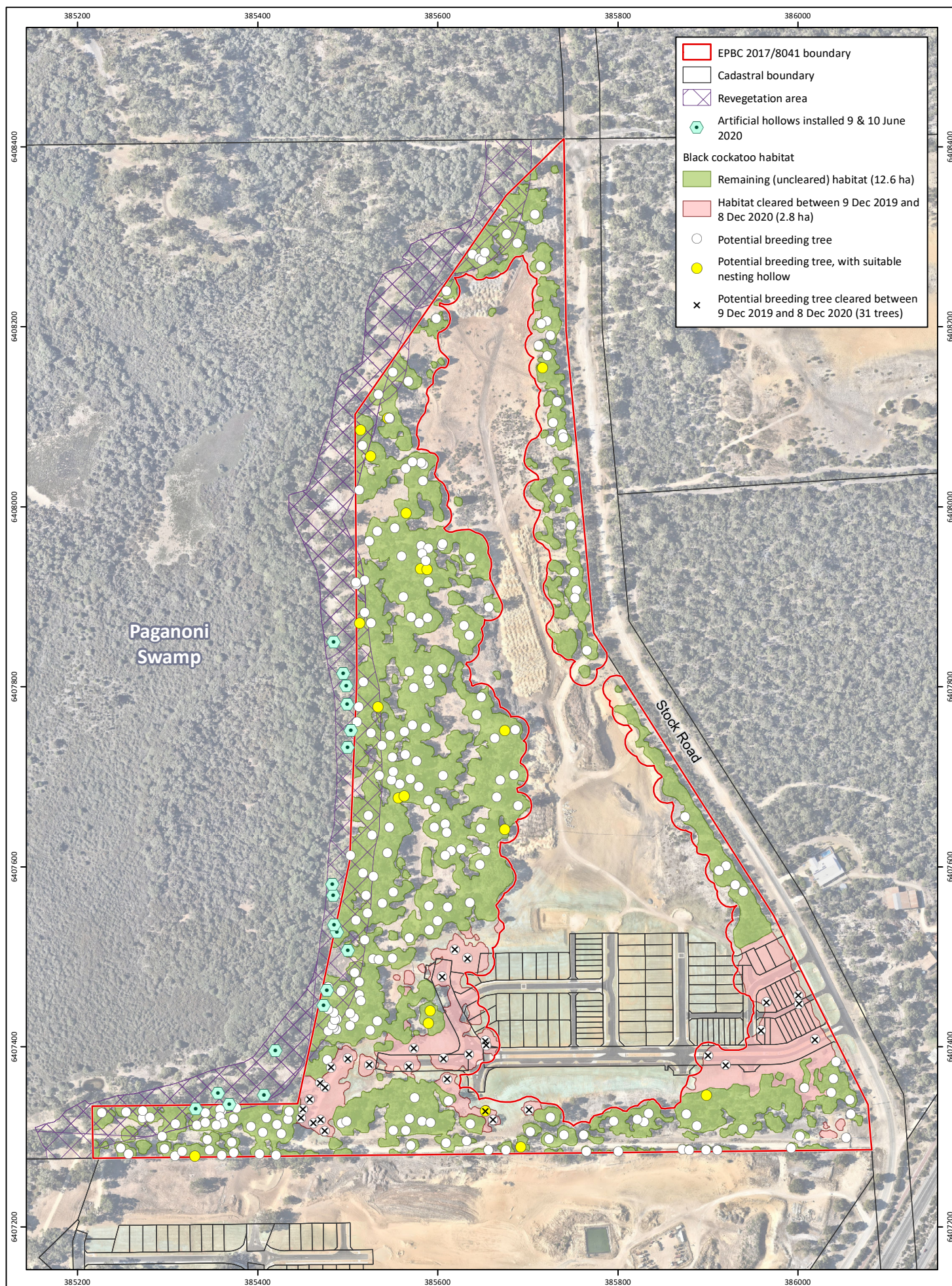


Figure 1: 2020 Clearing Extent - Black Cockatoo Habitat

Project: 2020 Compliance Report for EPBC Approval 2017/8041
 Lot 105 Stock Road, Lakelands

Client: Lot 105 Lakelands Pty Ltd

Plan Number: EP16-060(26)--F127
Drawn: AFF
Date: 3/03/2021
Checked: ADB
Approved: ALB
Date: 10/03/2021



0 50 100 150
 Metres
 Scale: 1:5,500@A4
 GDA 1994 MGA Zone 50

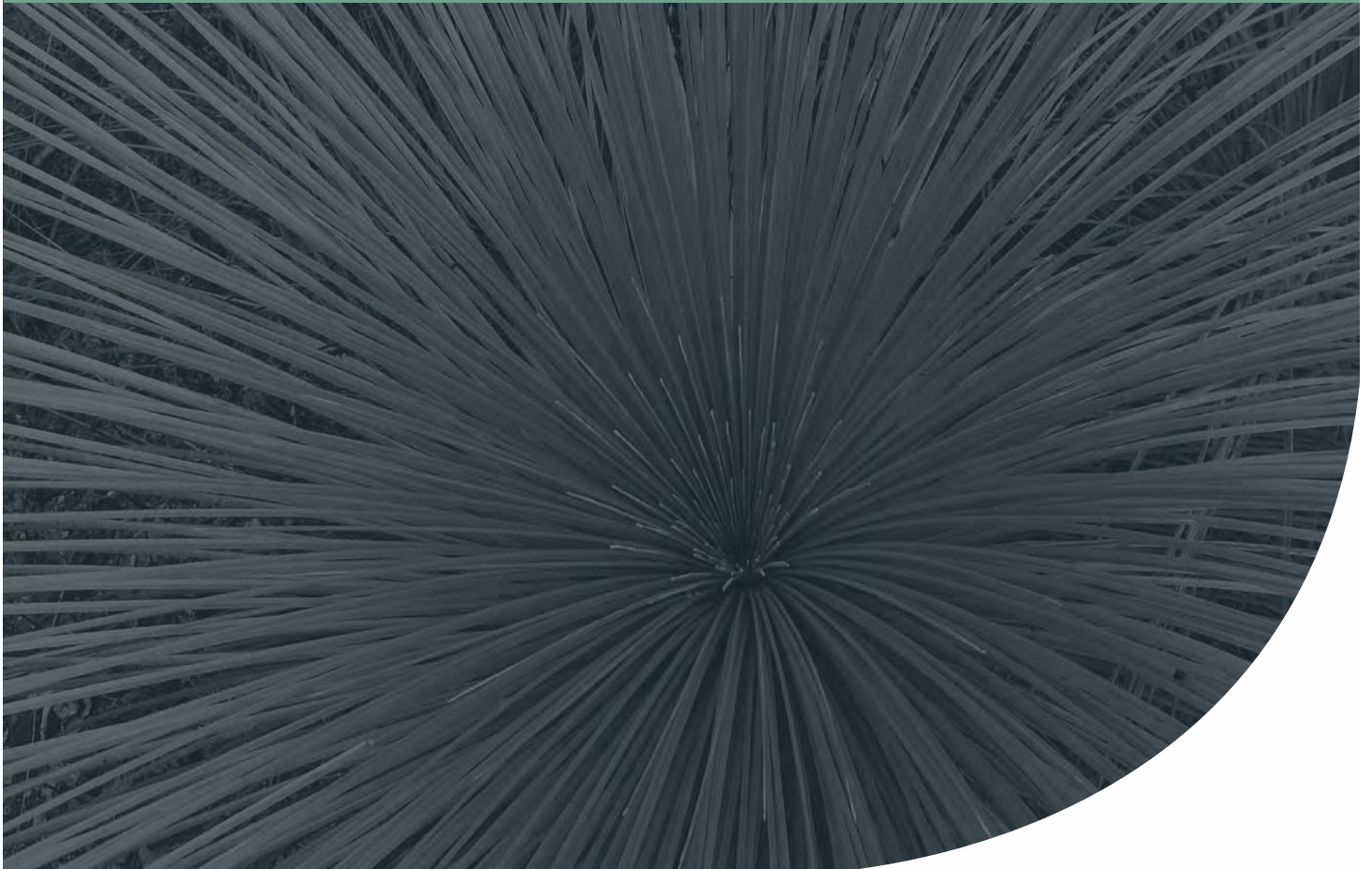
emerge
 ASSOCIATES

2021 Compliance Report for EPBC Approval 2017/8041

Lot 105 Stock Road, Lakelands

Project No: EP16-060(27)

**Prepared for Lot 105 Lakelands Pty Ltd
March 2022**



2021 Compliance Report for EPBC Approval 2017/8041

Lot 105 Stock Road, Lakelands



Document Control

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2021 Compliance Report for EPBC Approval 2017/8041

Lot 105 Stock Road, Lakelands



Executive Summary

This annual compliance report (ACR) has been prepared on behalf of Lot 105 Lakelands Pty Ltd (the Proponent), to satisfy the requirements of condition 18 of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2017/8041. The approved action is the residential development of part of Lot 105 Stock Road, Lakelands, which commenced on 9 December 2019.

The objectives of this ACR are to detail the actions undertaken within the development from 9 December 2020 to 8 December 2021 (herein referred to as the 'reporting period') and assess compliance with conditions of the approval within the reporting period.

Works completed during the reporting period associated with the action have generally been limited to the earthworks, subdivision and development activities in the southern portion of Lot 105 Stock Road, aligning with the initial stages of the residential estate.

During the reporting period, non-compliance with Condition 3 & 9 occurred. The non-compliance related to not implementing an approved offset (and associated management plan) within the timeframes outlined in the condition wording. The non-compliance was reported to the Department in June 2021. The Proponent has since submitted the details of the proposed offset site required under Condition 3 to the Department to confirm its acceptability, pending which a conservation covenant over the proposed offset site will be executed. In addition, a concurrent request has been submitted to the Department to amend the wording of condition 3 and 9 to modify the timeframes specified such that the offset can be executed to be compliant with the approval conditions. These two processes are currently being progressed by the Proponent in consultation with the Department's Post Approvals Team and are ongoing, with the intent of resolving the identified non-compliance.

A range of approval conditions were determined to be 'not applicable' during the reporting period, given their pre-requisite requirements had not been triggered. This includes Conditions 6, 7, 8, 10, 14, 17, 21, 22, 23, 24.

Compliance has been achieved against the remaining conditions during the reporting period, primarily associated with the following activities:

- Undertaking clearing in accordance with the areas specified in the conditions.
- Implementation of revegetation works.
- Monitoring of 18 artificial nesting hollows.

During the next reporting period, the key actions and items that are likely to occur include:

- Ongoing clearing within the approval area, in accordance with the approved clearing limits.
- Ongoing monitoring of artificial and natural nesting hollows, as required.
- Ongoing implementation of revegetation works.
- Resolution of the non-compliance with conditions 3 & 9 through implementation of the proposed offset site and the proposed condition amendment. These processes are currently being progressed in consultation with the Department.

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Figure 1: 2021 Clearing Extent – Black Cockatoo Habitat

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List of Abbreviations

Table A1: Abbreviations – General terms

General terms	
ACR	Annual compliance report
MNES	Matters of national environmental significance

Table A2: Abbreviations – Units of measurement

Units of measurement	
cm	Centimetre
km	Kilometre
ha	Hectare
m	Metre
mm	Millimetre

Table A3: Abbreviations – Organisations

Organisations	
DAWE	Department of Agriculture, Water and the Environment
DBCA	Department of Biodiversity, Conservation and Attractions
CoM	City of Mandurah

Table A4: Abbreviations – Planning terms

Planning terms	
PRS	Peel Region Scheme
TPS	Town planning scheme

Table A5: Abbreviations – Legislation

Legislation	
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>

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1 Declaration of Accuracy

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

Signed:

A handwritten signature in blue ink, appearing to read 'ABLD', written over a horizontal line.

Full name (Please print):

Adrian Bland

Position (please print):

Project Manager

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

Lot 105 Lakelands Pty Ltd (ACN 168 294 782)

Date:

10 March 2022

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2 Introduction

2.1 Purpose

This annual compliance report (ACR) has been prepared on behalf of Lot 105 Lakelands Pty Ltd (the proponent), to satisfy the requirements of condition 18 of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2017/8041 (EPBC 2017/8041). Condition 18 requires the proponent to publish an ACR addressing compliance with each condition of EPBC 2017/8041, and states:

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.*

2.2 Scope

The action commenced on 9 December 2019. The reporting period reflects the annual anniversary of the commencement of the action. This ACR is to be published to the Proponent's website within 60 business days after the anniversary of the commencement date of the action. On this basis, the reporting period covers the period of 9 December to 8 December each year and each ACR should be available on the proponent's website by 10 March annually (60 business days after 9 December).

The objectives of this ACR are to detail the actions undertaken within the development from 9 December 2020 to 8 December 2021 (herein referred to as the 'reporting period') and assess compliance with conditions of the approval within the reporting period.

The details of compliance with each condition under EPBC 2017/8041 are presented in **Table 2**.

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Lot 105 Stock Road, Lakelands



3 Project status

The project involves the residential development of part of Lot 105 Stock Road, Lakelands, Western Australia. The approved *Lakelands North-East Local Structure Plan* is guiding implementation of development, and provides for:

- Residential development of the eastern portion of Lot 105, including:
 - Residential lots
 - Public open space reserves
 - The arterial road network
 - A primary school.
- Reservation of the majority of Lot 105 (western and central areas associated with Paganoni Swamp) for 'regional open space', which will be ceded to the Department of Biodiversity, Conservation and Attractions (DBCA) for long-term management for conservation purposes.
- Provision of a wetland buffer between the future reserve (Paganoni Swamp) and the approved areas of residential development.

The approved action associated with EPBC 2017/8041 is to clear vegetation and develop part of Lot 105 for residential purposes. The spatial extent of the action is shown in **Figure 1** and comprises the vegetated areas in the east of Lot 105 which are zoned for development.

Works completed between 9 December 2020 and 8 December 2021 have generally been limited to the earthworks, subdivision and development works in the southern portion of Lot 105, aligning with the initial stages of the residential estate.

The extent of clearing during the reporting period is discussed further in **Table 2** in relation to compliance with Condition 1.

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Lot 105 Stock Road, Lakelands



4 Compliance Assessment

4.1 Terminology used

The terminology applied in the compliance assessment is consistent with the designations outlined in the *Annual Compliance Report Guidelines* (DoEE 2014), as outlined in **Table 1**.

Table 1: Compliance terminology

Compliance status term	Abbreviation	Description
Compliant	C	Where all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
Non-compliant	NC	Where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
Not Applicable	NA	Where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example a condition which applies to an activity that has not yet commenced.

4.2 Compliance table

Table 2 provides an assessment of compliance against each of the approval conditions for the period between 9 December 2020 and 8 December 2021.

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Lot 105 Stock Road, Lakelands



Table 2: List of approval conditions and current compliance status for EPBC 2017/8041

No.	Condition wording	Compliance	Evidence/comments
1	The approval holder must not clear more than 10.9 hectares of black cockatoo habitat, must not clear more than 158 potential breeding trees, and must not clear more than six suitable nesting hollows within the project area.	C	<p>As shown in Figure 1:</p> <ul style="list-style-type: none"> 1.7 ha of black cockatoo habitat was cleared during the reporting period. 4.5 ha of black cockatoo habitat has been cleared in total since commencement of the action. 39 potential breeding trees were cleared during the reporting period. 70 potential breeding trees have been cleared in total since commencement of the action. No identified suitable nesting hollows were cleared during the reporting period. One suitable nesting hollow has been cleared in total since commencement of the action.
2	<p>To contribute to offsetting the loss of 10.9 hectares of black cockatoo habitat and 158 potential breeding trees, the approval holder must:</p> <ol style="list-style-type: none"> undertake revegetation works within revegetation area 1 and revegetation area 2 to establish a self-sustaining native vegetation cover that is integrated with the adjacent ecosystem, provides black cockatoo habitat, and meets the revegetation completion criteria ensure that the revegetation effort is sufficient to meet the revegetation completion criteria commence revegetation required under Condition 2.a. within 12 months of commencement of the action provide the Department with written and geo-referenced photographic evidence of the commencement of the revegetation works within five business days of their commencement not cease revegetation works until the Department has accepted as sufficient, in writing, documentary evidence endorsed by a suitably qualified horticulturist, that the revegetation works meet the revegetation completion criteria after receiving written acceptance of the documentary evidence by the Department, ensure all areas of revegetation are inspected by a suitably qualified horticulturist at least once every two years, during spring, for a further 10 years to verify that the revegetation completion criteria are still being met, and provide the Department with a report of each inspection detailing how the revegetation is progressing against the revegetation completion criteria within 25 business days after the inspection re-establish the revegetation completion criteria within revegetated areas within three months of becoming aware that any area of revegetation no longer meets the revegetation completion criteria. 	C	<p>The Proponent commenced revegetation works within revegetation area 1 and area 2, and provided geo-referenced photographic evidence of commencement, during the previous reporting period.</p> <p>Emerge Associates (2020), on behalf of the Proponent, prepared a Revegetation Management Plan (RMP) to guide the implementation of revegetation works required under Condition 2. The RMP objectives align with the revegetation completion criteria specified in the approval, to ensure the revegetation approach and effort is sufficient to meet these criteria. The Proponent continues to implement revegetation works with the objective of meeting the completion criteria (after a minimum of 5 years).</p> <p>Revegetation works implemented during the reporting period included installation of tubestock in early winter, followed by installation of supplemental large-stock planting in late winter, as well as various instances of weed control (across four separate occasions in August, September, October and November). A joint inspection of revegetation areas was completed in August with representatives from the Proponent, Emerge, the City of Mandurah and the Department of Biodiversity, Conservation and Attractions.</p> <p>Conditions 2f and 2g are not applicable for this reporting period, as they are yet to be triggered.</p>

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No.	Condition wording	Compliance	Evidence/comments
3	<p>To contribute to offsetting the losses of 10.9 hectares of black cockatoo habitat and 158 potential breeding trees, the approval holder must, within six months from commencement of the action, submit an Offset Strategy for the Minister's written approval. The Offset Strategy must be consistent with the EPBC Act Environmental Offsets Policy, and must:</p> <ol style="list-style-type: none"> include the details of, and justification for, one or more proposed offset area(s) ensure that any proposed offset area(s) proposed contains the same type and the same, or better, quality of black cockatoo habitat as the project area and is located within 50 km of the project area discuss how the offset area(s) is consistent with the principles of the EPBC Act Environmental Offsets Policy detail the process, including for preparation of the Offset Area Management Plan specified in Conditions 9 and 10, to ensure the offset area(s) is legally secured with a restrictive statutory conservation covenant for its protection in perpetuity within 18 months from commencement of the action. <p>The approved Offset Strategy must be implemented. The approval holder must commence implementing the approved Offset Strategy and legally secure the offset area(s) with a restrictive statutory conservation covenant for its protection in perpetuity within 18 months from commencement of the action.</p>	NC	<p>Emerge Associates, on behalf of the Proponent, submitted an Offset Strategy to the Department during the last reporting period. The Offset Strategy was prepared to include the specific information required under conditions 3a-3d.</p> <p>The Proponent has been actively searching for and seeking to secure a suitable offset site since the commencement of the action and following submission of the Offset Strategy. The process to identify potential offset sites, assess their suitability, complete onsite inspections, confirm their suitability with the WA Department of Primary Industries and Regional Development (DPIRD – who administer conservation covenants) and then reach a legal agreement with the landowner to implement a conservation covenant, have collectively taken approximately 2 years. Whilst the Proponent has made all efforts to progress this and resolve the offset requirement as quickly as possible, it has taken longer than the 18-month time period specified in the wording of Condition 3, and as such this represents a non-compliance with current wording of the condition.</p> <p>Notwithstanding, the Proponent identified and secured a suitable offset site in late 2021. The Proponent has submitted the details of the proposed offset site to the Department to confirm its acceptability, pending which a conservation covenant over the proposed offset site will then be executed. In addition, a concurrent request has been submitted to the Department to amend the wording of condition 3 and 9 to modify the timeframes specified such that the offset can be executed to be compliant with the approval conditions. These two processes are currently being progressed by the Proponent in consultation with the Department's Post Approvals Team and are ongoing, with the intent of resolving the identified non-compliance.</p>
4	<p>To mitigate potential direct impacts to nesting black cockatoos, the approval holder must investigate all suitable nesting hollows in the project area within seven days prior to clearing them. The investigation must be undertaken by a suitably qualified ecologist. If any black cockatoo is detected utilising any hollow in any tree, the approval holder must:</p> <ol style="list-style-type: none"> clearly identify, mark and record the location of the tree being used only clear the identified nesting tree and vegetation within a 10 metre radius of the tree if a suitably qualified ecologist has verified that the hollow in the tree is no longer being used by black cockatoos. 	C	<p>As outlined above in relation to Condition 1, no identified suitable nesting hollows were cleared during the reporting period.</p> <p>It is noted that two trees (#575 and #628, as shown in Figure 1) cleared during the reporting period were previously identified as potentially containing suitable black cockatoo hollows during previous fauna assessments (completed by Harewood (2017) and Bamford Consulting Ecologists (2018) during the EPBC Act assessment process). These previous assessments utilised ground-based observations to assess hollows within the two trees, and as such were unable to confirm internal hollow morphology and associated suitability of the hollows for black cockatoo nesting. Both trees and hollows were inspected by Emerge using a pole-mounted camera twice (13 January 2021 and 2 February 2021) prior to being cleared. The pole-mounted camera inspections determined that none of the hollows had suitable morphology to support black cockatoo nesting, and as such the requirements of Condition 4</p>

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No.	Condition wording	Compliance	Evidence/comments
			were not applicable. Notwithstanding, the pole-camera inspections were completed within seven days prior to the clearing of each tree.
5	<p>To mitigate and offset the loss of six suitable nesting hollows within the project area, the approval holder must install, within the Paganoni Swamp reserve, revegetation area 1 and/or revegetation area 2, and in accordance with artificial hollow installation guidelines, at least 18 artificial nesting hollows. To maximise the likelihood of the installed artificial nesting hollows being used by black cockatoos, the approval holder must:</p> <ol style="list-style-type: none"> install at least 18 artificial nesting hollows prior to the beginning of the next breeding season following the commencement of the action undertake adaptive management of the artificial nesting hollows and, as a component of adaptive management, ensure that each installed artificial nesting hollow is: <ol style="list-style-type: none"> monitored and maintained in accordance with the artificial hollow maintenance guidelines for the life of the approval, with maintenance actions undertaken outside of the breeding season not installed in a manner that requires additional clearing of black cockatoo habitat or within 10 metres of the edge of any road seals or buildings, so as to reduce the risk of vehicle strike and human disturbance. prior to clearing the trees containing suitable nesting hollows, have a suitably qualified ecologist undertake an inspection of all suitable nesting hollows during the peak breeding season immediately preceding clearing, to confirm whether there is any evidence of use by black cockatoos. If a suitably qualified ecologist certifies in writing that no evidence of use is observed, then compliance with Conditions 5.d., 5.e. and 6 is not required ensure that each installed artificial nesting hollow is inspected at least twice each year, and at least four weeks apart, by a suitably qualified ecologist during the peak breeding season for nine years commencing within one year of their installation, to record any evidence of use by black cockatoos and to identify any maintenance requirements not cease adaptive management of artificial nesting hollows until at least one artificial nesting hollow¹ for each suitable nesting hollow identified with evidence of use under Condition 5.c. has shown evidence of use by black cockatoos for three consecutive years, as verified in writing by a suitably qualified ecologist. 	C	<p><u>Artificial hollow installation</u> (Conditions 5, 5a)</p> <ul style="list-style-type: none"> The artificial hollows were installed in the previous reporting period. Their location is shown in Figure 1. <p><u>Natural hollow inspection</u> (Condition 5c)</p> <ul style="list-style-type: none"> As outlined in relation to Condition 1 and Condition 4, no identified suitable nesting hollows were cleared during the reporting period. <p><u>Artificial hollow monitoring</u> (Conditions 5b, 5d, 5e)</p> <ul style="list-style-type: none"> The installed artificial hollows were inspected by Emerge Associates on behalf of the Proponent four times during the report period: <ul style="list-style-type: none"> 23 December 2020 13 January 2021 17 September 2021 29 November 2021 The December 2020 and January 2021 monitoring is discussed in the 2020 annual compliance report. The September 2021 and November 2021 monitoring meets the timing requirements of the conditions, being two inspections during the peak breeding season, at least four weeks apart. No evidence of black cockatoo nesting was observed in any of the artificial nesting hollows. This is the second year of annual monitoring completed during the peak breeding season, since installation of the artificial hollows. No maintenance of the artificial hollows was determined to be required during the reporting period, based on the parameters identified in the maintenance guidelines (condition of chewing posts, attachment points, hollow bases and stability of tree or pole used to mount the artificial hollow).

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No.	Condition wording	Compliance	Evidence/comments
	¹ The artificial nesting hollow in use for three consecutive years need not be the same artificial nest hollow each year.		
6	<p>If, after nine years from commencement of the action, the approval holder is unable to provide the verification by a suitably qualified ecologist required under Condition 5.e., the approval holder must, within ten years after commencement of the action:</p> <ol style="list-style-type: none"> submit to the Minister, for written approval, the details of an offset that meets the requirements of the EPBC Environmental Offsets Policy and will compensate for the permanent loss of the number of suitable nesting hollows identified with evidence of use under Condition 5.c. submit to the Department a report assessing, in detail, the factors that caused the failure to achieve black cockatoo nesting in at least one artificial nesting hollow" for each suitable nesting hollow with evidence of use for three consecutive years. 	NA	Nine years has not passed since the commencement of the action. As such, this condition has not been triggered and was therefore not applicable during the reporting period.
7	In the event that an approved management authority agrees to take over implementation of Conditions 2, 5 and/or 6 prior to the completion of the timeframes stipulated in these conditions, the approval holder's responsibilities in relation to Conditions 2, 5 and/or 6 may cease. Prior to ceasing responsibility for Conditions 2, 5 and/or 6, the approval holder must provide the Department with written agreement from the approved management authority stating that the approved management authority will comply with Conditions 2, 5 and/or 6 or manage the relevant matters as otherwise agreed by the Department.	NA	No agreement has been reached with an approved management authority to take over implementation of Condition 2, 5 and/or 6. As such, the requirements of this condition are not currently applicable.
8	All data, enquiries and findings of the monitoring required by Condition 4 must be provided to the Department and the Western Australian Department of Biodiversity, Conservation and Attractions to contribute to broader research into the use of artificial nesting hollows by black cockatoos. This must occur within one year of the verification by a suitably qualified ecologist required under Condition 5.e. being achieved, or within 25 business days after submitting the report required under Condition 6.b.	NA	This requirement will be triggered once Condition 5e or 6b are satisfied, which did not occur during the reporting period. As such, this requirement was not applicable during the reporting period.

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No.	Condition wording	Compliance	Evidence/comments
9	The approval holder must submit an Offset Area Management Plan (OAMP) for each offset area proposed in the approved Offset Strategy. A suitably qualified person must verify in writing to the Department that the OAMP meets the requirements of Condition 10. The verified OAMP must be published on the approval holder's website until the offset area(s) have been ceded to an approved management authority. The verified OAMP must be implemented within 18 months from commencement of the action.	NC	<p>The Offset Strategy has not yet been approved by the Minister. As such, no Offset Area Management Plan/s were prepared and submitted during the reporting period.</p> <p>As outlined in response to Condition 3, whilst the Proponent has made all efforts to resolve the offset requirement as quickly as possible, it has taken longer than the 18-month time period specified in the wording of Conditions 3 and 9, and as such this represents a non-compliance with the current wording of the condition.</p> <p>Notwithstanding, the Proponent identified and secured a suitable offset site in late 2021. The Proponent has submitted the details of the proposed offset site to the Department to confirm its acceptability, pending which a conservation covenant over the proposed offset site will then be executed. In addition, a concurrent request has been submitted to the Department to amend the wording of condition 3 and 9 to modify the timeframes specified such that the offset can be executed to be compliant with the approval conditions. These two processes are currently being progressed by the Proponent in consultation with the Department's Post Approvals Team and are ongoing, with the intent of resolving the identified non-compliance.</p>
10	<p>The OAMP must be consistent with the Department's Environmental Management Plan Guidelines, and must include:</p> <ol style="list-style-type: none"> the OAMP environmental objectives, relevant EPBC Act protected matters and a reference to EPBC Act approval conditions and commitments in the approved Offset Strategy to which the OAMP refers a table of commitments made in the OAMP to achieve the objectives, and a reference to where the commitments are detailed in the OAMP reporting and review mechanisms, and documentation standards to demonstrate compliance with the OAMP an assessment of risks to achieving the OAMP environmental objectives and risk management strategies that will be applied a monitoring program, which must include: <ol style="list-style-type: none"> measurable performance indicators trigger values for corrective actions the timing and frequency of monitoring to detect changes in the performance indicators proposed corrective actions, if trigger values are reached Provide any links to other plans or conditions of approval (including State approval conditions). 	NA	As outlined above, no Offset Area Management Plan/s were prepared and submitted during the reporting period. As such, this condition is not currently applicable.

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No.	Condition wording	Compliance	Evidence/comments
11	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.	C	Emerge Associates, on behalf of the Proponent, notified the Department in writing on 18 December 2019 that the action commenced on the 9 December 2019. The Department was notified 7 business days after commencement of action, in accordance with the requirements of condition 11.
12	If the commencement of the action does not occur within two years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	C	Commencement of action occurred on 9 December 2019, within two years of the date of the approval (3 December 2019).
13	The approval holder must maintain accurate and complete compliance records.	C	The approval holder maintains accurate and complete compliance records as required by this condition.
14	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.	NA	The Department has not made any such requests under this condition to date. As such, this condition is currently not applicable.
15	The approval holder must: <ul style="list-style-type: none"> a. submit plans electronically to the Department; b. publish each plan on the website within 20 business days of the date the plan is approved by the Minister or the Department, unless otherwise agreed to in writing by the Minister; c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and d. keep plans published on the website until the end date of this approval. 	C	The Offset Strategy was submitted to the Department electronically by email. The Offset Strategy has not yet been approved by the Minister and as such has not been published on the approval holder's website. This will occur following approval of the strategy. No other plans have been submitted to the Department to date.
16	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under conditions of this approval, is prepared in accordance with the Department's <i>Guidelines for biological survey and mapped data</i> (2018) and submitted electronically to the Department within six months of the monitoring taking place.	C	Monitoring data required under this approval is limited to the monitoring data required under condition 5 in relation to installed artificial hollows. No other monitoring data, surveys, maps or other spatial and metadata is required under the approval. Condition 8 sets out the reporting requirements for this data to be provided to the Department (as well as DBCA), the requirement for which has not yet been triggered. Notwithstanding, the results of artificial hollow monitoring is presented and provided to the Department in each annual compliance report. In summary, no evidence of black cockatoo nesting has been observed within any of the artificial hollows to date, based on monitoring completed during the 2020 and 2021 peak breeding seasons.
17	The approval holder may apply to the Minister for a variation to the management plan approved by the Minister under Condition 9 or as	NA	No management plans have been approved by the Minister under Condition 9. As such, this condition is not currently applicable.

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No.	Condition wording	Compliance	Evidence/comments
	subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves the revised management plan (RMP) then, from the date specified, the approval holder must implement the RMP in place of the previous management plan.		
18	<p>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:</p> <ol style="list-style-type: none"> publish each compliance report on the website within 60 business days following the relevant 12 month period; 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; keep all compliance reports publicly available on the website until this approval expires; exclude or redact sensitive ecological data from compliance reports published on the website; and 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. 	C	<p>This is the second ACR to be prepared for EPBC 2017/8041.</p> <p>The 2020 ACR was published on the approval holder's website on 10 March 2021, within 60 business days following the annual anniversary of the commencement of the action. The Department was notified by email that the ACR had been published and provided a weblink for the compliance report on 16 March 2021, within five business day of the date of publication.</p>
19	<p>The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <ol style="list-style-type: none"> any condition which is or may be in breach; a short description of the incident and/or non-compliance; and the location (including co-ordinates), date, and time of the incident and/or non-compliance 	C	<p>During the reporting period, the proponent became aware of two non-compliances:</p> <ul style="list-style-type: none"> Condition 5d: in relation to the timing of artificial hollow monitoring during the previous reporting period. The non-compliance was identified during preparation of the 2020 ACR on 10 March 2021 and the department was notified of the non-compliance on 10 March 2021. Condition 3 & 9: in relation to the 18 month timeframe for implementation of the offset. This was determined following discussions with the approval holder on 22 June 2021 and the department was notified of the non-compliance (via the Post Approvals team) on 24 June 2021.
20	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	C	With respect to the non-compliance for Condition 5d, the notification provided to the Department on 10 March 2021 outlined the corrective action to be implemented, the potential impacts of the non-compliance and the method and timing of remedial action to be undertaken.

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No.	Condition wording	Compliance	Evidence/comments
	<p>as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <ul style="list-style-type: none"> 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. 		<p>With respect to the non-compliance for Conditions 3 & 9, discussions were held with DAWE post-approvals team on 24 June 2021 to agree on a proposed course of action to correct the non-compliance, including progression of a condition amendment. The agreed course of action is currently being progressed in consultation with the Department.</p>
21	The approval holder must ensure that independent audits of compliance with the conditions are conducted when requested in writing by the Minister.	NA	No requests for an independent audit have been made by the Minister to date.
22	<p>For each independent audit, the approval holder must:</p> <ul style="list-style-type: none"> a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and c. submit an audit report to the Department within the timeframe specified in the approved audit criteria. 	NA	No requests for an independent audit have been made by the Minister to date.
23	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.	NA	Given no audits have been requested to date, no audit reports currently exist.
24	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	NA	At the end of the reporting period, the action was still ongoing and was yet to be completed. It is anticipated that the action will not be completed for a number of years.

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5 Conclusions

During the reporting period, non-compliance with Condition 3 & 9 occurred. The non-compliance related to not implementing an approved offset (and associated management plan) within the timeframes outlined in the condition wording. The non-compliance was reported to the Department in June 2021. The Proponent has since submitted the details of the proposed offset site required under Condition 3 to the Department to confirm its acceptability, pending which a conservation covenant over the proposed offset site will be executed. In addition, a concurrent request has been submitted to the Department to amend the wording of condition 3 and 9 to modify the timeframes specified such that the offset can be executed to be compliant with the approval conditions. These two processes are currently being progressed by the Proponent in consultation with the Department's Post Approvals Team and are ongoing, with the intent of resolving the identified non-compliance.

A range of approval conditions were determined to be 'not applicable' during the reporting period, given their pre-requisite requirements had not been triggered. This includes Conditions 6, 7, 8, 10, 14, 17, 21, 22, 23, 24.

Compliance has been achieved against the remaining conditions during the reporting period, primarily associated with the following activities:

- Undertaking clearing in accordance with the areas specified in the conditions.
- Implementation of revegetation works.
- Monitoring of 18 artificial nesting hollows.

During the next reporting period, the key actions and items that are likely to occur include:

- Ongoing clearing within the approval area, in accordance with the approved clearing limits.
- Ongoing monitoring of artificial and natural nesting hollows, as required.
- Ongoing implementation of revegetation works.
- Resolution of the non-compliance with conditions 3 & 9 through implementation of the proposed offset site and the proposed condition amendment. These processes are currently being progressed in consultation with the Department.

Figures



Figure 1: 2021 Clearing Extent – Black Cockatoo Habitat

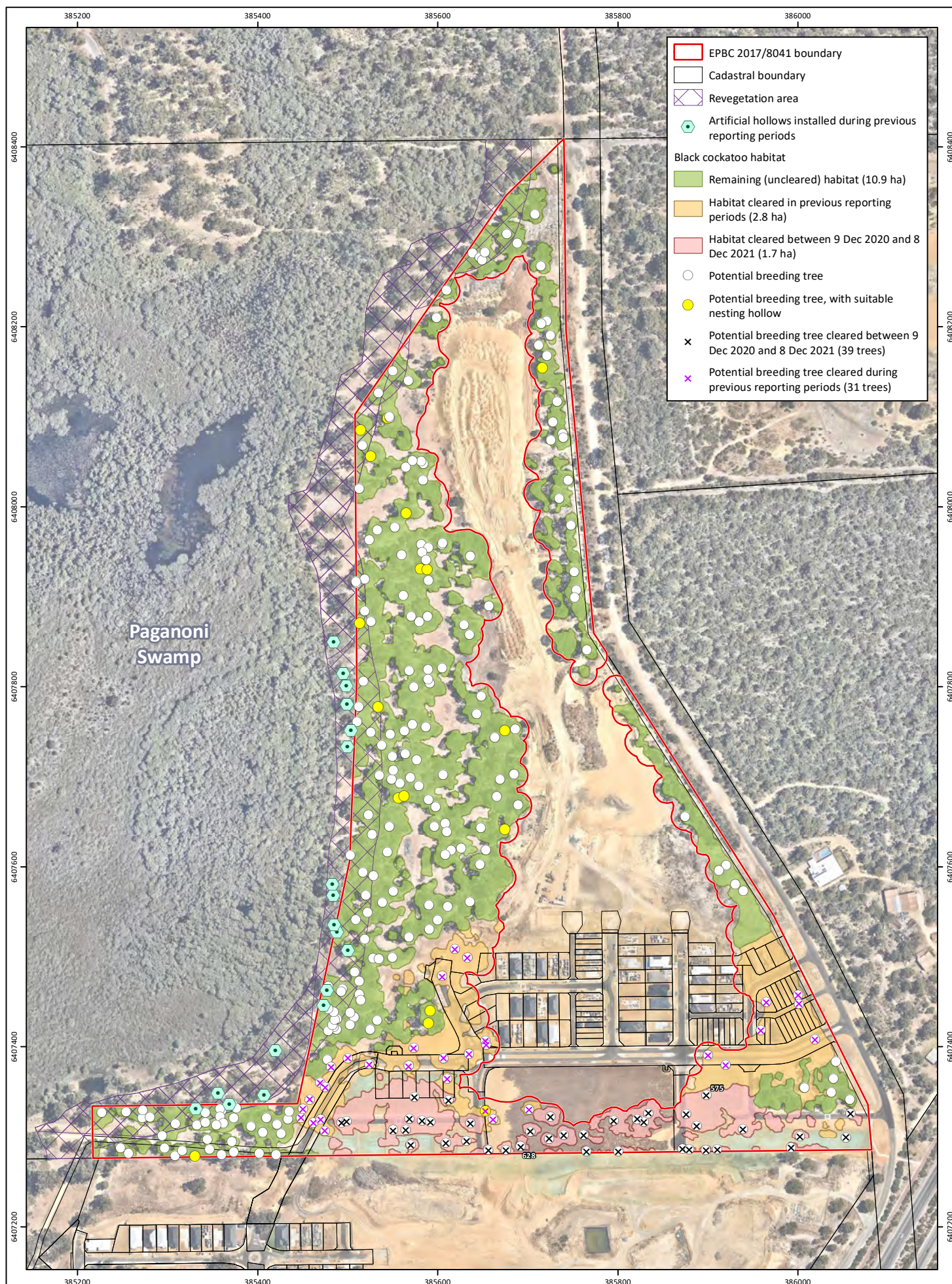


Figure 1: 2021 Clearing Extent - Black Cockatoo Habitat

Project: 2021 Compliance Report for EPBC Approval 2017/8041
 Lot 105 Stock Road, Lakelands

Client: Lot 105 Lakelands Pty Ltd

Plan Number: EP16-060(27)--F143
Drawn: ADB
Date: 09/03/2022
Checked: ADB
Approved: JDH
Date: 10/03/2022



0 50 100 150
 Metres
 Scale: 1:5,500@A4
 GDA 1994 MGA Zone 50

emerge
 ASSOCIATES

2022 Compliance Report for EPBC Approval 2017/8041

Lot 105 Stock Road, Lakelands

Project No: EP16-060(29)

**Prepared for Lot 105 Lakelands Pty Ltd
March 2023**



2022 Compliance Report for EPBC Approval 2017/8041

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	Provided to client for submission				

2022 Compliance Report for EPBC Approval 2017/8041

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Executive Summary

This annual compliance report (ACR) has been prepared on behalf of Lot 105 Lakelands Pty Ltd (the Proponent), to satisfy the requirements of condition 18 of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2017/8041. The approved action is the residential development of part of Lot 105 Stock Road, Lakelands, which commenced on 9 December 2019.

The objectives of this ACR are to detail the actions undertaken within the development from 9 December 2021 to 8 December 2022 (herein referred to as the 'reporting period') and assess compliance with conditions of the approval within the reporting period.

Works completed between 9 December 2021 and 8 December 2022 have generally been limited to earthworks, subdivision and development works in the southern and western portion of Lot 105, with some limited vegetation clearing undertaken on the eastern extents, aligning the initial stages of the residential estate.

During the reporting period, ongoing non-compliance with Conditions 3 and 9 can be confirmed. The non-compliance related to not implementing an approved offset (and associated management plan) within the timeframes outlined in the condition wording. The same and initial non-compliance was reported to the Department in June 2021. The Proponent has since submitted the details of a proposed offset site required under Condition 3 to the Department to confirm its acceptability and has been resolving details regarding the extent (area) of which a conservation covenant is required to be executed over the proposed offset site. In addition, a request was historically submitted to the Department to amend the wording of Condition 3 and 9 to modify the timeframes specified such that the offset can be executed to be compliant with the modified approval conditions. These two processes are currently being progressed by the Proponent in consultation with the Department's Post Approvals Team and are ongoing, with the intent of resolving the identified non-compliance during the following reporting period (i.e. 2023 reporting period).

A range of approval conditions were determined to be 'not applicable' during the reporting period, given their pre-requisite requirements had not been triggered. This includes Conditions 6, 7, 8, 10, 14, 17, 21, 22, 23, 24.

Compliance has been achieved against the remaining conditions during the reporting period, primarily associated with the following activities:

- Undertaking clearing in accordance with the areas specified in the conditions.
- Implementation of revegetation works.
- Monitoring of 18 previously installed artificial nesting hollows.

During the next reporting period (2023 reporting period), the key actions and items that are likely to occur include:

- Ongoing clearing within the approval area, in accordance with the approved clearing limits.
- Ongoing monitoring of installed artificial and natural nesting hollows, as required.
- Ongoing implementation of revegetation works.

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- Resolution of the non-compliance with Conditions 3 and 9 through finalisation of an agreed offset site and the associated proposed condition amendment. These processes are currently being progressed in consultation with the Department's Post Assessment Team.

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Figure 1: 2021 Clearing Extent – Black Cockatoo Habitat

Appendices

Appendix A: Tranen Revegetation Systems Revegetation Status Reporting

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List of Abbreviations

Table A1: Abbreviations – General terms

General terms	
ACR	Annual compliance report
MNES	Matters of national environmental significance

Table A2: Abbreviations – Units of measurement

Units of measurement	
cm	Centimetre
km	Kilometre
ha	Hectare
m	Metre
mm	Millimetre

Table A3: Abbreviations – Organisations

Organisations	
DAWE	Department of Agriculture, Water and the Environment
DBCA	Department of Biodiversity, Conservation and Attractions
CoM	City of Mandurah

Table A4: Abbreviations – Planning terms

Planning terms	
PRS	Peel Region Scheme
TPS	Town planning scheme

Table A5: Abbreviations – Legislation

Legislation	
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>

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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:

A handwritten signature in blue ink, appearing to read 'ABLA', written over a horizontal line.

Full name (Please print):

Adrian Bland

Position (please print):

Project Manager

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

Lot 105 Lakelands Pty Ltd (ACN 168 294 782)

Date:

10 March 2023

2022 Compliance Report for EPBC Approval 2017/8041

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1 Introduction

1.1 Purpose

This annual compliance report (ACR) has been prepared on behalf of Lot 105 Lakelands Pty Ltd (the proponent), to satisfy the requirements of condition 18 of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2017/8041 (EPBC 2017/8041). Condition 18 requires the proponent to publish an ACR addressing compliance with each condition of EPBC 2017/8041, and states:

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.*

1.2 Scope

The action commenced on 9 December 2019. The reporting period reflects the annual anniversary of the commencement of the action. This ACR is to be published to the Proponent's website within 60 business days after the anniversary of the commencement date of the action. On this basis, the reporting period covers the period of 9 December to 8 December each year and each ACR should be available on the proponent's website by 10 March annually (60 business days after 9 December).

The objectives of this ACR are to detail the actions undertaken within the development from 9 December 2021 to 8 December 2022 (herein referred to as the 'reporting period') and assess compliance with conditions of the approval within the reporting period.

The details of compliance with each condition under EPBC 2017/8041 are presented in **Table 2**.

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Lot 105 Stock Road, Lakelands



2 Project status

The project involves the residential development of part of Lot 105 Stock Road, Lakelands, Western Australia. The approved *Lakelands North-East Local Structure Plan* is guiding implementation of development, and provides for:

- Residential development of the eastern portion of Lot 105, including:
 - Residential lots
 - Public open space reserves
 - The arterial road network
 - A primary school.
- Reservation of the majority of Lot 105 (western and central areas associated with Paganoni Swamp) for 'regional open space', which will be ceded to the Department of Biodiversity, Conservation and Attractions (DBCA) for long-term management for conservation purposes.
- Provision of a wetland buffer between the future reserve (Paganoni Swamp) and the approved areas of residential development.

The approved action associated with EPBC 2017/8041 is to clear vegetation and develop part of Lot 105 for residential purposes. The spatial extent of the action is shown in **Figure 1** and comprises the vegetated areas in the east of Lot 105 which are zoned for development.

Works completed between 9 December 2021 and 8 December 2022 have generally been limited to earthworks, subdivision and development works in the southern and western portion of Lot 105, with some limited vegetation clearing within the eastern extents, aligning the initial stages of the residential estate.

The extent of clearing during the reporting period is discussed further in **Table 2** in relation to compliance with Condition 1.

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3 Compliance Assessment

3.1 Terminology used

The terminology applied in the compliance assessment is consistent with the designations outlined in the *Annual Compliance Report Guidelines* (DoEE 2014), as outlined in **Table 1**.

Table 1: Compliance terminology

Compliance status term	Abbreviation	Description
Compliant	C	Where all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
Non-compliant	NC	Where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
Not Applicable	NA	Where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example a condition which applies to an activity that has not yet commenced.

3.2 Compliance table

Table 2 provides an assessment of compliance against each of the approval conditions for the period between 9 December 2021 and 8 December 2022.

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Table 2: List of approval conditions and current compliance status for EPBC 2017/8041

No.	Condition wording	Compliance	Evidence/comments
1	The approval holder must not clear more than 10.9 hectares of black cockatoo habitat, must not clear more than 158 potential breeding trees, and must not clear more than six suitable nesting hollows within the project area.	C	<p>As shown in Figure 1:</p> <ul style="list-style-type: none"> 2.4 ha of black cockatoo habitat was cleared during the reporting period. 6.9 ha of black cockatoo habitat has been cleared in total since commencement of the action. 30 potential breeding trees were cleared during the reporting period. 100 potential breeding trees have been cleared in total since commencement of the action. One identified suitable nesting hollow was cleared during the reporting period. Two suitable nesting hollows, as identified during the EPBC Act assessment, have been cleared in total since commencement of the action. One of these was subsequently determined to not be a suitable nesting hollow.
2	<p>To contribute to offsetting the loss of 10.9 hectares of black cockatoo habitat and 158 potential breeding trees, the approval holder must:</p> <ol style="list-style-type: none"> undertake revegetation works within revegetation area 1 and revegetation area 2 to establish a self-sustaining native vegetation cover that is integrated with the adjacent ecosystem, provides black cockatoo habitat, and meets the revegetation completion criteria ensure that the revegetation effort is sufficient to meet the revegetation completion criteria commence revegetation required under Condition 2.a. within 12 months of commencement of the action provide the Department with written and geo-referenced photographic evidence of the commencement of the revegetation works within five business days of their commencement not cease revegetation works until the Department has accepted as sufficient, in writing, documentary evidence endorsed by a suitably qualified horticulturist, that the revegetation works meet the revegetation completion criteria after receiving written acceptance of the documentary evidence by the Department, ensure all areas of revegetation are inspected by a suitably qualified horticulturist at least once every two years, during spring, for a further 10 years to verify that the revegetation completion criteria are still being met, and provide the Department with a report of each inspection detailing how the revegetation is progressing against the revegetation completion criteria within 25 business days after the inspection 	C	<p>Emerge Associates (2020), on behalf of the Proponent, prepared a Revegetation Management Plan (RMP) to guide the implementation of revegetation works required under Condition 2. The RMP objectives align with the revegetation completion criteria specified in the approval, to ensure the revegetation approach and effort is sufficient to meet these criteria. The Proponent continues to implement revegetation works with the objective of meeting the completion criteria after a minimum of 5 years.</p> <p>The Proponent commenced revegetation works within revegetation area 1 and area 2, and provided geo-referenced photographic evidence of commencement, during the 2020 reporting period.</p> <p>Ongoing revegetation works were implemented during the reporting period in the winter of 2022 in revegetation area 2 and involved the installation of 4,798 tubestock seedlings at a density of 1 plant/18m² (See Appendix A). This was followed by a number of weed control events that were completed in revegetation areas 1 and 2 over December 2021, February 2022 and July 2022 (See Appendix A). Ongoing weed control is expected to continue for revegetation area 2.</p> <p>Monitoring from representatives (Tranen Revegetation Systems) of the proponent and Emerge Associates occurred in Oct 2022 and is expected continue in the Autumn of 2023.</p> <p>Conditions 2f and 2g are not applicable for this reporting period, as they are yet to be triggered.</p>

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No.	Condition wording	Compliance	Evidence/comments
	g. re-establish the revegetation completion criteria within revegetated areas within three months of becoming aware that any area of revegetation no longer meets the revegetation completion criteria.		
3	<p>To contribute to offsetting the losses of 10.9 hectares of black cockatoo habitat and 158 potential breeding trees, the approval holder must, within six months from commencement of the action, submit an Offset Strategy for the Minister's written approval. The Offset Strategy must be consistent with the EPBC Act Environmental Offsets Policy, and must:</p> <ol style="list-style-type: none"> include the details of, and justification for, one or more proposed offset area(s) ensure that any proposed offset area(s) proposed contains the same type and the same, or better, quality of black cockatoo habitat as the project area and is located within 50 km of the project area discuss how the offset area(s) is consistent with the principles of the EPBC Act Environmental Offsets Policy detail the process, including for preparation of the Offset Area Management Plan specified in Conditions 9 and 10, to ensure the offset area(s) is legally secured with a restrictive statutory conservation covenant for its protection in perpetuity within 18 months from commencement of the action. <p>The approved Offset Strategy must be implemented. The approval holder must commence implementing the approved Offset Strategy and legally secure the offset area(s) with a restrictive statutory conservation covenant for its protection in perpetuity within 18 months from commencement of the action.</p>	NC	<p>Emerge Associates, on behalf of the Proponent, submitted an Offset Strategy to the Department during the 2020 reporting period. The Offset Strategy was prepared to include the specific information required under Conditions 3a-3d.</p> <p>The Proponent has been actively searching for and seeking to secure a suitable offset site since the commencement of the action and following submission of the Offset Strategy. The process to identify potential offset sites, assess their suitability, complete onsite inspections, confirm their suitability with the WA Department of Primary Industries and Regional Development (DPIRD – who administer conservation covenants) and then reach a legal agreement with the landowner to implement a conservation covenant, have collectively taken approximately 3 years. Whilst the Proponent has made all efforts to progress this and resolve the offset requirement as quickly as possible, it has taken longer than the 18-month time period specified in the wording of Condition 3, and as such this represents a non-compliance with current wording and requirements of the condition.</p> <p>As indicated in the 2021 reporting period, the Proponent identified and secured a suitable offset site in late 2021. During the reporting period the Proponent has submitted the details of the proposed offset site to the Department to confirm its acceptability, pending which a conservation covenant over the proposed offset site will then be executed. In addition, a concurrent request was submitted to the Department during the reporting period to amend the wording of Condition 3 and 9 to modify the timeframes specified such that the offset can be executed to be compliant with the amended approval conditions. These two processes are currently being progressed by the Proponent in consultation with the Department's Post Approvals Team and are ongoing, with the intent of resolving the identified non-compliance during the following reporting period (i.e. 2023 reporting period).</p>
4	<p>To mitigate potential direct impacts to nesting black cockatoos, the approval holder must investigate all suitable nesting hollows in the project area within seven days prior to clearing them. The investigation must be undertaken by a suitably qualified ecologist. If any black cockatoo is detected utilising any hollow in any tree, the approval holder must:</p> <ol style="list-style-type: none"> clearly identify, mark and record the location of the tree being used 	C	<p>One hollow was cleared in August 2022, during the reporting period, as shown in Figure 1. It was previously identified as a potential suitable hollow during previous fauna assessments (completed by Harewood (2017) and Bamford Consulting Ecologists (2018) during the EPBC Act assessment process).</p> <p>These previous assessments utilised ground-based observations to assess the hollows, and as such was unable to confirm internal hollow morphology and associated suitability of the</p>

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No.	Condition wording	Compliance	Evidence/comments
	b. only clear the identified nesting tree and vegetation within a 10 metre radius of the tree if a suitably qualified ecologist has verified that the hollow in the tree is no longer being used by black cockatoos.		<p>hollow for black cockatoo nesting. The hollow was inspected by Emerge using a pole-mounted camera (July 2022) prior to being cleared.</p> <p>The pole-mounted camera inspections determined that the hollow was too small and was deemed unsuitable for black cockatoo nesting.</p>
5	<p>To mitigate and offset the loss of six suitable nesting hollows within the project area, the approval holder must install, within the Paganoni Swamp reserve, revegetation area 1 and/or revegetation area 2, and in accordance with artificial hollow installation guidelines, at least 18 artificial nesting hollows. To maximise the likelihood of the installed artificial nesting hollows being used by black cockatoos, the approval holder must:</p> <p>a. install at least 18 artificial nesting hollows prior to the beginning of the next breeding season following the commencement of the action</p> <p>b. undertake adaptive management of the artificial nesting hollows and, as a component of adaptive management, ensure that each installed artificial nesting hollow is:</p> <ol style="list-style-type: none"> monitored and maintained in accordance with the artificial hollow maintenance guidelines for the life of the approval, with maintenance actions undertaken outside of the breeding season not installed in a manner that requires additional clearing of black cockatoo habitat or within 10 metres of the edge of any road seals or buildings, so as to reduce the risk of vehicle strike and human disturbance. <p>c. prior to clearing the trees containing suitable nesting hollows, have a suitably qualified ecologist undertake an inspection of all suitable nesting hollows during the peak breeding season immediately preceding clearing, to confirm whether there is any evidence of use by black cockatoos. If a suitably qualified ecologist certifies in writing that no evidence of use is observed, then compliance with Conditions 5.d., 5.e. and 6 is not required</p> <p>d. ensure that each installed artificial nesting hollow is inspected at least twice each year, and at least four weeks apart, by a suitably qualified ecologist during the peak breeding season for nine years commencing within one year of their installation, to record any evidence of use by black cockatoos and to identify any maintenance requirements</p>	C	<p><u>Artificial hollow installation</u> (Conditions 5, 5a)</p> <ul style="list-style-type: none"> The artificial hollows were installed in the previous reporting period. Their locations are shown in Figure 1. <p><u>Natural hollow inspection</u> (Condition 5c)</p> <ul style="list-style-type: none"> As outlined in relation to Condition 1 and Condition 4, one previously identified suitable nesting hollow was cleared during the reporting period. Following internal inspection, the hollow was deemed to be unsuitable for black cockatoo use due to being too small. 25 July 2022 – As part of a preclearance inspection, an internal inspection of a suitable hollow recorded previously by Greg Harewood was undertaken. Following internal inspection of the hollow, the hollow was deemed to be unsuitable for black cockatoo usage due to it being too small. 18 August 2022 – Clearing of vegetation took place, including the habitat tree and hollow mentioned above (See Figure 1). 19 December 2022 – Emerge undertook inspections of the remaining natural hollows recorded previously by Greg Harewood to check for evidence of black cockatoo nesting. No evidence of black cockatoo usage was observed in any of the hollows. Of the natural hollows that were inspected, hollows 299, 328 and 240 were deemed suitable for black cockatoo usage while all the remaining natural hollows (12) were deemed unsuitable for usage by black cockatoos. <p><u>Artificial hollow monitoring</u> (Conditions 5b, 5d, 5e)</p> <ul style="list-style-type: none"> The installed artificial hollows were inspected by Emerge Associates on behalf of the proponent: 16 November 2022 – Emerge undertook monitoring of the artificial cockatoo hollows. One artificial hollow (499F) was recorded as being used by black cockatoos for nesting with a juvenile black cockatoo observed. 16 December 2022 – Emerge undertook monitoring of the artificial cockatoo hollows. The same black cockatoo juvenile was recorded in the artificial hollow and identified as a Carnaby's black cockatoo.

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No.	Condition wording	Compliance	Evidence/comments
	<p>e. not cease adaptive management of artificial nesting hollows until at least one artificial nesting hollow¹ for each suitable nesting hollow identified with evidence of use under Condition 5.c. has shown evidence of use by black cockatoos for three consecutive years, as verified in writing by a suitably qualified ecologist.</p> <p>¹ The artificial nesting hollow in use for three consecutive years need not be the same artificial nest hollow each year.</p>		<ul style="list-style-type: none"> No maintenance of the artificial hollows was determined to be required during the reporting period, based on the parameters identified in the maintenance guidelines (condition of chewing posts, attachment points, hollow bases and stability of tree or pole used to mount the artificial hollow). This is the third year of annual monitoring completed during the peak breeding season since installation of the artificial hollows.
6	<p>If, after nine years from commencement of the action, the approval holder is unable to provide the verification by a suitably qualified ecologist required under Condition 5.e., the approval holder must, within ten years after commencement of the action:</p> <p>a. submit to the Minister, for written approval, the details of an offset that meets the requirements of the EPBC Environmental Offsets Policy and will compensate for the permanent loss of the number of suitable nesting hollows identified with evidence of use under Condition 5.c.</p> <p>b. submit to the Department a report assessing, in detail, the factors that caused the failure to achieve black cockatoo nesting in at least one artificial nesting hollow" for each suitable nesting hollow with evidence of use for three consecutive years.</p>	NA	Nine years has not passed since the commencement of the action. As such, this condition has not been triggered and was therefore not applicable during the reporting period.
7	In the event that an approved management authority agrees to take over implementation of Conditions 2, 5 and/or 6 prior to the completion of the timeframes stipulated in these conditions, the approval holder's responsibilities in relation to Conditions 2, 5 and/or 6 may cease. Prior to ceasing responsibility for Conditions 2, 5 and/or 6, the approval holder must provide the Department with written agreement from the approved management authority stating that the approved management authority will comply with Conditions 2, 5 and/or 6 or manage the relevant matters as otherwise agreed by the Department.	NA	No agreement has been reached with an approved management authority to take over implementation of Condition 2, 5 and/or 6. As such, the requirements of this condition are not currently applicable.
8	All data, enquiries and findings of the monitoring required by Condition 4 must be provided to the Department and the Western Australian Department of Biodiversity, Conservation and Attractions to contribute to broader research into the use of artificial nesting hollows by black cockatoos. This must occur within one year of the verification by a suitably qualified ecologist required under Condition 5.e. being achieved, or within 25 business days after submitting the report required under Condition 6.b.	NA	This requirement will be triggered once Condition 5e or 6b are satisfied, which did not occur during the reporting period. As such, this requirement was not applicable during the reporting period.

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Lot 105 Stock Road, Lakelands



No.	Condition wording	Compliance	Evidence/comments
9	The approval holder must submit an Offset Area Management Plan (OAMP) for each offset area proposed in the approved Offset Strategy. A suitably qualified person must verify in writing to the Department that the OAMP meets the requirements of Condition 10. The verified OAMP must be published on the approval holder's website until the offset area(s) have been ceded to an approved management authority. The verified OAMP must be implemented within 18 months from commencement of the action.	NC	<p>The Offset Strategy has not yet been approved by the Minister. As such, no Offset Area Management Plan/s were prepared and submitted during the reporting period.</p> <p>As outlined in response to Condition 3, whilst the Proponent has made all efforts to resolve the offset requirement as quickly as possible, it has taken longer than the 18-month time period specified in the wording of Conditions 3 and 9, and as such this represents a non-compliance with the current wording of the condition.</p> <p>Notwithstanding, the Proponent identified and secured a potential offset site in late 2021. During the reporting period the Proponent submitted the details of the proposed offset site to the Department to confirm its acceptability, pending which a conservation covenant over the proposed offset site will then be executed. In addition, a concurrent request was also submitted to the Department during the reporting period to amend the wording of Condition 3 and 9 to modify the timeframes specified such that the offset can be executed to be compliant with the approval conditions. These two processes are currently being progressed by the Proponent in consultation with the Department's Post Approvals Team and are ongoing, with the intent of resolving the identified non-compliance.</p>
10	<p>The OAMP must be consistent with the Department's Environmental Management Plan Guidelines, and must include:</p> <ol style="list-style-type: none"> the OAMP environmental objectives, relevant EPBC Act protected matters and a reference to EPBC Act approval conditions and commitments in the approved Offset Strategy to which the OAMP refers a table of commitments made in the OAMP to achieve the objectives, and a reference to where the commitments are detailed in the OAMP reporting and review mechanisms, and documentation standards to demonstrate compliance with the OAMP an assessment of risks to achieving the OAMP environmental objectives and risk management strategies that will be applied a monitoring program, which must include: <ol style="list-style-type: none"> measurable performance indicators trigger values for corrective actions the timing and frequency of monitoring to detect changes in the performance indicators proposed corrective actions, if trigger values are reached Provide any links to other plans or conditions of approval (including State approval conditions). 	NA	As outlined above, no Offset Area Management Plan/s were prepared and submitted during the reporting period. As such, this condition is not currently applicable.

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Lot 105 Stock Road, Lakelands



No.	Condition wording	Compliance	Evidence/comments
11	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.	C	Emerge Associates, on behalf of the Proponent, notified the Department in writing on 18 December 2019 that the action commenced on the 9 December 2019. The Department was notified 7 business days after commencement of action, in accordance with the requirements of condition 11.
12	If the commencement of the action does not occur within two years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	C	Commencement of action occurred on 9 December 2019, within two years of the date of the approval (3 December 2019).
13	The approval holder must maintain accurate and complete compliance records.	C	The approval holder maintains accurate and complete compliance records as required by this condition.
14	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.	NA	The Department has not made any such requests under this condition to date. As such, this condition is currently not applicable.
15	The approval holder must: <ul style="list-style-type: none"> a. submit plans electronically to the Department; b. publish each plan on the website within 20 business days of the date the plan is approved by the Minister or the Department, unless otherwise agreed to in writing by the Minister; c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and d. keep plans published on the website until the end date of this approval. 	C	The Offset Strategy was submitted to the Department electronically by email. The Offset Strategy has not yet been approved by the Minister and as such has not been published on the approval holder's website. This will occur following approval of the strategy. No other plans have been submitted to the Department to date.
16	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under conditions of this approval, is prepared in accordance with the Department's <i>Guidelines for biological survey and mapped data</i> (2018) and submitted electronically to the Department within six months of the monitoring taking place.	C	Monitoring data required under this approval is limited to the monitoring data required under Condition 5 in relation to installed artificial hollows. No other monitoring data, surveys, maps or other spatial and metadata is required under the approval. Condition 8 sets out the reporting requirements for this data to be provided to the Department (as well as DBCA), the requirement for which has not yet been triggered. Notwithstanding, the results of artificial hollow monitoring is presented and provided to the Department in each annual compliance report. In summary, evidence of black cockatoo nesting has been observed within one of the artificial hollows to date, based on monitoring completed during the 2020, 2021 and 2022 peak breeding seasons.
17	The approval holder may apply to the Minister for a variation to the management plan approved by the Minister under Condition 9 or as	NA	No management plans have been approved by the Minister under Condition 9. As such, this condition is not currently applicable.

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No.	Condition wording	Compliance	Evidence/comments
	subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves the revised management plan (RMP) then, from the date specified, the approval holder must implement the RMP in place of the previous management plan.		
18	<p>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:</p> <ol style="list-style-type: none"> publish each compliance report on the website within 60 business days following the relevant 12 month period; 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; keep all compliance reports publicly available on the website until this approval expires; exclude or redact sensitive ecological data from compliance reports published on the website; and 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. 	C	<p>This is the third ACR to be prepared for EPBC 2017/8041.</p> <p>The 2021 ACR was published on the approval holder's website on 10 March 2021, within 60 business days following the annual anniversary of the commencement of the action. The Department was notified by email that the ACR had been published and provided a weblink for the compliance report on 16 March 2021, within five business day of the date of publication.</p>
19	<p>The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <ol style="list-style-type: none"> any condition which is or may be in breach; a short description of the incident and/or non-compliance; and the location (including co-ordinates), date, and time of the incident and/or non-compliance 	C	<p>During the reporting period, the proponent was aware of two non-compliances:</p> <ul style="list-style-type: none"> Condition 3 and 9: in relation to the 18-month timeframe for implementation of the offset. This was determined following discussions with the approval holder on 22 June 2021 and the department was notified of the non-compliance (via the Post Approvals Team) on 24 June 2021. While this has continued to be progressed with the intent of satisfying the requirements of Conditions 3 and 9, this has not yet been achieved and hence the non-compliances are still current. A request to modify the conditions was lodged with the Department during the reporting period, and the proponent will seek to resolve this during the following reporting period.
20	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	C	With respect to the non-compliance for Conditions 3 and 9, ongoing discussions were held with the Department's Post-Approvals Team during the reporting period. Details of a proposed offset and a request to modify the wording of Condition 3 and 9 were submitted to the Department on 3 March 2002. Additional information was provided to the

2022 Compliance Report for EPBC Approval 2017/8041

Lot 105 Stock Road, Lakelands



No.	Condition wording	Compliance	Evidence/comments
	<p>as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <ul style="list-style-type: none"> 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. 		Department on 10 October 2022, to which the Department responded on 5 December 2022. The agreed course of action is currently being progressed in consultation with the Department.
21	The approval holder must ensure that independent audits of compliance with the conditions are conducted when requested in writing by the Minister.	NA	No requests for an independent audit have been made by the Minister to date.
22	<p>For each independent audit, the approval holder must:</p> <ul style="list-style-type: none"> a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and c. submit an audit report to the Department within the timeframe specified in the approved audit criteria. 	NA	No requests for an independent audit have been made by the Minister to date.
23	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.	NA	Given no audits have been requested to date, no audit reports currently exist.
24	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	NA	At the end of the reporting period, the action was still ongoing and was yet to be completed. It is anticipated that the action will not be completed for a number of years.

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4 Conclusions

During the reporting period, non-compliance with Conditions 3 and 9 occurred. The non-compliance related to not implementing an approved offset (and associated management plan) within the timeframes outlined in the condition wording. The non-compliance was reported to the Department in June 2021. The Proponent has since during the reporting period submitted the details of a proposed offset site required under Condition 3 to the Department to confirm its acceptability, pending which a conservation covenant over the proposed offset site would be executed. In addition, a concurrent request was also submitted to the Department during the reporting period to amend the wording of Condition 3 and 9 to modify the timeframes specified such that the offset can be resolved and compliant with the approval conditions. These two processes are currently being progressed by the Proponent in consultation with the Department's Post Approvals Team and are ongoing, with the intent of resolving the identified non-compliance in the following reporting period.

A range of approval conditions were determined to be 'not applicable' during the reporting period, given their pre-requisite requirements had not been triggered. This includes Conditions 6, 7, 8, 10, 14, 17, 21, 22, 23, 24.

Compliance has been achieved against the remaining conditions during the reporting period, primarily associated with the following activities:

- Undertaking clearing in accordance with the areas specified in the conditions.
- Implementation of revegetation works.
- Monitoring of 18 artificial nesting hollows.

During the next reporting period, the key actions and items that are likely to occur include:

- Ongoing clearing within the approval area, in accordance with the approved clearing limits.
- Ongoing monitoring of artificial and natural nesting hollows, as required.
- Ongoing implementation of revegetation works.
- Resolution of the non-compliance with Conditions 3 and 9 through implementation of the proposed offset site and the proposed condition amendment. These processes are currently being progressed in consultation with the Department.

2022 Compliance Report for EPBC Approval 2017/8041

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Figures



Figure 1: 2022 Clearing Extent – Black Cockatoo Habitat

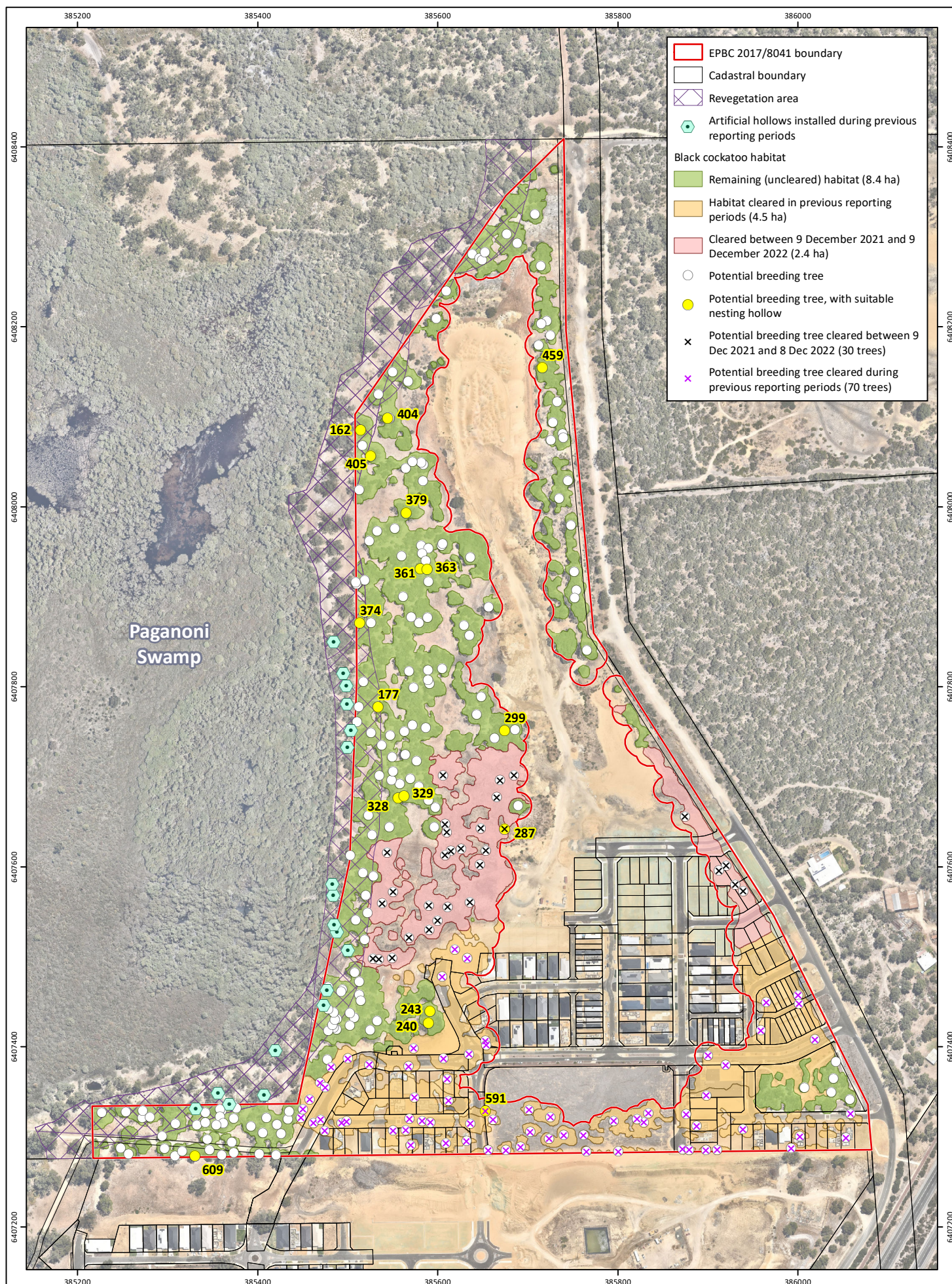


Figure 1: 2022 Clearing Extent - Black Cockatoo Habitat

Project: 2022 Compliance Report for EPBC Approval 2017/8041
Lot 105 Stock Road, Lakelands

Client: Lot 105 Lakelands Pty Ltd

Plan Number: EP16-060(29)-F149
Drawn: GAR
Date: 09/03/2023
Checked: SPL
Approved: JDH
Date: 10/03/2023



Scale: 1:5,500@A4
GDA 1994 MGA Zone 50

emerge
ASSOCIATES

Appendix A

Tranen Revegetation Systems Revegetation Status Reporting



The Gardens Revegetation – Urban Capital

Post Activity Report

Activity Date(s):	17 – 21 October 2022	Conducted By:	Cory Kennedy
Site Reference:	The Gardens	Reviewed By:	Damian Grose
Area (ha):	9	Project No:	P963A

Site Condition

- Weed control was completed in areas RA2, RA1 and Soil Pile.
- Ongoing weed control will continue for zones RA2c, RA2b, and the soil stockpiles to the north of the site.
- The 2022 spring monitoring was conducted on 3rd October 2022. Monitoring results influenced spring weed control approach.

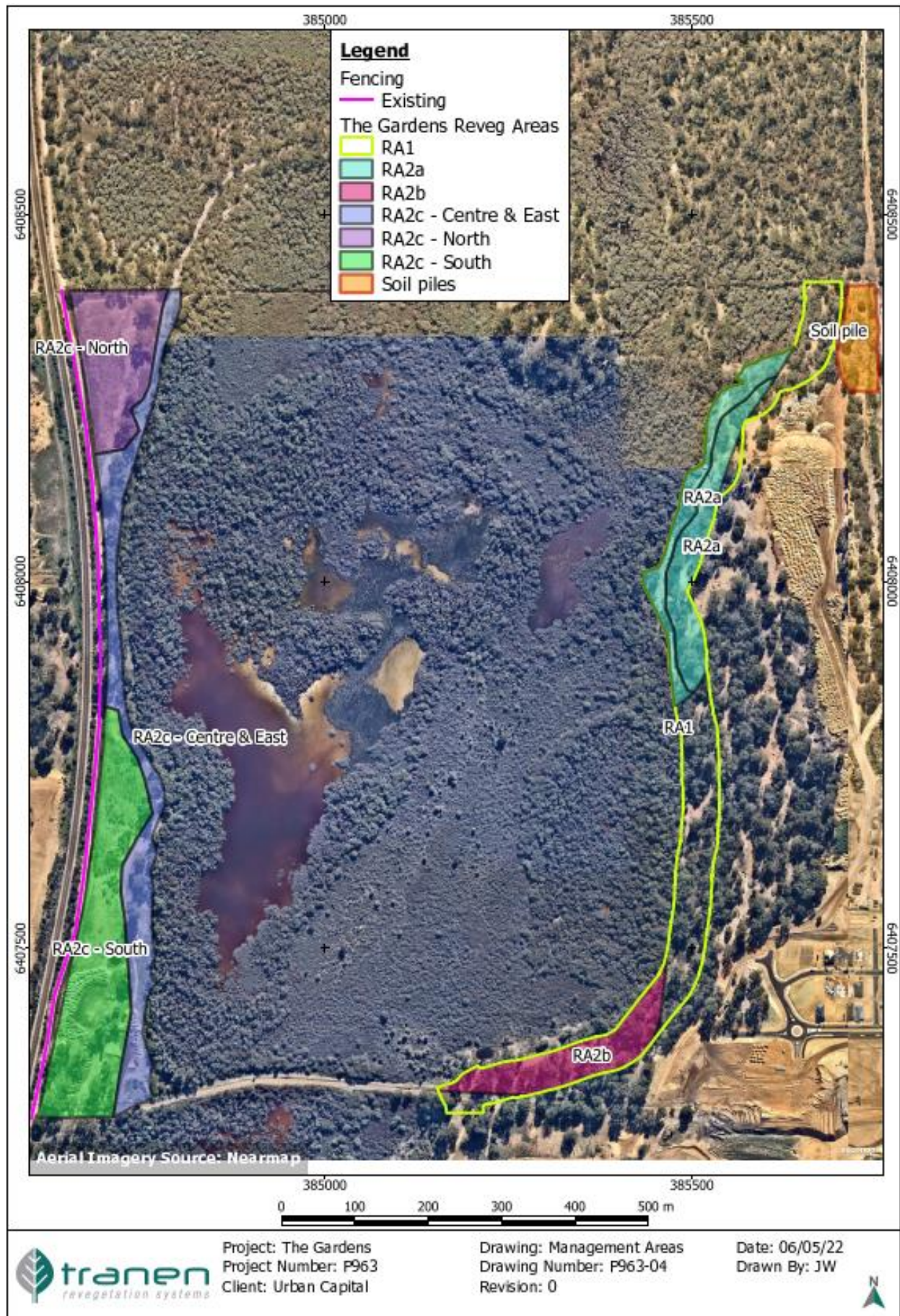
Action Taken

Date(s):	Activity	Description
17 – 21 October 2022	Weed Control	Selective spraying with glyphosate and metsulfuron throughout zones RA2c, RA2b, and the soil stockpiles at the northern end of the site.

Previous Works History

Date(s):	Activity	Description
7 February 2022	Weed Control	Selective spraying with glyphosate and metsulfuron throughout the soil stockpiles at the northern end of the site.
1 December 2021	Weed Control	Selective spraying with glyphosate and metsulfuron throughout zone RA2b
23 September 2021	Vegetation Assessment	Cockatoo habitat reference vegetation assessment conducted as per requirements of the management plan.
18 -20 July 2022	Planting	A total of 4,798 seedlings were planted within revegetation zone RA2c at a density of 1 plant / 18m ² . The species mix can be seen in the below attachment. All plants were installed with corflute tree guards.
6 – 12 July 2022	Weed Control	Selective spraying with glyphosate and metsulfuron throughout zones RA2c, RA2b, and the soil stockpiles at the northern end of the site.
3 October 2022	Monitoring	Formal spring monitoring assessment and report.

Site Map



The Gardens Revegetation – Urban Capital

Monitoring Report – Spring 2022

Monitoring Date(s):	03/10/2022	Conducted By:	Jack Wilson
Site Reference:	The Gardens	Reviewed By:	James Lawton
Area (ha):	9	Project No:	P963A

Summary of Revegetation Progress / Condition

- Revegetation works in zone RA2c began in winter 2022.
- The site is progressing well, with weed levels remaining low, and deaths from post-transplant shock minimal across the site.

Brief Works History

Date(s)	Works Undertaken
3/10/2022	<ul style="list-style-type: none"> Formal monitoring
18 - 20/07/2022	<ul style="list-style-type: none"> Installation of 4,798 seedlings throughout site RA2c at a density of 1 plant / 18m²
6 – 12/07/2022	<ul style="list-style-type: none"> Weed control conducted by selective spot spraying throughout site RA2c, RA2b, and soil stockpiles.
23/09/2021	<ul style="list-style-type: none"> Vegetation assessment of reference site

Assessment Against Completion Criteria

Text is **green** if meeting criteria or **red** if not meeting criteria

Quadrat		Q 1	Q 2	Q 3	Q 4	Q 5	Q 6	Q 7	Q 8	Q 9	Q 10	Total / Average
Criteria	Target											
Native Cover	N/A	4%	5%	5%	5%	4%	4%	5%	4%	7%	3%	5%
Species richness	N/A	2	3	3	3	3	2	3	3	4	1	8
Native Stem total	N/A	3	5	4	4	3	3	5	3	5	2	4
Stem density / m ²	N/A	0.12	0.20	0.16	0.16	0.12	0.12	0.20	0.12	0.20	0.08	0.15
Weed Cover Total	N/A	2%	50%	10%	10%	30%	15%	5%	15%	5%	5%	15%
Stem count (condition 1b)	555/ha	1200	2000	1600	1600	1200	1200	2000	1200	2000	800	1480
Stem count (condition 1a)	250/ha	1200	800	1600	400	400	0	400	1200	2000	800	880

Method

Quadrat Establishment

- Four 5m x 5m quadrats were established.
- Each quadrat was randomly located within each zone to provide an accurate representation of conditions.
- Each quadrat had a permanent photo monitoring point established as seen in Appendix 1

Data Collection

- Native stem count.
- Identification of native species present.
- Native foliage cover.
- Counts of *Corymbia calophylla*, *Eucalyptus marginata* and *Eucalyptus gomphocephala* (condition 1a of RMP approval).
- Counts of black cockatoo habitat trees (condition 1b of RMP approval).
- Identification of predominant weed species.
- Weed foliage cover.
- Pest activity.
- All other general factors that may be affecting or contributing to progress.

Results and Discussion

Summary of Results and Discussion

- The average stem density across the site is 1 plant / 7m².
- The average stem count across the site of *Corymbia calophylla*, *Eucalyptus marginata* and *Eucalyptus gomphocephala* is 880 plants / ha
- The average stem count of black cockatoo habitat species is 1480 plants / ha
- There is a total of 8 species represented across all the monitoring quadrats.
- The average weed cover across the site is 15%.
- The average native cover across the site is 5%.

Conclusions and Recommendations

- All quadrats have stem densities above the target for both condition 1a and 1b of the RMP.
- There are minimal seedling deaths from transplant shock across the site.
- Native cover is relatively low at 5%. However, this is as expected at such early stages in the project.
- Although some areas of the site have high levels of weed cover, this is still a considerable improvement from the pre-works weed cover totals. This monitoring was conducted prior to the spring weed control. Once this has been completed weed levels will be significantly reduced.
- Autumn monitoring in 2023 will determine how the seedlings have fared through their first summer period.

Appendix 1 Monitoring Quadrat Locations

Photographs

Monitoring Point 1 - 03/10/2022



Monitoring Point 2 - 03/10/2022



Monitoring Point 3 - 03/10/2022



Monitoring Point 4 - 03/10/2022



Monitoring Point 5 - 03/10/2022



Monitoring Point 6 - 03/10/2022



Monitoring Point 7 - 03/10/2022



Monitoring Point 8 - 03/10/2022



Monitoring Point 9 - 03/10/2022



Monitoring Point 10 - 03/10/2022

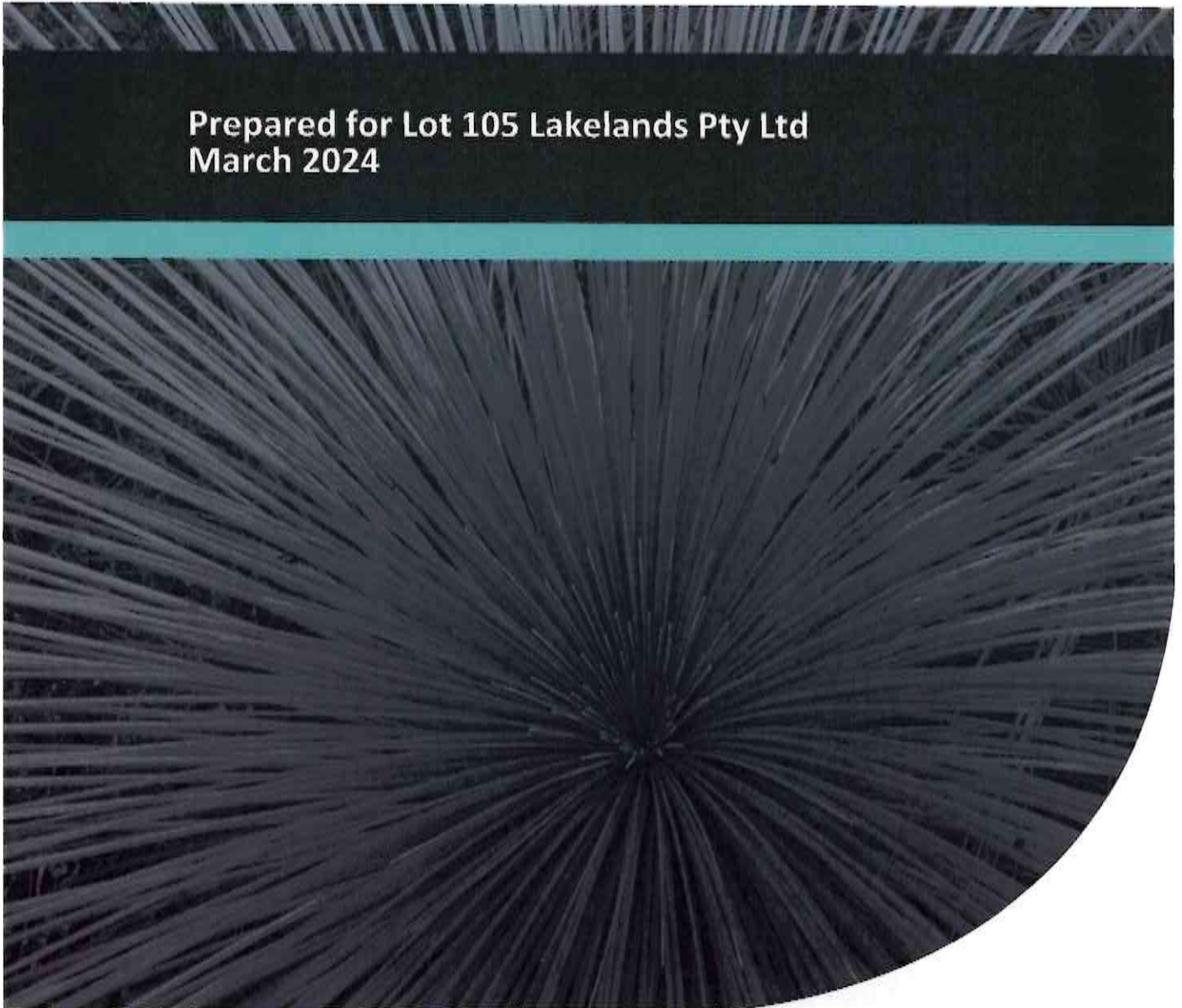


2023 Compliance Report for EPBC Approval 2017/8041

Lot 105 Stock Road, Lakelands

Project No: EP16-060(30)

**Prepared for Lot 105 Lakelands Pty Ltd
March 2024**



2023 Compliance Report for EPBC Approval 2017/8041

Lot 105 Stock Road, Lakelands



Document Control

Doc name:	2023 Compliance Report for EPBC Approval 2017/8041 Lot 105 Stock Road, Lakelands				
Doc no.:	EP16-060(30)--074A				
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1	March 2024	Claire Rogers	CSR	Jason Hick	JDH
	Provided to client for submission				
A	March 2024	Claire Rogers	CSR	Jason Hick	JDH
	Revisions made after client's review				

2023 Compliance Report for EPBC Approval 2017/8041

Lot 105 Stock Road, Lakelands



Executive Summary

This annual compliance report (ACR) has been prepared on behalf of Lot 105 Lakelands Pty Ltd (the Proponent), to satisfy the requirements of condition 18 of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2017/8041. The approved action is the residential development of part of Lot 105 Stock Road, Lakelands, which commenced on 9 December 2019.

The objectives of this ACR are to detail the actions undertaken within the development from 9 December 2022 to 8 December 2023 (herein referred to as the 'reporting period') and assess compliance with conditions of the approval within the reporting period.

Works completed between 9 December 2022 and 8 December 2023 have generally been limited to earthworks, subdivision and development works in the southern and western portion of Lot 105, with some limited vegetation clearing undertaken on the eastern extents, aligning with the intended stages of the residential estate.

During the reporting period, ongoing non-compliance (previously notified and reported) with Conditions 3 and 9 has occurred and was confirmed. The non-compliance related to not implementing an approved offset (and associated management plan) within the timeframes outlined in the condition wording. The same and initial non-compliance was reported to the Department in June 2021. An Offset Strategy has been lodged and was awaiting Departmental approval. The Strategy included three potential offset strategies; establishing a conservation covenant over existing black cockatoo habitat, provisioning funds to DBCA to acquire private property with black cockatoo habitat for public ownership and ongoing management or the expansion of the approved revegetation program required under condition 2. The proponent's preferred option was to establish a conservation covenant over existing black cockatoo habitat, however, this preferred option has not been resolved, despite having the site available to proceed with the covenant. Confirmation of the agreed offset metrics to support this approach were not resolved with the Department, and given the time that has passed without sufficient certainty this option is not being pursued further.

On this basis the proponent is now pursuing the expansion of the revegetation program, which will be covered in the Offset Area Management Plan to be lodged in the next reporting period. In lodging the new plan compliance with conditions 9 and 10 will be achieved. In addition, a request was historically submitted to the Department to amend the wording of Condition 3 and 9 to modify the timeframes specified such that the offset can be executed to be compliant with the modified approval conditions. These two processes are currently being progressed by the Proponent in consultation with the Department's Post Approvals Team and are ongoing, with the intent of resolving the identified non-compliance during the following reporting period (i.e. 2024 reporting period).

A range of approval conditions were determined to be 'not applicable' during the reporting period, given their pre-requisite requirements had not been triggered. This includes Conditions 6, 7, 8, 10, 14, 17, 21, 22, 23, 24.

Compliance has been achieved against the remaining conditions during the reporting period, primarily associated with the following activities:

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Lot 105 Stock Road, Lakelands



- Undertaking clearing in accordance with the areas specified in the conditions.
- Implementation of revegetation works.
- Monitoring of 18 previously installed artificial nesting hollows. This monitoring has confirmed the use of installed artificial nesting hollows for breeding by Carnaby's black cockatoo's.

During the next reporting period (2024 reporting period), the key actions and items that are likely to occur include:

- Ongoing clearing within the approval area, in accordance with the approved clearing limits.
- Ongoing monitoring of installed artificial and natural nesting hollows, as required.
- Ongoing implementation of revegetation works.
- Resolution of the non-compliance with Conditions 3 and 9 through lodgement of an Offset Area Management Plan for the proposed expansion of the revegetation program and the associated proposed condition amendment. These processes are currently being progressed in consultation with the Department's Post Assessment Team.

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Lot 105 Stock Road, Lakelands



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Figure 1: 2021 Clearing Extent – Black Cockatoo Habitat

Appendices

Appendix A: Tranen Revegetation Systems Revegetation Status Reporting

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List of Abbreviations

Table A1: Abbreviations – General terms

General terms	
ACR	Annual compliance report
MNES	Matters of national environmental significance

Table A2: Abbreviations – Units of measurement

Units of measurement	
cm	Centimetre
km	Kilometre
ha	Hectare
m	Metre
mm	Millimetre

Table A3: Abbreviations – Organisations

Organisations	
DAWE	Department of Agriculture, Water and the Environment
DBCA	Department of Biodiversity, Conservation and Attractions
CoM	City of Mandurah

Table A4: Abbreviations – Planning terms

Planning terms	
PRS	Peel Region Scheme
TPS	Town planning scheme

Table A5: Abbreviations – Legislation

Legislation	
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999

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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):**Thomas Krayer**Position (please print):**Director**Organisation (please print including ABN/ACN if applicable):**Lot 105 Lakelands Pty Ltd (ACN 168 294 782)**Date:**8-3-24

2023 Compliance Report for EPBC Approval 2017/8041

Lot 105 Stock Road, Lakelands



1 Introduction

1.1 Purpose

This annual compliance report (ACR) has been prepared on behalf of Lot 105 Lakelands Pty Ltd (the proponent), to satisfy the requirements of condition 18 of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2017/8041 (EPBC 2017/8041). Condition 18 requires the proponent to publish an ACR addressing compliance with each condition of EPBC 2017/8041, and states:

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.*

1.2 Scope

The action commenced on 9 December 2019. The reporting period reflects the annual anniversary of the commencement of the action. This ACR is to be published to the Proponent's website within 60 business days after the anniversary of the commencement date of the action. On this basis, the reporting period covers the period of 9 December to 8 December each year and each ACR should be available on the proponent's website by 10 March annually (60 business days after 9 December).

The objectives of this ACR are to detail the actions undertaken within the development from 9 December 2022 to 8 December 2023 (herein referred to as the 'reporting period') and assess compliance with conditions of the approval within the reporting period.

The details of compliance with each condition under EPBC 2017/8041 are presented in **Table 2**.

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Lot 105 Stock Road, Lakelands



2 Project status

The project involves the residential development of part of Lot 105 Stock Road, Lakelands, Western Australia. The approved *Lakelands North-East Local Structure Plan* is guiding implementation of development, and provides for:

- Residential development of the eastern portion of Lot 105, including:
 - Residential lots
 - Public open space reserves
 - The arterial road network
 - A primary school.
- Reservation of the majority of Lot 105 (western and central areas associated with Paganoni Swamp) for 'regional open space', which will be ceded to the Department of Biodiversity, Conservation and Attractions (DBCA) for long-term management for conservation purposes.
- Provision of a wetland buffer between the future reserve (Paganoni Swamp) and the approved areas of residential development.

The approved action associated with EPBC 2017/8041 is to clear vegetation and develop part of Lot 105 for residential purposes. The spatial extent of the action is shown in **Figure 1** and comprises the vegetated areas in the east of Lot 105 which are zoned for development.

Works completed between 9 December 2022 and 8 December 2023 have generally been limited to earthworks, subdivision and development works in the southern and western portion of Lot 105, with some limited vegetation clearing within the eastern extents, aligning the intended stages of the residential estate.

The extent of clearing during the reporting period is discussed further in **Table 2** in relation to compliance with Condition 1.

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3 Compliance Assessment

3.1 Terminology used

The terminology applied in the compliance assessment is consistent with the designations outlined in the *Annual Compliance Report Guidelines* (DoEE 2014), as outlined in **Table 1**.

Table 1: Compliance terminology

Compliance status term	Abbreviation	Description
Compliant	C	Where all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
Non-compliant	NC	Where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
Not Applicable	NA	Where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example a condition which applies to an activity that has not yet commenced.

3.2 Compliance table

Table 2 provides an assessment of compliance against each of the approval conditions for the period between 9 December 2022 and 8 December 2023

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Table 2: List of approval conditions and current compliance status for EPBC 2017/8041

No.	Condition wording	Compliance	Evidence/comments
1	The approval holder must not clear more than 10.9 hectares of black cockatoo habitat, must not clear more than 158 potential breeding trees, and must not clear more than six suitable nesting hollows within the project area.	C	<p>As shown in Figure 1:</p> <ul style="list-style-type: none"> 1.3 ha of black cockatoo habitat was cleared during the reporting period. 8.3 ha of black cockatoo habitat has been cleared in total since commencement of the action. 15 potential breeding trees were cleared during the reporting period. 115 potential breeding trees have been cleared in total since commencement of the action. One identified suitable nesting hollow was cleared during the reporting period. Three suitable nesting hollows, as identified during the EPBC Act assessment, have been cleared in total since commencement of the action. One of these was subsequently determined to not be a suitable nesting hollow.
2	<p>To contribute to offsetting the loss of 10.9 hectares of black cockatoo habitat and 158 potential breeding trees, the approval holder must:</p> <ol style="list-style-type: none"> undertake revegetation works within revegetation area 1 and revegetation area 2 to establish a self-sustaining native vegetation cover that is integrated with the adjacent ecosystem, provides black cockatoo habitat, and meets the revegetation completion criteria ensure that the revegetation effort is sufficient to meet the revegetation completion criteria commence revegetation required under Condition 2.a. within 12 months of commencement of the action provide the Department with written and geo-referenced photographic evidence of the commencement of the revegetation works within five business days of their commencement not cease revegetation works until the Department has accepted as sufficient, in writing, documentary evidence endorsed by a suitably qualified horticulturist, that the revegetation works meet the revegetation completion criteria after receiving written acceptance of the documentary evidence by the Department, ensure all areas of revegetation are inspected by a suitably qualified horticulturist at least once every two years, during spring, for a further 10 years to verify that the revegetation completion criteria are still being met, and provide the Department with a report of each inspection detailing how the revegetation is progressing against the revegetation completion criteria within 25 business days after the inspection 	C	<p>Emerge Associates (2020), on behalf of the Proponent, prepared a Revegetation Management Plan (RMP) to guide the implementation of revegetation works required under Condition 2. The RMP objectives align with the revegetation completion criteria specified in the approval, to ensure the revegetation approach and effort is sufficient to meet these criteria. The Proponent continues to implement revegetation works with the objective of meeting the completion criteria after a minimum of 5 years.</p> <p>The Proponent commenced revegetation works within revegetation area 1 and area 2, and provided geo-referenced photographic evidence of commencement, during the 2020 reporting period.</p> <p>Ongoing revegetation works were implemented during the reporting period in May 2023 in revegetation area 2 and involved the installation of 2,648 tubestock seedlings within revegetation zones 2c and 2b (See Appendix A). This was followed by a number of weed control events that were completed in revegetation areas 1 and 2 over December 2021, February 2022, July 2022, October 2022 and June 2023 (See Appendix A). Ongoing weed control is expected to continue for revegetation area 2.</p> <p>Monitoring from representatives (Tranen Revegetation Systems) of the proponent and Emerge Associates occurred in February and September 2023 and is expected continue in 2024.</p> <p>Conditions 2f and 2g are not applicable for this reporting period, as they are yet to be triggered.</p>

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No.	Condition wording	Compliance	Evidence/comments
3	<p>g. re-establish the revegetation completion criteria within revegetated areas within three months of becoming aware that any area of revegetation no longer meets the revegetation completion criteria.</p> <p>To contribute to offsetting the losses of 10.9 hectares of black cockatoo habitat and 158 potential breeding trees, the approval holder must, within six months from commencement of the action, submit an Offset Strategy for the Minister's written approval. The Offset Strategy must be consistent with the EPBC Act Environmental Offsets Policy, and must:</p> <ol style="list-style-type: none"> include the details of, and justification for, one or more proposed offset area(s) ensure that any proposed offset area(s) proposed contains the same type and the same, or better, quality of black cockatoo habitat as the project area and is located within 50 km of the project area discuss how the offset area(s) is consistent with the principles of the EPBC Act Environmental Offsets Policy detail the process, including for preparation of the Offset Area Management Plan specified in Conditions 9 and 10, to ensure the offset area(s) is legally secured with a restrictive statutory conservation covenant for its protection in perpetuity within 18 months from commencement of the action. <p>The approved Offset Strategy must be implemented. The approval holder must commence implementing the approved Offset Strategy and legally secure the offset area(s) with a restrictive statutory conservation covenant for its protection in perpetuity within 18 months from commencement of the action.</p>	NC	<p>Emerge Associates, on behalf of the Proponent, submitted an Offset Strategy to the Department during the 2020 reporting period. The Offset Strategy was prepared to include the specific information required under Conditions 3a-3d.</p> <p>In the previous reporting periods the proponents had been searching for an appropriate offset site to which a conservation covenant could be applied, which was identified in the 2021 reporting period. The details of this proposed site were submitted to the Department to confirm its acceptability, pending which a conservation covenant over the proposed offset site was then to be executed, however this was not completed as certainty regarding the metrics underpinning this approach were not secured from the Department and given the time that has passed it will not be progressed further.</p> <p>During this reporting period the proponents has decided the to change the selected offset strategy approach to expand the approved revegetation program, which will be covered in the Offset Area Management Plan to be lodged in the next reporting period. In lodging the new plan compliance with conditions 9 and 10 will be achieved. In addition, a request was historically submitted to the Department to amend the wording of Condition 3 and 9 to modify the timeframes specified such that the offset can be executed to be compliant with the modified approval conditions. These two processes are currently being progressed by the Proponent in consultation with the Department's Post Approvals Team and are ongoing, with the intent of resolving the identified non-compliance during the following reporting period (i.e. 2024 reporting period).</p>
4	<p>To mitigate potential direct impacts to nesting black cockatoos, the approval holder must investigate all suitable nesting hollows in the project area within seven days prior to clearing them. The investigation must be undertaken by a suitably qualified ecologist. If any black cockatoo is detected utilising any hollow in any tree, the approval holder must:</p> <ol style="list-style-type: none"> clearly identify, mark and record the location of the tree being used only clear the identified nesting tree and vegetation within a 10 metre radius of the tree if a suitably qualified ecologist has verified that the hollow in the tree is no longer being used by black cockatoos. 	C	<p>One hollow was cleared in during the reporting period, as shown in Figure 1. It was previously identified as a potential suitable hollow during previous fauna assessments (completed by Harewood (2017) and Bamford Consulting Ecologists (2018) during the EPBC Act assessment process).</p> <p>These previous assessments utilised ground-based observations to assess the hollows, and as such was unable to confirm internal hollow morphology and associated suitability of the hollow for black cockatoo nesting. The hollow was inspected by Emerge using a pole-mounted camera (July 2022) prior to being cleared.</p>

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No.	Condition wording	Compliance	Evidence/comments
5	<p>To mitigate and offset the loss of six suitable nesting hollows within the project area, the approval holder must install, within the Paganoni Swamp reserve, revegetation area 1 and/or revegetation area 2, and in accordance with artificial hollow installation guidelines, at least 18 artificial nesting hollows. To maximise the likelihood of the installed artificial nesting hollows being used by black cockatoos, the approval holder must:</p> <ol style="list-style-type: none"> install at least 18 artificial nesting hollows prior to the beginning of the next breeding season following the commencement of the action undertake adaptive management of the artificial nesting hollows and, as a component of adaptive management, ensure that each installed artificial nesting hollow is: <ol style="list-style-type: none"> monitored and maintained in accordance with the artificial hollow maintenance guidelines for the life of the approval, with maintenance actions undertaken outside of the breeding season not installed in a manner that requires additional clearing of black cockatoo habitat or within 10 metres of the edge of any road seals or buildings, so as to reduce the risk of vehicle strike and human disturbance. prior to clearing the trees containing suitable nesting hollows, have a suitably qualified ecologist undertake an inspection of all suitable nesting hollows during the peak breeding season immediately preceding clearing, to confirm whether there is any evidence of use by black cockatoos. If a suitably qualified ecologist certifies in writing that no evidence of use is observed, then compliance with Conditions 5.d., 5.e. and 6 is not required ensure that each installed artificial nesting hollow is inspected at least twice each year, and at least four weeks apart, by a suitably qualified ecologist during the peak breeding season for nine years commencing within one year of their installation, to record any evidence of use by black cockatoos and to identify any maintenance requirements not cease adaptive management of artificial nesting hollows until at least one artificial nesting hollow² for each suitable nesting hollow identified with evidence of use under Condition 5.c. has shown evidence of use by black 	C	<p>The pole-mounted camera inspections determined that the hollow was too small and was deemed unsuitable for black cockatoo nesting.</p> <p><u>Artificial hollow installation</u> (Conditions 5, 5a)</p> <ul style="list-style-type: none"> Completed in previous reporting period. The artificial hollows were installed in the previous reporting period. Their locations are shown in Figure 1. <p><u>Natural hollow inspection</u> (Condition 5c)</p> <ul style="list-style-type: none"> As outlined in relation to Condition 1 and Condition 4, one previously identified suitable nesting hollow was cleared during the reporting period. Following internal inspection, the hollow was deemed to be unsuitable for black cockatoo use due to being too small. 25 July 2022 – As part of a pre-clearance inspection, an internal inspection of a suitable hollow recorded previously by Greg Harewood was undertaken. Following internal inspection of the hollow, the hollow was deemed to be unsuitable for black cockatoo usage due to it being too small. 18 August 2022 – Clearing of vegetation took place, including the habitat tree and hollow mentioned above (See Figure 1). 19 December 2022 – Emerge undertook inspections of the remaining natural hollows recorded previously by Greg Harewood to check for evidence of black cockatoo nesting. No evidence of black cockatoo usage was observed in any of the hollows. Of the natural hollows that were inspected, hollows 299, 328 and 240 were deemed suitable for black cockatoo usage while all the remaining natural hollows (12) were deemed unsuitable for usage by black cockatoos. <p><u>Artificial hollow monitoring</u> (Conditions 5b, 5d, 5e)</p> <ul style="list-style-type: none"> The installed artificial hollows were inspected by Emerge Associates on behalf of the proponent: 26 October 2023 – Emerge undertook monitoring of the artificial cockatoo hollows. One artificial hollow (499f) was recorded as being used by black cockatoos for nesting with a juvenile black cockatoo observed. 1 December 2023 – Emerge undertook monitoring of the artificial cockatoo hollows. The same black cockatoo juvenile was recorded in the artificial hollow and identified as a Carnaby's black cockatoo. No maintenance of the artificial hollows was determined to be required during the reporting period, based on the parameters identified in the maintenance guidelines

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No.	Condition wording	Compliance	Evidence/comments
	<p>cockatoos for three consecutive years, as verified in writing by a suitably qualified ecologist.</p> <p>1 The artificial nesting hollow in use for three consecutive years need not be the same artificial nest hollow each year.</p>		<p>(condition of chewing posts, attachment points, hollow bases and stability of tree or pole used to mount the artificial hollow).</p> <ul style="list-style-type: none"> This is the fourth year of annual monitoring completed during the peak breeding season since installation of the artificial hollows.
6	<p>If, after nine years from commencement of the action, the approval holder is unable to provide the verification by a suitably qualified ecologist required under Condition 5.e., the approval holder must, within ten years after commencement of the action:</p> <ol style="list-style-type: none"> submit to the Minister, for written approval, the details of an offset that meets the requirements of the EPBC Environmental Offsets Policy and will compensate for the permanent loss of the number of suitable nesting hollows identified with evidence of use under Condition 5.c. submit to the Department a report assessing, in detail, the factors that caused the failure to achieve black cockatoo nesting in at least one artificial nesting hollow" for each suitable nesting hollow with evidence of use for three consecutive years. 	NA	Nine years has not passed since the commencement of the action. As such, this condition has not been triggered and was therefore not applicable during the reporting period.
7	In the event that an approved management authority agrees to take over implementation of Conditions 2, 5 and/or 6 prior to the completion of the timeframes stipulated in these conditions, the approval holder's responsibilities in relation to Conditions 2, 5 and/or 6 may cease. Prior to ceasing responsibility for Conditions 2, 5 and/or 6, the approval holder must provide the Department with written agreement from the approved management authority stating that the approved management authority will comply with Conditions 2, 5 and/or 6 or manage the relevant matters as otherwise agreed by the Department.	NA	No agreement has been reached with an approved management authority to take over implementation of Condition 2, 5 and/or 6. As such, the requirements of this condition are not currently applicable.
8	All data, enquiries and findings of the monitoring required by Condition 4 must be provided to the Department and the Western Australian Department of Biodiversity, Conservation and Attractions to contribute to broader research into the use of artificial nesting hollows by black cockatoos. This must occur within one year of the verification by a suitably qualified ecologist required under Condition 5.e. being achieved, or within 25 business days after submitting the report required under Condition 6.b.	NA	This requirement will be triggered once Condition 5e or 6b are satisfied, which did not occur during the reporting period. As such, this requirement was not applicable during the reporting period.

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No.	Condition wording	Compliance	Evidence/comments
9	The approval holder must submit an Offset Area Management Plan (OAMP) for each offset area proposed in the approved Offset Strategy. A suitably qualified person must verify in writing to the Department that the OAMP meets the requirements of Condition 10. The verified OAMP must be published on the approval holder's website until the offset area(s) have been ceded to an approved management authority. The verified OAMP must be implemented within 18 months from commencement of the action.	NC	<p>The Offset Strategy has not yet been approved by the Minister. As such, no Offset Area Management Plan/s were prepared and submitted during the reporting period.</p> <p>As outlined in response to Condition 3, whilst the Proponent has made all efforts to resolve the offset requirement as quickly as possible, it has taken longer than the 18-month time period specified in the wording of Conditions 3 and 9, and as such this represents a non-compliance with the current wording of the condition.</p> <p>In previous reporting periods the proponent submitted an offset strategy for the Department's approval with the desired plan being the application of a conservation covenant to private land that supports black cockatoo habitat. During this reporting period, whilst still awaiting final approval of the strategy, the proponent has made the decision to pursue the expansion of the revegetation program which will be detailed in the Offset area Management Plan to be lodged in the next reporting period. In lodging the new plan compliance with conditions 9 will be achieved. In addition, a request was historically submitted to the Department to amend the wording of Condition 3 and 9 to modify the timeframes specified such that the offset can be executed to be compliant with the modified approval conditions. These two processes are currently being progressed by the Proponent in consultation with the Department's Post Approvals Team and are ongoing, with the intent of resolving the identified non-compliance during the following reporting period (i.e. 2024 reporting period).</p>
10	<p>The OAMP must be consistent with the Department's Environmental Management Plan Guidelines, and must include:</p> <ol style="list-style-type: none"> the OAMP environmental objectives, relevant EPBC Act protected matters and a reference to EPBC Act approval conditions and commitments in the approved Offset Strategy to which the OAMP refers a table of commitments made in the OAMP to achieve the objectives, and a reference to where the commitments are detailed in the OAMP reporting and review mechanisms, and documentation standards to demonstrate compliance with the OAMP an assessment of risks to achieving the OAMP environmental objectives and risk management strategies that will be applied a monitoring program, which must include: <ol style="list-style-type: none"> measurable performance indicators trigger values for corrective actions the timing and frequency of monitoring to detect changes in the performance indicators 	NA	As outlined above, no Offset Area Management Plan/s were prepared and submitted during the reporting period. As such, this condition is not currently applicable.

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No.	Condition wording	Compliance	Evidence/comments
	<ul style="list-style-type: none"> vi. proposed corrective actions, if trigger values are reached f. Provide any links to other plans or conditions of approval (including State approval conditions). 		
11	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.	C	Emerge Associates, on behalf of the Proponent, notified the Department in writing on 18 December 2019 that the action commenced on the 9 December 2019. The Department was notified 7 business days after commencement of action, in accordance with the requirements of condition 11.
12	If the commencement of the action does not occur within two years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	C	Commencement of action occurred on 9 December 2019, within two years of the date of the approval (3 December 2019).
13	The approval holder must maintain accurate and complete compliance records.	C	The approval holder maintains accurate and complete compliance records as required by this condition.
14	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.	NA	The Department has not made any such requests under this condition to date. As such, this condition is currently not applicable.
15	The approval holder must: <ul style="list-style-type: none"> a. submit plans electronically to the Department; b. publish each plan on the website within 20 business days of the date the plan is approved by the Minister or the Department, unless otherwise agreed to in writing by the Minister; c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and d. keep plans published on the website until the end date of this approval. 	C	The Offset Strategy was submitted to the Department electronically by email. The Offset Strategy has not yet been approved by the Minister and as such has not been published on the approval holder's website. This will occur following approval of the strategy. No other plans have been submitted to the Department to date.
16	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under conditions of this approval, is prepared in accordance with the Department's <i>Guidelines for biological survey and mapped data</i> (2018) and submitted electronically to the Department within six months of the monitoring taking place.	C	Monitoring data required under this approval is limited to the monitoring data required under Condition 5 in relation to installed artificial hollows. No other monitoring data, surveys, maps or other spatial and metadata is required under the approval. Condition 8 sets out the reporting requirements for this data to be provided to the Department (as well as OBCA), the requirement for which has not yet been triggered. Notwithstanding, the results of artificial hollow monitoring is presented and provided to the Department in each annual compliance report. In summary, evidence of black cockatoo

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No.	Condition wording	Compliance	Evidence/comments
17	The approval holder may apply to the Minister for a variation to the management plan approved by the Minister under Condition 9 or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves the revised management plan (RMP) then, from the date specified, the approval holder must implement the RMP in place of the previous management plan.	NA	<p>nesting has been observed within one of the artificial hollows to date, based on monitoring completed during the 2020, 2021, 2022 and 2023 peak breeding seasons.</p> <p>No management plans have been approved by the Minister under Condition 9. As such, this condition is not currently applicable.</p>
18	<p>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:</p> <ol style="list-style-type: none"> publish each compliance report on the website within 60 business days following the relevant 12 month period; 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; keep all compliance reports publicly available on the website until this approval expires; exclude or redact sensitive ecological data from compliance reports published on the website; and 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. 	C	<p>This is the forth ACR to be prepared for EPBC 2017/8041.</p> <p>The 2022 ACR was published on the approval holder's website on 10 March 2021, within 60 business days following the annual anniversary of the commencement of the action. The Department was notified by email that the ACR had been published and provided a weblink for the compliance report on 10 March 2021, within five business day of the date of publication.</p>
19	<p>The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <ol style="list-style-type: none"> any condition which is or may be in breach; a short description of the incident and/or non-compliance; and the location (including co-ordinates), date, and time of the incident and/or non-compliance 	C	<p>During the reporting period, the proponent was aware of two non-compliances:</p> <ul style="list-style-type: none"> Condition 3 and 9: in relation to the 18-month timeframe for implementation of the offset. This was determined following discussions with the approval holder on 22 June 2021 and the department was notified of the non-compliance (via the Post Approvals Team) on 24 June 2021. While this has continued to be progressed with the intent of satisfying the requirements of Conditions 3 and 9, this has not yet been achieved and hence the non-compliances are still current. A request to modify the conditions has been lodged with the Department, and the proponent will seek to resolve this during the following reporting period.

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No.	Condition wording	Compliance	Evidence/comments
20	<p>The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <ol style="list-style-type: none"> any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; the potential impacts of the incident or non-compliance; and the method and timing of any remedial action that will be undertaken by the approval holder. 	C	With respect to the non-compliance for Conditions 3 and 9, ongoing discussions were held with the Department's Post-Approvals Team during the reporting period. Details of a proposed offset and a request to modify the wording of Condition 3 and 9 were submitted to the Department on 3 March 2022. Additional information was provided to the Department on 10 October 2022, to which the Department responded on 5 December 2022. The agreed course of action is currently being progressed in consultation with the Department.
21	The approval holder must ensure that independent audits of compliance with the conditions are conducted when requested in writing by the Minister.	NA	No requests for an independent audit have been made by the Minister to date.
22	<p>For each independent audit, the approval holder must:</p> <ol style="list-style-type: none"> provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; only commence the independent audit once the audit criteria have been approved in writing by the Department; and submit an audit report to the Department within the timeframe specified in the approved audit criteria. 	NA	No requests for an independent audit have been made by the Minister to date.
23	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.	NA	Given no audits have been requested to date, no audit reports currently exist.
24	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	NA	At the end of the reporting period, the action was still ongoing and was yet to be completed. It is anticipated that the action will not be completed for a number of years.

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4 Conclusions

During the reporting period, ongoing non-compliance with Conditions 3 and 9 has been confirmed. The non-compliance related to not implementing an approved offset (and associated management plan) within the timeframes outlined in the condition wording. The same and initial non-compliance was reported to the Department in June 2021. An Offset Strategy has been historically lodged for Departmental approval. The Strategy included three potential offset strategies; establishing a conservation covenant over existing black cockatoo habitat, provisioning funds to DBCA to acquire private property with black cockatoo habitat for public ownership and ongoing management or the expansion of the approved revegetation program required under condition 2. The proponent's preferred option was to establish a conservation covenant, however, the Department position on the proposed offset metrics surrounding this approach have not been resolved, and given the time that has passed it will not be progressed further.

On this basis the proponent has decided to now pursue the expansion of the revegetation program, which will be covered in the Offset Area Management Plan to be lodged in the following reporting period. In lodging the new plan compliance with conditions 9 and 10 will be achieved. In addition, a request was historically submitted to the Department to amend the wording of Condition 3 and 9 to modify the timeframes specified such that the offset can be executed to be compliant with the modified approval conditions. These two processes are currently being progressed by the Proponent in consultation with the Department's Post Approvals Team and are ongoing, with the intent of resolving the identified non-compliance during the following reporting period (i.e. 2024 reporting period).

A range of approval conditions were determined to be 'not applicable' during the reporting period, given their pre-requisite requirements had not been triggered. This includes Conditions 6, 7, 8, 10, 14, 17, 21, 22, 23, 24.

Compliance has been achieved against the remaining conditions during the reporting period, primarily associated with the following activities:

- Undertaking clearing in accordance with the areas specified in the conditions.
- Implementation of revegetation works.
- Monitoring of 18 artificial nesting hollows, which confirmed the usage of the artificial nesting hollows for breeding by Carnaby's black cockatoo

During the following reporting period (2024 reporting period), the key actions and items that are likely to occur include:

- Ongoing clearing within the approval area, in accordance with the approved clearing limits.
- Ongoing monitoring of installed artificial and natural nesting hollows, as required.
- Ongoing implementation of revegetation works.
- Resolution of the non-compliance with Conditions 3 and 9 through lodgement of an Offset Area Management Plan for the proposed expansion of the revegetation program and the associated proposed condition amendment. These processes are currently being progressed in consultation with the Department's Post Assessment Team.

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Figures



Figure 1: 2023 Clearing Extent – Black Cockatoo Habitat

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Avon Ridge Estate, Brigadoon



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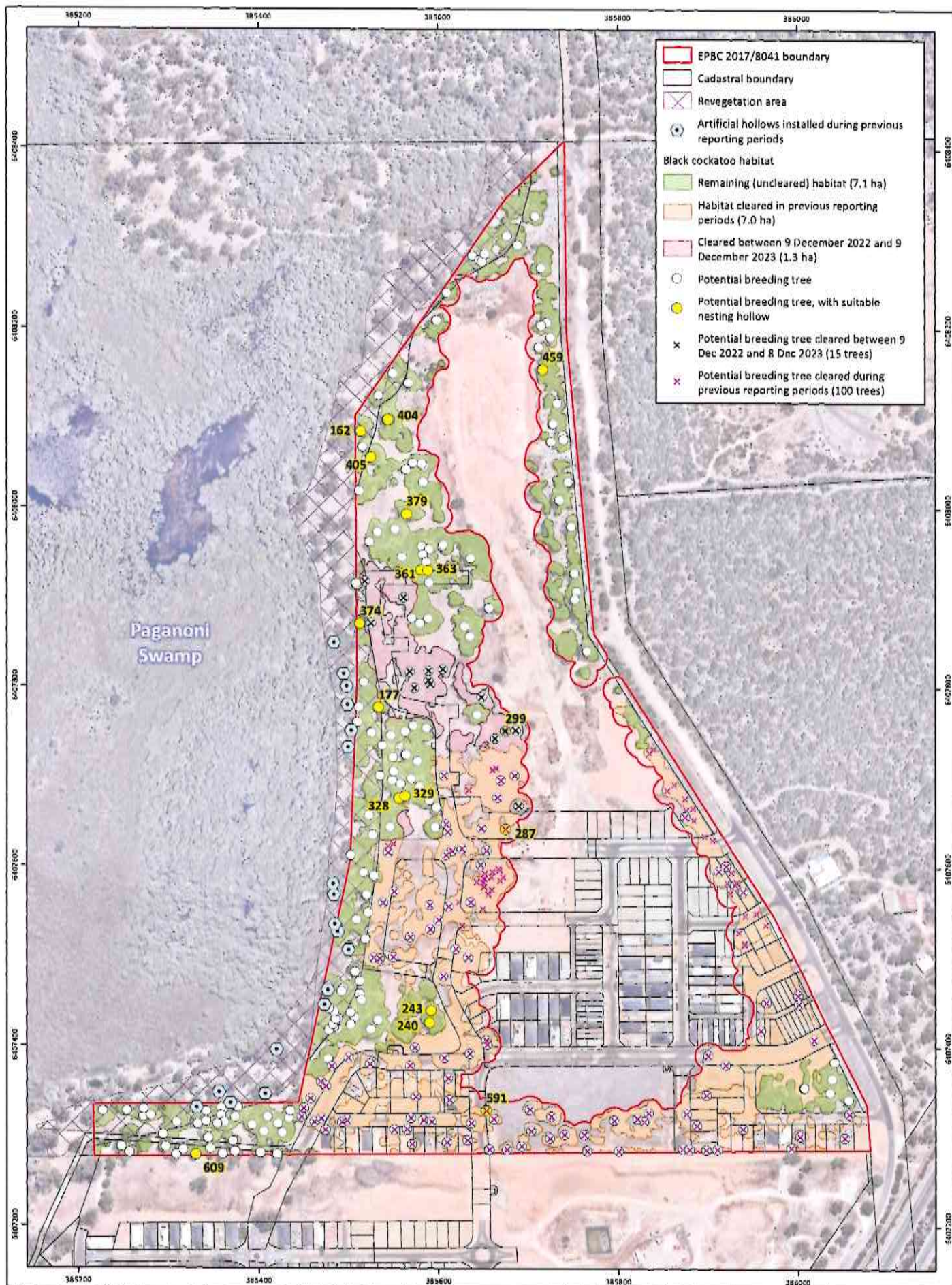


Figure 1: 2023 Clearing Extent - Black Cockatoo Habitat

Project: 2023 Compliance Report for EPBC Approval 2017/8041
Client: Lot 105 Stock Road, Lakelands
 Lot 105 Lakelands Pty Ltd

Plan Number: EP16-000(30)--F150
Drawn: GAR
Date: 07/06/2024
Checked: CSR
Approved: JDH
Date: 07/03/2024



Scale: 1:5,500@A4
 GDA 1994 MGA Zone 50

emerg
 ASSOCIATES

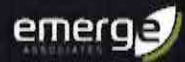
Appendix A

Tranen Revegetation Systems Revegetation Status Reporting



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Lot 105 Stock Road, Lakelands



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The Gardens Revegetation – Urban Capital Monitoring Report – Spring 2023

Monitoring Date(s):	6 th September 2023	Conducted By:	Cory Kennedy
Site Reference:	The Gardens	Reviewed By:	Damian Grose
Area (ha):	12.6	Project No:	P963A

Summary of Revegetation Progress / Condition

- Revegetation works in zone RA2c began in winter 2022. Zone RA2b was planted by others in 2021. Zone RA2a has not yet been planted but has now been added and will commence planting in winter 2024.
- Revegetation works in RA2b and RA2c were completed to satisfy condition 1b of the Revegetation Management Plan (RMP) for Lot 105 Stock Road, Lakelands.
- Condition 1b of the RMP requires a total of 555 stems/ha at least five years old from a selection of native black cockatoo foraging and habitat species in a similar ratio to nearby remnant vegetation.
- The target species list and quantities required were determined via a site survey of a reference site located within Paganoni swamp.
- Ten permanent 20 m x 20 m quadrats were placed throughout the RA2c site and three in RA2b. An additional three 20 m x 20 m quadrats were placed in RA2a during the spring 2023 monitoring event.
- RA2a management begun in spring 2023 with an initial weed control event. Two more weed control events will occur in this site prior to plant establishment in 2024. Quadrat establishment for this site occurred during this monitoring event.
- In RA2b the average stem density is 16% above target.
- In RA2c the average stem density is 26% above target.
- *Eucalyptus gomphocephala* is the most successful planted species across the Ra2b and Ra2c sites.

Success Targets / Completion Criteria

The following tables contain the success targets / completion criteria as outlined in the clearing permit. Objective 1a applies to RA1 only, and objective 1b applies to RA2 (RA2a, RA2b and RA2c) only. It should be noted that there is some overlap of the areas and objectives with zones RA2a and RA2b falling within the larger RA1.

Goal	Objective
1) Undertake revegetation works within Lot 105 to establish areas of self-sustaining native vegetation cover that is integrated with the adjacent ecosystem and provides black cockatoo habitat.	1a) At least 660 <i>Corymbia calophylla</i> (marri), <i>Eucalyptus marginata</i> (jarrah) and <i>Eucalyptus gomphocephala</i> (tuart) trees are at least five years old, are healthy, and are growing well, at a density of at least 250 trees per hectare and in a species ratio consistent with nearby remnant native vegetation#.
	1b) Black cockatoo habitat trees are at least five years old, are healthy, and are growing well, at a species ratio and density consistent with nearby remnant native vegetation#.

#Ratios determined by reference vegetation sampling

Reference sampling of the adjacent Paganoni Swamp recorded the species and stem densities across six locations as shown in the table below. The average stem density of 555 stems/ha is the target to satisfy Objective 1b of the clearing permit. Stem densities varied from 11 stems per 400 m² (275 stems/ha) to 31 stems per 400 m² (775 stems/ha). At a species level there is significant variation amongst locations with no one species recorded in all the reference quadrats. Average data has been provided as an indicative guide for informing species selections for planting, but they are not strict targets for comparison.

Reference Site Black Cockatoo Foraging and Habitat Species Representation and Stem Densities in 20 m x 20 m (400 m²) Quadrats

Species	Minimum Stems / Quadrat	Maximum Stems / Quadrat	Average Stems Per ha	Average % of Total
<i>Banksia attenuata</i>	0	15	154	28%
<i>Banksia grandis</i>	0	15	154	28%
<i>Banksia menziesii</i>	0	1	4	1%
<i>Corymbia calophylla</i>	0	18	92	17%
<i>Eucalyptus gomphocephala</i>	0	2	17	3%
<i>Eucalyptus marginata</i>	0	10	113	20%
<i>Hakea lissocarpa</i>	0	4	17	3%
<i>Hakea prostrata</i>	0	1	4	1%
TOTAL (ALL SPECIES)	11	31	555	100%

Works History

Date(s):	Activity	Description
1 December 2021	Weed Control	Selective spraying with glyphosate and metsulfuron throughout zone RA2b
23 September 2021	Vegetation Assessment	Cockatoo habitat reference vegetation assessment conducted as per requirements of the management plan.
7 February 2022	Weed Control	Selective spraying with glyphosate and metsulfuron throughout the soil stockpiles at the northern end of the site.
18 -20 July 2022	Planting	A total of 4,798 seedlings were planted within revegetation zone RA2c at a density of 1 plant / 18m ² . The species mix can be seen in the below attachment. All plants were installed with corflute tree guards.
6 – 12 July 2022	Weed Control	Selective spraying with glyphosate and metsulfuron throughout zones RA2c, RA2b, and the soil stockpiles at the northern end of the site.
3 October 2022	Monitoring	Formal spring monitoring assessment and report.
17 – 21 October 2022	Weed Control	Selective spraying with glyphosate and metsulfuron throughout zones RA2c, RA2b, and the soil stockpiles at the northern end of the site.
28 February 2023	Monitoring	Formal monitoring of sites Ra2c and Ra2b as per DBCA guidelines.
2 – 3 May 2023	Tree guard removal	Removal of tree guards from dead plants on site to allow surviving plants more protection from kangaroos.
29 – 30 May 2023	Planting	A total of 2,648 seedlings were planted within revegetation zone RA2c (2,540) and RA2b (108). The species mix can be seen in the below attachment. All plants were installed with corflute tree guards.
16 ~ 20 June 2023	Weed Control	Selective spraying with glyphosate and metsulfuron throughout zones RA2c, RA2b, and the soil stockpiles at the northern end of the site.
31 August 2023	Plant Ordering	Ordering of 2,840 plants for 2024 planting season.
6 September 2023	Monitoring	Formal monitoring of sites Ra2c, Ra2b and Ra2a as per DBCA guidelines. Monitoring report sent sperately
6 – 8 September 2023	Weed Control	Selective spraying with glyphosate and metsulfuron throughout zones RA2c, RA2b, RA2A and the soil stockpiles at the northern end of the site.
18 ~ 22 January 2024	Weed Control	Selective spraying with glyphosate and metsulfuron throughout zones RA2c, RA2b, RA2A.

Methodology

Quadrat Establishment

- Thirteen 20 m x 20 m quadrats were established in RA2c and three in RA2b. An additional three quadrats have been established in RA2a. As RA2a and RA2b fall within the greater extent of RA1 the raw quadrat data from six quadrats across RA2a and RA2b is also valid for use in RA1 too.
- Each quadrat was randomly located within each zone to provide an accurate representation of conditions.
- Each quadrat had a permanent photo monitoring point established so that progress photos could be taken from the same location.

Data Collection

- Native stem count by species.
- Native foliage cover.
- Counts of black cockatoo habitat trees (condition 1b of RMP approval), extrapolated to stems per hectare.
- Identification of dominant weed species.
- Weed foliage cover.
- Pest activity.
- All other general factors that may be affecting or contributing to progress.

Assessment Against Completion Criteria

Text is **green** if meeting criteria or **red** if not meeting criteria

Table 1 – RA1 Planting Results Against Condition 1a

Criteria	Target	Q1	Q2	Q3	Q4	Q5	Q6	Avg
Stem count (condition 1b)	250/ha	350	900	525	175	0	50	333
<i>Corymbia calophylla</i>	NA	4	11	15	5	0	1	36
<i>Eucalyptus gomphocephala</i>	NA	8	25	4	2	0	1	40
<i>Eucalyptus marginata</i>	NA	2	0	2	0	0	0	4

Table 2 - RA2c Planting Results Against Condition 1b

Criteria	Target	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Avg
Stem count (condition 1b)	555/ha	875	750	650	375	300	1550	1000	675	325	500	700
<i>Banksia attenuata</i>	154	25	25	0	25	75	100	100	50	25	100	53
<i>Banksia grandis</i>	154	0	0	0	0	125	25	25	0	0	0	18
<i>Banksia menziesii</i>	4	0	0	0	25	50	25	25	25	0	0	15
<i>Corymbia calophylla</i>	92	125	150	175	0	425	300	300	175	100	75	183
<i>Eucalyptus gomphocephala</i>	17	150	275	225	125	375	200	200	250	125	125	205
<i>Eucalyptus marginata</i>	113	200	225	250	0	450	250	250	125	75	150	198
<i>Hakea lissocarpha</i>	17	25	75	0	0	0	25	25	50	0	25	23
<i>Hakea prostrata</i>	4	350	0	0	200	50	75	75	0	0	25	78

- # Target applies to stem count only, individual species counts are a guide only
- The site was planted in 2022 and trees and shrubs are now one year old.

Table 3 - RA2b Planting Results Against Condition 1b

Criteria	Target	Q1	Q2	Q3	Avg
Stem count (condition 1b)	555/ha	375	900	650	642
<i>Banksia attenuata</i>	154	0	0	75	25
<i>Banksia grandis</i>	154	0	0	0	0
<i>Banksia menziesii</i>	4	0	0	0	0
<i>Corymbia calophylla</i>	92	100	275	375	250
<i>Eucalyptus gomphocephala</i>	17	200	625	100	309
<i>Eucalyptus marginata</i>	113	50	0	50	34
<i>Hakea lissocarpha</i>	17	0	0	0	0
<i>Hakea prostrata</i>	4	25	0	50	25

- # Target applies to stem count only, individual species counts are a guide only
- The site was planted in 2021 and trees and shrubs are now two years old.

Table 4 - RA2a Baseline Data Against Condition 1b

Criteria	Target	Q1	Q2	Q3	Avg
Stem count (condition 1b)	555/ha	175	0	75	83
<i>Banksia attenuata</i>	154	0	0	0	0
<i>Banksia grandis</i>	154	0	0	0	0
<i>Banksia menziesii</i>	4	0	0	0	0
<i>Corymbia calophylla</i>	92	125	0	25	50
<i>Eucalyptus gomphocephala</i>	17	50	0	25	25
<i>Eucalyptus marginata</i>	113	0	0	0	0
<i>Hakea lissocarpa</i>	17	0	0	0	0
<i>Hakea prostrata</i>	4	0	0	25	9

Target applies to stem count only, individual species counts are a guide only

- The site is yet to be planted. Trees are of unknown age.

Results and Discussion Ra1

- The average stem count of black cockatoo habitat species (condition 1b) is 333 plants / ha, above the target of 250 plants / ha.
- Quadrats 1 – 3 all exceed the target stem density.
- Quadrats 4 – 6 are all below the target as this area has not yet been planted and will be in winter 2024. However, the low densities in this area are balanced out by the high densities in Quadrats 1-3 with the average number of stems across all six quadrats still well above target.
- *Corymbia calophylla* and *Eucalyptus gomphocephala* are the most represented species with only a few *Eucalyptus marginata* recorded.

Results and Discussion Ra2c

- The average stem count of black cockatoo habitat species (condition 1b) is 700 plants / ha, well above the target of 555 plants / ha.
- Quadrat 6 is performing the best with a stem density measured at 1,550 stems / ha.
- Quadrats 4, 5, and 9 are recording below the required level at 375, 300 and 325 stems / ha respectively.
- Quadrat 10 is just below the required target recording 500 stems / ha
- All eight species planted are represented across the site.
- *Eucalyptus gomphocephala* is the most abundant species across the site. With an average of 205 stems / ha.
- *Eucalyptus gomphocephala* is the most consistently distributed species across the site.
- The average weed cover across the site is 33% and native cover averages 8%, both of these results measure higher than the previous monitoring event. These attributes are not success targets but are being recorded to track progress and for ongoing management guidance.

Results and Discussion Ra2b

- The average stem count of black cockatoo habitat species (condition 1b) is 642 plants / ha, above the target of 555 plants / ha.
- Quadrats 2 and 3 are measuring above the required stem density at 555 stems/ ha.
- Quadrat 1 is recorded the lowest density with 375 stems/ ha.
- Four of the eight species listed are represented across the site with very few *Hakea prostrata* and *Eucalyptus marginata* recorded.
- *Eucalyptus gomphocephala* is the most abundant species across the site with an average of 309 stems / ha.

Results and Discussion Ra2a

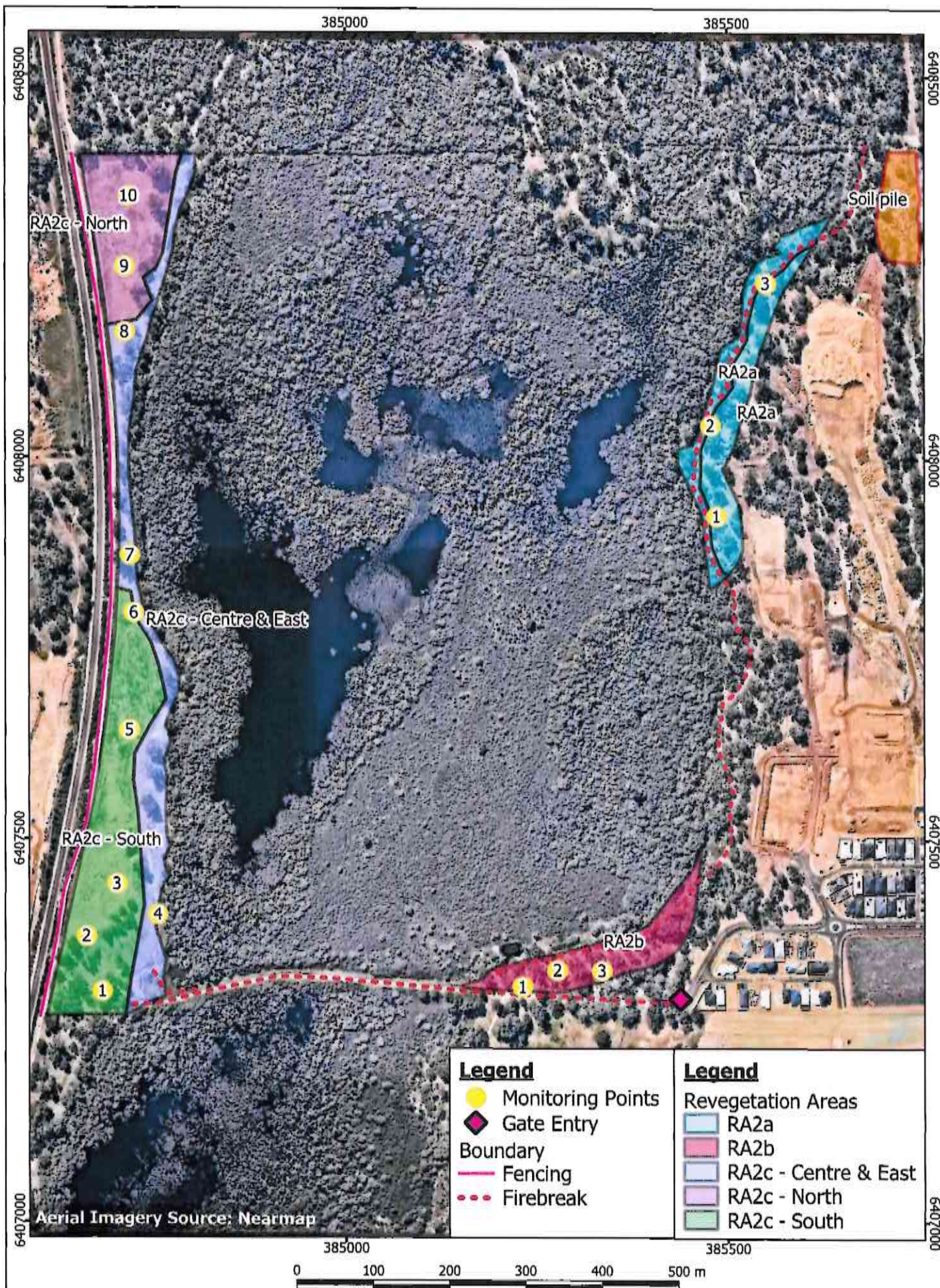
- The data for this zone is baseline only as initial planting will not occur until winter 2024.
- Site preparation activities have been commenced in advance of planting.

Conclusions and Recommendations

- 56% of the planted species died over the 2022/2023 summer months. This is nearly double the typical expected mortality of 30%. This mortality can be directly attributed to the lack of summer rainfall with no rain for over 100 days.
- This loss was acknowledged, and additional plants were installed in 2023 to counter the losses that may occur over the summer months.
- Plant orders have changed from 2023 to 2024. With plant orders needing to be in immediately after spring monitoring to secure stock. Because of this, plants were ordered based on the actual losses from the previous year monitoring results.
- Due to failings of certain species in the 2023 summer period. A larger emphasis on *Eucalyptus* species was factored into the planting for 2023 and 2024 as it is expected these plants will have higher survivability compared to other species listed. As they establish they are also expected to improve shelter and conditions for the other species which are not performing as well.
- While *Eucalyptus* species were used as the focus plants. All species represented on the list were planted to remain sensitive to the species ratios initially determined by the Paganoni swamp reference site.
- Native cover is relatively low at 8%. This is an increase of 3% over the winter period. This cover percentage is as expected at such early stages in the project and given the planting densities.
- Average weed cover percentage across the site was recorded at 33% across RA2b and RA2a. with an average of 70% at RA2a, this is expected to drop as weed control programs have now commenced in RA2a. There are no minimum weed cover targets, however weeds will be maintained to ensure that they do not impact on establishing natives.
- *Ricinus communis* was relatively abundant throughout the site during the last monitoring program (see photos below) this weed has reduced greatly, due to the weed control program. Weed control will aim to eradicate this weed from site along with other problematic weeds found within the revegetation zones.
- Evidence of kangaroos were found in every quadrat, evidence of scats, tracks and herbivory of plants occurred in all areas of the site. To counter predation by kangaroos the tree guards of surviving plants not yet above the guard's collar have remained within the tree guard for a second year. This allows the plants a further year of establishment prior to possible predation from kangaroos. In theory this provides the plants with a higher chance of surviving the grazing pressure.
- Due to the level of weed infestation and invasiveness of weeds on site in the first year of works. A new weed control event has been added for the 2023/2024 maintenance program. This additional weed control event will occur in summer and will aim to reduce the couch grass levels throughout the site, while addressing other weeds of issue.
- Plants have been ordered for infill and initial works across the site the table below indicates the stems ordered for each zone.

Location	Size (ha)	Target / ha	Required infill	Required new	Total
Ra2c South	3.8	555	600		600
Ra2c Center East	2.7	555	665		665
Ra2c North	1.9	555	192		192
Ra2b	1.5	555	59		59
Ra2a	2.4	555		1324	1324
Total	12.3	555	1516	1324	2840

Appendix 1 Monitoring Quadrat Locations



Appendix 2 Ra1 Raw Field Data



The Gardens - Site RA1 Spring monitoring 2023

Survey date: 6/09/2023

Surveyor	Cory Kennedy	1	2	3	4	5	6	
Quadrat		1	2	3	4	5	6	
Zone		Rat	Rat	Rat	Rat	Rat	Rat	
Criteria	Target							Average
Stem count (condition 1a)	250/ha	350	800	525	175	0	50	333

Species	Growth Form	Present	Present	Present	Present	Present	Present	Total
Corymbia calophylla	Tree	4	11	15	5	0	1	36
Eucalyptus gomphocephala	Tree	8	25	4	2	0	1	40
Eucalyptus marginata	Tree	2	0	2	0	0	0	4

Appendix 3 Ra2c Raw Field data



The Gardens - Site RA2c Spring monitoring 2022

Survey date: 6/09/2023

Recorders: Cory Kennedy

Quadrat Zone	1	2	3	4	5	6	7	8	9	10	Total / Average
RA2c-South	1	2	3	4	5	6	7	8	9	10	
Criteria	RA2c-South	RA2c-South	RA2c-South	RA2c-Centr &	RA2c-South	RA2c-Centr &	RA2c-South	RA2c-Centr &	RA2c-North	RA2c-North	
Native Cover	N/A	5%	10%	5%	5%	20%	5%	5%	5%	10%	8%
Native Species count	5	5	3	4	3	7	8	6	4	6	8
Native Stem total	N/A	35	26	15	12	62	40	27	13	20	28
Wired Cover Total	N/A	15%	15%	70%	40%	0%	40%	40%	40%	60%	33%
Stem count (condition 1b)	875	750	650	375	300	1550	1000	675	325	500	700

Species	Growth Form	Count	Count	Count	Count	Count	Count	Count	Count	Count	Total
Barcisia alternata	Tree	1	1		1	3	4	2	1	4	17
Barcisia grandis	Tree					5	1				6
Barcisia menziesii	Tree				1	2	1	1			5
Corymbia calophylla	Tree	5	6	7		17	12	7	4	3	65
Eucalyptus gomphocephala	Tree	6	11	9	5	15	8	10	5	5	77
Eucalyptus marginata	Tree	8	9	10		16	10	5	3	6	74
Hakea laevis	Shrub	1	3				1	2		1	8
Hakea prostrata	Shrub	14			8	2	3			1	28

Weed Species	Rank	Rank	Rank	Rank	Rank	Rank	Rank	Rank	Rank	Rank	Rank
Arctotheca calendula	1						2			3	2
Braza maxima	Herb										
Castor Oil	Shrub										
Cucumis myrsocarpus	Herb		1								1
Cynodon dactylon	Herb	3	3	3	3		3	2	2	2	3
Conyza sp.	Herb							3	3	3	3
Carpetbush ecilis	Herb										
Eriharia calycina (pvc)	Herb										
Denothera dummondii	Herb										
Poa annua	Grass	3									3
Solanum linnaeanum	Shrub										
Ricinus communis	Shrub			2		2					2
Elmiera longiflora (AVG)	Herb										
Gadialus canyophyllaceus	Herb										
Gomphocarpus fruticosus	Herb										
Veronica encabides	Herb										
Sarcobus dierseus	Herb	2	2	2			1			1	2
Lupinus cosentinii	Herb		1								1

Appendix 4 Ra2b Raw Field Data



The Gardens - Site RA2b Spring monitoring 2023

Survey date: 6/09/2023

Surveyor	Cory Kennedy	1	2	3	Total / Average
Quadrat		1	2	3	
Zone		RA2b	RA2b	RA2b	
Criteria	Target				RA2b
Native Cover	N/A	20%	30%	40%	30%
Native Species count	N/A	4	2	5	3.7
Native Stem total	N/A	15	36	26	25.7
Weed Cover Total	N/A	10%	10%	50%	33%
Stem count (condition 1b)	555/ha	175	900	650	642

Species	Growth Form	Present	Count	Present	Count	Present	Count	Observed
Banksia attenuata	Tree					Y	3	Y
Banksia grandis	Tree							N
Banksia menziesii	Tree							N
Corymbia calophylla	Tree	Y	4	Y	11	Y	15	Y
Eucalyptus gomphocephala	Tree	Y	8	Y	25	Y	4	Y
Eucalyptus marginata	Tree	Y	2			Y	2	Y
Hakea lissocarpa	Shrub							N
Hakea prostrata	Shrub	Y	1			Y	2	Y

Weed Species		Present	Rank	Present	Rank	Present	Rank	Observed
Achillea millefolium	Herb	Y	3			Y	2	Y
Briza maxima	Herb							
Castor Oil	Shrub							
Cucumis myrsinaceus	Herb							
Cynodon dactylon	Herb							
Coryza sp.	Herb							
Carpobrotus edulis	Herb							
Ehrharta calycina (PVG)	Herb							
Oenothera drummondii	Herb							
Oxalis pes-caprae	Herb					Y	3	Y
Solanum nigrum	Shrub	Y	1					Y
Solanum linnaeanum	Shrub	Y						Y
Ricinus communis	Shrub	Y	2					Y
Ehrharta longiflora (AVG)	Herb							
Gladiolus corymbosus	Herb							
Gomphocarpus fruticosus	Herb							
Verbena enceloides	Herb							
Sonchus ulmaricus	Herb					Y	1	Y
Geranium molle	Herb							
Trachysandra divaricata	Herb							
Lupinus cosentinii	Herb					Y		Y

Appendix 5 Ra2a Raw Field Data



The Gardens - Site RA2a Spring monitoring 2023

Survey date: 6/09/2023

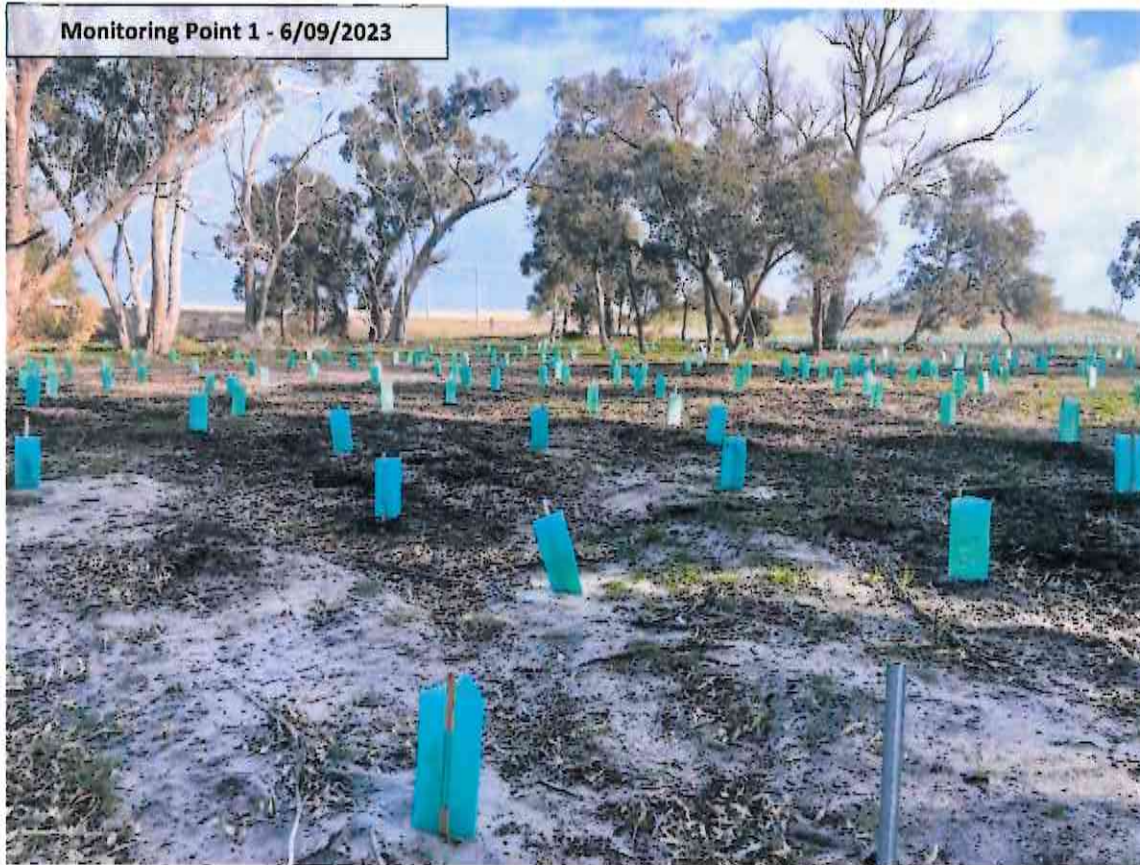
Surveyor	Cory Kennedy	4	5	6	
Quadrat		4	5	6	
Zone		RA2a	RA2a	RA2a	
Criteria	Target				RA2a
Native Cover	N/A	10%	10%	20%	13%
Native Species count	N/A	2	0	3	1.7
Native Stem total	N/A	7	0	3	3.3
Weed Cover Total	N/A	40%	10%	80%	70%
Stem count (condition 1b)	555/ha	175	0	75	83

Species	Growth Form	Present	Count	Present	Count	Present	Count	Observed
Banksia attenuata	Tree							N
Banksia grandis	Tree							N
Banksia menziesii	Tree							N
Corymbia calophylla	Tree	Y	5			Y	1	Y
Eucalyptus gomphocephala	Tree	Y	2			Y	1	Y
Eucalyptus marginata	Tree							N
Hakea laeviscapula	Shrub							N
Hakea prostrata	Shrub					Y	1	Y

Weed Species		Present	Rank	Present	Rank	Present	Rank	Observed
Arctotheca calendula	Herb	Y	1	Y		Y	1	Y
Briza maxima	Herb							
Castor Oil	Shrub							
Cucumis myriocarpus	Herb							
Cynodon dactylon	Herb							
Coryza sp.	Herb							
Carpobrotus edulis	Herb							
Ehretia calycina (PVG)	Herb							
Oenothera drummondii	Herb							
Oxalis pes-caprae	Herb	Y	3	Y	3	Y	3	Y
Solanum nigrum	Shrub							
Solanum linnaeanum	Shrub							
Ricinus communis	Shrub							
Ehretia longiflora (AVG)	Herb							
Gladolus caryophyllaceus	Herb							
Gomphocarpus fruticosus	Herb							
Verbena enceloides	Herb							
Sonchus oleraceus	Herb							
Geranium molle	Herb			Y	1			Y
Taxandria divaricata	Herb	Y	2	Y	2	Y	2	Y
Lupinus cosentinii	Herb							

Appendix 6 Ra2c Quadrat Photographs

Monitoring Point 1 - 6/09/2023



Monitoring Point 1 - 27/02/2023



Monitoring Point 2 - 6/09/2023



Monitoring Point 2 - 27/02/2023



Monitoring Point 3 - 6/09/2023



Monitoring Point 3 - 27/02/2023



Monitoring Point 4 - 6/09/2023



Monitoring Point 4 - 27/02/2023



Monitoring Point 5 - 6/09/2023



Monitoring Point 5 - 27/02/2023



Monitoring Point 6 - 6/09/2023



Monitoring Point 6 - 27/02/2023



Monitoring Point 7 - 6/09/2023



Monitoring Point 7 - 27/02/2023



Monitoring Point 8 - 6/09/2023



Monitoring Point 8 - 27/02/2023



Monitoring Point 9 - 6/09/2023



Monitoring Point 9 - 27/02/2023



Monitoring Point 10 - 6/09/2023



Monitoring Point 10 - 27/02/2023



Appendix 7 Ra2b Quadrat Photographs

Monitoring Point 1 - 6/09/2023



Monitoring Point 1 - 27/02/2023



Monitoring Point 2 - 6/09/2023



Monitoring Point 2 - 27/02/2023



Monitoring Point 3 - 6/09/2023



Monitoring Point 3 - 27/02/2023



Appendix 8 Ra2a Quadrat Photographs

Monitoring Point 1 - 6/09/2023



Monitoring Point 2 - 6/09/2023



Monitoring Point 3 - 6/09/2023

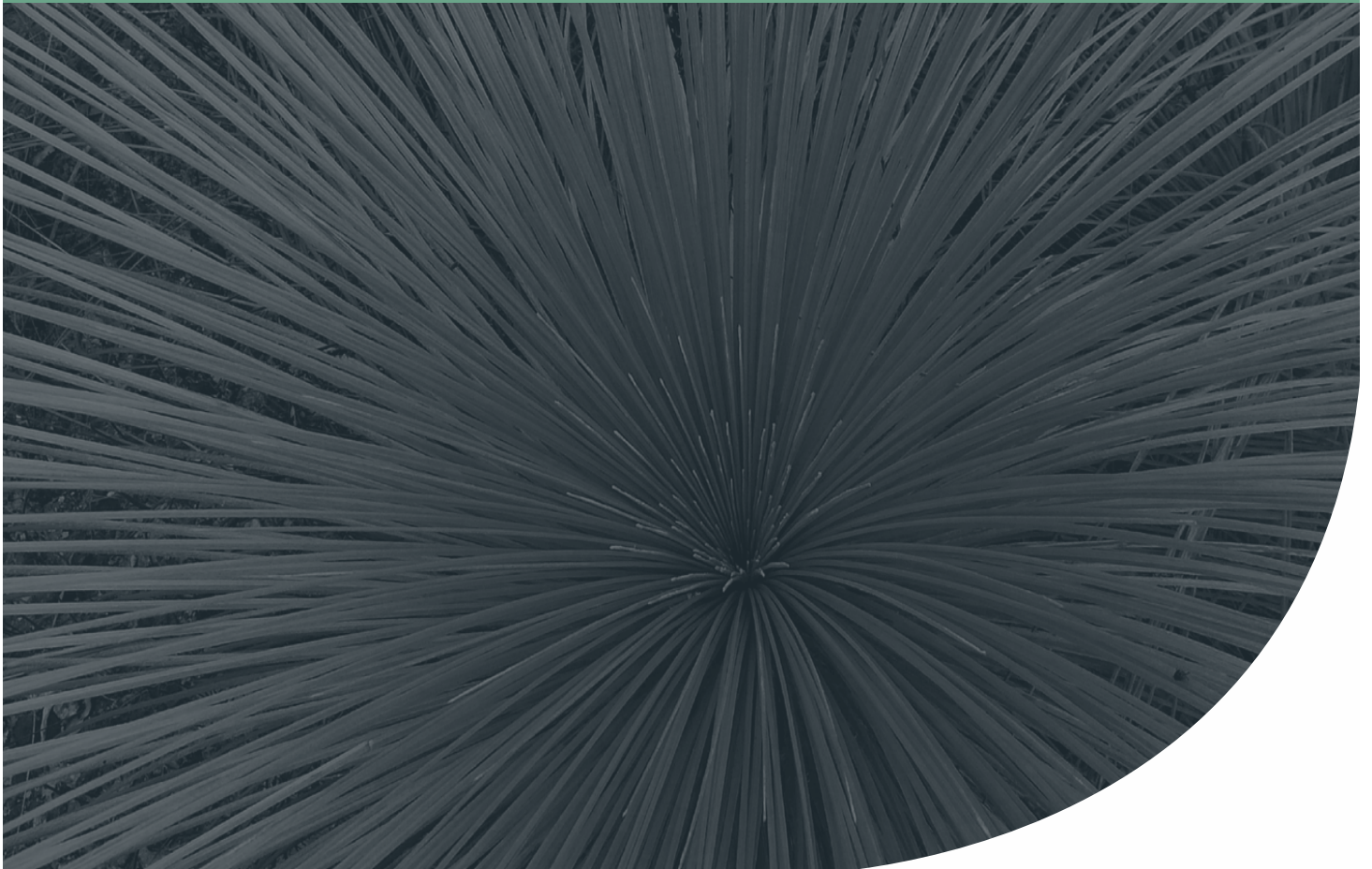


2024 Compliance Report for EPBC Approval 2017/8041

Lot 105 Stock Road, Lakelands

Project No: EP16-060(31)

**Prepared for Lot 105 Lakelands Pty Ltd
March 2025**



2024 Compliance Report for EPBC Approval 2017/8041
Lot 105 Stock Road, Lakelands



Document Control

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Doc no.:		EP16-060(31)--077			
Version	Date	Author		Reviewer	
1	March 2025	Kane Foley	KNF	Jason Hick	JDH
	Provided to client for submission				

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2024 Compliance Report for EPBC Approval 2017/8041

Lot 105 Stock Road, Lakelands



Executive Summary

This annual compliance report (ACR) has been prepared on behalf of Lot 105 Lakelands Pty Ltd (the Proponent), to satisfy the requirements of condition 18 of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2017/8041. The approved action is the residential development of part of Lot 105 Stock Road, Lakelands, which commenced on 9 December 2019.

The objectives of this ACR are to detail the actions undertaken associated with implementing the action (i.e the development) from 9 December 2023 to 8 December 2024 (herein referred to as the 'reporting period') and assess compliance with conditions of the approval within the reporting period.

Works completed between 9 December 2023 and 8 December 2024 have included earthworks, subdivision and development works in the southern and western portion of Lot 105, with some limited vegetation clearing undertaken on the eastern extents, aligning with the intended stages of the residential estate.

During the reporting period, ongoing non-compliance (previously notified and reported) with Conditions 3 and 9 has occurred and was confirmed. The non-compliance related to not implementing an approved offset (and associated management plan) within the timeframes outlined in the condition wording. The same and initial non-compliance was reported to the Department in June 2021. An Offset Strategy has been lodged and was awaiting Departmental approval. The Strategy included three potential offset strategies; establishing a conservation covenant over existing black cockatoo habitat, provisioning funds to DBCA to acquire private property with black cockatoo habitat for public ownership and ongoing management or the expansion of the approved revegetation program required under condition 2. The proponent's preferred option was to establish a conservation covenant over existing black cockatoo habitat, however, this preferred option has not been resolved, despite having the site available to proceed with the covenant. Confirmation of the agreed offset metrics to support this approach were not resolved with the Department, and given the time that has passed without sufficient certainty this option is not being pursued further.

On this basis the proponent is now pursuing the expansion of the revegetation program, which will be covered in the Offset Area Management Plan to be lodged in the next reporting period. The proponent has found a suitable site for this expansion and is currently in formal discussions with the landowner to resolve access to the site. These discussions are ongoing to secure the necessary permissions and agreements. In lodging the new plan compliance with conditions 9 and 10 will be achieved. In addition, a request was historically submitted to the Department to amend the wording of Condition 3 and 9 to modify the timeframes specified such that the offset can be executed to be compliant with the modified approval conditions. These two processes are currently being progressed by the Proponent in consultation with the Department's Post Approvals Team and are ongoing, with the intent of resolving the identified non-compliance during the following reporting period (i.e. 2025 reporting period).

A range of approval conditions were determined to be 'not applicable' during the reporting period, given their pre-requisite requirements had not been triggered. This includes Conditions 6, 7, 8, 10, 14, 17, 21, 22, 23, 24.

2024 Compliance Report for EPBC Approval 2017/8041

Lot 105 Stock Road, Lakelands



Compliance has been achieved against the remaining conditions during the reporting period, primarily associated with the following activities:

- Undertaking clearing in accordance with the areas specified in the conditions.
- Implementation of revegetation works.
- Monitoring of 18 previously installed artificial nesting hollows. This monitoring has confirmed the use of installed artificial nesting hollows for breeding by Carnaby's black cockatoo.

During the next reporting period (2025 reporting period), the key actions and items that are likely to occur include:

- Ongoing clearing within the approval area, in accordance with the approved clearing limits.
- Ongoing monitoring of installed artificial and natural nesting hollows, as required.
- Ongoing implementation of revegetation works.
- Resolution of the non-compliance with Conditions 3 and 9 through lodgement of an Offset Area Management Plan for the proposed expansion of the revegetation program and the associated proposed condition amendment. These processes are currently being progressed in consultation with the Department's Post Assessment Team.

2024 Compliance Report for EPBC Approval 2017/8041
Lot 105 Stock Road, Lakelands



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Figures

Figure 1: 2021 Clearing Extent – Black Cockatoo Habitat

Appendices

Appendix A: Tranen Revegetation Systems Revegetation Status Reporting

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List of Abbreviations

Table A1: Abbreviations – General terms

General terms	
ACR	Annual compliance report
MNES	Matters of national environmental significance

Table A2: Abbreviations – Units of measurement

Units of measurement	
cm	Centimetre
km	Kilometre
ha	Hectare
m	Metre
mm	Millimetre

Table A3: Abbreviations – Organisations

Organisations	
DAWE	Department of Agriculture, Water and the Environment
DBCA	Department of Biodiversity, Conservation and Attractions
CoM	City of Mandurah

Table A4: Abbreviations – Planning terms

Planning terms	
PRS	Peel Region Scheme
TPS	Town planning scheme

Table A5: Abbreviations – Legislation

Legislation	
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>

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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):

Position (please print):

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

Lot 105 Lakelands Pty Ltd (ACN 168 294 782)

Date:

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1 Introduction

1.1 Purpose

This annual compliance report (ACR) has been prepared on behalf of Lot 105 Lakelands Pty Ltd (the proponent), to satisfy the requirements of condition 18 of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2017/8041 (EPBC 2017/8041). Condition 18 requires the proponent to publish an ACR addressing compliance with each condition of EPBC 2017/8041, and states:

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.*

1.2 Scope

The action commenced on the 9th of December 2019. The reporting period reflects the annual anniversary of the commencement of the action. This ACR is to be published to the Proponent's website within 60 business days after the anniversary of the commencement date of the action. On this basis, the reporting period covers the period of 9th of December to 8th of December each year and each ACR should be available on the proponent's website by the 10th of March annually (60 business days after 9th of December).

The objectives of this ACR are to detail the actions undertaken within the development from the 9th of December 2023 to the 8th of December 2024 (herein referred to as the 'reporting period') and assess compliance with conditions of the approval within the reporting period.

The details of compliance with each condition under EPBC 2017/8041 are presented in **Table 2**.

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2 Project status

The project involves the residential development of part of Lot 105 Stock Road, Lakelands, Western Australia. The approved *Lakelands North-East Local Structure Plan* is guiding implementation of development, and provides for:

- Residential development of the eastern portion of Lot 105, including:
 - Residential lots
 - Public open space reserves
 - The arterial road network
 - A primary school.
- Reservation of the majority of Lot 105 (western and central areas associated with Paganoni Swamp) for 'regional open space', which will be ceded to the Department of Biodiversity, Conservation and Attractions (DBCA) for long-term management for conservation purposes.
- Provision of a wetland buffer between the future reserve (Paganoni Swamp) and the approved areas of residential development.

The approved action associated with EPBC 2017/8041 is to clear vegetation and develop part of Lot 105 for residential purposes. The spatial extent of the action is shown in **Figure 1** and comprises the vegetated areas in the east of Lot 105 which are zoned for development.

Works completed between the 9th of December 2023 and the 8th of December 2024 have included earthworks, subdivision and development works in the southern and western portion of Lot 105, with some limited vegetation clearing within the northern extents, aligning the intended stages of the residential estate.

The extent of clearing during the reporting period is discussed further in **Table 2** in relation to compliance with Condition 1.

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3 Compliance Assessment

3.1 Terminology used

The terminology applied in the compliance assessment is consistent with the designations outlined in the *Annual Compliance Report Guidelines* (DoEE 2014), as outlined in **Table 1**.

Table 1: Compliance terminology

Compliance status term	Abbreviation	Description
Compliant	C	Where all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
Non-compliant	NC	Where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
Not Applicable	NA	Where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example, a condition which applies to an activity that has not yet commenced.

3.2 Compliance table

Table 2 provides an assessment of compliance against each of the approval conditions for the period between 9 December 2023 and 8 December 2024

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Table 2: List of approval conditions and current compliance status for EPBC 2017/8041

No.	Condition wording	Compliance	Evidence/comments
1	The approval holder must not clear more than 10.9 hectares of black cockatoo habitat, must not clear more than 158 potential breeding trees, and must not clear more than six suitable nesting hollows within the project area.	C	<p>As shown in Figure 1:</p> <p>1.3 ha of black cockatoo habitat was cleared during the reporting period. 9.6 ha of black cockatoo habitat has been cleared in total since commencement of the action.</p> <p>16 potential breeding trees were cleared during the reporting period. 131 potential breeding trees have been cleared in total since commencement of the action.</p> <p>No suitable nesting hollow/s were cleared during the reporting period. Three suitable nesting hollows, as identified during the EPBC Act assessment, have been cleared in total since commencement of the action. One of these was subsequently determined to not be a suitable nesting hollow.</p>
2	<p>To contribute to offsetting the loss of 10.9 hectares of black cockatoo habitat and 158 potential breeding trees, the approval holder must:</p> <ul style="list-style-type: none"> Undertake revegetation works within revegetation area 1 and revegetation area 2 to establish a self-sustaining native vegetation cover that is integrated with the adjacent ecosystem, provides black cockatoo habitat, and meets the revegetation completion criteria ensure that the revegetation effort is sufficient to meet the revegetation completion criteria. Commence revegetation required under Condition 2.a. within 12 months of commencement of the action. Provide the Department with written and geo-referenced photographic evidence of the commencement of the revegetation works within five business days of their commencement. Not cease revegetation works until the Department has accepted as sufficient, in writing, documentary evidence endorsed by a suitably qualified horticulturist, that the revegetation works meet the revegetation completion criteria. After receiving written acceptance of the documentary evidence by the Department, ensure all areas of revegetation are inspected by a suitably qualified horticulturist at least once every two years, during spring, for a further 10 years to verify that the revegetation completion criteria are still being met, and provide the Department with a report of each inspection detailing how the revegetation is progressing against the revegetation completion criteria within 25 business days after the inspection. 	C	<p>Emerge Associates (2020), on behalf of the Proponent, prepared a Revegetation Management Plan (RMP) to guide the implementation of revegetation works required under Condition 2. The RMP objectives align with the revegetation completion criteria specified in the approval, to ensure the revegetation approach and effort is sufficient to meet these criteria. The Proponent continues to implement revegetation works with the objective of meeting the completion criteria after a minimum of 5 years.</p> <p>The Proponent commenced revegetation works within revegetation area 1 and area 2, and provided geo-referenced photographic evidence of commencement, during the 2020 reporting period.</p> <p>Ongoing revegetation works were implemented during the reporting period between July and August 2024 in revegetation area 2 and involved the planting of 2,840 seedlings within revegetation zones 2c, 2b and 2a (See Appendix A). This was followed by a number of weed control events that were completed in revegetation areas 1 and 2 over June 2023, September 2023, January 2024, August 2024, and October 2024 (See Appendix A). Ongoing weed control is expected to continue for revegetation area 2.</p> <p>Monitoring from representatives (Tranen Revegetation Systems) of the proponent and Emmerge Associates occurred in March and October 2024 and is expected continue in 2025.</p> <p>Conditions 2f and 2g are not applicable for this reporting period, as they are yet to be triggered.</p>

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No.	Condition wording	Compliance	Evidence/comments
	<ul style="list-style-type: none"> Re-establish the revegetation completion criteria within revegetated areas within three months of becoming aware that any area of revegetation no longer meets the revegetation completion criteria. 		
3	<p>To contribute to offsetting the losses of 10.9 hectares of black cockatoo habitat and 158 potential breeding trees, the approval holder must, within six months from commencement of the action, submit an Offset Strategy for the Minister's written approval. The Offset Strategy must be consistent with the EPBC Act Environmental Offsets Policy, and must:</p> <ul style="list-style-type: none"> Include the details of, and justification for, one or more proposed offset area(s). Ensure that any proposed offset area(s) proposed contains the same type and the same, or better, quality of black cockatoo habitat as the project area and is located within 50 km of the project area. Discuss how the offset area(s) is consistent with the principles of the EPBC Act Environmental Offsets Policy. Detail the process, including for preparation of the Offset Area Management Plan specified in Conditions 9 and 10, to ensure the offset area(s) is legally secured with a restrictive statutory conservation covenant for its protection in perpetuity within 18 months from commencement of the action. The approved Offset Strategy must be implemented. The approval holder must commence implementing the approved Offset Strategy and legally secure the offset area(s) with a restrictive statutory conservation covenant for its protection in perpetuity within 18 months from commencement of the action. 	NC	<p>Emerge Associates, on behalf of the Proponent, submitted an Offset Strategy to the Department during the 2020 reporting period. The Offset Strategy was prepared to include the specific information required under Conditions 3a-3d.</p> <p>In the previous reporting periods the proponents had been searching for an appropriate offset site to which a conservation covenant could be applied, which was identified in the 2021 reporting period. The details of this proposed site were submitted to the Department to confirm its acceptability, pending which a conservation covenant over the proposed offset site was then to be executed, however this was not completed as certainty regarding the metrics underpinning this approach were not secured from the Department and given the time that has passed it will not be progressed further.</p> <p>During the previous 2023 reporting period the proponent decided to change the selected offset strategy approach to expand the approved revegetation program. During this reporting period, the proponent has identified a suitable site for the expansion of the revegetation program, as shown in Figure 2. The proponent is currently in the process of securing access to the land through negotiations with the landowner. The Proponent is actively working to finalise the land access arrangements, and once obtained, they will be able to proceed with the necessary works within the site. The land access arrangements are expected to be completed in the following reporting period (i.e. 2025 reporting period) and the Proponent is committed to ensuring that all necessary permissions and agreements are in place to facilitate the revegetation process as planned. Once access is obtained, the Offset Area Management Plan is to be lodged in the next reporting period. In lodging the new plan compliance with conditions 9 and 10 will be achieved.</p> <p>In addition, a request was historically submitted to the Department to amend the wording of Condition 3 and 9 to modify the timeframes specified such that the offset can be executed to be compliant with the modified approval conditions. These two processes are currently being progressed by the Proponent in consultation with the Department's Post Approvals Team and are ongoing, with the intent of resolving the identified non-compliance during the following reporting period (i.e. 2025 reporting period).</p>

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No.	Condition wording	Compliance	Evidence/comments
4	<p>To mitigate potential direct impacts to nesting black cockatoos, the approval holder must investigate all suitable nesting hollows in the project area within seven days prior to clearing them. The investigation must be undertaken by a suitably qualified ecologist. If any black cockatoo is detected utilising any hollow in any tree, the approval holder must:</p> <ul style="list-style-type: none"> Clearly identify, mark and record the location of the tree being used. Only clear the identified nesting tree and vegetation within a 10-metre radius of the tree if a suitably qualified ecologist has verified that the hollow in the tree is no longer being used by black cockatoos. 	C	<p>As outlined above in relation to Condition 1, no identified suitable nesting hollows were cleared during the reporting period. Three suitable nesting hollows, as identified during the EPBC Act assessment, have been cleared in total since commencement of the action. One of these was subsequently determined to not be a suitable nesting hollow.</p> <p>These previous assessments utilised ground-based observations to assess the hollows, and as such was unable to confirm internal hollow morphology and associated suitability of the hollow for black cockatoo nesting. The hollows were inspected by Emerge using a pole-mounted camera prior to being cleared.</p> <p>The pole-mounted camera inspections determined that the hollow was too small and was deemed unsuitable for black cockatoo nesting.</p>
5	<p>To mitigate and offset the loss of six suitable nesting hollows within the project area, the approval holder must install, within the Paganoni Swamp reserve, revegetation area 1 and/or revegetation area 2, and in accordance with artificial hollow installation guidelines, at least 18 artificial nesting hollows. To maximise the likelihood of the installed artificial nesting hollows being used by black cockatoos, the approval holder must:</p> <ul style="list-style-type: none"> Install at least 18 artificial nesting hollows prior to the beginning of the next breeding season following the commencement of the action. Undertake adaptive management of the artificial nesting hollows and, as a component of adaptive management, ensure that each installed artificial nesting hollow is. Monitored and maintained in accordance with the artificial hollow maintenance guidelines for the life of the approval, with maintenance actions undertaken outside of the breeding season. Not installed in a manner that requires additional clearing of black cockatoo habitat or within 10 metres of the edge of any road seals or buildings, so as to reduce the risk of vehicle strike and human disturbance. Prior to clearing the trees containing suitable nesting hollows, have a suitably qualified ecologist undertake an inspection of all suitable nesting hollows during the peak breeding season immediately preceding clearing, to confirm whether there is any evidence of use by black cockatoos. If a suitably qualified ecologist certifies in writing that no evidence of use is observed, then compliance with Conditions 5.d., 5.e. and 6 is not required 	C	<p><u>Artificial hollow installation</u> (Conditions 5, 5a) Completed in previous reporting period. The artificial hollows were installed in the previous reporting period. Their locations are shown in Figure 1.</p> <p><u>Natural hollow inspection</u> (Condition 5c) As outlined in relation to Condition 1 and Condition 4, no identified suitable nesting hollows were cleared during the reporting period.</p> <p><u>Artificial hollow monitoring</u> (Conditions 5b, 5d, 5e) The installed artificial hollows were inspected by Emerge Associates on behalf of the proponent:</p> <ul style="list-style-type: none"> 16 December 2023 – Emerge undertook monitoring of the artificial cockatoo hollows. One artificial hollow was recorded as being used by black cockatoos for nesting with one juvenile black cockatoo observed. 13 November 2024 – Emerge undertook monitoring of the artificial cockatoo hollows. The same artificial hollow was recorded as being used by black cockatoos for nesting with two juvenile black cockatoos observed. <p>No maintenance of the artificial hollows was determined to be required during the reporting period, based on the parameters identified in the maintenance guidelines (condition of chewing posts, attachment points, hollow bases and stability of tree or pole used to mount the artificial hollow).</p>

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No.	Condition wording	Compliance	Evidence/comments
	<ul style="list-style-type: none"> Ensure that each installed artificial nesting hollow is inspected at least twice each year, and at least four weeks apart, by a suitably qualified ecologist during the peak breeding season for nine years commencing within one year of their installation, to record any evidence of use by black cockatoos and to identify any maintenance requirements. Not cease adaptive management of artificial nesting hollows until at least one artificial nesting hollow¹ for each suitable nesting hollow identified with evidence of use under Condition 5.c. has shown evidence of use by black cockatoos for three consecutive years, as verified in writing by a suitably qualified ecologist. The artificial nesting hollow in use for three consecutive years need not be the same artificial nest hollow each year. 		This is the fifth year of annual monitoring completed during the peak breeding season since installation of the artificial hollows.
6	<p>If, after nine years from commencement of the action, the approval holder is unable to provide the verification by a suitably qualified ecologist required under Condition 5.e., the approval holder must, within ten years after commencement of the action:</p> <ul style="list-style-type: none"> Submit to the Minister, for written approval, the details of an offset that meets the requirements of the EPBC Environmental Offsets Policy and will compensate for the permanent loss of the number of suitable nesting hollows identified with evidence of use under Condition 5.c. Submit to the Department a report assessing, in detail, the factors that caused the failure to achieve black cockatoo nesting in at least one artificial nesting hollow" for each suitable nesting hollow with evidence of use for three consecutive years. 	NA	Nine years has not passed since the commencement of the action. As such, this condition has not been triggered and was therefore not applicable during the reporting period.
7	In the event that an approved management authority agrees to take over implementation of Conditions 2, 5 and/or 6 prior to the completion of the timeframes stipulated in these conditions, the approval holder's responsibilities in relation to Conditions 2, 5 and/or 6 may cease. Prior to ceasing responsibility for Conditions 2, 5 and/or 6, the approval holder must provide the Department with written agreement from the approved management authority stating that the approved management authority will comply with Conditions 2, 5 and/or 6 or manage the relevant matters as otherwise agreed by the Department.	NA	No agreement has been reached with an approved management authority to take over implementation of Condition 2, 5 and/or 6. As such, the requirements of this condition are not currently applicable.
8	All data, enquiries and findings of the monitoring required by Condition 4 must be provided to the Department and the Western Australian Department of Biodiversity, Conservation and Attractions to contribute to broader research into the use of artificial nesting hollows by black cockatoos. This must occur within	NA	This requirement will be triggered once Condition 5e or 6b are satisfied, which did not occur during the reporting period. As such, this requirement was not applicable during the reporting period.

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No.	Condition wording	Compliance	Evidence/comments
	one year of the verification by a suitably qualified ecologist required under Condition 5.e. being achieved, or within 25 business days after submitting the report required under Condition 6.b.		
9	The approval holder must submit an Offset Area Management Plan (OAMP) for each offset area proposed in the approved Offset Strategy. A suitably qualified person must verify in writing to the Department that the OAMP meets the requirements of Condition 10. The verified OAMP must be published on the approval holder's website until the offset area(s) have been ceded to an approved management authority. The verified OAMP must be implemented within 18 months from commencement of the action.	NC	<p>The Offset Strategy has not yet been approved by the Minister. As such, no Offset Area Management Plan/s were prepared and submitted during the reporting period.</p> <p>As outlined in response to Condition 3, whilst the Proponent has made all efforts to resolve the offset requirement as quickly as possible, it has taken longer than the 18-month time period specified in the wording of Conditions 3 and 9, and as such this represents a non-compliance with the current wording of the condition.</p> <p>In previous reporting periods the proponent submitted an offset strategy for the Departments approval with the desired plan being the application of a conservation covenant to private land that supports black cockatoo habitat. During the previous reporting period, whilst awaiting final approval of the strategy, the proponent made the decision to pursue the expansion of the revegetation program which will be detailed in the Offset area Management Plan to be lodged in the next reporting period. The Proponent is working to formalise access to a new site for the expansion of the revegetation program, with negotiations with the landowner currently underway. In lodging the new plan compliance with conditions 9 will be achieved.</p> <p>In addition, a request was historically submitted to the Department to amend the wording of Condition 3 and 9 to modify the timeframes specified such that the offset can be executed to be compliant with the modified approval conditions. These two processes are currently being progressed by the Proponent in consultation with the Department's Post Approvals Team. These efforts aim to resolve any non-compliance during the following reporting period (i.e. 2025 reporting period).</p>
10	<p>The OAMP must be consistent with the Department's Environmental Management Plan Guidelines, and must include:</p> <ul style="list-style-type: none"> The OAMP environmental objectives, relevant EPBC Act protected matters and a reference to EPBC Act approval conditions and commitments in the approved Offset Strategy to which the OAMP refers. A table of commitments made in the OAMP to achieve the objectives, and a reference to where the commitments are detailed in the OAMP. Reporting and review mechanisms, and documentation standards to demonstrate compliance with the OAMP. 	NA	As outlined above, no Offset Area Management Plan/s were prepared and submitted during the reporting period. As such, this condition is not currently applicable.

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No.	Condition wording	Compliance	Evidence/comments
	<ul style="list-style-type: none"> an assessment of risks to achieving the OAMP environmental objectives and risk management strategies that will be applied. a monitoring program, which must include: <ul style="list-style-type: none"> Measurable performance indicators. Trigger values for corrective actions. The timing and frequency of monitoring to detect changes in the performance indicators. Proposed corrective actions, if trigger values are reached. Provide any links to other plans or conditions of approval (including State approval conditions). 		
11	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.	C	Emerge Associates, on behalf of the Proponent, notified the Department in writing on 18 December 2019 that the action commenced on the 9 December 2019. The Department was notified 7 business days after commencement of action, in accordance with the requirements of condition 11.
12	If the commencement of the action does not occur within two years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	C	Commencement of action occurred on 9 December 2019, within two years of the date of the approval (3 December 2019).
13	The approval holder must maintain accurate and complete compliance records.	C	The approval holder maintains accurate and complete compliance records as required by this condition.
14	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.	NA	The Department has not made any such requests under this condition to date. As such, this condition is currently not applicable.
15	<p>The approval holder must:</p> <ul style="list-style-type: none"> Submit plans electronically to the Department. Publish each plan on the website within 20 business days of the date the plan is approved by the Minister or the Department, unless otherwise agreed to in writing by the Minister. Exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public. Keep plans published on the website until the end date of this approval. 	C	The Offset Strategy was submitted to the Department electronically by email. The Offset Strategy has not yet been approved by the Minister and as such has not been published on the approval holder's website. This will occur following approval of the strategy. No other plans have been submitted to the Department to date.
16	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under conditions of this approval, is prepared in accordance with the Department's	C	Monitoring data required under this approval is limited to the monitoring data required under Condition 5 in relation to installed artificial hollows. No other monitoring data, surveys, maps or other spatial and metadata is required under the approval. Condition 8

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No.	Condition wording	Compliance	Evidence/comments
	<i>Guidelines for biological survey and mapped data</i> (2018) and submitted electronically to the Department within six months of the monitoring taking place.		sets out the reporting requirements for this data to be provided to the Department (as well as DBCA), the requirement for which has not yet been triggered. Notwithstanding, the results of artificial hollow monitoring is presented and provided to the Department in each annual compliance report. In summary, evidence of black cockatoo nesting has been observed within one of the artificial hollows to date, based on monitoring completed during the 2020, 2021, 2022, 2023 and 2024 peak breeding seasons.
17	The approval holder may apply to the Minister for a variation to the management plan approved by the Minister under Condition 9 or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves the revised management plan (RMP) then, from the date specified, the approval holder must implement the RMP in place of the previous management plan.	NA	No management plans have been approved by the Minister under Condition 9. As such, this condition is not currently applicable.
18	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"> Publish each compliance report on the website within 60 business days following the relevant 12-month period. 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. Keep all compliance reports publicly available on the website until this approval expires. Exclude or redact sensitive ecological data from compliance reports published on the website. 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. 	C	This is the fifth ACR to be prepared for EPBC 2017/8041. The 2023 ACR was published on the approval holder's website on 10 March 2023, within 60 business days following the annual anniversary of the commencement of the action. The Department was notified by email that the ACR had been published and provided a weblink for the compliance report on 10 March 2023, within five business day of the date of publication.
19	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: <ul style="list-style-type: none"> Any condition which is or may be in breach. 	C	During the reporting period, the proponent was aware of two non-compliances: Condition 3 and 9: in relation to the 18-month timeframe for implementation of the offset. This was determined following discussions with the approval holder on 22 June 2021 and the department was notified of the non-compliance (via the Post Approvals Team) on 24 June 2021. While this has continued to be progressed with the intent of satisfying the requirements of Conditions 3 and 9, this has not yet been achieved and hence the non-

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No.	Condition wording	Compliance	Evidence/comments
	<ul style="list-style-type: none"> A short description of the incident and/or non-compliance. The location (including co-ordinates), date, and time of the incident and/or non-compliance. 		compliances are still current. A request to modify the conditions has been lodged with the Department, and the proponent will seek to resolve this during the following reporting period.
20	<p>The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <ul style="list-style-type: none"> Any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future. The potential impacts of the incident or non-compliance. The method and timing of any remedial action that will be undertaken by the approval holder. 	C	With respect to the non-compliance for Conditions 3 and 9, ongoing discussions were held with the Department's Post-Approvals Team during the reporting period. Details of a proposed offset and a request to modify the wording of Condition 3 and 9 were submitted to the Department on 3 March 2022. Additional information was provided to the Department on 10 October 2022, to which the Department responded on 5 December 2022. The agreed course of action is currently being progressed in consultation with the Department.
21	The approval holder must ensure that independent audits of compliance with the conditions are conducted when requested in writing by the Minister.	NA	No requests for an independent audit have been made by the Minister to date.
22	<p>For each independent audit, the approval holder must:</p> <ul style="list-style-type: none"> Provide the name and qualifications of the independent auditor and the draft audit criteria to the Department. Only commence the independent audit once the audit criteria have been approved in writing by the Department. Submit an audit report to the Department within the timeframe specified in the approved audit criteria. 	NA	No requests for an independent audit have been made by the Minister to date.
23	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.	NA	Given no audits have been requested to date, no audit reports currently exist.
24	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	NA	At the end of the reporting period, the action was still ongoing and was yet to be completed. It is anticipated that the action will not be completed for a number of years.

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4 Conclusions

During the reporting period, ongoing non-compliance with Conditions 3 and 9 has been confirmed. The non-compliance related to not implementing an approved offset (and associated management plan) within the timeframes outlined in the condition wording. The same and initial non-compliance was reported to the Department in June 2021. An Offset Strategy has been historically lodged for Departmental approval. The Strategy included three potential offset strategies; establishing a conservation covenant over existing black cockatoo habitat, provisioning funds to DBCA to acquire private property with black cockatoo habitat for public ownership and ongoing management or the expansion of the approved revegetation program required under condition 2. The proponent's preferred option was to establish a conservation covenant, however, the Department position on the proposed offset metrics surrounding this approach have not been resolved, and given the time that has passed it will not be progressed further.

On this basis the proponent decided to pursue the expansion of the revegetation program. The proponent has found a suitable site for this expansion (see **Figure 2**) and is currently in talks with the landowner to finalise access to the site. These discussions are ongoing to secure the necessary permissions and agreements. The details of this expansion will be covered in the Offset Area Management Plan, which will be lodged in the following reporting period. In lodging the new plan compliance with conditions 9 and 10 will be achieved. In addition, a request was historically submitted to the Department to amend the wording of Condition 3 and 9 to modify the timeframes specified such that the offset can be executed to be compliant with the modified approval conditions. These two processes are currently being progressed by the Proponent in consultation with the Department's Post Approvals Team and are ongoing, with the intent of resolving the identified non-compliance during the following reporting period (i.e. 2025 reporting period).

A range of approval conditions were determined to be 'not applicable' during the reporting period, given their pre-requisite requirements had not been triggered. This includes Conditions 6, 7, 8, 10, 14, 17, 21, 22, 23, 24.

Compliance has been achieved against the remaining conditions during the reporting period, primarily associated with the following activities:

- Undertaking clearing in accordance with the areas specified in the conditions.
- Implementation of revegetation works.
- Monitoring of 18 artificial nesting hollows, which confirmed the usage of the artificial nesting hollows for breeding by Carnaby's black cockatoo

During the following reporting period (2025 reporting period), the key actions and items that are likely to occur include:

- Ongoing clearing within the approval area, in accordance with the approved clearing limits.
- Ongoing monitoring of installed artificial and natural nesting hollows, as required.
- Ongoing implementation of revegetation works.
- Resolution of the non-compliance with Conditions 3 and 9 through lodgement of an Offset Area Management Plan for the proposed expansion of the revegetation program and the associated

2024 Compliance Report for EPBC Approval 2017/8041

Lot 105 Stock Road, Lakelands



proposed condition amendment. These processes are currently being progressed in consultation with the Department's Post Assessment Team.

Figures



Figure 1: 2023 Clearing Extent – Black Cockatoo Habitat

Figure 2: 2023 Proposed Offset Sites

2024 Compliance Report for EPBC Approval 2017/8041

Avon Ridge Estate, Brigadoon



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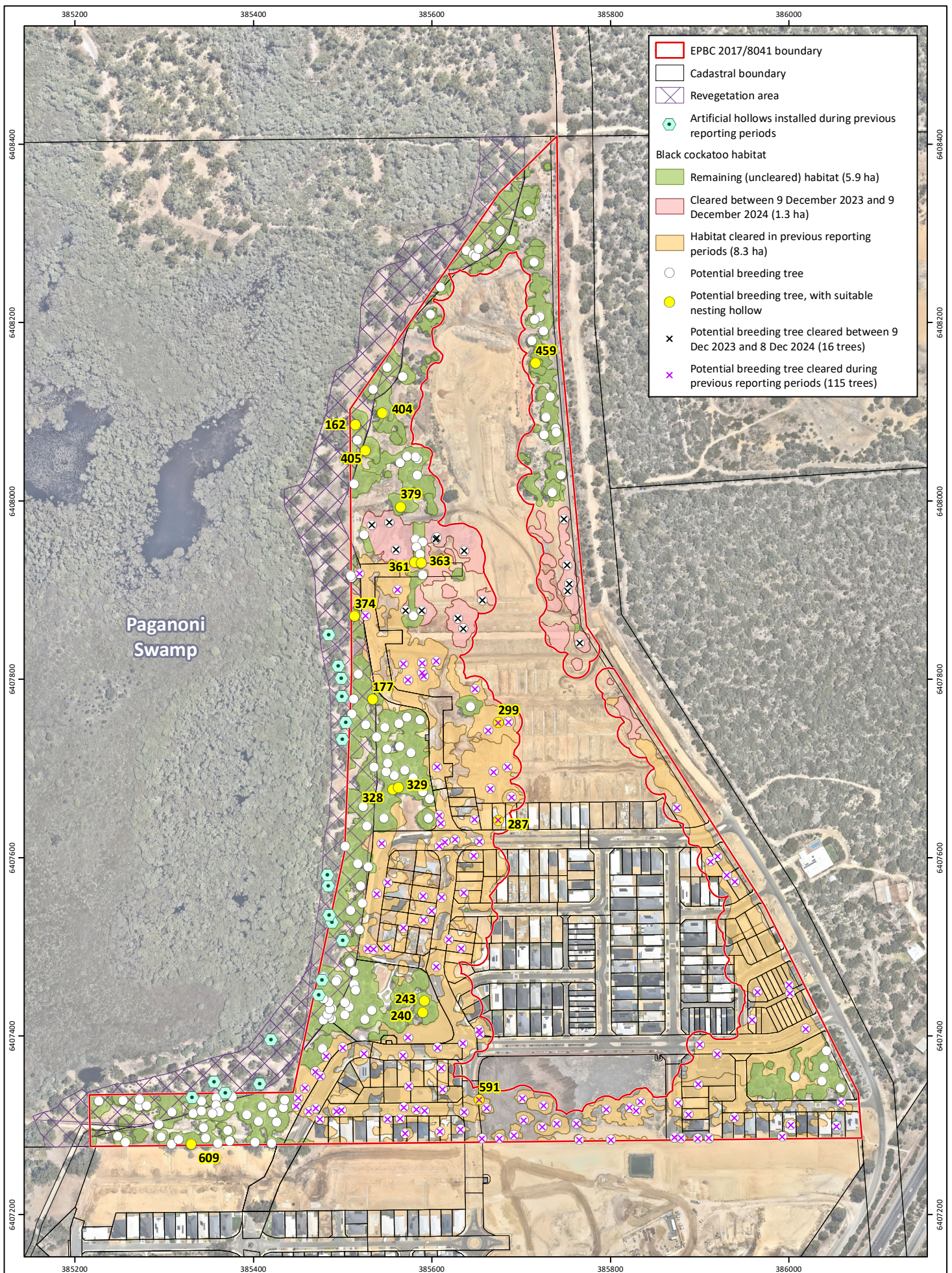


Figure 1: 2023 Clearing Extent - Black Cockatoo Habitat

Project: 2024 Compliance Report for EPBC Approval 2017/8041
 Lot 105 Stock Road, Lakelands

Client: Lot 105 Lakelands Pty Ltd

Plan Number: EP16-060(31)--F153
Drawn: GAR
Date: 07/06/2024
Checked: CSR
Approved: JDH
Date: 07/03/2024



0 50 100 150
 Metres
 Scale: 1:5,500@A4
 GDA 1994 MGA Zone 50



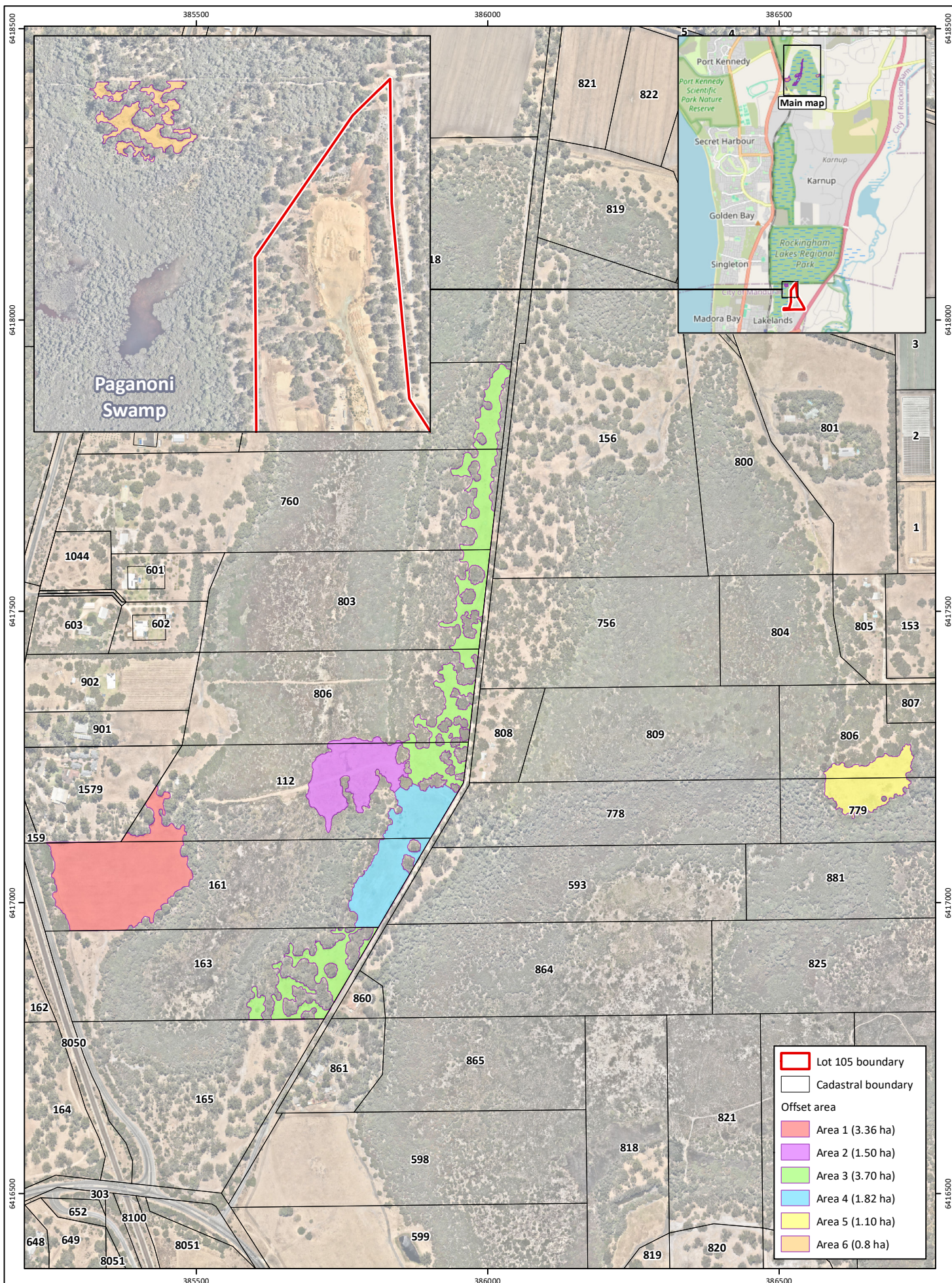


Figure 2: Proposed Offset Sites

Project: 2024 Compliance Report for EPBC Approval 2017/8041
 Lot 105 Stock Road, Lakelands
Client: Lot 105 Lakelands Pty Ltd

Plan Number: EP16-060(31)--F154
Drawn: WJC
Date: 07/03/2025
Checked: JDH
Approved: JDH
Date: 07/03/2025



Scale: 1:8,500@A4
 GDA 1994 MGA Zone 50



Appendix A

Tranen Revegetation Systems Revegetation Status Reporting



2024 Compliance Report for EPBC Approval 2017/8041

Lot 105 Stock Road, Lakelands



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The Gardens Revegetation – Urban Capital Monitoring Report – Spring 2024

Monitoring Date(s):	4 th October 2024	Conducted By:	Cory Kennedy
Site Reference:	The Gardens	Reviewed By:	James Lawton
Area (ha):	12.6	Project No:	P963A

Summary of Revegetation Progress / Condition

- Condition 1b of the RMP requires a total of 555 stems/ha, at least five years old, from a selection of native black cockatoo foraging and habitat species in a similar ratio to nearby remnant vegetation in Zones RA2a, RA2b, and RA2c.
- Condition 1a of the RMP applies to Zone RA1. There is some overlap of the areas and objectives with zones RA2a and RA2b falling within the larger RA1.
- Revegetation works have been staged with Zone RA2b planted first in 2021. Zone RA2c planting began in winter 2022. Zone RA2a planting commenced in winter 2024.
- The target species list and quantities required were determined via a site survey of a reference site located within Paganoni swamp.
- Ten permanent 20 m x 20 m quadrats were placed throughout the RA2c site and three in RA2b. An additional three 20 m x 20 m quadrats were placed in RA2a during the spring 2023 monitoring event.
- RA2a management began in spring 2023 with an initial weed control event. Two more weed control events occurred in the site prior to planting in 2024. Quadrat establishment for this site occurred during the 2023 monitoring event.
- In RA2a the average stem density is currently recording 113% of the required target
- In RA2b the average stem density is currently recording 92% of the required target.
- In RA2c the average stem density is currently recording 69% of the required target.
- *Eucalyptus gomphocephala* is the most successfully established species across the Ra2b and Ra2c sites.

Success Targets / Completion Criteria

The following tables contain the success targets / completion criteria as outlined in the clearing permit. Objective 1a applies to RA1 only, and objective 1b applies to RA2 (RA2a, RA2b and RA2c) only. It should be noted that there is some overlap of the areas and objectives with zones RA2a and RA2b falling within the larger RA1.

Goal	Objective
1) Undertake revegetation works within Lot 105 to establish areas of self-sustaining native vegetation cover that is integrated with the adjacent ecosystem and provides black cockatoo habitat.	1a) At least 660 <i>Corymbia calophylla</i> (marri), <i>Eucalyptus marginata</i> (jarrah) and <i>Eucalyptus gomphocephala</i> (tuart) trees are at least five years old, are healthy, and are growing well, at a density of at least 250 trees per hectare and in a species ratio consistent with nearby remnant native vegetation#.
	1b) Black cockatoo habitat trees are at least five years old, are healthy, and are growing well, at a species ratio and density consistent with nearby remnant native vegetation#.

#Ratios determined by reference vegetation sampling

Reference sampling of the adjacent Paganoni Swamp recorded the species and stem densities across six locations as shown in the table below. The average stem density of 555 stems/ha is the target to satisfy Objective 1b of the clearing permit. Stem densities varied from 11 stems per 400 m² (275 stems/ha) to 31 stems per 400 m² (775 stems/ha). At a species level there is significant variation amongst locations with no one species recorded in all the reference quadrats. Average data has been provided as an indicative guide for informing species selections for planting, but they are not strict targets for comparison.

Reference Site Black Cockatoo Foraging and Habitat Species Representation and Stem Densities in 20 m x 20 m (400 m²) Quadrats

Species	Minimum Stems / Quadrat	Maximum Stems / Quadrat	Average Stems Per ha	Average % of Total
<i>Banksia attenuata</i>	0	15	154	28%
<i>Banksia grandis</i>	0	15	154	28%
<i>Banksia menziesii</i>	0	1	4	1%
<i>Corymbia calophylla</i>	0	18	92	17%
<i>Eucalyptus gomphocephala</i>	0	2	17	3%
<i>Eucalyptus marginata</i>	0	10	113	20%
<i>Hakea lissocarpha</i>	0	4	17	3%
<i>Hakea prostrata</i>	0	1	4	1%
TOTAL (ALL SPECIES)	11	31	555	100%

Works History

Date(s):	Activity	Description
1 December 2021	Weed Control	Selective spraying with glyphosate and metsulfuron throughout zone RA2b
23 September 2021	Vegetation Assessment	Cockatoo habitat reference vegetation assessment conducted as per requirements of the management plan.
7 February 2022	Weed Control	Selective spraying with glyphosate and metsulfuron throughout the soil stockpiles at the northern end of the site.
18 -20 July 2022	Planting	A total of 4,798 seedlings were planted within revegetation zone RA2c at a density of 1 plant/18m ² . The species mix can be seen in the below attachment. All plants were installed with corflute tree guards.
6 – 12 July 2022	Weed Control	Selective spraying with glyphosate and metsulfuron throughout zones RA2c, RA2b, and the soil stockpiles at the northern end of the site.
3 October 2022	Monitoring	Formal spring monitoring assessment and report.
17 – 21 October 2022	Weed Control	Selective spraying with glyphosate and metsulfuron throughout zones RA2c, RA2b, and the soil stockpiles at the northern end of the site.
28 February 2023	Monitoring	Formal monitoring of sites RA2c and RA2b as per DBCA guidelines.
2 – 3 May 2023	Tree guard removal	Removal of tree guards from dead plants on site to allow surviving plants more protection from kangaroos.
29 – 30 May 2023	Planting	A total of 2,648 seedlings were planted within revegetation zone RA2c (2,540) and RA2b (108). The species mix can be seen in the below attachment. All plants were installed with corflute tree guards.
16 – 20 June 2023	Weed Control	Selective spraying with glyphosate and metsulfuron throughout zones RA2c, RA2b, and the soil stockpiles at the northern end of the site.
31 August 2023	Plant Ordering	Ordering of 2,840 plants for 2024 planting season.
6 September 2023	Monitoring	Formal monitoring of sites RA2c, RA2b and RA2a as per DBCA guidelines.
6 – 8 September 2023	Weed Control	Selective spraying with glyphosate and metsulfuron throughout zones RA2c, RA2b, RA2A and the soil stockpiles at the northern end of the site.
18 – 22 January 2024	Weed Control	Selective spraying with glyphosate and metsulfuron throughout zones RA2c, RA2b, RA2a.
12 March 2024	Monitoring	Formal monitoring of sites RA1, RA2a, RA2b, RA2b as per DBCA guidelines.
19 July – 21 August 2024	Planting	A total of 2,840 seedlings were planted within revegetation zone RA2c, RA2b, and RA2a. The species mix can be seen in the below attachment. All plants were installed with corflute tree guards and one 10g native fertiliser tablet.
2 August – 20 August 2024	Weed Control	Selective spraying with glyphosate and metsulfuron throughout zones RA2c, RA2b, RA2a.
4 October 2024	Monitoring	Formal monitoring of sites RA1, RA2a, RA2b, RA2b as per DBCA guidelines.

Methodology

Quadrat Establishment

- Thirteen 20 m x 20 m quadrats were established in RA2c and three in RA2b. An additional three quadrats have been established in RA2a. As RA2a and RA2b fall within the greater extent of RA1 the raw quadrat data from six quadrats across RA2a and RA2b is also valid for use in RA1 too.
- Each quadrat was randomly located within each zone to provide an accurate representation of conditions.
- Each quadrat had a permanent photo monitoring point established so that progress photos could be taken from the same location.

Data Collection

- Native stem count by species.
- Native foliage cover.
- Counts of black cockatoo habitat trees (condition 1b of RMP approval), extrapolated to stems per hectare.
- Identification of dominant weed species.
- Weed foliage cover.
- Pest activity.
- All other general factors that may be affecting or contributing to progress.

Assessment Against Completion Criteria

Text is **green** if meeting criteria or **red** if not meeting criteria

Table 1 – RA1 Planting Results Against Condition 1a

Criterion	Target	Q1	Q2	Q3	Q4	Q5	Q6	Avg
Stem count (condition 1b)	250/ha	200	325	475	750	400	250	400
<i>Corymbia calophylla</i>	NA	5	3	7	15	2	15	18
<i>Eucalyptus gomphocephala</i>	NA	3	6	7	6	14	6	38
<i>Eucalyptus marginata</i>	NA	0	4	5	9	0	9	10

Table 2 - RA2a Baseline Data Against Condition 1b (Site Not Yet Planted)

Criterion	Target #	Q1	Q2	Q3	Avg
Stem count (condition 1b)	555/ha	525	375	975	625
<i>Banksia attenuata</i>	154	0	25	300	109
<i>Banksia grandis</i>	154	100	0	175	92
<i>Banksia menziesii</i>	4	0	25	25	17
<i>Corymbia calophylla</i>	92	125	75	175	125
<i>Eucalyptus gomphocephala</i>	17	75	150	175	134
<i>Eucalyptus marginata</i>	113	0	100	125	75
<i>Hakea lissocarpha</i>	17	175	0	0	59
<i>Hakea prostrata</i>	4	50	0	0	17

- # Target applies to stem count only, individual species counts are a guide only
- The site is yet to be planted. Trees are of unknown age.

Table 3 - RA2b Planting Results Against Condition 1b

Criterion	Target #	Q4	Q5	Q6	Avg
Stem count (condition 1b)	555/ha	300	425	800	508
<i>Banksia attenuata</i>	154	0	25	0	9
<i>Banksia grandis</i>	154	0	0	25	9
<i>Banksia menziesii</i>	4	50	0	0	17
<i>Corymbia calophylla</i>	92	25	50	375	150
<i>Eucalyptus gomphocephala</i>	17	200	350	150	284
<i>Eucalyptus marginata</i>	113	25	0	225	25
<i>Hakea lissocarpha</i>	17	0	0	0	0
<i>Hakea prostrata</i>	4	0	0	25	9

- # Target applies to stem count only, individual species counts are a guide only
- The site was planted in 2021 and trees and shrubs are now four years old.

Table 4 - RA2c Planting Results Against Condition 1b

Criterion	Target #	Q7	Q8	Q9	Q10	Q11	Q12	Q13	Q14	Q15	Q16	Avg
Stem count (condition 1b)	555/ha	250	575	450	350	175	700	175	500	350	325	385
<i>Banksia attenuata</i>	154	50	25	0	0	0	250	25	25	0	200	38
<i>Banksia grandis</i>	154	0	0	0	0	50	0	0	0	25	0	5
<i>Banksia menziesii</i>	4	0	25	0	0	0	0	0	0	0	0	3
<i>Corymbia calophylla</i>	92	50	125	50	0	0	0	0	50	0	200	38
<i>Eucalyptus gomphocephala</i>	17	25	350	375	175	75	525	225	350	225	200	233
<i>Eucalyptus marginata</i>	113	0	25	25	0		0	0	75	0	25	15
<i>Hakea lissocarpha</i>	17	0	0	0	0	0	0	0	0	0	0	0
<i>Hakea prostrata</i>	4	125	25	0	175	100	25	25	0	75	0	55

- # Target applies to stem count only, individual species counts are a guide only
- The site was planted in 2022 and trees and shrubs are now three years old.

Results and Discussion Ra1

- The average stem count of black cockatoo habitat species (condition 1a) is 400 plants/ha, above the target of 250 plants/ha.
- Quadrats 2 to 6 exceed the target stem density, due to infill planting in 2024. Quadrat 1 is marginally below. However, the low densities in this area are balanced out by the high densities in Quadrats 2 to 6 with the average number of stems across all six quadrats still above target.
- Corymbia calophylla* and *Eucalyptus gomphocephala* are the most represented species.

Results and Discussion Ra2a

- Overall zone RA2a is above the required completion criteria 1b of 555stems/ha of Black cockatoo habitat.
- Warmer summer months will indicate true survival of planting from 2024 winter event.
- Weed cover averages 16% across the area.
- Quadrat 1 and 2 recorded below the required density at 525 and 375 stems/ha. While Quadrat 3 recorded a stem density of 975 stems/ha
- All the eight species planted are represented across the site. *Eucalyptus gomphocephala* and *Corymbia calophylla* are the most abundant species across the site with an average of 134 and 125 stems/ha.

Results and Discussion Ra2b

- The average stem count of black cockatoo habitat species (condition 1b) is 508 plants/ha, below the target of 555 plants/ha.
- Individually Quadrat 6 is measuring above the required stem density.
- Quadrat 4 and 5 recorded the lowest density with 300 and 425 stems/ha this is an improvement from last monitoring with quadrat 4 recording 225 stems/ ha, infill planting was concentrated around these areas.

- Seven of the eight species planted are represented across the site. *Eucalyptus gomphocephala* is the most abundant species across the site with an average of 284 stems/ha.

Results and Discussion Ra2c

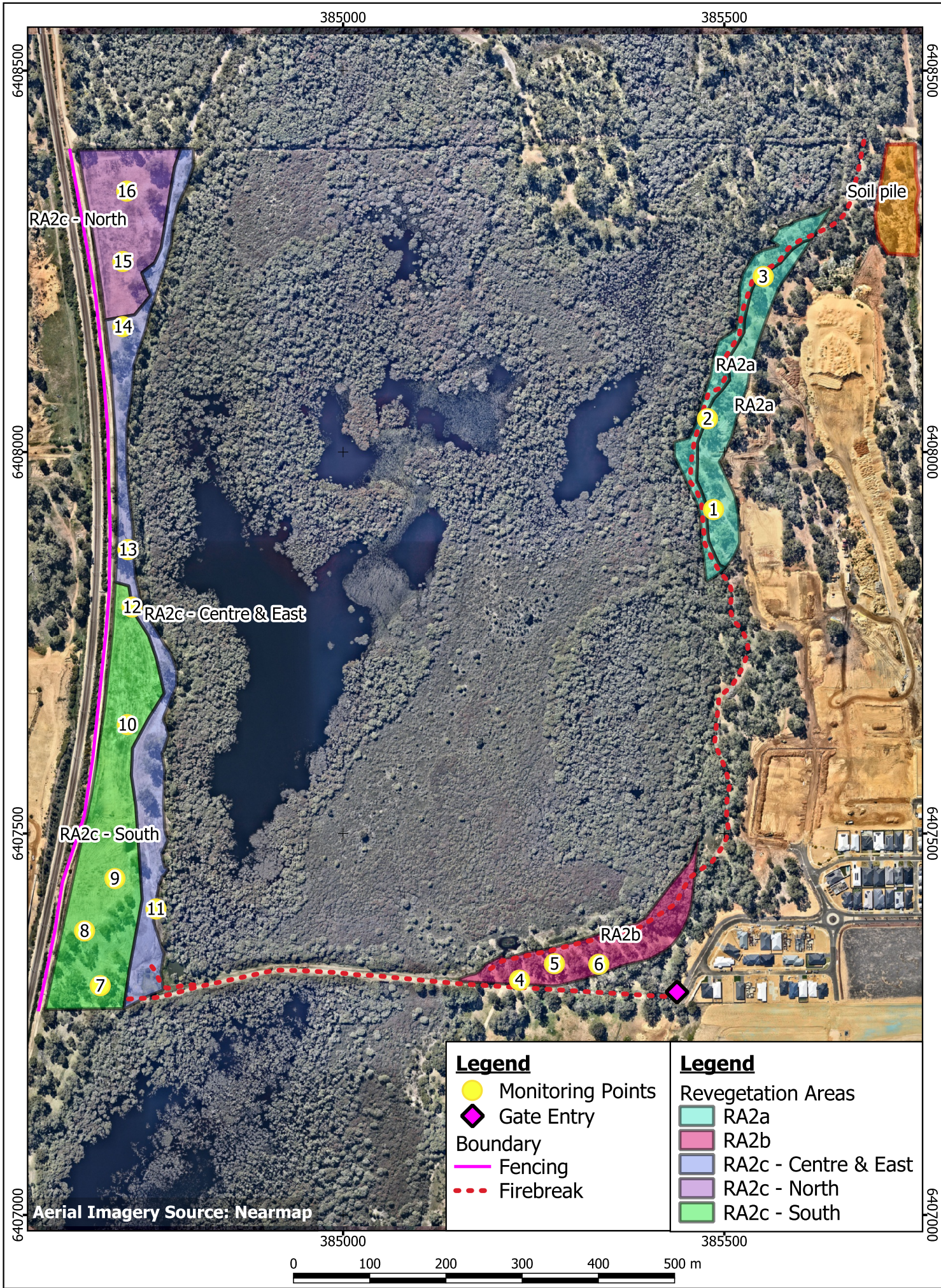
- The average stem count of black cockatoo habitat species (condition 1b) is 385 plants/ha, below the target of 555 plants/ha but is a 70 stem increase on the previous monitoring event. It was identified on site that the removal of the tree guards from planted seedlings that were either too big for the guards or the removal of guards that were degrading in quality have suffered severe losses due to kangaroo herbivory once the guards were removed. Banksia species were most notably affected by this occurrence.
- Quadrat 12 is performing the best with a stem density measured at 700 stems/ha. An increase of 50 stems/ha since the last monitoring event.
- Quadrats 11 and 13 are recording well below the required level at 175 stems/ha each. While this is considerable low. This is an improvement of 100 stems per ha in each quadrat compared to previous monitoring event.
- Seven of the eight species planted are represented across the site (*Hakea lissocarpha* was the only species not recorded in the survey). And was the only species not planted in the 2024 winter planting event.
- *Eucalyptus gomphocephala* is the most abundant species across the site with an average of 233 stems/ha. It is also the most consistently distributed species across the site.
- The average weed cover across the site is 29% and this is a reduction from the 33% recorded in spring 2023. However, most notably a significant reduction in *Ricinus communis* (castor oil plant) has been effectively controlled during the 2023/2024 weed control events.
- Native cover averages 12% representing a 5% increase in cover since the autumn monitoring event. Native cover is not a success measure but is being recorded to track progress and is a proxy for plant health and resilience.

Conclusions and Recommendations

- 43% of the planted species died over the 2023/2024 summer months. Only time will tell if similar mortality is to occur over this summer period. However, rainfall over September has already exceeded last spring's rainfall.
- Infill planting is required in 2025. Pre-emptive plant orders were placed in August 2024 to secure stock.
- Native cover is relatively low at 12%, an increase of 5% over the winter period. This is a 4% increase since the same time last year and indicates surviving plants are beginning to establish canopy cover and grow when surviving herbivory and summer droughts.
- Weeds are under control with an average weed cover percentage of 19% recorded across RA2c, RA2b and RA2a. Intensive management and the dry conditions have allowed for a significant reduction in weeds. There are no minimum weed cover targets, however weeds will be maintained to ensure that they do not impact on establishing natives.
- *Ricinus communis* was relatively abundant throughout the site in winter. However effective weed control throughout the site has seen a significant reduction in populations of this species. Future efforts will aim to eradicate this weed from site along with other problematic weeds found within the revegetation zones.

- Evidence of kangaroo activity was observed in every quadrat through the presence of scats, tracks, and plant herbivory. To mitigate kangaroo predation, tree guards were kept on surviving plants that had not yet grown above the guard's collar for an additional season. However, these guards are not a long-term solution. The guards on seedlings planted in 2022 were removed regardless of plant size due to their quality. Once the guards were removed, any plant that was not sufficiently large was vulnerable to kangaroo herbivory. For seedlings planted in 2023, guards were left on where possible to promote further development before exposure to herbivory.
- Kangaroo population control seems to be the only methods that may help the establishment of these plants throughout the site.
- Additionally, the use of kangaroo proof fencing in zones throughout the revegetation zones may be required to encourage plant development.
- Plants have been secured for infill planting in winter 2025.

Appendix 1 Monitoring Quadrat Locations



Appendix 2 RA1 Raw Field Data



The Gardens - Site RA2b+a
Spring monitoring 2024

Survey date: 4/10/2024
Recorders Cory Kennedy

Quadrat Zone		4	5	6	3	2	1	Total / Average
		Ra2b	Ra2b	Ra2b	Ra2a	Ra2a	Ra2a	
Criteria	Target							
Native Cover	N/A	20%	50%	35%	15%	20%	45%	31%
Native Species count	N/A	4	3	5	6	5	5	8
Native Stem total	N/A	12	17	32	39	15	21	23
Stem density / m2	N/A	0.48	0.68	1.28	1.56	0.60	0.84	1
Weed Cover Total	N/A	2%	5%	5%	2%	30%	15%	10%
Stem count (condition 1a)	250/ha	250	400	750	475	325	200	400

Species	Growth Form	Present	Count	Present	Count	Present	Count	Present	Count	Present	Count	Present	Count	Observed	Total
Corymbia calophylla	Tree	Y	1	Y	2	Y	15	Y	7	Y	3	Y	5	Y	18
Eucalyptus gomphocephala	Tree	Y	8	Y	14	Y	6	Y	7	Y	6	Y	3	Y	38
Eucalyptus marginata	Tree	Y	1		0	Y	9	Y	5	Y	4		0	Y	10



The Gardens - Site RA2c
Spring monitoring 2024

Survey date: 6/09/2023

Recorders: Cory Kennedy

		1	2	3	4	5	6	7	8	9	10	Total / Average
Quadrat	Zone	7	8	9	10	11	12	13	14	15	16	
		RA2c-South	RA2c-South	RA2c-South	RA2c-Centr & East	RA2c-South	RA2c-Centr & East	RA2c-South	RA2c-Centr & East	RA2c-North	RA2c-North	
Criteria	Target											
Native Cover	N/A	20%	10%	40%	1%	2%	10%	2%	5%	15%	10%	12%
Native Species count	N/A	4	6	3	2	2	3	3	4	3	4	7
Native Stem total	N/A	10	23	0	0	7	0	7	0	0	0	5
Stem density / m2	N/A	0.40	0.92	0.00	0.00	0.28	0.00	0.28	0.00	0.00	0.00	0
Weed Cover Total	N/A	2%	2%	25%	80%	10%	30%	80%	40%	10%	15%	29%
Stem count (condition 1a)	250/ha	75	500	450	175	75	525	125	475	225	225	285

Species	Growth Form	Present	Count	Present	Count	Present	Count	Present	Count	Present	Count	Present	Count	Present	Count	Present	Count	Present	Count	Present	Count	Observed	Total
Corymbia calophylla	Tree	Y	2	Y	5	Y	2							Y	2			Y	4	Y	4	Y	15
Eucalyptus gomphocephala	Tree	Y	1	Y	14	Y	15	Y	7	Y	3	Y	21	Y	5	Y	14	Y	9	Y	4	Y	93
Eucalyptus marginata	Tree			Y	1	Y	1							Y	3			Y	1	Y	1	Y	6

Appendix 3 RA2a Raw Field data



The Gardens - Site RA2b+a

Spring monitoring 2024

Survey date: 4/10/2024

Recorders Cory Kennedy

Quadrat		3	2	1	Total / Average
Zone		Ra2a	Ra2a	Ra2a	
Criteria	Target				
Native Cover	N/A	15%	20%	45%	31%
Native Species count	N/A	6	5	5	8
Native Stem total	N/A	39	15	21	23
Stem density / m2	N/A	1.56	0.60	0.84	1
Weed Cover Total	N/A	2%	30%	15%	10%
Stem count (condition 1b)	555/ha	975	375	525	567
Stem count (condition 1a)	250/ha	475	325	200	400

Species	Growth Form	Present	Count	Present	Count	Present	Count	Observed	Total
Banksia attenuata	Tree	Y	12	Y	1		0	Y	14
Banksia grandis	Tree	Y	7		0	Y	4	Y	11
Banksia menziesii	Tree	Y	1	Y	1		0	Y	4
Corymbia calophylla	Tree	Y	7	Y	3	Y	5	Y	18
Eucalyptus gomphocephala	Tree	Y	7	Y	6	Y	3	Y	38
Eucalyptus marginata	Tree	Y	5	Y	4		0	Y	10
Hakea lissocarpa	Shrub		0		0	Y	7	Y	7
Hakea prostrata	Shrub		0		0	Y	2	Y	2
Adriana quadritpartita	Shrub		0		0		0		0
Olearia axillaris	Shrub		0		0		0		0
Rhagodia baccatta	Shrub	Y	1	Y	5	Y	7	Y	13

		Present	Rank	Present	Rank	Present	Rank	Observed	Rank
Weed Species									
Arctotheca calendula	Herb								
Briza maxima	Herb			Y	1	Y	2	Y	2
Castor Oil	Shrub								
Cucumis myriocarpus	Herb								
Cynodon dactylon	Herb								
Coryza sp.	Herb			Y	1			Y	1
Carpobrotus edulis	Herb								
Ehrharta calycina (PVG)	Herb								
Oenothera drummondii	Herb								
Solanum linnaeanum	Shrub								
Ricinus communis	Shrub								
Ehrharta longiflora (AVG)	Herb								
Gladiolus caryophyllaceus	Herb								
Gomphocarpus fruticosus	Herb								
Verbicinia enceloides	Herb								
Sonchus oleraceus	Herb	Y	3	Y	3	Y	3	Y	3
Lupinus cosentinii	Herb			Y	2	Y	1	Y	2

Appendix 4 RA2b Raw Field Data



Survey date: 4/10/2024

Recorders Cory Kennedy

Quadrat		4	5	6
Zone		Ra2b	Ra2b	Ra2b
Criteria	Target			
Native Cover	N/A	20%	50%	35%
Native Species count	N/A	4	3	5
Native Stem total	N/A	12	17	32
Stem density / m2	N/A	0.48	0.68	1.28
Weed Cover Total	N/A	2%	5%	5%
Stem count (condition 1b)	555/ha	300	425	800
Stem count (condition 1a)	250/ha	250	400	750

Species	Growth Form	Present	Count	Present	Count	Present	Count
Banksia attenuata	Tree		0	Y	1		0
Banksia grandis	Tree		0		0	Y	1
Banksia menziesii	Tree	Y	2		0		0
Corymbia calophylla	Tree	Y	1	Y	2	Y	15
Eucalyptus gomphocephala	Tree	Y	8	Y	14	Y	6
Eucalyptus marginata	Tree	Y	1		0	Y	9
Hakea lissocarpa	Shrub		0		0		0
Hakea prostrata	Shrub		0		0	Y	1
Adriana quadritpartita	Shrub		0		0		0
Olearia axillaris	Shrub		0		0		0
Rhagodia baccatta	Shrub		0		0		0

		Present	Rank	Present	Rank	Present	Rank
Weed Species							
Arcytheca calendula	Herb						
Briza maxima	Herb	Y	3				
Castor Oil	Shrub						
Cucumis myriocarpus	Herb						
Cynodon dactylon	Herb						
Coryza sp.	Herb						
Carpobrotus edulis	Herb						
Ehrharta calycina (PVG)	Herb						
Oenothera drummondii	Herb						
Solanum linnaeanum	Shrub						
Ricinus communis	Shrub						
Ehrharta longiflora (AVG)	Herb						
Gladiolus caryophyllaceus	Herb						
Gomphocarpus fruticosus	Herb						
Verbicinia enceloides	Herb						
Sonchus oleraceus	Herb	Y	2	Y	3	Y	3
Lupinus cosentinii	Herb						

Appendix 5 RA2c Raw Field Data

Survey date: 6/09/2023

Recorders Cory Kennedy

Quadrat Zone		7	8	9	10	11	12	13	14	15	16	Total / Average
Criteria		RA2c-South	RA2c-South	RA2c-South	RA2c-Centr & East	RA2c-South	RA2c-Centr & East	RA2c-South	RA2c-Centr & East	RA2c-North	RA2c-North	
Native Cover	Target	20%	10%	40%	1%	2%	10%	2%	5%	15%	10%	12%
Native Species count		4	6	3	2	2	3	2	4	3	4	7
Native Stem count		10	23	0	0	7	0	3	0	7	0	5
Stem density / m2		0.40	0.92	0.00	0.00	0.28	0.00	0.28	0.00	0.00	0.00	0
Weed Cover Total		2%	2%	25%	80%	10%	30%	80%	40%	10%	15%	29%
Stem count (condition 1b)	555/ha	250	575	450	350	175	700	175	500	350	325	385

[illegible][illegible]

Appendix 6 RA2a Quadrat Photographs

Monitoring Point 1 - 04/10/2024



Monitoring Point 1 (SE corner) - 13/03/2024



Monitoring Point 2 - 04/10/2024



Monitoring Point 2 (SE corner) - 13/03/2024



Monitoring Point 3 - 04/10/2024



Monitoring Point 3 (SE corner) - 13/03/2024



Appendix 7 RA2b Quadrat Photographs

Monitoring Point 4 - 04/10/2024



Monitoring Point 4 - 12/03/2024



Monitoring Point 5 - 04/10/2024



Monitoring Point 5 - 12/03/2024



Monitoring Point 6 - 04/10/2024



Monitoring Point 6 - 12/03/2024



Appendix 8 RA2c Quadrat Photographs

Monitoring Point 7 - 04/10/2024



Monitoring Point 7 - 12/03/2024



Monitoring Point 8 - 04/10/2024



Monitoring Point 8 – 12/03/2024



Monitoring Point 9 - 04/10/2024



Monitoring Point 9 - 12/03/2024



Monitoring Point 10 - 04/10/2024



Monitoring Point 10 - 12/03/2024



Monitoring Point 11 - 04/10/2024



Monitoring Point 11 – 12/03/2024



Monitoring Point 12 - 04/10/2024



Monitoring Point 12 - 12/03/2024



Monitoring Point 13 - 04/10/2024



Monitoring Point 13 - 12/03/2024



Monitoring Point 14 - 04/10/2024



Monitoring Point 14 - 12/03/2024



Monitoring Point 15 - 04/10/2024



Monitoring Point 15 – 12/03/2024



Monitoring Point 16 - 04/10/2024



Monitoring Point 16 – 12/03/2024

