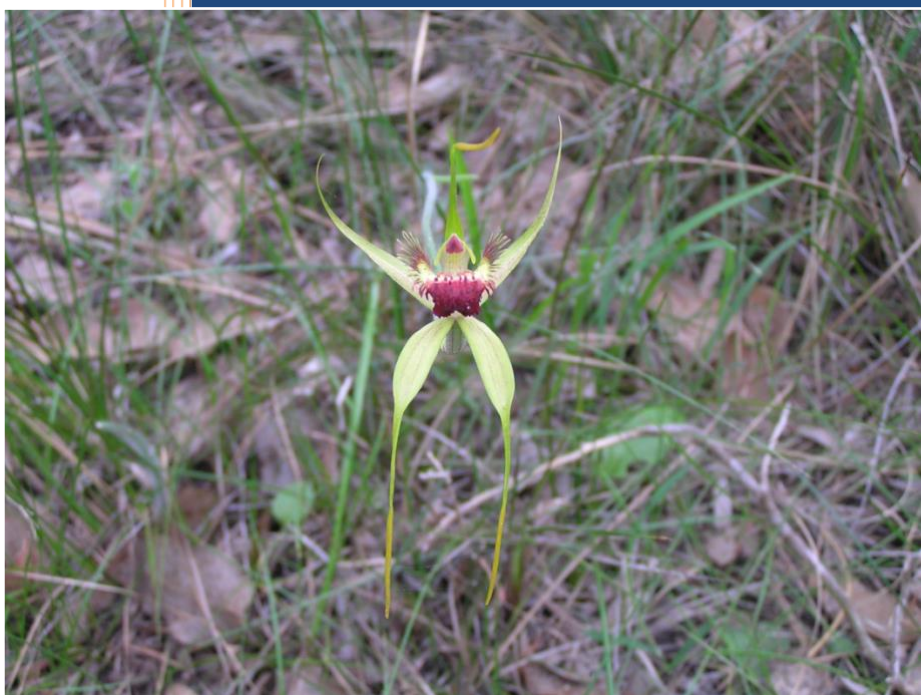


# ANNUAL COMPLIANCE REPORT



**OLD BROADWATER  
FARM ESTATE,  
BUSSELTON, WA  
(EPBC 2009/5231)**

**2018- 2019**

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# CONTENTS

<b>1</b>	<b>INTRODUCTION .....</b>	<b>1</b>
1.1	BACKGROUND.....	1
1.2	PURPOSE OF THIS REPORT .....	1
<b>2</b>	<b>PROJECT STATUS AND COMPLIANCE.....</b>	<b>2</b>
2.1	PROJECT STATUS .....	2
2.2	COMPLIANCE .....	2
<b>3</b>	<b>SUMMARY .....</b>	<b>11</b>
	<b>FIGURES .....</b>	<b>12</b>
	<b>APPENDIX A – EMP APPROVAL.....</b>	<b>13</b>

## Tables

Table 1. Compliance status (DotEE 2014).....	2
Table 2. EPBC Act Approval 2009/5231 Conditions and Compliance Assessment. ....	3
Table 3. Environmental Management Plan Compliance Assessment. ....	5
Table 4. Offset Management Plan Compliance Assessment. ....	10

## Figures

- Figure 1. Location of the subject site.
- Figure 2. Extent of the subject site.

# 1 INTRODUCTION

## 1.1 Background

Fairway Developments WA Pty Ltd and Zaph Pty Ltd (herein referred to as Fairway Developments) have completed the development of the Old Broadwater Farm Estate, specifically portion of Lot 9005, house 56 New River Ramble, West Busselton (herein referred to as the subject site) (refer to **Figure 1**). The subject site is located in the municipality of the City of Busselton within Western Australia. It is bounded to the north by the New River and previously completed stages of the Old Broadwater Farm Estate, the Busselton Highway Bypass to the south, Fairway Drive to the east and undeveloped grazing land to the west (refer to **Figure 2**).

The development involved the creation of a 241 lot residential subdivision comprised of private residences, grouped housing, public open space, orchid conservation areas, a redesigned nine hole golf course and a commercial area.

## 1.2 Purpose of this Report

Commonwealth Approval pursuant to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was granted for the proposed subdivision on the 20<sup>th</sup> September 2011. Subject to Condition 2 of the Approval (EPBC 2009/5231) the proponent is required to submit to the Department of the Environment and Energy (DotEE) (formally the Department of the Environment) an annual report addressing compliance with the Conditions of the Approval. Specifically, Condition 2 stipulates the following:

*2. Unless otherwise agreed to in writing by the Minister, within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published.*

Subject to covenanting issues, a variation to the Approval (EPBC 2009/5231) was obtained on the 22<sup>nd</sup> November 2012. This variation amended Condition 7 and 10 as follows “...by entering into an Agreement to Reserve in accordance with the WA Soil and Conservation Act 1945.”

A second variation to the Approval (EPBC 2009/5231) was obtained on the 1<sup>st</sup> December 2012 which amended Conditions 5, 8 and 9 to reference Agreements to Reserve in accordance with the WA *Soil and Conservation Act 1945*.

The third variation to the Approval (EPBC 2009/5231) was obtained on the 21<sup>st</sup> February 2013 and amended Conditions 7, 9 and 10 to extend the timeframe for the completion of the Agreements to Reserve to the 30<sup>th</sup> June 2014.

Finally, a request to amend the Environmental Management Plan (EMP) to reduce the time period between the Stage B and Stage C clearing events from approximately one and half years to nine months was granted on the 17<sup>th</sup> April 2015.

This report addresses the status and compliance of implementation of the Old Broadwater Farm residential development with the conditions in the EPBC Act Approval 2009/5231 for the period 23<sup>rd</sup> September 2018 to 23<sup>rd</sup> September 2019. This report has been prepared for the purpose of meeting the requirements of Condition 2 of the Approval, which requires the proponent to submit annual compliance reports.

## 2 PROJECT STATUS AND COMPLIANCE

### 2.1 Project Status

Development of the subject area has reached completion. No clearing or construction works were undertaken during this reporting period.

### 2.2 Compliance

This report addresses the status and compliance of the action against the prescribed Conditions provided within the EPBC Act Approval 2009/5231 for the fourth reporting period between 23<sup>rd</sup> September 2018 and 23<sup>rd</sup> September 2019.

Details on the status of compliance have been tabulated separately for conditions under EPBC Act Approval 2009/5231 and the related EMP and Offsets Management Plan (OMP) as follows:

- Table 2. - EPBC Act Approval 2009/5231 Conditions - Compliance Assessment Table;
- Table 3. - Environmental Management Plan - Compliance Assessment Table; and
- Table 4. - Offsets Management Plan - Compliance Assessment Table.

For each Table above, the approval condition or management measure is provided with a note on its status of compliance, a general comment and related source of evidence. The DotEE have prepared updated guidance (2014) related to the preparation of compliance audits, including generic expressions that are used to identify the status of each item (refer to **Table 1**).

**Table 1. Compliance status (DotEE 2014).**

Status	Description
Compliant	'Compliance' is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
Non-compliant	A designation of 'non-compliance' should be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
Not applicable	A designation of 'not applicable' should be given where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period.

**Table 2. EPBC Act Approval 2009/5231 Conditions and Compliance Assessment.**

Condition Number	Condition	Compliance Status	Evidence/Comments
1.	Within 30 days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.	Not applicable	This matter was addressed within the 2014 – 2015 reporting period. The action commenced on the 23 <sup>rd</sup> September 2013 with initial clearing works for Stage A of the project. Formal notification to the DotEE regarding the commencement of the action was submitted on the 15 <sup>th</sup> October 2013 via email.
2.	Unless otherwise agreed to in writing by the Minister, within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published.	Compliant	This Annual Report will be published online before the 23 <sup>rd</sup> December 2019.
3.	If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plan(s) as specified in the Conditions, the person taking the action must submit to the Department for the Minister's written approval a revised version of that management plan(s). The varied activity shall not commence until the Minister has approved the varied management plan(s) in writing. The Minister will not approve a varied management plan(s) unless the revised management plan(s) would result in an equivalent or improved environmental outcome over time. If the Minister approved the revised plan(s), that management plan(s) must be implemented in place of the management plan(s) originally approved.	Compliant	No variances to the Management Plans or EPBC Act approval have been sought or have been required during this reporting period.
4.	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, the Minister may request that the person taking the action make specified revisions to the management plan(s) specified in the Conditions and submit the revised management plans(s) for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plan(s) must be implemented. Unless the Minister has approved the revised management plan(s), then the person taking the action must continue to implement the management plan(s) originally approved, as specified in the conditions.	Not applicable	No revisions were proposed by the Minister during the reporting period.
5.	<p>To mitigate the potential impacts the Western Ringtail Possum (<i>Pseudocheirus occidentalis</i>) and the Carburnup King Spider Orchid (<i>Caladenia procera</i>), the person taking the action must develop an Environmental Management Plan for the site.</p> <p>The EMP must include but not be limited to:</p> <ul style="list-style-type: none"> <li>• Golf Course Design;</li> <li>• Fairway alignment/design;</li> <li>• Clearing protocols;</li> <li>• Vegetation retention;</li> <li>• Management/mitigation measures during construction to avoid impacts;</li> <li>• Pegging of Orchid locations;</li> <li>• Tenure of Orchid Conservation Reserves;</li> <li>• Fencing;</li> <li>• Signage;</li> <li>• Weed and disease control;</li> <li>• Revegetation, rehabilitation and landscaping;</li> <li>• Access controls;</li> <li>• Agreement to Reserve (in accordance with the <i>WA Soil and Land Conservation Act 1945</i>);</li> <li>• Long term management and tenure;</li> <li>• Written confirmation of ceding reserves to the Shire of Busselton;</li> <li>• Roles and responsibility;</li> <li>• Monitoring and Reporting; and</li> <li>• Timeframes and implementation of the above measures.</li> </ul> <p>The EMP must be submitted and approved by the Minister prior to construction commencing.</p>	Not applicable	This matter was addressed during the 2013 – 2014 reporting period. Approval for the EMP was obtained on the 14 <sup>th</sup> May 2013.
6.	Before the commencement of construction, and to ensure the long term survival of the Western Ringtail Possum and Black Cockatoos, the person taking the action must provide satisfactory written evidence to the Department of the payment to the Western Australian	Not applicable	This matter was addressed during the 2013 – 2014 reporting period. Payment did not occur prior to the commencement of construction. Payment occurred on the 4 <sup>th</sup> October

	Department of Environment and Conservation (WA DEC) of the sum of one hundred and fifty thousand dollars (\$150,000), to contribute towards the purchase of a property within 10 km of the project site containing suitable habitat for Western Ringtail Possums and Black Cockatoos.		2013. The DotEE was advised accordingly of the breach at which point it was determined that no further action was required given the lack of severity of the breach.
7.	Prior to 30 <sup>th</sup> June 2014, and to ensure the long term survival of Black Cockatoos, the person taking the action must protect 39.74 ha of remnant vegetation (identified as the three areas on Nelson Location 13107 within <u>Attachment A</u> ) by entering into an Agreement to Reserve in accordance with the WA <i>Soil and Land Conservation Act 1945</i> . The Agreement to Reserve must expressly state that it is irrevocable and in perpetuity. A copy of the signed Agreement to Reserve must be sent to the Department.	Not applicable	This matter was addressed during the 2013 – 2014 reporting period. A copy of the signed Agreement to Reserve was submitted to the DotEE on the 15 <sup>th</sup> May 2014.
8.	To ensure the long term survival of Black Cockatoos, the person taking the action must develop an Offset Management Plan for the areas identified in Condition 7. The Offset Management Plan must include and not be limited to: <ul style="list-style-type: none"> <li>• Background;</li> <li>• Site Description;</li> <li>• Agreement to Reserve (in accordance with WA <i>Soil and Land Conservation Act 1945</i>);</li> <li>• Revegetation and landscaping methodology;</li> <li>• Fencing and predator control measures;</li> <li>• Roles and responsibilities;</li> <li>• Monitoring and reporting requirements; and</li> <li>• Timeframe and implementation of the above measures.</li> </ul> The Offset Management Plan must be submitted to and approved by the Minister prior to construction commencing.	Not applicable	This matter was addressed during the 2013 – 2014 reporting period. The DotE provided approval for the OMP on the 19 <sup>th</sup> March 2013.
9.	Prior to 30 <sup>th</sup> June 2014, and to ensure the long term survival of the Carburnup King Spider Orchid, the person taking the action must protect 1.53 ha over the Orchid Conservation Reserves (as identified at Attachment B) by entering into an Agreement to Reserve in accordance with the WA <i>Soil and Land Conservation Act 1945</i> . The Agreement to Reserve must expressly state that it is irrevocable and in perpetuity. A copy of the signed Agreement to Reserve must be sent to the Department.	Not applicable	This matter was addressed during the 2013 – 2014 reporting period. A copy of the signed Agreement to Reserve was submitted to the DotEE on the 15 <sup>th</sup> May 2014.
10.	Prior to 30 <sup>th</sup> June 2014, and to ensure the long term survival of the Western Ringtail Possum the person taking the action must protect 7.91 ha of the Golf Course (as identified at Attachment B) by entering into an agreement to Reserve in accordance with the WA <i>Soil and Land Conservation Act 1945</i> . The Agreement to Reserve must expressly state that it is irrevocable and in perpetuity. A copy of the signed Agreement to Reserve must be sent to the Department.	Not applicable	This matter was addressed during the 2013 – 2014 reporting period. A copy of the signed Agreement to Reserve was submitted to the DotEE on the 15 <sup>th</sup> May 2014.
11.	Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans referred to in these conditions of approval on their website. Each Management Plan must be published on the website within 1 month of being approved.	Not applicable	This matter was addressed during the 2013 – 2014 reporting period. The OMP was published on <i>Old Broadwater Farm Estate</i> website on 18 <sup>th</sup> April 2013 and the EMP on 15 <sup>th</sup> May 2013.
12.	If, at any time after five years from the date of the approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.	Compliant	The action has already been substantially commenced.



**Table 3. Environmental Management Plan Compliance Assessment.**

Section	Management Measure	Compliance Status	Evidence/Comments
EMP – 01 Vegetation Clearing and Construction	All site personnel will be inducted on the clearing controls for this project.	Not applicable	No clearing was undertaken during this reporting period.
	Areas containing threatened flora are to be marked and are not to be disturbed.		
	The clearing line is to be marked by the surveyor with white flagging tape attached to either pegs or tied to vegetation with each peg/marker clearly visible from the last. Trees to be retained will be marked so that they are clearly recognised by clearing contractors. This is specifically to include the interfaces between development areas and reserve areas to ensure the prevention of any inappropriate clearing. These interfaces will be clearly marked with brightly coloured rope flagging.		
	Clearing will be undertaken in accordance with the WRP clearing procedures provided within Section 4.3.		
	The flagging tape which demarcates the clearing areas will be checked on a daily basis to ensure that the clearing boundaries remain clearly visible.		
	No movement of vehicles or personnel within the vegetation retention areas will be allowed.		
	No stockpiling of topsoil or other material is to occur outside of the clearing boundary.		
	Cleared vegetation will be removed and stockpiled offsite.		
	Where practicable, topsoil will be stripped and stockpiled and vegetation debris, logs and leaf litter will be retained for reuse during rehabilitation.		
	The location and area of vegetation cleared will be checked on a daily basis.		
	The DWEC and SEWPaC will be notified if clearing beyond the approved clearing boundaries occurs, or if any <i>Caladenia procera</i> or WRP individuals are impacted.		
	An annual report which will document compliance with the relevant approvals will be provided to the SEWPaC on the 12 month anniversary of the commencement of the action.	Compliant	This report addresses this management measure.
EMP – 02 Golf Course	Visibly demarcate the clearing boundary as per the specifications provided within Section 4.1.	Not applicable	No clearing was undertaken within the golf course during this reporting period. These management measures were addressed during the 2013 – 2014 reporting period.
	Install temporary signage on the borders of the orchid conservation areas which indicate that access is prohibited.		
	Revegetate approximately 1.71 ha within the golf course with species consistent with vegetation community CcAfKg (as per Cardno 2010). Revegetation will be undertaken in accordance with Section 4.6.	Compliant	Revegetation within the golf course commenced in July 2015 with species consistent with the vegetation community CcAfKg and was undertaken in accordance with the procedures outlined in Section 4.6 of the EMP.
	The structure of planting/revegetation mixes will be consistent with and enhance the requirements of habitat creation for <i>Caladenia procera</i> and WRPs.	Compliant	Species used within the revegetation program are consistent with the vegetation community CcAfKg which provides habitat for <i>Caladenia procera</i> and WRPs.
	Permanent signs will be installed on the borders of the orchid conservation areas which will indicate that access is prohibited.	Not applicable	This matter was addressed during the 2016-2017 reporting period. Permanent signs have not been installed because the Department of Parks and Wildlife (DPaW) required a fence height increase from 1.5 m to 1.8 m. The proponent then added three strands of wire above the wire mesh taking the total fence height to 2.1 m to allay some security concerns. Because 2.1 m fencing denies any form of public access, the need for signage is considered superseded.
	Signage will be installed throughout the golf course which requires players to remain on designated pathways and limit impacts to native vegetation.	Compliant	Signage has been installed throughout the golf course. The playing cards also stipulate that players are to remain on the designated pathways.
	Nutrient application rates on the fairways will be consistent with the Urban Water Management Plan (UWMP) (Cardno 2008c), which requires regular soil and tissue testing to determine nutrient requirements. No nutrients will be applied within the orchid conservation areas.	Compliant	No nutrients have been applied to the orchid conservation areas as verbally confirmed by the golf course Manager.
	During maintenance of the golf course, green waste will be removed and disposed. If green waste is only comprised of native vegetation then it may be mulched and used in landscaping or revegetation areas, excluding the orchid reserve areas.	Compliant	Green waste was mulched and used in the revegetation areas, excluding orchid reserve areas, as verbally confirmed by the golf course Manager.



	Clearing of more than two <i>Caladenia procera</i> individuals will be reported to the DEC and SEWPaC within 24 hours of the event.	Not applicable	No clearing was undertaken within the golf course during this reporting period. These management measures were addressed during the 2013 – 2014 reporting period.
	Clearing of vegetation within the orchid conservation areas will be reported to the DEC and SEWPaC within 24 hours of the event.		
	An annual report which will document compliance with the relevant approvals and this management plan will be provided to the SEWPaC on the 12 month anniversary of the commencement of the action.	Compliant	This report addresses this management measure.
EMP – 03 Western Ringtail Possum	Clearing will be undertaken in three stages, as per Section 4.1.2, with at least one year between Stage A and B and nine months between Stage B and C. This approach will allow for the commencement of the revegetation program within Stage A and also avoid the requirement for obligate (pre-development) translocation of WRPs, as displaced individuals will readily relocate into surrounding refuge habitat. Furthermore, this clearing approach will avoid creating islands of remnant vegetation which have limited connectivity to surrounding remnant vegetation, increasing the risk of predation.	Not applicable	Timeframes associated with the Stage A and B clearing events were addressed within the 2013 – 2014 reporting report. The Stage B clearing event commenced on the 18 <sup>th</sup> September 2014 and the Stage C, Phase A clearing commenced on the 13 <sup>th</sup> July 2015, and the Stage C, Phase B clearing event commenced on 3 <sup>rd</sup> August 2016.
	<p>The following clearing protocols will be implemented to avoid impacts to WRPs:</p> <ul style="list-style-type: none"> <li>Immediately prior to any clearing commencing a qualified expert will undertake a pre-clearing inspection of the clearing zone and nearby areas to confirm the location of dreys and tree hollows currently or likely to be occupied by WRPs and mark these trees as necessary.</li> <li>The suitably qualified expert will be onsite when clearing is being undertaken.</li> <li>Prior to clearing commencing, the clearing operators will be briefed by the same qualified expert who will explain to operators which areas of the subject site are more sensitive in relation to the presence of WRPs and the techniques and approaches that will need to be employed during the clearing operations. An agreed means of communication between the operators and the qualified expert will be established prior to clearing commencing to ensure the safety of the WRPs. Operators will be required to abide by this agreed means of communication at all times.</li> <li>The operators will develop a spatial approach to clearing that does not result in isolated patches of remnant vegetation and that generally achieves a progression of clearing in the direction towards the areas of remnant vegetation to be retained. If there is suitable habitat adjoining the development site, a clearing pattern that encourages movement of WRPs to this habitat will be adopted.</li> <li>During clearing, the qualified expert will be present on the subject site to direct clearing operators, particularly when clearing trees are occupied by WRPs to ensure that these are cleared in a way that allows the animals to safely mobilise to adjacent areas. In addition, they will supervise any animal handling and the rescue of injured animals should this be required.</li> <li>In the event that a WRP is observed in a tree that is about to be cleared and there is a tree/area marked for retention near the tree which is to be cleared then the tree will be gently lowered to the ground to enable the animal to safely evacuate. The animal/s will be encouraged to move towards and occupy the trees to be retained.</li> <li>If there are no trees/areas to be retained within the proximity of a tree occupied by a WRP but needs to be cleared, then the qualified expert will rescue the animal prior to the tree being pushed down.</li> <li>Dreys will be inspected prior to clearing and possibly removed.</li> <li>Operators need to take care when clearing under any midstorey vegetation as WRPs may be located within these areas. This can be achieved by undertaking a check by foot prior to machines entering the areas and clearing the vegetation.</li> <li>If operators encounter injured WRPs during clearing then the qualified expert will make arrangements for the care and welfare of the injured animals.</li> <li>Operators will be advised that displaced WRPs may shelter within stockpiled vegetation. To minimise any accidental injury or death of WRPs, personnel involved in the removal or disposal of stockpiles need to be made aware of and be prepared for the potential presence of WRPs. If WRPs are encountered they need to be removed by the qualified expert. Cleared vegetation will be removed from the site.</li> </ul>	Not applicable	No clearing or construction was undertaken during the reporting period. These requirements were addressed in the 2015-2016 reporting report.

	In relation to the qualified expert, the following requirements need to be met: <ul style="list-style-type: none"> <li>They need to have appropriate equipment to administer emergency care to any injured or displaced WRPs.</li> <li>They need to have a suitable care facility of their own or have made prior arrangements with an appropriate carer who can rehabilitate any injured WRPs.</li> <li>They need to be able to recognise suitable WRP habitat adjacent to the clearing.</li> </ul>	Not applicable	No clearing was undertaken during the reporting period.
	Prospective landowners will be provided with <i>The Western Ringtail Possum, a threatened species in our backyards</i> (GeoCatch) brochure (refer to Appendix B) which provides the following information: <ul style="list-style-type: none"> <li>What WRPs are and what they look like.</li> <li>Why they are significant.</li> <li>How to assist in the preservation of the species within the area.</li> <li>Who to contact should they see any injured animals or need animals removed from their roof cavities.</li> </ul>	Compliant	All prospective landowners have been provided with <i>The Western Ringtail Possum, a threatened species in our backyards</i> (GeoCatch) brochure as confirmed by the proponent.
	Nine reserves will be created throughout the subject site. These reserves have been strategically positioned within the subdivision to maintain connectivity and enable the retention of high quality vegetation. It is estimated that 9.28 ha of remnant vegetation will be retained within the reserves.	Compliant	All reserves with the exception of Reserve Area D (Lot 502) have been completed and ceded to the City of Busselton. Revegetation in this area has been undertaken during 2018 and 2019.
	Within the reserves a total area of 3.70 ha will be revegetated in accordance with Section 4.6.	Compliant	Revegetation has been successfully undertaken in all reserves with the exception of Reserve Area D (Lot 502) associated with development of Stage 5B due to seasonal inundation of the site. Revegetation of this area has been undertaken in 2018 and 2019.
	To provide a final set of pre-clearing population data, a WRP survey will be undertaken prior to the commencement of any ground disturbing activities.	Not applicable	No clearing was undertaken during this reporting period. This requirement was addressed in the 2015-2016 reporting report.
	Following completion of the first clearing event, two WRP surveys will be undertaken at four week intervals.	Not applicable	No clearing was undertaken during this reporting period. This requirement was addressed in the 2016-2017 reporting report.
	A brief report will be provided to the DEC on the impact of WRP during the habitat removal process within 28 days of completion of vegetation clearing.	Not applicable	No clearing was undertaken during this reporting period. This requirement was addressed in the 2015-2016 reporting report.
	The survey results will be supplied to the DEC who will notify the proponent should it be deemed that the implementation of contingency actions is necessary.	Not applicable	No contingency actions were deemed necessary.
	An annual report which will document compliance with the relevant approvals and this management plan will be provided to the SEWPaC on the 12 month anniversary of the commencement of the action.	Compliant	This report addresses this management measure.
EMP – 04 <i>Caladenia procera</i>	Delineation of three orchid conservation areas (with an area of approximately 1.53 ha) to enable the protection of the core subpopulations of <i>Caladenia procera</i> located within the subject site. No clearing will be undertaken within these protected areas. This approach will assist in preserving the orchid populations.	Not Applicable	No clearing was undertaken within proximity to <i>Caladenia procera</i> populations during this reporting period. These management measures were addressed during the 2013 – 2014 reporting period.
	Where <i>Caladenia procera</i> have been identified and cannot be avoided during clearing, obtain a licence prior to disturbance in accordance with the <i>Wildlife Conservation Act 1950</i> to enable translocation of these individuals.		
	During the spring immediately prior to clearing, the proposed clearing areas will be surveyed for the presence of <i>Caladenia procera</i> plants. <i>Caladenia procera</i> plants that are identified within the clearing footprint will be translocated to the orchid conservation areas. Translocation will be undertaken as per the procedures provided within the following section.		
	Clearing will be undertaken in accordance with Section 4.1. Clearing boundaries will be surveyed and clearly marked within the subject site prior to the commencement of ground disturbing activities. Clearing boundaries will also be clearly marked on all plans to aid in interpretation on site.		
	Staff and contractors will be made aware of the location of significant flora onsite and their responsibility to ensure they are protected.		
	Vehicles and machinery shall only use designated roadways and tracks and will be parked in designated parking areas only.		
	Vehicles and machinery used for ground disturbing activities (clearing and grubbing) will be cleaned before mobilisation to site and prior to demobilisation from site.		
	No clearing will occur in any of the orchid conservation areas.		

	The orchid conservation areas will be protected through the provision of permanent boundary fencing around the perimeter of the golf course and a separate boundary fence will be provided around the perimeter of the protected area located within the commercial area. Prior to fencing the orchid conservation areas, the areas will be checked for kangaroos and they will be removed as required. Within the vicinity of the orchid conservation areas, heavy machinery will not be used. If required, manual fence construction techniques will be implemented.	Compliant	The proponent has installed a permanent 2.1 m high fence around the perimeter of the golf course.
	Signage will be installed along the front of each orchid conservation area to supply information to the surrounding community. The signs will detail that the protected area is for the protection of flora but will not specifically reference the presence of DRF. These signs will be developed to the City of Busselton's specifications.	Not applicable	This matter was addressed in the 2016-2017 reporting report. Permanent signs have not been installed because the DPaW required a fence height increase from 1.5 m to 1.8 m. The proponent then added three strands of wire above the wire mesh taking the total fence height to 2.1 m to allay some security concerns. Because 2.1 m fencing denies any form of public access, the need for signage is considered superseded.
	The <i>Caladenia procera</i> population will be surveyed during the first spring post construction and then again two years later. The survey reports will be provided to the DPaW upon their completion.	Not applicable	A spring survey for <i>Caladenia procera</i> was not required during this reporting period. This matter was addressed in the previous reporting report.
	Revegetation monitoring will be undertaken in accordance with Section 4.6.	Compliant	The proponent has undertaken regular reporting of the reserves that have been revegetated.
	Clearing of any <i>Caladenia procera</i> individuals will be reported to the DEC and SEWPaC within 24 hours of the event.	Not applicable	No clearing was undertaken within proximity to <i>Caladenia procera</i> populations during this reporting period. These management measures were addressed during the 2013 – 2014 reporting period.
	Clearing of vegetation within the orchid conservation areas will be halted immediately upon detection and reported to the DEC and SEWPaC within 24 hours of the event to enable the matter to be investigated.		
EMP – 05 Weed Control	Training and education with regard to the identification of weeds onsite will be made available to all personnel involved in or managing clearing activities.	Compliant	The EMP formed part of the contractual documentation. The contactors, Anstee Contracting, included the EMP in their site induction for relevant site personnel and service authorities.
	All earthmoving and ground engaging equipment will be inspected and cleaned of vegetation, mud and soil prior to entry and exit of the subject site.	Compliant	As above.
	Weeds are to be sprayed annually within reserve areas that are contained within the cleared areas for two years following the completion of clearing.	Compliant	Weed spraying has been undertaken on an annual basis.
	Spot spraying and hand pulling of emergent weed species within reserve areas will be carried out to gradually deplete seed stocks and reduce or eliminate any new colonies generated by construction activities.	Compliant	During revegetation works and reporting, spot spraying and hand pulling of emergent weeds has been undertaken.
	Weed management will target declared weeds under the <i>Agriculture and Related Resources Protection Act 1976</i> , which includes <i>Zantedeschia aethiopica</i> (Arum Lily) and <i>Asparagus asparagoides</i> (Bridal Creeper) for the subject site.	Compliant	These species have been targeted during the annual weed spraying events.
	An initial assessment of the weed infestations will be completed in spring following planting to provide a set of baseline data.	Compliant	Weed spraying and a review of the weed species was undertaken prior to revegetation works.
	The monitoring assessments will be undertaken annually during the spring months for a period of two years following the completion of the revegetation works.	Compliant	Monitoring assessments were undertaken in winter 2018.
EMP – 06 Revegetation and Landscaping	Disturbed areas will be revegetated during autumn/early winter following completion of construction works.	Compliant	Revegetation has been undertaken within all reserve Lots. Lot 502 revegetation has been undertaken in 2018 and again in 2019.
	Revegetation will occur progressively (i.e. revegetation within the Stage A clearing event will be undertaken as soon as practicable) to ensure that the rate of revegetation is similar to the rate of clearing.	Compliant	As above.
	Where required the use of local provenance seed and seedlings will be utilised.	Compliant	The proponent has confirmed that species utilised for revegetation have been sourced from local provenance seed as far as practicable.
	Management of weeds will be in accordance with Section 4.5.	Compliant	Revegetation contractors have undertaken weed control as required.
	Ground preparation, species selection and planting densities will be in accordance with Section 4.6.2, 4.6.3 and 4.6.4.	Compliant	Revegetation contractors have undertaken revegetation works in accordance with the EMP as confirmed by the proponent.
	Landscaping of the areas within Stage 1 and 2 of the Old Broadwater Farm Estate will be undertaken in accordance with Section 4.6.5.	Compliant	Landscaping works have commenced in accordance with Section 4.6.5
	Revegetated areas will be monitored and managed until the criteria for relinquishment are met.	Compliant	Monitoring of revegetation areas is still underway.
	Weed control will be undertaken on an as needs basis following completion of the revegetation program.	Compliant	Weed control has been undertake on an as needs basis prior to handover of the revegetated area to the City of Busselton.
	Revegetated areas will be signed and vehicles will be excluded from these areas.	Compliant	Vehicles have been excluded from the revegetation areas.

	All revegetation monitoring will include an assessment of seedling survival and health, weed impacts, pest attack and tree guard condition, and a photo record. This assessment will be undertaken in randomly selected monitoring quadrats within each of the revegetation areas throughout the whole subject site. The dimensions of the monitoring plots will be five metres by five metres and will be pegged on each corner. GPS recordings will be taken in the quadrats and referred back to if pegs are removed or lost. An average of the revegetation success within each revegetation area will be determined based on the results from the monitoring quadrats. The results will be mapped on an aerial map to provide an overview of the success of the revegetation for the whole site.	Compliant	Revegetation monitoring has been undertaken in winter 2018 with maintenance measure implemented as required.
	An initial assessment will be completed in spring following planting to provide a set of baseline data.	Compliant	Monitoring of the revegetation areas was undertaken in spring 2016.
	The monitoring assessments will be undertaken twice a year during the autumn and spring months for a period of two years following the completion of the revegetation works.	Compliant	Monitoring has been undertaken twice a year and reported in revegetation reports.
EMP – 07 Reserve Management	Permanent fencing will be installed and constructed to a height of at least 1.5 m using black coated PVC galvanised posts and top rail with black PVC galvanised wire mesh. The fence will be installed around the entire boundary of the golf course and the orchid conservation area located within the commercial area.	Not applicable	This matter was addressed during the 2015-2016 annual report.
	Permanent chain mesh fencing will be installed between the wetland and passive recreational areas within the foreshore reserve.	Compliant	Permanent chain mesh fencing has been installed in areas associated with Stage 5A development between the wetland and passive recreational areas within the foreshore reserve. The fencing works associated with Stage 5B are yet to be completed due to inundation, however, Fairway Development have provided a bank guarantee for the incomplete fencing which has been received by DBCA and confirmed as satisfactory.
	Bollards will be installed around the perimeter of linear park, foreshore reserve, lime kiln park and POS 3 and POS 5.	Compliant	Bollards have been installed around the perimeter of linear park, foreshore reserve, lime kiln park and POS 3 and POS 5.
	Gates will be installed within all of the reserves to enable access to authorised personnel to conduct weed control and revegetation works.	Compliant	Gates have been installed within the constructed reserves.
	Any waste within the reserves and golf course will be removed during inspections of the reserves.	Compliant	The reserves and golf course are regularly inspected for waste which is removed when identified.
	Annual weed control will be conducted within the reserves for two years upon the commencement of construction which will target <i>Zantedeschia aethiopica</i> (Arum Lily) and <i>Asparagus asparagoides</i> (Bridal Creeper).	Compliant	These species have been targeted during the annual weed spraying events.
	Maintenance plantings will be conducted to infill any plants where there has been a poor survival rate (upon completion of the revegetation program).	Compliant	Maintenance works have been undertaken in accordance with EMP including infill planting, weed management and watering.
	Incidental inspections of fencing and bollards to ensure that infrastructure is secure and intact and identify any incidents of uncontrolled access.	Compliant	The reserves and golf course are regularly inspected and no damage to fencing or bollards has been observed.
	Annual inspections of weed cover and requirement for maintenance plantings.	Compliant	This has been undertaken as a component of the annual monitoring events.

**Table 4. Offset Management Plan Compliance Assessment.**

Section	Management Measure	Compliance Status	Evidence/Comments
3.2	An Agreement to Reserve will be applied in accordance with the <i>Soil and Land Conservation Act 1945</i> to the offset site in relation to the three areas identified within Figure 1 to ensure the long term protection of 39.74 ha of remnant vegetation. The Agreement to Reserve will also stipulate: <ul style="list-style-type: none"> <li>Retain all vegetation (dead or alive);</li> <li>Install and maintain fencing around the perimeter of the three areas; and</li> <li>Retain all fallen timber/branches/leaf litter.</li> </ul>	Not applicable	This matter was addressed in the 2013 – 2014 reporting report. A copy of the signed Agreement to Reserve was submitted to the DotEE on the 15 <sup>th</sup> May 2014.
3.3.2	Feral animal control is required for a two year period, involving the following: <ul style="list-style-type: none"> <li>Baiting undertaken by a licensed pest management operator;</li> <li>Open-range shooting; and</li> <li>Ripping of rabbit warrens.</li> </ul>	Not applicable	This matter was addressed in the previous annual report and no further cull events were undertaken.
3.3.3	Appropriate fencing (i.e. standard stock/farm fencing with lockable gate) will be installed around the three blocks of vegetation upon the completion of the final rotation for the Blue Gum plantation.	Not applicable	The Blue Gum plantations have not been harvested.
3.4	Monitoring will be undertaken once a year during the spring months for a period of two years following the commencement of feral animal control. This will also include a baseline assessment to be completed in spring prior to the implementation of feral animal control.	Not applicable	This matter was addressed in the previous annual report and no further cull events were undertaken.
3.4.2	Following the completion of the Initial Management Program, results from the two monitoring events will be summarised and consolidated into a final report. The final report will be submitted to the SEWPaC for their consideration and action, if required.	Not applicable	A final report has been compiled and was included in the 2018 report.

### 3 SUMMARY

Fairway Developments WA Pty Ltd and Zaph Pty Ltd have completed the development of the Old Broadwater Farm Estate, specifically portion of Lot 9005, house 56 New River Ramble, West Busselton (herein referred to as the subject site).

Commonwealth Approval pursuant to the EPBC Act was granted for the proposed subdivision on the 20<sup>th</sup> September 2011. Subject to Condition 2 of the Approval (EPBC 2009/5231) the proponent is required to submit an annual report addressing compliance with the Conditions of the Approval and any associated management plans.

Accordingly, this report addresses the status and compliance of implementation of the Old Broadwater Farm residential development with the conditions in the EPBC Act Approval 2009/5231, the EMP and the OMP for the period 23<sup>rd</sup> September 2017 to 23<sup>rd</sup> September 2018.

The assessment revealed that of the twelve Conditions referenced in the EPBC Act Approval 2009/5231, the following was achieved during the annual reporting period:

- Three compliances; and
- Nine conditions were not applicable.

An assessment of compliance with the management measures prescribed within the EMP revealed the following:

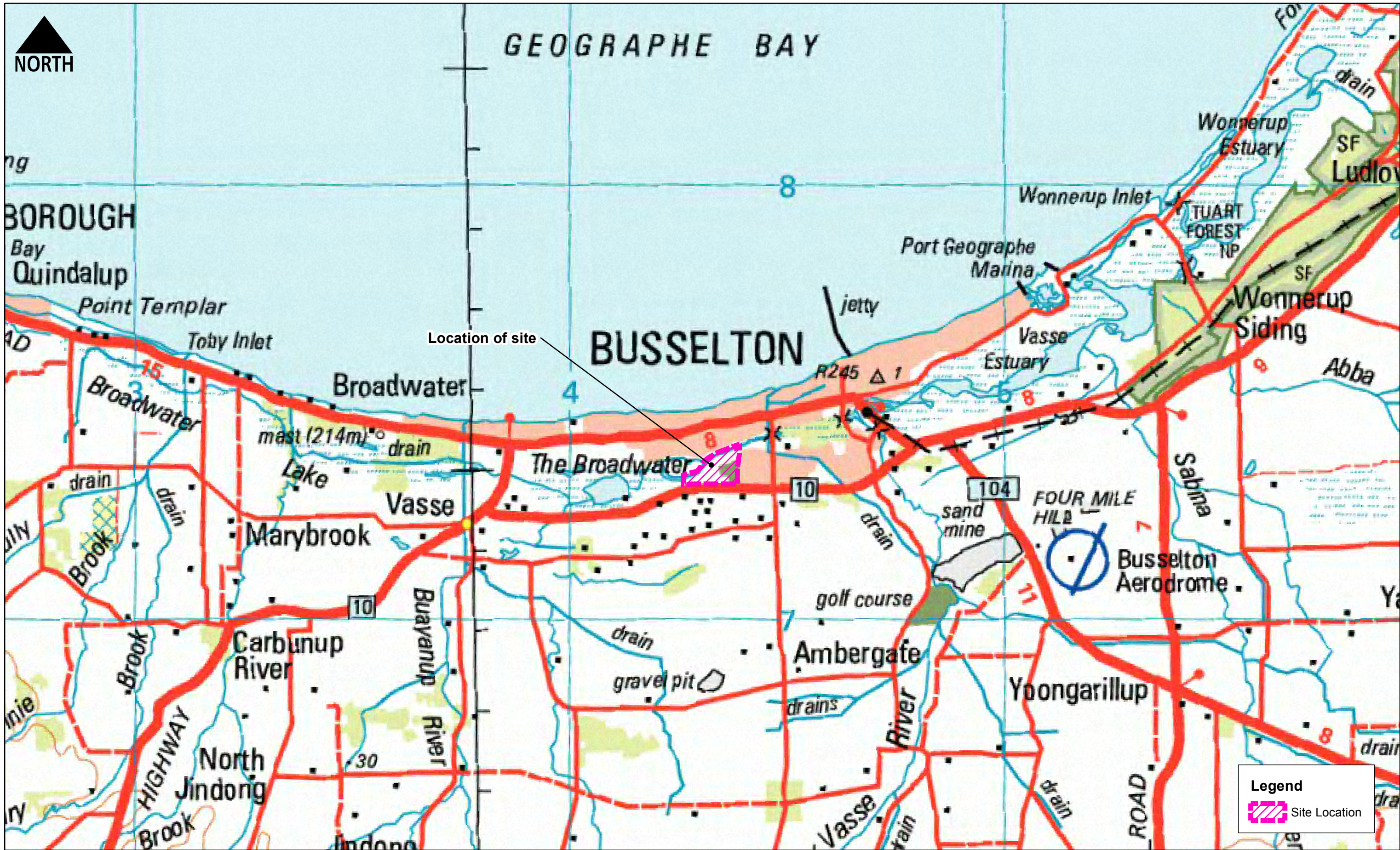
- 45 compliances; and
- 21 management measures were not applicable.

The assessment of compliance with the management measures provided within the OMP revealed that all management measures were found to be not applicable in this reporting period.



## FIGURES

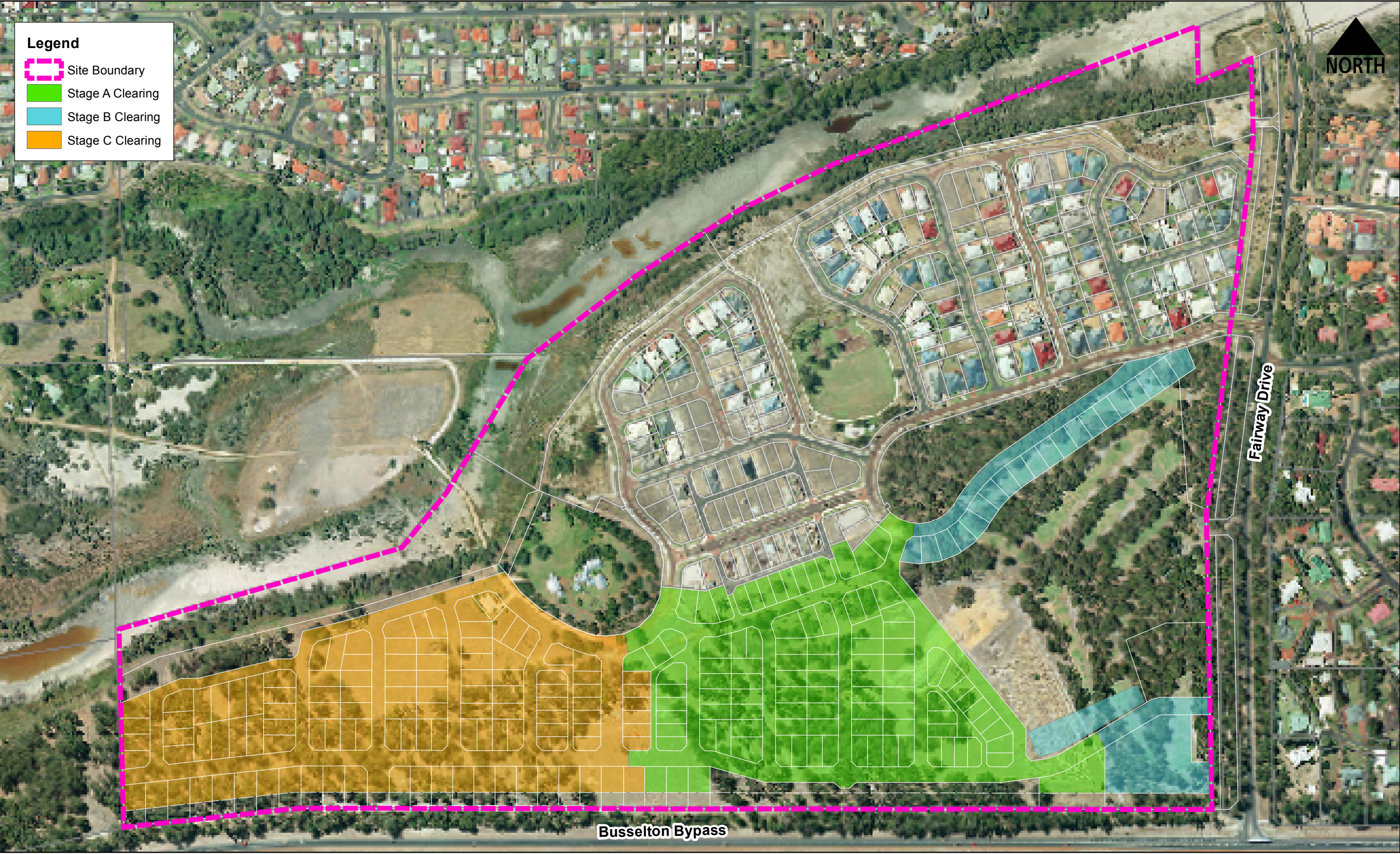




PROJECT	Old Broadwater Farm	Scale: 1:80,000					
DRAWING TITLE	FIGURE 1 : Locality Plan	<div><div></div><div>9501,9003,8005,7007,6009,50011,400</div><div>Metres</div></div>					
PRINCIPAL	Fairway Developments Pty Ltd	<div><div>accendo</div><div>AUSTRALIA</div></div> <div>PO Box 5178 West Busseton Western Australia 6280 Telephone (08) 9755 7217 Mobile 0418 950 852</div>	Project Number	Drawing Number	Revision	Original	
			1260	01	00	A3	
			Designed KMT	Checked	Date 18-01-13		
			Drawn DTF	Approved	Sheet 1 of 1		
			Local Authority	City of Busseton			

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PROJECT **Old Broadwater Farm**

DRAWING TITLE **FIGURE 2 : Staged Clearing**

PRINCIPAL **Fairway Developments Pty Ltd**

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Scale: **1:4,000** 0 50 100 200 300 400 500 600 Metres

**accendo**  
AUSTRALIA

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Project Number <b>1260</b>	Drawing Number <b>02</b>	Revision <b>00</b>	Original <b>A3</b>
Designed KMT	Checked DTF	Date 18-01-13	
Drawn	Approved	Sheet 1 of 1	
Local Authority City of Busselton			

## APPENDIX A – EMP APPROVAL





**Australian Government**  
**Department of the Environment**

EPBC 2009/5231

Contact Officer: Jeffery Fung  
Telephone: (02) 6274 1019 Facsimile: (02) 6274 1878  
Email: post.approvals@environment.gov.au

Mr Michael Ross-Hair  
Director  
Fairway Development (WA) Pty Ltd  
PO Box 27  
WEST BUSSELTON WA 6280

Dear Mr Ross-Hair

**Old Broadwater Farm Estate Subdivision, Western Australia (EPBC 2009/5231)**

Thank you for your email of 21 January 2015, via Ms Kirsten Muir-Thompson of Accendo Australia, to the Department providing the Environmental Management Plan (EMP, Revision 5, March 2015) for approval by a delegate of the Minister, as required under condition 5 of the approval decision dated 20 September 2011 and subsequent variations.

Officers of this Department have considered the EMP (Revision 5, March 2015) and are satisfied that it meets the requirements of condition 5. On this basis, and as delegate of the Minister for the Environment, I have decided to approve the EMP (Revision 5, March 2015) in accordance with this condition. The approved revised plan must be implemented.

If you have any questions, or require further information, please contact Jeffery Fung on (02) 6274 1019.

Yours sincerely

Shane Gaddes  
Assistant Secretary  
Compliance & Enforcement Branch  
Environment Assessment and Compliance Division

17 April 2015