



Annual Compliance Report (EPBC 2014/7126)

Lot 682, Rowley Road, Mandogalup
QUBE Property Group

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Prepared by:

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13 November 2024

Revision: 1

Revision Record

Revision	Date	Prepared By	Checked By	Authorised By
01	13 November 2024	M. Ong	K. Fox	M. Mignacca

Basis of Report

This report has been prepared by SLR Consulting Australia (SLR) with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with QUBE Property Group (the Client). Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of the Client. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from SLR.

SLR disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.

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:

MARK PETER HECKER

Position: Director

Organisation: QUBE Property Group Pty Ltd

ABN: 19 805 088 556

Date: 13 November 2024



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1.0 Introduction

SLR was commissioned by QUBE Property Group (QUBE) to assess and report on the status of and compliance with the conditions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2014/7126 (EPBC 2014/7126) to clear native vegetation on Lot 682 Rowley Road, Mandagalup, Western Australia (the site). The approval period for EPBC 2014/7126 was extended to 31 July 2029, this decision was made on the 18 October 2023.

This report has been prepared for the purpose of meeting the requirements of Condition 6 of EPBC 2014/7126, which requires the proponent to verify compliance with the conditions of approval.

1.1 Project Background

QUBE is developing the Apsley Estate on Lot 682 Rowley Road, Mandagalup, Western Australia for residential purposes. Located approximately 33 km south of Perth within the City of Kwinana, the site is approximately 98 hectares (ha) in size and comprises three portions of land separated by two easements; one for a Western Power easement and one for the Peel main drain.

Previous clearing undertaken outside of the EPBC 2014/7126 boundary, within the Western Power easement and the Urban Deferred Planning Control Area, was subject to a separate referral EPBC 2018/8186. On 11 April 2018 the referral was determined not a controlled action.

1.2 Description of Activities

No clearing works were undertaken within the site during the audit reporting period (20 August 2023 – 19 August 2024).

1.3 Audit Details

The details of the audit are outlined in Table 1.

Table 1: Audit Details

Audit Details	
Date of Audit	October 2024
Client	QUBE Property
Client Contact	Michael Mignacca, Assistant Development Manager
Auditors	Meredith Ong
Auditee	QUBE Property/Michael Mignacca
Site Address	Lot 682 Rowley Road, Mandagalup
Contact Number	08 6424 3521
Contact Email	michaelm@qubeproperty.com.au



2.0 Methodology

2.1 Purpose and Scope

The purpose and scope of this document are to fulfil the requirements of the EBPC Approval 2014/7126 - Condition 6, which states:

Within three months of every twelve-month anniversary of the commencement of the action, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval of the last twelve months. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published. The compliance reports must remain on the website for 12 months from the date of publishing. Potential or actual contraventions of the conditions of approval must be reported to the Department in writing within two business days of the approval holder becoming aware of the actual or potential contravention. All contraventions must also be included in the compliance reports. Unless otherwise agreed to in writing by the Minister the approval holder must provide a copy of the compliance report to members of the public. Copies must be provided free of charge as soon as reasonably practicable but within no longer than 7 days of the request.

This Annual Compliance Report (ACR) is intended to address the above condition and covers the period from 20 August 2023 to 19 August 2024. This ACR will address each of the conditions associated with Approval 2014/7126.

2.2 Audit Methodology

The audit was undertaken in October 2024, and involved interviewing the QUBE Assistant Development Manager, a desktop review of provided evidence documentation and shapefiles, in order to support audit findings.

This ACR was undertaken according to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) Annual Compliance Report Guidelines (2023), with the Definitions of Compliance summarised in Table 2.

Table 2: Definitions of Compliance

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



3.0 Audit Findings

Table 3 displays the Audit Conditions and Compliance status. Conditions 1 through 8 of EPBC 2014/7126 yielded a total of 20 items to confirm compliance against.

3.1 Compliance with conditions.

Of the 20 audit items, five were assessed as 'Compliant', 15 were assessed as 'Not Applicable', and no 'Non-compliance' with conditions of EPBC 2014/7126 were identified during the audit period.

Table 3: Audit Findings over the Audit Period

EPBC Referral Condition Number	Condition	Timing	Evidence	Compliance Status
(1)	The approval holder must not clear more than 38.7 hectares of Carnaby's Black-Cockatoo and Forest Red-tailed Black Cockatoo foraging and potential breeding habitat within the project area identified as the 'Proposal Area'.	Ongoing.	2018/2019 ACR reports 14.5 ha of Black Cockatoo habitat clearing under EPBC2014/7126. 2019/2020 ACR reports totals 4.04 ha of Black Cockatoo habitat clearing for period. Note: this clearing occurred in the previous reporting period (see Item 3 (a)) but is included in this reporting period. 2020/2021 Clearing report shows 8.64 ha of Black Cockatoo habitat cleared under EPBC 2014/7126 2021/2022 clearing records show 5.53 ha of Black Cockatoo habitat clearing under EPBC2014/7126. Clearing of approximately 1.7 ha occurred within the Western Power easement which is outside the scope of the audit and not included in the total clearing number. 2022/2023 no clearing undertaken. 2023/2024 no clearing undertaken. Total Clearing – 32.71 ha of the approved 38.7 ha	Compliant
(2)(a)	To offset the loss of Carnaby's Black-Cockatoo and Forest Red-tailed Black-Cockatoo foraging habitat and potential breeding habitat, within twelve months from the date of this approval, the approval holder must provide the Department with written evidence that funds have been provided to DPAW for the acquisition and management of two environmental offset properties that must be: No less than 154 hectares in size, in the Shire of Gingin, Western Australia; and No less than 34 hectares in size at Lot 1143, Wye Road, Nannup, Western Australia.	Within 12 months from date of approval (30 July 2015).	This condition was met in a previous reporting period.	NA
(2)(b)	The written evidence must include a description and map clearly defining the location and boundaries of the offset properties and be accompanied with the offset attributes and a shapefile.	Within 12 months from date of approval (30 July 2015).	This condition was met in a previous reporting period.	NA
(2)(c)	The approval holder must also inform the Department how much of these offset properties will remain unattributed to this action for the purpose of supplying offsets for potential future project.	Within 12 months from date of approval (30 July 2015).	This condition was met in a previous reporting period.	NA
(3)(a)	To avoid and mitigate impacts to the Carnaby's Black-Cockatoo and Forest Red-tailed Black-Cockatoo, if clearing is to be undertaken during the breeding season (July – November), within 7 days prior to clearing, the approval holder must investigate potential breeding trees within the project area to detect the presence of Carnaby's Black Cockatoos or Forest Red-tailed Black - Cockatoos using hollows. The investigation must be undertaken by a suitable qualified and experienced person.	When clearing occurs between July and November, investigation of potential breeding trees must occur within seven days of clearing taking place.	No clearing was undertaken during this audit reporting period, therefore no investigation of Carnaby's Black Cockatoos or Forest Red-tailed Black Cockatoos were required.	NA
(3)(b)	If a Carnaby's Black-Cockatoo and Forest Red-tailed Black-Cockatoo is detected using a hollow in a tree or trees, the approval holder must: Clearly identify the tree or trees with fencing and signage Not clear the tree or trees Undertake measures to avoid the tree or trees from being cut down, felled, removed, killed, destroyed, poisoned, ring-barked, uprooted or burned.	When clearing occurs between July and November, investigation of potential breeding trees must occur within seven days of clearing taking place.	As above.	NA



EPBC Referral Condition Number	Condition	Timing	Evidence	Compliance Status
	until the hollow/s are no longer being used by the Carnaby's Black-Cockatoo and Forest Red-tailed Black-Cockatoo as determined by a suitably qualified and experienced person.			
(4)	Within 30 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.	Within 30 days after the commencement of the action (20 September 2018).	This condition was met in a previous reporting period.	NA
(5)(a)	The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval and make them available upon request to the Department.	Ongoing.	Evidence has been provided of record keeping relevant to approval conditions of approval provided. The Department made a request for shapefiles of the offset site on February 1 2024, the proponent provided the required response to the Department via phone call and email on February 9 2024.	Compliant
(5)(b)	Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act or used to verify compliance with the conditions of approval.	As required.	Not required. Interview with Assistant Development Manager, 25 October 2024.	NA
(5)(c)	Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.	As required.	Not required. Interview with Assistant Development Manager, 25 October 2024.	NA
(6)(a)	Within three months of every 12-month anniversary of the commencement of the action, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval over the previous 12 months.	Within three months of every 12-month anniversary of commencement.	2022/2023 ACR published on the Apsley Estate website on 21 November 2023.	Compliant
(6)(b)	Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published.	On the day, the compliance report is published.	Email evidence sighted of advice to the Department on 21 November 2023. Acknowledgement of notification from the Department received 22 November 2023.	Compliant
(6)(c)	The compliance reports must remain on the website for 12 months from the date of publishing.	For 12 months from the date of publishing.	2022/2023 ACR sighted as available on QUBE Apsley website 12 months on from the date of publishing, 1 November 2024. https://apsleyestate.com.au/wp-content/uploads/2023/11/2023-Annual-Compliance-EPBC-Report.pdf	Compliant
(6)(d)	Potential or actual contraventions of the conditions of the approval must be reported to the Department in writing within two business days of the approval holder becoming aware of the actual or potential contravention. All contraventions must also be included in the compliance reports.	Within two business days of being aware of a potential or actual contravention.	No contraventions reported or noted as part of the ACR process. Interview with Assistant Development Manager, 25 October 2024.	NA
(6)(e)	Unless otherwise agreed to in writing by the Minister, the approval holder must provide a copy of each compliance report to members of the public upon request.	As required.	No requests made during audit reporting period. The ACR is available to the public for download on QUBE Apsley website. Interview with Assistant Development Manager, 25 October 2024.	NA
(6)(f)	Copies must be provided free of charge as soon as reasonably practicable but within no longer than 7 days of the request.	Within seven days of a request.	No requests made during audit reporting period. The ACR is available to the public for download on QUBE Apsley website. Interview with Assistant Development Manager, 25 October 2024.	NA
(7)(a)	Upon the direction of the Minister, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted, and a report submitted to the Minister.	As required.	No requests made during audit reporting period. Interview with Assistant Development Manager, 25 October 2024.	NA
(7)(b)	The independent auditor must be approved by the Minister prior to the commencement of the audit.	As required.	NA	NA
(7)(c)	Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.	As required.	NA	NA
(8)	If, at any time after five (5) years from the date of this approval, the approval holder has not commenced the action, then the approval holder must not commence the action without the written agreement of the Minister.	Five years from approval date.	This condition was met in a previous reporting period.	NA



4.0 Recommendations and Conclusions

This Annual Compliance Report for EPBC 2014/7126 QUBE Property Group, Lot 682 Rowley Road, Mandogalup, has found the proponent to be in compliance with the conditions of the approval document. A total of 20 items were checked for compliance with the approval. Of these, fifteen were not applicable, and the remaining five items being considered compliant with the approval conditions during the 2023/2024 reporting period. It is considered that the proponent, QUBE Property Group, is in compliance with the conditions granted in the EPBC 2014/7126 approval.

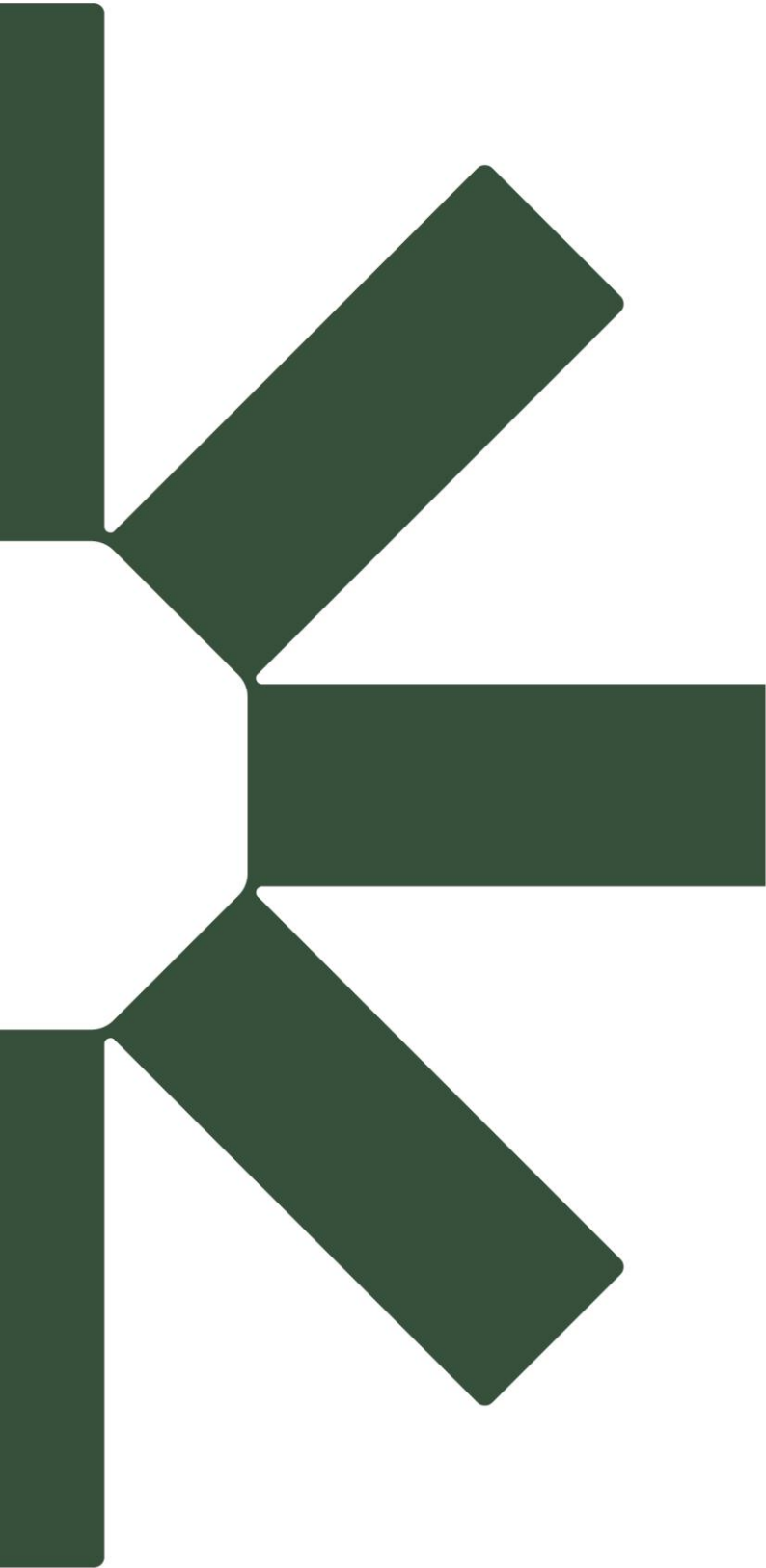
No recommendations for improvement were identified in the audit period.



References

Department of Climate Change, Energy, the Environment and Water (DCCEEW) 2023, *Annual Compliance Report Guidelines*, Canberra. CC BY 4.





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