

Annual Compliance Report 2015

Extension of Mundijong Road (EPBC 2011/5971)

1. Introduction

The City of Rockingham was granted approval (2011/5971) under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 30 March 2012 to extend Mundijong Road in Baldivis, Western Australia. A variation was approved on 23 October 2013 to increase the area of native vegetation that could be cleared as part of the works and consequently, 11.9 hectares of native vegetation was approved for clearing within the development zone.

The works included the construction of a new single carriageway two way road (and associated other works) that extended from Baldivis Road to the east through to Mandurah Road to the west. The works commenced within the development zone on the 5 April 2015 with the majority of clearing completed by 30 August 2013. The project was completed and the road was officially opened on the 11 August 2015.

2. Purpose

The purpose of this report is to ensure compliance with Condition 9 of the EPBC Act decision notice which states:

“Within three months of every 12 months 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 plan(s) as specified in the conditions. The report must stay on the website for at least five (5) years. 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.”

As the initial action commenced on the 5 April 2013 this report is due on the 5 July each year until the approval expires.

3. Compliance with approval conditions

The table below summarises the City's compliance with the approval conditions to date. A full copy of the EPBC Act Decision Notice can be found on the City of Rockingham website. Further explanation of the City's compliance with these conditions is provided in the subsequent sections of this report.



| No. | Condition | Status |
|------|--|-----------|
| 1 | Must not clear more than 11.9 ha of native vegetation | Complete |
| 2(a) | Prepare, submit and implement a CEMP | Complete |
| 2(b) | Prepare, submit and implement a EOMP | Ongoing |
| 3 | Implement a Black Cockatoo Habitat Revegetation and Rehabilitation Program | Ongoing |
| 4 | Offset areas must be placed under Conservation Covenant | Complete* |
| 5 | Description, map and shapefiles of offset areas to be sent to the Department | Complete |
| 6 | Publish management plans on the City of Rockingham website | Complete |
| 7 | Advise the Department of the commencement of works | Complete |
| 8 | Maintain accurate records of all activities | Ongoing |
| 9 | Publish annual reports | Ongoing |
| 10 | Cannot carry out activities that are not approved | N/A |
| 11 | Minister may request revised plans if deemed necessary | N/A |
| 12 | If works have not commenced after 5 years then further approval must be sought | N/A |

*All actions required by the City have been completed. See page 10 of this report for details.

3.1. Condition 1 - Must not clear more than 11.9 ha of native vegetation

No further update since 2014 annual report.

3.2. Condition 2(a) - Prepare, submit and implement a CEMP

No further update since 2014 annual report.

3.3. Condition 2(b) - Prepare, submit and implement a EOMP

With reference to the Environmental Offsets Management Plan prepared in September 2013 and approved in December 2013, the City confirms an ongoing commitment to the implementation of revegetation and rehabilitation works at the offset sites, Trenant Park and Dixon Road Conservation Precinct.

Since the 2014 annual report, work has continued in these reserves in accordance with the Environmental Offsets Management Plan and the site specific Trenant Park and the Dixon Road Conservation Precinct Management Plans.

Weed control

Regular weed control has been undertaken at both sites, with herbicide spraying conducted in summer and autumn, targeting a range of weed species, including but not limited to, *Solanum nigrum*, *Cirsium vulgare*, *Typha orientalis*, *Trachyandra divaricata*, and *Conyza spp.* During the autumn spraying, particular attention was paid to preparing the designated 2015 revegetation zones within the offset sites.

Furthermore, a site specific weed management plan has been prepared for both Dixon Road Conservation Precinct and Trenant Park to guide an integrated approach of weed control, hygiene, prevention and rehabilitation.

Revegetation

Annual revegetation works continue at the offset sites with 3450 tubestock to be planted in winter 2015 and an additional 140 advanced Tuart and Marri trees to be planted at Dixon Road Conservation Precinct. All of the indigenous plant species are selected to establish critical Black Cockatoo (Carnaby's Black Cockatoo, Forest Red-tailed Black Cockatoo and Baudin's Black Cockatoo) feeding and breeding habitat. The 2015 revegetation zones for Dixon Road Conservation Precinct and Trenant Park can be seen in Figure 1 and Figure 2, respectively.

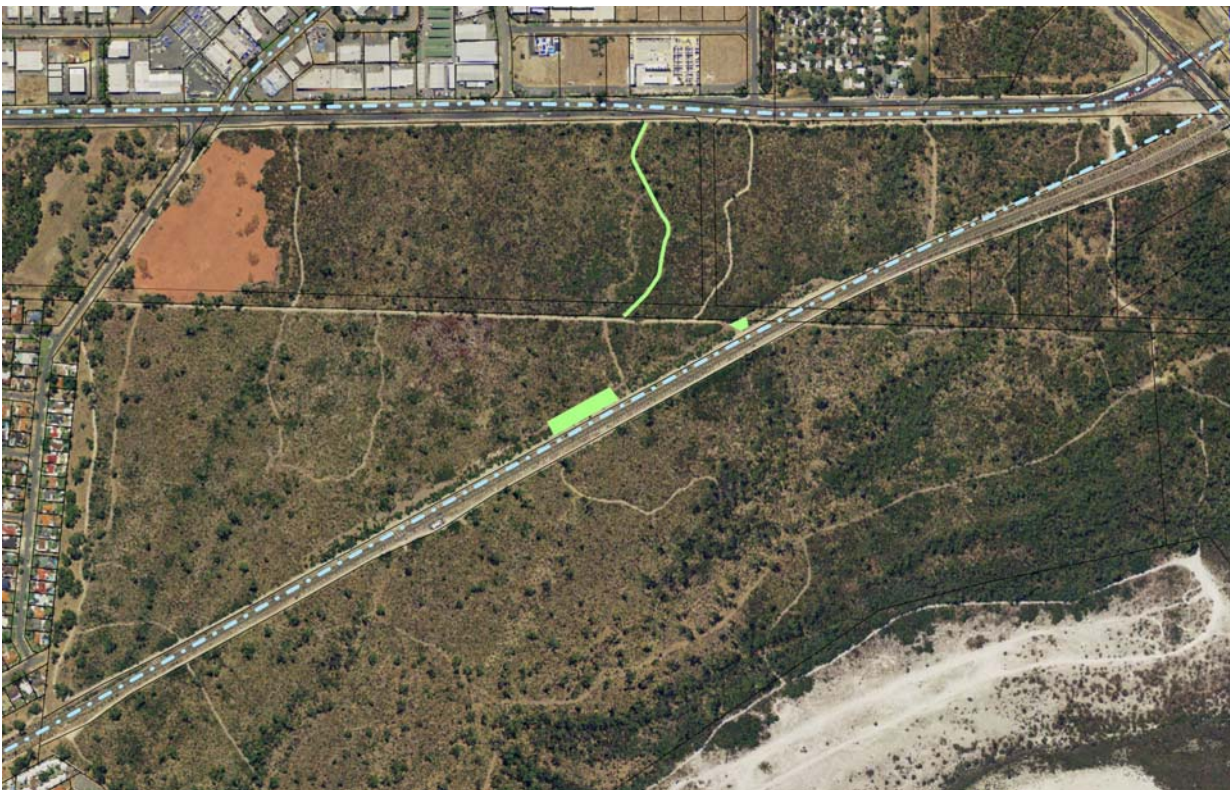


Figure 1: Dixon Road Conservation Precinct 2015 revegetation areas. The green areas represent tubestock planting and the orange area represents scattered Tuart and Marri planting.



Figure 2: Trenant Park 2015 revegetation areas

The survival rate of seedlings planted at Trenant Park in winter 2014 was evaluated as part of the ongoing offset monitoring program. A success rate of 55% was observed after 12 months, largely due to poor rainfall following planting. In 2015, an area adjacent to the 2014 revegetation zone will be planted and all revegetation areas will be infill planted as required in 2016 to achieve a minimum 80% survival rate.

Dieback

In accordance with dieback management protocol, all vehicles entering the offset areas are limited to designated tracks and no soil or mulch has been brought into either offset site. The sandy access track around the perimeter of Trenant Park will be consolidated with limestone in the 2015/2016 financial year to minimise the risk of potential weed and dieback infestations within the reserve.

Although no dieback affected areas were identified in either offset area during the 2013 baseline studies, the City continues to monitor the reserves for evidence of new dieback infestations.

Access

Pedestrian swing gates and locked vehicle access gates have been maintained at all reserve entry points to restrict motorbikes and unauthorised access. The condition of fencing in the reserves continues to be monitored to enable timely repairs if necessary.

Furthermore, 600 tubestock will be planted during the 2015 revegetation to close a track that was created while suppressing the most recent fire within the Dixon Road Conservation Precinct.

Feral fauna

A feral animal control program has been implemented at the reserves in accordance with the Environmental Offsets Management Plan. Motion sense cameras and scats/tracks were used to ascertain the presence of feral animals within the reserves, with foxes and cats identified at both reserves, and rabbits identified at Dixon Road Conservation Precinct.

While baiting in urban areas is not feasible, a combination of alternative methods was used at both sites including foot hold traps (foxes), cage traps (cats) and den fumigation (foxes). Rabbit control measures at Dixon Road Conservation Precinct included RHDV release, warren destruction and very small quantities of pindone, only in areas where no native animal activity was observed.

The control program was successful in trapping and removing two feral cats and one fox from Dixon Road Conservation Precinct and one cat and one fox from Trenant Park. The program will be conducted again throughout the 2015/2016 financial year, with post control population monitoring to be conducted in autumn 2016 to evaluate the impact of the control program on fox, cat and rabbit populations. The monitoring is conducted by a zoologist experienced in estimating species abundance and will produce quantifiable density per hectare estimates each species. The monitoring will also assess the stability of native flora and fauna populations to ascertain the long term impact of feral animals within these reserves.

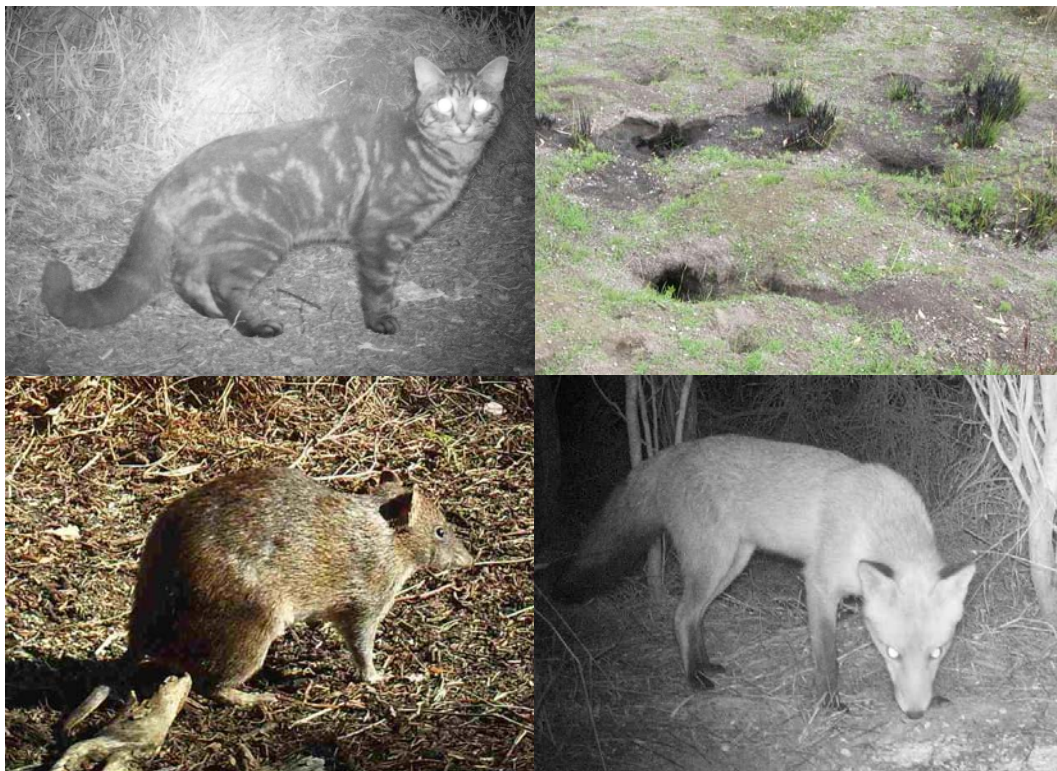


Figure 3: Photographs taken during the 2014/2015 feral animal control program, including a feral cat, a rabbit warren, a quenda and a fox.

Interpretive signage

At the end of 2014 a number of interpretive signs were installed at Dixon Road Conservation Precinct, providing information to residents about the significant flora, fauna and heritage of the reserve while also communicating the 'observe conserve' message, with reminders to keep dogs on a lead, to stay on the designated path and to not pick wildflowers. Photographs of the signs can be seen in Figure 4.



Figure 4: Interpretive signage installed at Dixon Road Conservation Precinct

Fire management

All firebreaks and emergency access points continue to be maintained. Firebreaks are sprayed as necessary as part of the weed control schedule for each reserve.

Monitoring

Three quadrats have been established in each offset site as part of the City's offset monitoring program. The quadrats are 10 x 10m plots, marked with GPS coordinates and stakes, are evaluated in autumn and spring each year to determine seedling survival rates, persistent or new weed infestations, presence of dieback, presence of feral fauna, unauthorised access and the overall condition of vegetation. Photographs are also taken during this monitoring, which will allow the City to assess long term changes in site condition.

3.4. Condition 3 - Implement a Black Cockatoo Habitat Revegetation and Rehabilitation Program

This is part of the approved Environmental Offsets Management Plan

3.5. Condition 4 - Offset areas must be placed under Conservation Covenant

The Conservation Covenant for Trenant Park has been signed by the Commissioner of Soil and Land Conservation and the City of Rockingham Chief Executive Officer and Mayor. All documentation has now been lodged with Landgate for ratification. The confirmation letter from the Office of the Commissioner of Soil and Land Conservation can be seen in Figure 5 and the signed Conservation Covenant documents can be seen in Figure 6.



Government of Western Australia
Department of Agriculture and Food

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|-------------------------|--------|
| CITY OF ROCKINGHAM | |
| RECORDED CORRESPONDENCE | |
| RECEIVED | |
| - 8 MAY 2015 | |
| RECORDS OFFICE | |
| FILE | W/CARD |
| OFFICER | COPY |



Ms Natalie Elliott
Environmental Projects Officer
City of Rockingham
PO Box 2142
ROCKINGHAM DC WA 6967

Your Ref:
Our Ref: 125117V01
Enquiries 9368 3282
Date: 1 May 2015

Dear Natalie

CONSERVATION COVENANT ON LOT 4060 ON DIAGRAM 80616

As per your instructions, the Commissioner has lodged the Conservation Covenant with Landgate on Lot 4060 on Diagram 80616, known as Trenant Park. The Memorial Number is M982815 which will appear on the Certificate of Title in due course.

Two copies of the signed covenant are attached for your records. Please do not hesitate in contacting the Commissioner's office if we can help you in any way.

Yours sincerely

Monica Coates
Project Officer
OFFICE OF THE COMMISSIONER OF
SOIL AND LAND CONSERVATION

Enc

OFFICE OF THE COMMISSIONER OF SOIL AND LAND CONSERVATION

3 BARON-HAY COURT SOUTH PERTH WESTERN AUSTRALIA 6151 (POSTAL ADDRESS: LOCKED BAG NO 4 BENTLEY
DELIVERY CENTRE WA 6983)
TELEPHONE: (08) 9368 3282 FACSIMILE: (08) 9368 3654

Figure 5: Conservation Covenant lodgement confirmation

The development of the Conservation Covenant for Dixon Road Conservation Precinct was a more convoluted process than the Conservation Covenant for Trenant Park, as the Department of Lands and the State Solicitors Office were required to process a number of land tenure changes and new Certificate of Titles had to be issued by Landgate prior to the City commencing the covenant application process.

However, the City is pleased to advise that the Dixon Road Conservation Covenant forms have now been finalised and signed by the City of Rockingham Chief Executive Officer and Mayor and have been sent to the Office of the Commissioner of Soil and Land Conservation to be signed and lodged. These documents can be seen in Figures 7 and 8 below.

CONSERVATION COVENANT
SOIL AND LAND CONSERVATION ACT
SECTION 30B

File: 1311587V01

The registered proprietor, **STATE OF WESTERN AUSTRALIA (care of the CITY OF ROCKINGHAM)** of that land described as **Lot 501 on Deposited Plan 77249** Certificate of Title Volume 2872 Folio 195, recognises the value of sound land management practices and the value of protecting areas within the land described on this plan.

The registered proprietor of the land agrees that an irrevocable instrument known as a Conservation Covenant be entered into in respect of that area of land contained within Certificate of Title Volume 2872 Folio 195 and for the purpose of setting aside land for the protection and management of vegetation under Section 30B of the Soil and Land Conservation Act 1945. Accordingly:

We: **STATE OF WESTERN AUSTRALIA**
C/- **CITY OF ROCKINGHAM**
(Proprietor of the Land)

Ct: **PO Box 2142**
ROCKINGHAM DC WA 6967
(Normal Postal Address)

Covenant to retain and protect **61.48** hectares of native vegetation in perpetuity, as shown on this plan as an area cross hatched orange contained within Certificate of Title Volume 2872 Folio 195 and as defined as Deposited Plan 77249 in accordance with the following conditions:

The area of land described above is to be adequately fenced to exclude all classes of livestock and be managed in such a way as to retain and promote the growth of native vegetation.

Subject to sections 30B and 30C of the Soil and Land Conservation Act 1945, this Conservation Covenant is to have effect in perpetuity.

A Conservation Covenant registered on Certificate of Title by Memorial binds each person successively becoming an owner or occupier of the land.

Subject to any necessary approvals from relevant authorities, and in accordance with any written law, clearing is permitted within the areas described above for building envelope, boundary fence lines and firebreaks.

Andrew Hammond
CHIEF EXECUTIVE OFFICER
(signature) DATE: 29.6 / 2015

Barry Samuels
MAYOR
(signature) DATE: 30.6 / 2015

Andrew Watson
COMMISSIONER OF SOIL AND LAND CONSERVATION
(signature) DATE: 1 / 2015

Legend

- WATERWAYS
- ROADS
- CADASTRAL PARCEL BOUNDARY
- AREA TO BE RETAINED AND PROTECTED AS NATIVE VEGETATION 61.48 ha

NOTE: 1. ALL MEASUREMENTS AND AREAS ARE ONLY APPROXIMATE AND SUBJECT TO ON-SITE ASSESSMENT BY A LAND CONSERVATION OFFICER FROM DEPARTMENT OF AGRICULTURE AND FOOD WESTERN AUSTRALIA.
2. LANDGATE CADASTRAL PARCELS SUPPLIED FEBRUARY, 2013.
3. AERIAL PHOTOGRAPHY EXTRACTED FROM ORTHOPHOTO - MOSAIC FREEMANBLE DECEMBER 2010.
4. PROJECTION - MAP GRID OF AUSTRALIA 1984 ZONE - 50 DATUM - GEOCENTRIC DATUM OF AUSTRALIA 1984

DRAWN BY: G. SEPEDENCO DATE: 20/03/2015
CHECKED BY: DATE:

File No: 1311587V01

Figure 7: Signed Conservation Covenant documents for Dixon Road Conservation Precinct

CONSERVATION COVENANT
SOIL AND LAND CONSERVATION ACT
SECTION 30B

File: 1311587V01

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C/- **CITY OF ROCKINGHAM**
(Proprietor of the Land)

Of: **PO Box 2142**
ROCKINGHAM DC WA 6967
(Normal Postal Address)

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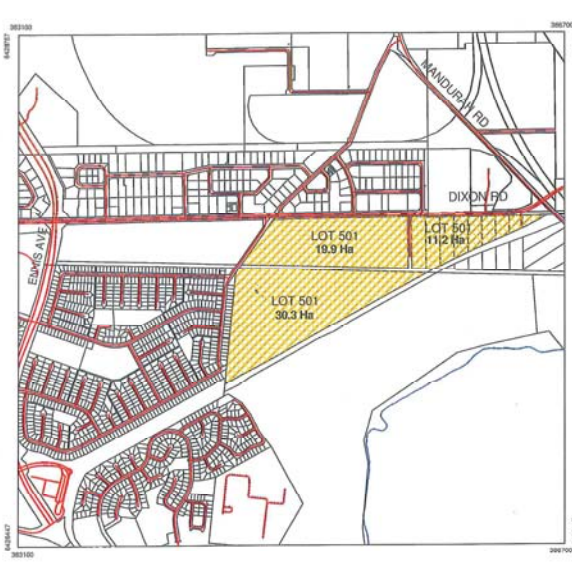
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Subject to any necessary approvals from relevant authorities, and in accordance with any written law, clearing is permitted within the areas described above for building envelope, boundary fence lines and firebreaks.

Andrew Hammond
CHIEF EXECUTIVE OFFICER
(signature) DATE: 29.6 / 2015

Barry Samuels
MAYOR
(signature) DATE: 30.6 / 2015

Andrew Watson
COMMISSIONER OF SOIL AND LAND CONSERVATION
DATE: / 2015



Legend

- WATERWAYS
- ROADS
- CADASTRAL PARCEL BOUNDARY
- AREA TO BE RETAINED AND PROTECTED AS NATIVE VEGETATION 61.48 ha

NOTE: 1. ALL MEASUREMENTS AND AREAS ARE ONLY APPROXIMATE AND SUBJECT TO ON-SITE ASSESSMENT BY A LAND CONSERVATION OFFICER FROM DEPARTMENT OF AGRICULTURE AND FOOD WESTERN AUSTRALIA.
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DATUM - GEODESIC DATUM OF AUSTRALIA 1984

DRAWN BY: G. SERENEDCO DATE: 20/03/2015
CHECKED BY: DATE:

File No: 1311587V01

Figure 8: Signed Conservation Covenant documents for Dixon Road Conservation Precinct

3.6. Condition 5 - Description, map and shapefiles of offset areas to be sent to the Department

These items were sent as part of the Environmental Offsets Management Plan. The shapefiles were resent to Ms Catherine Twigg at the Department of the Environment on 4 June 2015.

3.7. Condition 6 - Publish management plans on the City of Rockingham website

All Management Plans remain on the City of Rockingham website. Please see the link to these plans below:

<http://www.rockingham.wa.gov.au/Our-city/Major-projects-and-developments/Gateway-to-Rockingham>

3.8. Condition 7 - Advise the Department of the commencement of works

No further update since 2014 annual report.

3.9. Condition 8 - Maintain accurate records of all activities

The City continues to maintain accurate records substantiating all activities associated with or relevant to the conditions of approval. As the road is now complete, these ongoing records primarily relate to the implementation of the Environmental Offsets Management Plan and include, but are not limited to, weed control schedules, revegetation records and Black Cockatoo nesting box installation details, as well as correspondence with state government land agencies to arrange the Conservation Covenants for offset areas.

3.10. Condition 9 - Publish annual reports

This is the second annual reporting detailing the City's compliance with the conditions of approval and can be found on the City of Rockingham website.

3.11. Condition 10 - Cannot carry out activities that are not approved

No further update since 2014 annual report.

3.12. Condition 11 - Minister may request revised plans if deemed necessary

No further update since 2014 annual report.

3.13. Condition 12 - If works have not commenced after 5 years then further approval must be sought

No further update since 2014 annual report.