

MUCHEA INDUSTRIAL PARK

COMPLIANCE REPORT
EPBC 2017/8119

16 December 2023

to

16 December 2024

Project Implementation Year 5

Prepared by Harvis,
with Emerge Technical Reports

(REV 1 - ISSUED)

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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:



Full Name: **Kelvin Flynn**

Position: **Managing Director**

Organisation: **Harvis Capital Pty Ltd, as trustee for the Northern Gateway Unit Trust No 2**
ABN – 99 450 875 764

Date: **21 / 01 / 2025**

2. TERMINOLOGY

The 'Compliance Status' field of the audit tables describes the implementation of actions and compliance with the approval. Table 1 details the terminology that has been applied in this audit report.

Specific Definitions:

Compliance Period: 16 December 2023 – 16 December 2024

Compliance Area: That area of the Muchea Industrial Park project that falls within the EPBC Act approval area (i.e. does not include the specifically agreed excised area)

Table 1 Audit terminology

Compliance status term	Abbreviation	Description
Regulatory requirements - applicable to the conditions of approval		
Compliant	C	When all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
Completed	CLD	Where a requirement with a finite period of application has been satisfactorily completed.
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.
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.
Corporate policies, standards and procedures – applicable to the CEMP		
Conformant	C	When sufficient evidence has been provided to confirm that the requirements within a corporate policy, standard and/or procedure (including an environmental management plan) has been satisfactory implemented.
Completed	CLD	Where a requirement with a finite period of application has been satisfactorily completed.
Not Applicable	NA	Where the requirements of a corporate policy, standard and/or procedure (including an environmental management plan) fall outside of the scope of the current reporting period. For example, a management plan which applies to an activity that has not yet commenced.
Non-conformant	NC	Where the requirements within a corporate policy, standard and/or procedure (including an environmental management plan) have not been satisfactory implemented.

3. DESCRIPTION OF ACTIVITIES

EPBC Number:	2017 / 8119
Project Name:	Muchea Industrial Park, Great Northern Highway Muchea
Approval Holder (ABN):	Harvis Capital Pty Ltd, as trustee for the Northern Gateway Unit Trust No 2 ABN – 99 450 875 764
Person Accepting Report Responsibility:	Kelvin Flynn (See Section 1 for Declaration)
Approved Action:	To clear vegetation and construct an industrial precinct and related infrastructure at Lot 809 Great Northern Highway, Muchea, Western Australia.
Dates for the Reporting Period of the Report:	16 / 12 / 2023 – 16 / 12 / 2024 (Note: Fifth Reporting Period for the Project)
Date of Preparation of the Report:	21 / 01 / 2025

Description of Activities

The activities within the reporting period relevant to the Approved Action are summarised as follows:

- Monitoring during peak breeding season was undertaken of the previously installed 6x ‘artificial nesting hollows’ as outlined here-in, being initially inspected on 4 November 2024 with an additional follow-up inspection on 18 December 2024. No breeding events were observed in any of the 6x artificial nesting hollows in the current Year 5 reporting period (following prior successful breeding in the prior year).
- Broad-scale clearing was not undertaken during breeding season of the current reporting period, with a prior cumulative cleared total of only 4.34ha of up to 12.55 permitted hectares, and some 18.46ha currently remaining undisturbed in-situ.
- No additional clearing (cumulative prior total 0.17 of up to 0.43 hectares permitted) of ‘Banksia Woodlands TEC’ was undertaken, with 7.11ha continuing to remain undisturbed in-situ.

Section 4, Table 2 below provides the tabulated detail of the current compliance status and relevant actions against each of the specific approval conditions of EPBC 2017/8119.

Note: Officers of the Environmental Audit Section of the (Federal) Department of Climate Change, Energy, the Environment and Water (DCCEEW) undertook a scheduled audit of the project between August 2024 to September 2024, with a successful audit result officially received on 8th October 2024.

4. COMPLIANCE TABLE

Table 2: List of approval conditions and current compliance status of EPBC 2017/8119

Condition No.	Condition	Compliance Status	Evidence / Comments
Part A – Conditions specific to the action			
1	The approval holder must not clear more than 12.55 hectares of black cockatoo habitat and must not clear more than 0.43 hectares of Banksia Woodlands TEC within the project area .	N/A	<p>Overall project clearing works ongoing, with no clearing of 'Black Cockatoo Habitat' occurring within the breeding season of the current reporting period.</p> <p>Extent of clearing works undertaken to date are well within areas calculated to be ultimately cleared and do not impact on compliance with the overall condition values.</p> <p>With respect to 'Black Cockatoo Habitat', the cleared area to date remains less than the 12.55 hectares permitted threshold (~4.34ha cleared with over ~18.46ha remaining undisturbed). <i>See Annexure A – Figure 1: 2024 Clearing Extent – Black Cockatoo Habitat</i></p> <p>With respect to 'Banksia Woodlands TEC', the cleared area to date remains less than the 0.43 hectares permitted threshold (~0.17ha have been cleared with 7.11ha remaining undisturbed). <i>See Annexure B – Figure 2: 2024 Clearing Extent - Banksia Woodland TEC</i></p> <p><i>Not-Applicable - Condition Works Ongoing.</i></p>
2	To mitigate impacts to black cockatoos and black cockatoo habitat , the approval holder must implement the Construction Environmental Management Plan (CEMP) during construction .	Compliant	<p>The CEMP was implemented during the various construction phases, with the CEMP incorporated into requirements of Contractor responsibilities and implemented during prior period(s) clearing works.</p> <p>The CEMP implementation actions are specified in Annexure H - Table 3 below. Further stages of Civil Contractors works will continue to ensure the CEMP are implemented via the contractor's management plans.</p> <p><i>See Annexure E – Table 3: Conformance with Construction Environmental Management Plan</i></p> <p><i>Compliant.</i></p>

Condition No.	Condition	Compliance Status	Evidence / Comments
3	<p>To mitigate impacts to black cockatoos and Banksia Woodlands TEC, the approval holder must, no later than 12 months following the submission of the final report under Condition 4f., provide the Department with:</p> <ul style="list-style-type: none"> a) written evidence demonstrating that a restrictive statutory conservation covenant has been established over the identified conservation reserves for their protection in perpetuity b) written evidence demonstrating that ownership of the conservation reserves has been ceded to the Shire of Chittering c) the conservation reserves' attributes, shapefiles and textual descriptions and maps to clearly define the location and boundaries of the conservation reserves. 	N/A	<p>Condition ongoing</p> <p>Neither conditions 3a), 3b) or 3c) have yet reached a point of implementation to be created.</p> <p>We expect to implement Condition 3 on a staged basis within future reporting periods.</p> <p><i>Not-Applicable – Condition Ongoing.</i></p>
4	<p>To mitigate the loss of 12.55 hectares of black cockatoo habitat and improve potential breeding and foraging opportunities for black cockatoos in the project area, the approval holder must:</p> <ul style="list-style-type: none"> a) undertake revegetation works within the conservation reserves to establish a self-sustaining vegetation cover integrated with the surrounding ecosystem which provides black cockatoo habitat and that meets the completion criteria b) ensure that the density of planted vegetation is sufficient to account for mortality to meet the completion criteria and until the reserves are ceded to the Shire of Chittering c) commence revegetation required under Condition 4.a. within 12 months of commencement of the action d) provide the Department with written and photographic evidence of the commencement of the revegetation works within 10 days of their commencement e) not cease revegetation works until a suitably qualified horticulturist has verified that the revegetation works meet the completion criteria and the Department has been provided with written evidence, endorsed by a suitably qualified horticulturist, that the revegetation works meet the completion criteria f) upon attainment of the completion criteria, ensure all areas of revegetation are inspected by a suitably qualified horticulturist once every two years, during spring, for a further 10 years to ensure the completion criteria are maintained and provide the Department with a report of each inspection within 40 days after the inspection g) re-establish the completion criteria within revegetated areas within three months of becoming aware that an area of revegetation no longer meets the completion criteria. 	Compliant (Except 4d)	<p>Overall Condition still ongoing:</p> <ul style="list-style-type: none"> 4a) Ongoing. Additional revegetation works have been implemented within part of the (future) Central Reserve (where forward preparation works, and initial planting efforts, were completed in the prior reporting periods). The full extent of revegetation works will be implemented over several future years (winter seasons) as the necessary preparatory/interface civil works are completed. Note: A further 2000 trees were planted during the current 2024 Year 5 compliance reporting period. <i>See Compliance Report Year 1 for Notification of Commencement of Revegetation Works</i> 4b) Ongoing, subject to full extent of revegetation planting being implemented. 4c) Compliant. As previously reported (Reporting Period 1), initial revegetation works commenced on 8th October 2020, within the 12-month window of the notified commencement of the action (16th December 2019). <i>See Compliance Report Year 1 for Notification of Commencement of Revegetation Works</i> 4d) Non-Compliant (late). As previously reported (Reporting Period 1), written and photographic evidence of the commencement of revegetation was provided on 2nd December 2020, however this should technically have been provided by 18th October 2020. Notification of the non-compliance was raised within the notification letter itself. <i>See Compliance Report Year 1 for Notification of Commencement of Revegetation Works</i> 4e) Ongoing. Revegetation works are confirmed as continuing, with further planting scheduled for Winter 2025 (and beyond). 4f) N/A. Revegetation works not yet complete. 4g) N/A. Revegetation works not yet complete. <p><i>Generally Compliant, except 4d), which has previously been noted (see Reporting Period 1) as a late (administrative) notification.</i></p>
5	<p>To mitigate impacts to nesting black cockatoos, the approval holder must, within two days prior to clearing the two known nesting hollows, investigate these hollows to determine if they are currently utilised by black cockatoos for nesting. The investigation must be undertaken by a suitably qualified</p>	Compliant	<p>Overall Condition completed previously:</p> <ul style="list-style-type: none"> 5a) Compliant. During prior reporting period(s) each of the 2x trees were assessed and proven by Emerge ecologists to be not utilised for black cockatoo nesting prior to

Condition No.	Condition	Compliance Status	Evidence / Comments
	<p>person. If any black cockatoos are detected utilising any hollow in any tree, the approval holder must:</p> <ol style="list-style-type: none"> clearly identify and mark the nesting tree not clear the identified nesting tree or any vegetation within a 10 metre radius of that tree until a suitably qualified ecologist has verified that the hollow in the tree is no longer being used by black cockatoos. 		<p>clearing, and the condition is now no longer relevant moving forward (tree now cleared). <i>See Compliance Report Year 2 and Year 3 for prior compliance.</i></p> <p>5b) Compliant. During prior reporting period(s) the 10-20m setback zone was retained up until the point of clearing each of the 2x trees, and the condition is now no longer relevant moving forward (tree now cleared). <i>See Compliance Report Year 2 and Year 3 for prior compliance.</i></p> <p>Compliant.</p>
6	<p>To mitigate and offset the loss of two known nesting hollows within the project area, the approval holder must install, within the conservation reserves and in accordance with artificial hollow installation guidelines, at least six 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 six 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 relevant artificial hollow maintenance guidelines for the life of the approval, with maintenance actions undertaken outside of the breeding season and before the commencement of the next breeding season not install in a manner that requires additional clearing of black cockatoo habitat or within 10 metres of the edge of the road seals or buildings, to reduce the risk of vehicle strike and human disturbance. prior to clearing the known nesting hollows, have a suitably qualified ecologist undertake a hollow inspection of the known nesting hollows during the peak breeding season across three consecutive years, to confirm whether black cockatoo nesting is occurring. If a suitably qualified ecologist certifies in writing that no black cockatoo nesting occurred in any of the three consecutive years, then compliance with Condition 6d, 6e and 7 is not required. ensure that each installed artificial nesting hollow is inspected at least twice each year, and at least 4 weeks apart, by a suitably qualified ecologist during the peak breeding season for nine years to record any evidence of use by black cockatoos and to identify any maintenance requirements 	Compliant	<p>Overall Condition still ongoing:</p> <p>6a) Compliant. As previously reported (Reporting Period 1), following commencement of the action on 16 December 2019, 6x artificial nesting hollows were installed on 23 June 2020, prior to the beginning of the next breeding season in July 2020. <i>See Compliance Report Year 1 for Confirmation of 6x Artificial Nesting Hollows Installation</i></p> <p>6b)i) Ongoing. Most recent Year 5 (2024) results from inspection of the 6x artificial nesting hollows determined “<i>All artificial hollows are in good condition and do not require maintenance</i>”. <i>See Annexure C – Black Cockatoo Artificial Hollow Monitoring Report Year 5 (2024)</i></p> <p>6b)ii) Compliant. As previously reported (Reporting Period 1), no habitat was required to be cleared for installation of the Artificial Nesting Hollows and locations are greater than 10m from any adverse conditions. <i>See Compliance Report Year 1 for Artificial Hollows Installation Conformance</i></p> <p>6c) Compliant. Qualified ecologists undertook hollow inspections on the following peak breeding dates: 5 November 2018 (2018 Peak Breeding Season) 15 October 2019 (2019 Peak Breeding Season) 30 September 2020, 5 October 2020 & 16 December 2020 (2020 Peak Breeding Season) 1 December 2021 (2021 Peak Season, and immediately prior to clearing first and second trees) At no times during the inspected dates was nesting observed to be occurring, and accordingly the letter attached at Annexure G certifies that no black cockatoo nesting occurred in any of the three consecutive years, nor in the fourth year prior to the commencement of clearing. <u>As such, compliance with Condition 6d, 6e and 7 is not required.</u> <i>See Compliance Report Year 1 for Black Cockatoo Hollow Monitoring Results Letter (3-Years)</i></p> <p>6d) No Longer Applicable. In accordance with 6c) outcomes above, compliance with condition 6d) is no longer formally required. Notwithstanding, following the installation of the 6x artificial hollows on 23 June 2020, and inspections during the 2020 Peak Breeding Season, a further inspection was undertaken by Emerge Associates qualified ecologist during the 2021 Peak Breeding Season on 1 December 2021. Additionally Emerge Associates undertook an inspection during the 2022 Peak Breeding Season on 10 November 2022. No active use of the artificial hollows by black cockatoos or any other fauna species was recorded during the</p>

Condition No.	Condition	Compliance Status	Evidence / Comments
	e) not cease adaptive management of artificial nesting hollows until at least one artificial nesting hollow ¹ for each known nesting hollow identified with evidence of black cockatoo nesting under Condition 6.c. has shown evidence of black cockatoo nesting , as verified in writing by a suitably qualified ecologist , for three consecutive years.		<p>2022 monitoring events. Secondary evidence of bird activity in the form of chew marks was noted on two of the artificial hollows, however the chew marks could not be attributed to a particular bird species.</p> <p>Emerge continued monitoring the artificial nesting hollows during the prior 2023 peak breeding season, with the successful breeding event of a Carnaby's black cockatoo chick observed in artificial hollow 844B, and egg laying in 845B and 849B however both subsequently lost due to suspected predation. (See Reporting year 2023).</p> <p>Emerge undertook 2x monitoring inspections for the current year peak breeding season on 4 November 2024 and 18 December 2024, however no Black Cockatoo breeding events were observed in any of the 6x artificial nesting hollows this period.</p> <p><i>See Annexure C – Black Cockatoo Artificial Hollow Monitoring Report</i></p> <p>6e) No longer Applicable. In accordance with 6c) outcomes above, compliance with condition 6e) is no longer formally required. Notwithstanding, Harvis and Emurge continued to monitor the artificial hollows in the prior 2021/2022/2023 and current 2024 Reporting Period(s), wherein no damage or adaptive management was seen to be required.</p> <p><i>See Annexure C – Black Cockatoo Artificial Hollow Monitoring Report</i></p> <p>Compliant.</p>
7	<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 6.e., the approval holder must, within ten years after commencement of the action:</p> <p>a) submit to the Minister for approval, the details of an offset that meets the requirements of the EPBC Environment Offsets Policy and will compensate for the permanent loss of the two known nesting hollows</p> <p>b) submit to the Department a detailed assessment of the factors that caused the failure to achieve black cockatoo nesting in at least one artificial nesting hollow² for each suitable nesting hollow for three consecutive years.</p>	N/A	<p>No Longer Applicable. In accordance with 6c) outcomes above, compliance with condition 7 is no longer formally required.</p> <p>Not Applicable.</p>
8	All data, enquiries and findings of the monitoring required by Condition 6 must be provided to the Department to contribute to broader research into the use of artificial nesting hollows by black cockatoos . Provision must occur within one year of the verification by a suitably qualified ecologist required under Condition 6.e. being obtained, or within 25 business days after submitting the assessment report required under Condition 7.b.	N/A	<p>Not Applicable. The current compliance reporting period has not yet yielded any reportable findings. Monitoring outcomes will be reported in future years as applicable, noting that Condition 7b) is now no longer applicable per 6c) determination.</p>

Part B – Standard administrative conditions

¹ The artificial nesting hollow in use for three consecutive years need not be the same artificial nest hollow each year.

² The artificial nesting hollow in use for three consecutive years need not be the same artificial nest hollow each year.

Condition No.	Condition	Compliance Status	Evidence / Comments
Notification of date of commencement of the action			
9	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 .	Compliant	As previously reported (Reporting Period 1), the action commenced on 16 December 2019, and a notification letter was sent to the Department on the same day, along with an email copy on 20 December 2019. <i>See Compliance Report Year 1 for Notification Advising Commencement of Action</i> Compliant.
Compliance records			
10	The approval holder must maintain accurate and complete compliance records .	Compliant	Ongoing. Compliance records commencing with this current second compliance report are being maintained by the approval holder and the project's environmental consultant (Emerge Associates), with the key information documented here-in. Compliant.
11	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. Note: Compliance records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act , and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the Department's website or through the general media.	N/A	No requests made to date. Not Applicable.
Preparation and publication of plans			
12	The approval holder must: 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 of the date a revised action management plan is submitted to 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.	Compliant	As previously reported (Reporting Period 1), the applicable 'plan' is the approved Construction Environmental Management Plan (CEMP). 12a) Compliant – CEMP was submitted electronically to the Department during the EPBC Act assessment process for the project. <i>See Compliance Report Year 1 for record of Submitted CEMP to Department</i> 12b) Compliant – The CEMP was uploaded to the project website on 20 December 2019, within 20 business day of the action commencing on 16 December 2019. Email from Harvis to DAWE confirming this dated 20 December 2019. <i>See Compliance Report Year 1 for record Advising of CEMP Upload</i> 12c) N/A – there was no sensitive ecological data to exclude or redact. The full CEMP Is available online. 12d) Compliant – the CEMP remains on the project website. <i>See Annexure G for Evidence of CEMP & Compliance Report Remaining Published to Website</i> Compliant.

Condition No.	Condition	Compliance Status	Evidence / Comments
13	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 Guidelines for biological survey and mapped data (2018) and submitted electronically to the Department within six months of monitoring taking place.	Compliant	The monitoring outcomes are provided in Annexure C and are prepared and retained in a format as required by the Department's guidelines, being submitted electronically herein to the Department. <i>Compliant.</i>

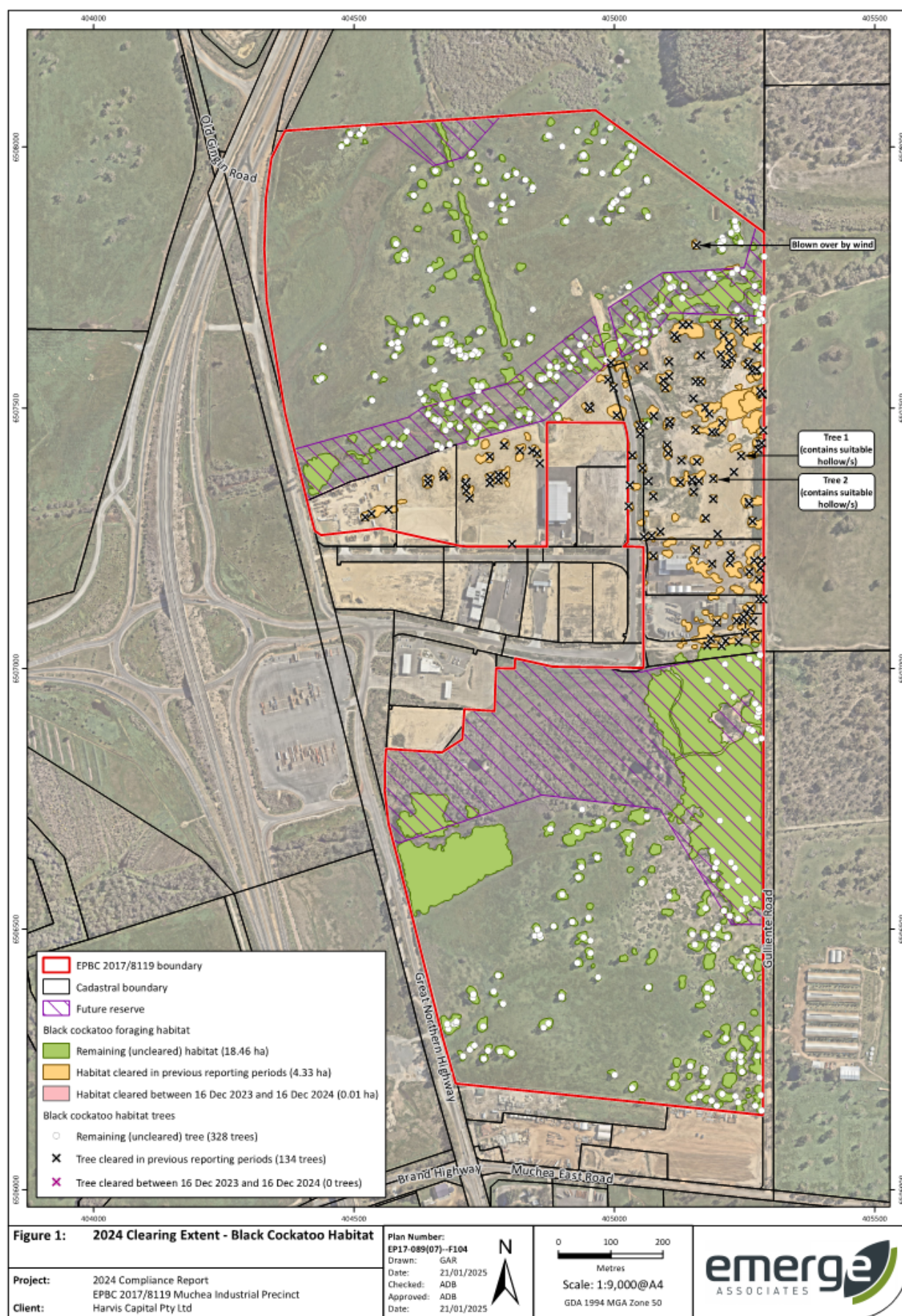
Table 2: List of approval conditions and current compliance status of EPBC 2017/8119 (continued)

Condition No.	Condition	Compliance Status	Evidence / Comments
Annual compliance reporting			
14	<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> <ul style="list-style-type: none"> a) publish each compliance report on the website within 20 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 five business days of publication. <p>Note: Compliance reports may be published on the Department's website.</p>	Compliant	<p>Overall Condition still ongoing:</p> <ul style="list-style-type: none"> 14a) The Muchea Industrial Precinct Compliance Report (for EPBC approval 2017/8119) will be published on the project website at https://www.mucheaindustrialpark.com.au/muchea/downloads. Note: The current compliance report represents the third reporting period. 14b) The Department will be notified via email that the ACR was published on the Muchea Industrial Park project website. 14c) Ongoing. The compliance reports will remain available. 14d) Not Applicable. No sensitive ecological data applicable to reports to date. 14e) Not Applicable. No sensitive ecological data applicable to reports to date. <p>Compliant.</p>
Reporting non-compliance			
15	<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> <ul style="list-style-type: none"> a) any condition which is or may be in breach; b) short description of the incident and/or non-compliance; and c) the location (including co-ordinates), date and time of the incident and/or non-compliance. 	Compliant	<p>No incidents or non-compliances occurred in the current reporting period.</p> <p>As previously reported (Reporting Period 1), as outlined in condition 4d) above, in preparing the notification of commencement of revegetation works, the approval holder became aware that the notification itself was late/over-due. Whilst the revegetation works themselves were undertaken within the required compliance timeframe, the follow-up advice notification itself was prepared on the 2nd December 2020 (due 18th October 2020). As the non-compliance was administrative in nature (not physical) the matter of late reporting was outlined within the notification itself.</p> <p><i>See Annexure C – Notification of Commencement of Revegetation Works.</i></p> <p>Compliant.</p>

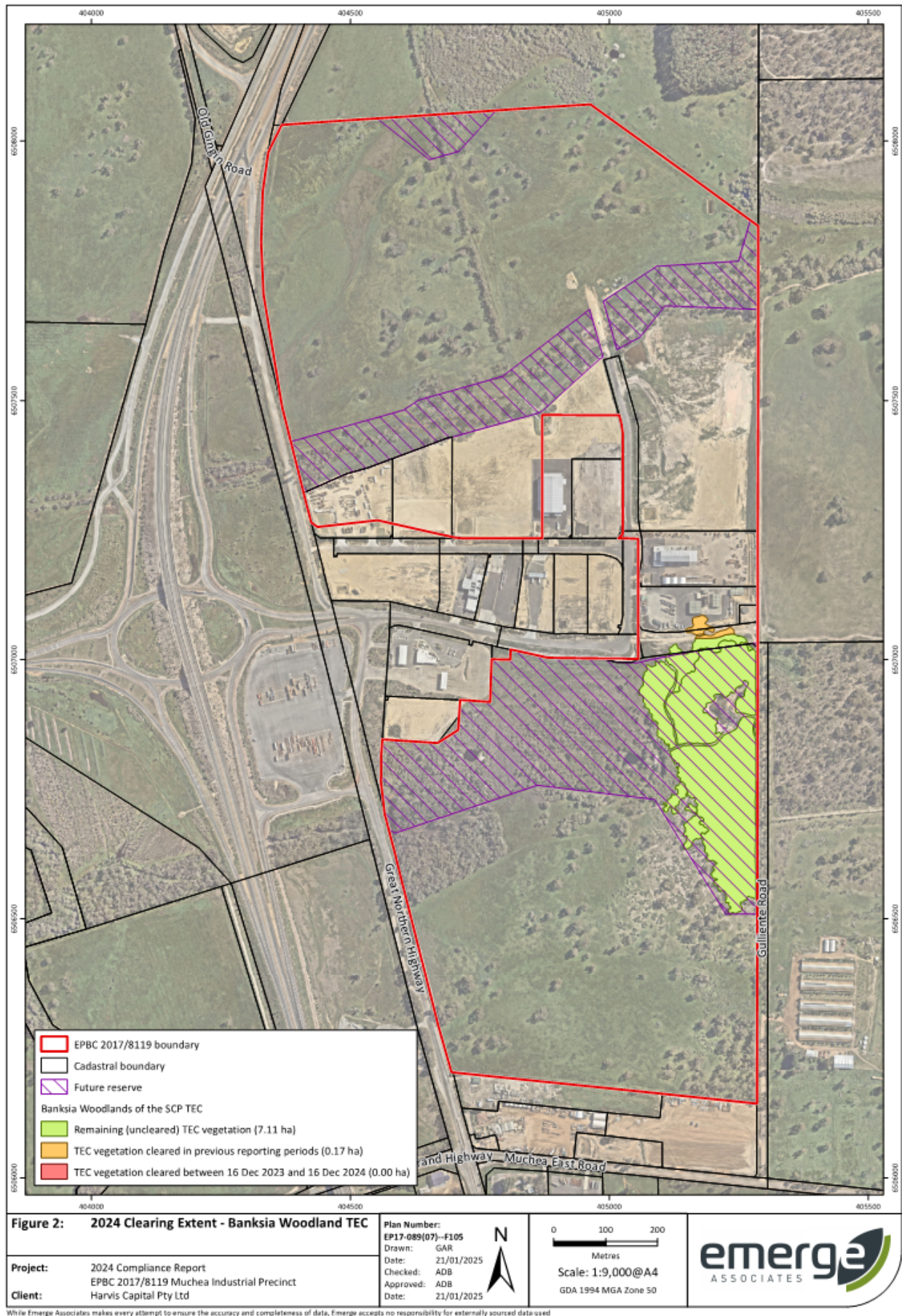
16	<p>The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <ul style="list-style-type: none"> 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. 	Compliant	<p>No incidents or non-compliances occurred in the current reporting period.</p> <p>As previously reported (Reporting Period 1), as outlined in condition 4d) and 15) above, in preparing the notification of commencement of revegetation works, the approval holder became aware that the notification itself was late/over-due. Whilst the revegetation works themselves were undertaken within the required compliance timeframe, the follow-up advice notification itself was prepared on the 2nd December 2020 (due 18th October 2020). As the non-compliance was administrative in nature (not physical) the matter of late reporting was outlined within the notification itself.</p> <p>16a) As the non-compliance was administrative in nature, the admission of error (late reporting) was provided, and no further action is proposed.</p> <p>16b) As the non-compliance was administrative in nature, there are not expected to be any result on-ground impacts as a result of the non-compliance.</p> <p>16c) As the non-compliance was administrative in nature and was for a one-off administrative notification, no further remedial action is proposed unless advised otherwise by the Department.</p> <p>Compliant.</p>
Independent audit			
17	The approval holder must ensure that independent audits of compliance with the conditions are as requested in writing by the Minister .	N/A	<p>No audit requests made to date.</p> <p>Not Applicable.</p>
18	<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. 	N/A	<p>No audit requests made to date.</p> <p>Not Applicable.</p>
19	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.	N/A	<p>No audit requests made to date.</p> <p>Not Applicable.</p>
Revision of action management plans			
20	The approval holder may, at any time, apply to the Minister for a variation to the CEMP by submitting an application in accordance with the requirements of section 143A of the EPBC Act . If the Minister approves a revised CEMP then, from the date specified, the approval holder must implement the revised CEMP in place of the previous CEMP .	N/A	<p>No modification to the CEMP required at this time.</p> <p>Not Applicable.</p>

21	The approval holder may choose to revise the CEMP without submitting it for approval under section 143A of the EPBC Act , if the taking of the action in accordance with the revised CEMP would not be likely to have a new or increased impact .	N/A	No modification to the CEMP required at this time. <i>Not Applicable.</i>
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Annexure A - Figure 1: 2024 Clearing Extent - Black Cockatoo Habitat



Annexure B - Figure 2: 2024 Clearing Extent - Banksia Woodland TEC



Annexure C - Black Cockatoo Artificial Hollow Monitoring Report Year 5 (2024)

Document Reference: EP17-089(26)—073 SAC

Emerge contact: Rachel Weber

21 January 2025

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Dear Daniel

BLACK COCKATOO ARTIFICIAL HOLLOW MONITORING 2024 – LOT 809 GREAT NORTHERN HIGHWAY, MUCHEA

This letter provides the results of black cockatoo artificial hollow monitoring undertaken within Lot 809 Great Northern Highway in Muchea in 2024. The location of the site and the artificial hollows are shown in **Figure 1**.

1 BACKGROUND

Harvis is currently developing the Muchea Industrial Precinct which comprises Lot 809 Great Northern Highway in Muchea, Western Australia (hereafter referred to as the 'site'). Emerge have previously undertaken multiple ecological surveys within the site and recorded habitat trees for threatened species of black cockatoo listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Implementation of the Muchea Industrial Precinct project is subject to an environmental approval issued under the EPBC Act, which was granted on 8 November 2019 (EPBC 2017/8119). The approval relates to potential impacts of the project on EPBC Act listed matters of national environmental significance (MNES), including threatened species of black cockatoo and the banksia woodland ecological community.

The approval includes multiple conditions related to trees with hollows that may be utilised by threatened species of black cockatoo as breeding habitat, including requirements to install, maintain and monitor six artificial breeding hollows within the site. The conditions relating to artificial hollows are shown in **Table 1**.

As condition 6c was met following monitoring of the natural hollows within the site for three consecutive years (2018 to 2020), compliance with 6d, 6e and 7 are no longer required. Therefore, annual monitoring in 2024 was to satisfy conditions 6b and 8.

Table 1 Conditions relating to black cockatoo hollows within the site.

Condition number	Condition description
6	<p>To mitigate and offset the loss of two known nesting hollows within the project area, the approval holder must install, within the conservation reserves and in accordance with artificial hollow installation guidelines, at least six 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 six 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 relevant artificial hollow maintenance guidelines for the life of the approval, with maintenance actions undertaken outside of the breeding season and before the commencement of the next breeding season not install in a manner that requires additional clearing of black cockatoo habitat or within 10 metres of the edge of the road seals or buildings, to reduce the risk of vehicle strike and human disturbance. prior to clearing the known nesting hollows, have a suitably qualified ecologist undertake a hollow inspection of the known nesting hollows during the peak breeding season across three consecutive years, to confirm whether black cockatoo nesting is occurring. If a suitably qualified ecologist certifies in writing that no black cockatoo nesting occurred in any of the three consecutive years, then compliance with Condition 6d, 6e and 7 is not required. ensure that each installed artificial nesting hollow is inspected at least twice each year, and at least 4 weeks apart, by a suitably qualified ecologist during the peak breeding season for nine years 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 known nesting hollow identified with evidence of black cockatoo nesting under Condition 6.c. has shown evidence of black cockatoo nesting, as verified in writing by a suitably qualified ecologist, for three consecutive years.
7	<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 6.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 approval, the details of an offset that meets the requirements of the EPBC Environment Offsets Policy and will compensate for the permanent loss of the two known nesting hollows. Submit to the Department a detailed assessment of the factors that caused the failure to achieve black cockatoo nesting in at least one artificial nesting hollow for each suitable nesting hollow for three consecutive years.
8	<p>All data, enquiries and findings of the monitoring required by Condition 6 must be provided to the Department to contribute to broader research into the use of artificial nesting hollows by black cockatoos. Provision must occur within one year of the verification by a suitably qualified ecologist required under Condition 6.e. being obtained, or within 25 business days after submitting the assessment report required under Condition 7.b.</p>

2 SCOPE OF WORK

Emerge Associates (Emerge) were engaged by Harvis to undertake works to satisfy conditions 6b and 8 above. Specifically, the scope of work comprised the following tasks:

- Monitor artificial hollows during the 2024 peak black cockatoo breeding season in accordance with artificial hollow guidelines (DPaW 2015).
- Documentation of the artificial hollow monitoring results.
- Provide advice on any maintenance requirements for artificial hollows.

¹ The artificial nesting hollow in use for three consecutive years need not be the same artificial nest hollow each year.

3 METHODS

3.1 Hollow monitoring

Two ecologists from Emerge visited the site to undertake artificial hollow monitoring on 11 November 2024. A follow-up inspection was undertaken on 18 December 2024.

During each survey, the six artificial hollows were inspected using a pole mounted camera (GoPro). The internal hollow inspection searched for signs of hollow use such as chicks, brooding birds or chew marks on the wooden post, nesting material such as feathers and presence of birds perching at the entrance or entering the hollow. Hollows were also inspected for any maintenance requirements.

3.2 Data analysis

Following the field survey, the photographs of the artificial hollows were further examined for signs of use by black cockatoos.

4 RESULTS AND DISCUSSION

4.1 Hollow monitoring

No artificial hollows installed within the site were observed to be in use by black cockatoos during the 2024 monitoring event. A brushtail possum and five Australian ringneck chicks were observed in two of the hollows during the November 2024 inspection.

All six artificial hollows were in good condition and securely installed.

Photographs of each artificial hollow from each monitoring event are provided as **Attachment A**. A summary of the results of the artificial hollow monitoring is provided in **Table 2**.

Table 2: Summary of the artificial hollow monitoring results

Tree ID	Date and monitoring results	
	11 November 2024	18 December 2024
844B	No evidence of use by black cockatoos (or any other bird species).	No evidence of use by black cockatoos (or any other bird species).
845B	No evidence of use by black cockatoos. Five Australian ringneck chicks observed in hollow. .	No evidence of use by black cockatoos (or any other bird species).
849B	No evidence of use by black cockatoos (or any other bird species).	No evidence of use by black cockatoos (or any other bird species).
850B	No evidence of use by black cockatoos (or any other bird species).	No evidence of use by black cockatoos (or any other bird species).
854B	No evidence of use by black cockatoos (or any other bird species).	No evidence of use by black cockatoos (or any other bird species).
855B	No evidence of use by black cockatoos. Brushtail possum observed in hollow.	No evidence of use by black cockatoos (or any other bird species).

5 CONCLUSIONS

No artificial hollows installed within the site were observed to be in use by black cockatoos during the 2024 monitoring event.

All artificial hollows are in good condition and do not require maintenance.

Future annual monitoring of the artificial hollows would be adequate to comply with adaptive management requirements and to monitor any potential black cockatoo activity over a period of multiple years.

Summary and closing

We trust that this letter provides sufficient information on the artificial hollow monitoring in 2024. Should you have any questions regarding the content of this letter, please do not hesitate to contact the undersigned.

Yours sincerely
Emerge Associates



Rachel Weber

SENIOR ENVIRONMENTAL CONSULTANT - TEAM LEADER ECOLOGY

Encl: Figure 1: Artificial Black Cockatoo Hollow Locations
Attachment A: Photographs of Artificial Hollow Monitoring

References

- Department of Parks and Wildlife (DPaW) 2015, *How to monitor and maintain artificial hollows for Carnaby's cockatoo*, Perth.
- Saunders, D. A. 1977, *The effect of agricultural clearing on the breeding success of the White-tailed Black Cockatoo*, Emu, 77: 180-184.
- Smith, G. and Saunders, D. 1986, *Clutch Size and Productivity in 3 Sympatric Species of Cockatoo (Psittaciformes) in the Southwest of Western-Australia*, Australian Wildlife Research(13): 275-285.

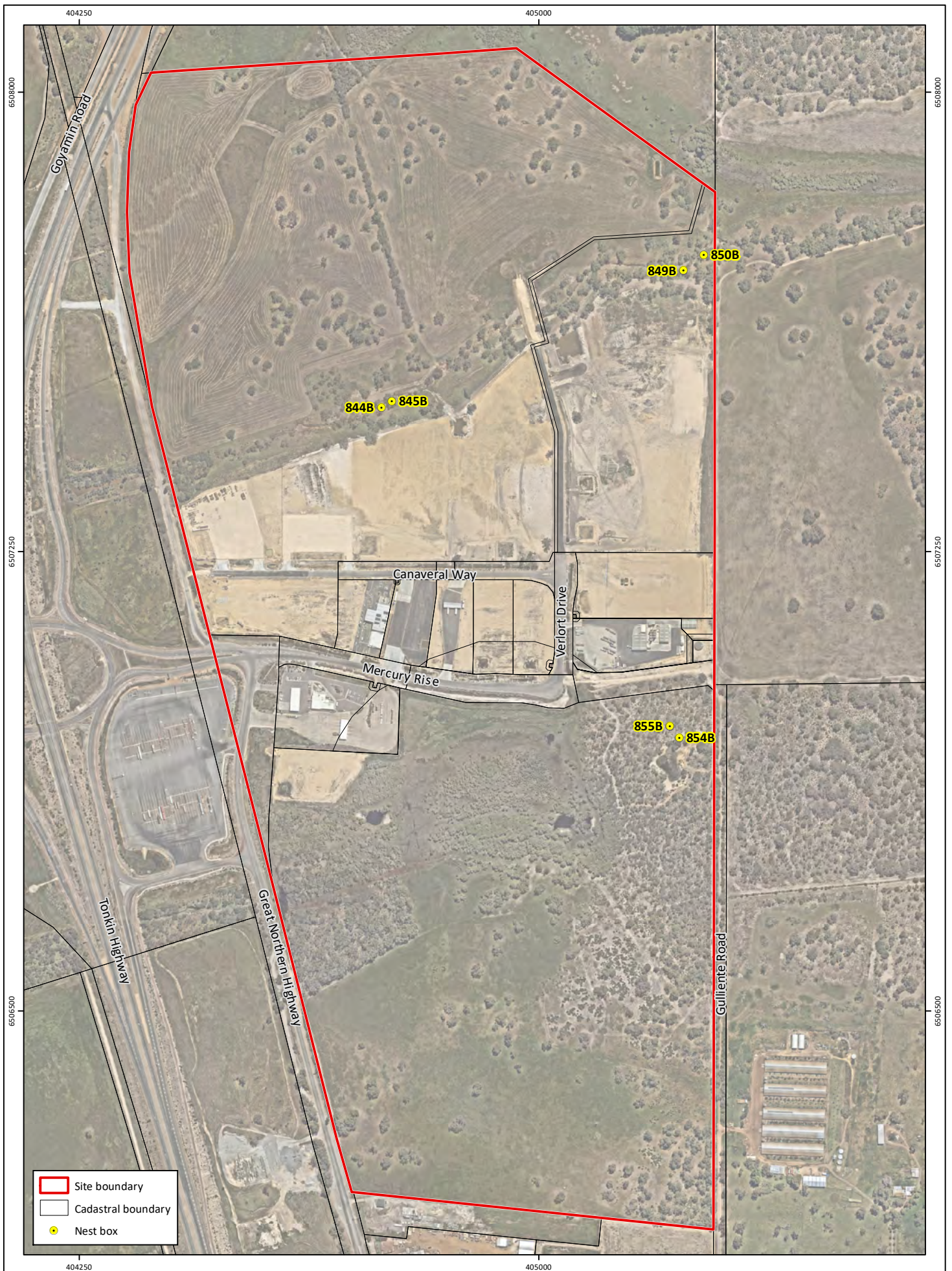


Figure 1: Black Cockatoo Nest Box Location

Project: Black Cockatoo Nest Box Monitoring
 Lot 809 Great Northern Highway, Muchea

Client: Harvis Property Pty Ltd

Plan Number: EP17-089(26)--F75a
Drawn: AS
Date: 30/01/2024
Checked: MS
Approved: TAA
Date: 30/01/2024



0 100 200
 Metres
 Scale: 1:8,000@A4
 GDA 1994 MGA Zone 50



Attachment A

Photographs of Artificial Hollow Monitoring



Tree ID

844B

Project no.: EP17-089(26)

Inspection dates: 04/11/2024 and 18/12/2024

Evidence of use: None

4 November 2024



18 December 2024



Tree ID

845B

Project no.: EP17-089(26)

Inspection dates: 04/11/2024 and 18/12/2024

Evidence of use: Five Australian ringneck parrot
chicks using hollow.

4 November 2024



18 December 2024



Tree ID

849B

Project no.: EP17-089(26)

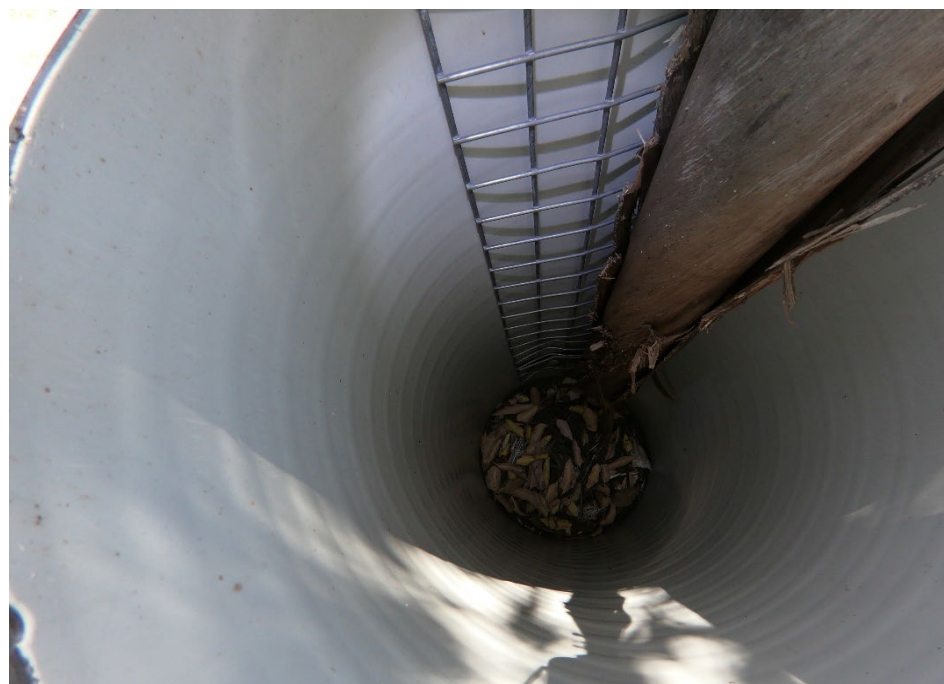
Inspection dates: 04/11/2024 and 18/12/2024

Evidence of use: Egg attributed to black cockatoo on second inspection. Shell empty on third inspection due to possible predation.

4 November 2024



18 December 2024



Tree ID

850B

Project no.: EP17-089(26)

Inspection dates: 04/11/2024 and 18/12/2024

Evidence of use: None

4 November 2024



18 December 2024



Tree ID

854B

Project no.: EP17-089(26)

Inspection dates: 04/11/2024 and 18/12/2024

Evidence of use: None

4 November 2024



18 December 2024



Tree ID

855B

Project no.: EP17-089(26)

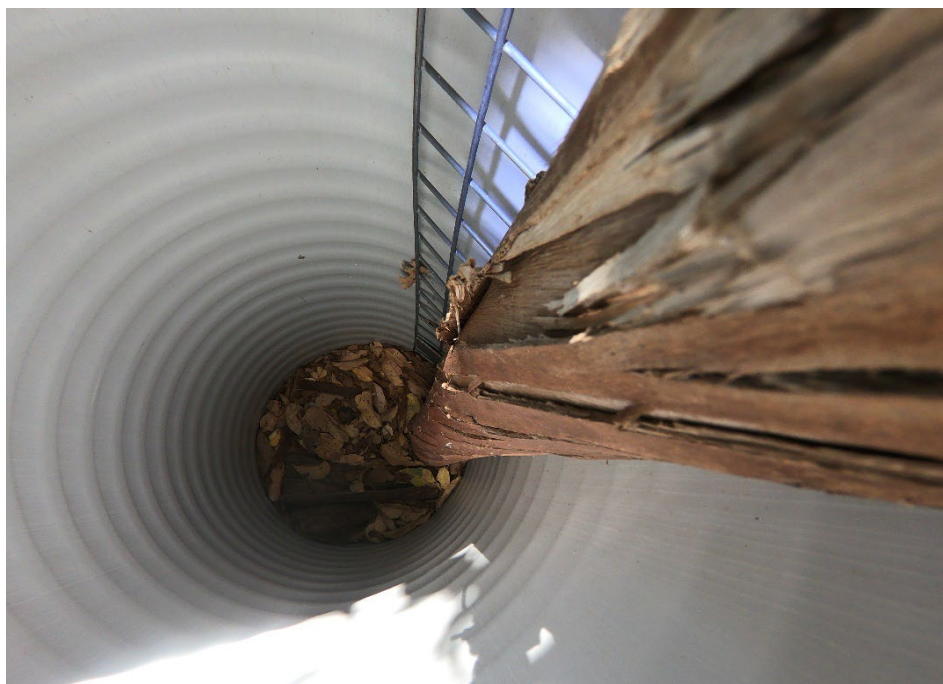
Inspection dates: 04/11/2024 and 18/12/2024

Evidence of use: Brushtail possum using hollow.

4 November 2024




18 December 2024




Annexure D - Evidence of CEMP & Compliance Report Remaining Published to Website (ongoing)



← → ↺ 🏠 📄 mucheaindustrialpark.com.au/muchea/downloads 🔍 ☆ 🗄️ 🔄 📱







ABOUT MUCHEA NEWS OWNER CONTACT



DOWNLOADS





 **Construction Environmental Management Plan**  0.91 Mb
Muchea Industrial Precinct (EPBC 2017/8119)
Project No: EP17-089(19)
August 2019

 **EPBC 2017-8119 Muchea Industrial Park**  5.72 Mb
2020 Compliance Report
16th December 2019 - 16th December 2020

 **EPBC 2017-8119 Muchea Industrial Park Year 2**  3.60 Mb
2021 Compliance Report
16th December 2020 - 16th December 2021

 **EPBC 2017-8119 Muchea Industrial Park Year 3**  2.65 Mb
2022 Compliance Report
16th December 2021 - 16th December 2022


 **EPBC 2017-8119 Muchea Industrial Park Year 4**  2.65 Mb
2023 Compliance Report
16th December 2022 - 16th December 2023

Screen-shot @ 21 January 2025

www.mucheaindustrialpark.com.au/muchea/downloads

Annexure E – Table 3: Conformance with Construction Environmental Management Plan

Table3: Conformance with Construction Environmental Management Plan

Reference code	Management Action	Compliance Status	Evidence / Comment
CEMP A1	All staff and on-site personnel to be inducted on CEMP and associated management actions before commencement on-site.	Compliant	Limited on site works undertaken during the reporting period, with no clearing being undertaken by Harvis' works contractors in the current reporting period, and any minor works contained to existing developed areas.
CEMP B1	Local reserve boundaries to be delineated on-site using appropriate methods (e.g. star pickets and coloured tape) to avoid encroachment and unintended clearing within reserves.	Compliant	<p>Star pickets and flagging were utilised by Tracc Civil to demarcate extent of works area and boundary of Central Reserve during prior works periods, with specific trees to be retained at the fringe of the works area pre-marked with pink tape. No unintended clearing occurred.</p> 
CEMP B2	To ensure all potential habitat trees within local reserves are retained, mark all potential habitat trees that are within the local reserve but adjacent to its boundary.	N/A	Any potential habitat trees to be retained within the Central Reserve were well within the surveyed reserve boundary line and all retained trees pre-marked with pink tape during the prior works periods.
CEMP B3	Where trees are proposed to be opportunistically retained within industrial development area, trees are to be marked.	Compliant	Trees proposed to be opportunistically retained were marked and currently remain.
CEMP B4	Avoid all trees marked for retention within industrial development area during earthworks and civil construction.	Compliant	No trees 'marked for retention' during prior works periods were cleared. Harvis identified additional trees to be retained for further ongoing review of potential integration into the finished developed industrial lots, with such trees all being protected and retained during prior clearing works.

Reference code	Management Action	Compliance Status	Evidence / Comment
CEMP B5	Following the completion of earthworks and civil construction works, confirm all tree identified for retention have been retained.	N/A	Works ongoing. Trees subject to 'possible retention' are still subject to final civil design and lot delivery across the majority of the site. A tree was cleared by a 3 rd Party purchaser on a prior completed lot area in Canaveral Way (from prior years) beyond the control of Harvis (now under Shire of Chittering influence).
CEMP C1	Fauna specialist to inspect all trees to be cleared to confirm no fauna is present.	Compliant	Works ongoing. During the prior period clearing works, Emerge ecologist provided advice to confirm contractor's extent of clearing was appropriate to clear with normal fauna spotting methods. No fauna was present, and no cockatoo nesting trees were cleared during the works.
CEMP C2	In the instance that fauna is observed nesting in a tree, clearing is not to occur until it has been verified that the tree is no longer in use.	Compliant	Works ongoing. As noted above, during the works of the prior reporting period no fauna was present, and no cockatoo nesting trees were cleared during the works in accordance with Emerge ecologist advice.
CEMP C3	Fauna specialist to be onsite during clearing works.	Compliant	Works ongoing. As noted above, during the works of the prior reporting period no fauna was present, and no cockatoo nesting trees were cleared during the works in accordance with Emerge ecologist advice.
CEMP C4	Clearing of vegetation and fauna habitat to occur in a single direction.	N/A	No clearing during the reporting period. Prior works periods were compliant per applicable prior reports.
CEMP C5	If any injured fauna species are encountered the DBCA's Wild Care (08 9474 9055) is to be contacted.	N/A	No injured fauna encountered by Emerge or Contractor.
CEMP C6	Speed limit of 40 km/hr will be applied within site for all construction vehicles to reduce risk of fauna strikes and minimise dust generation.	Compliant	Harvis enforces a site-wide speed limit restriction of 15km/hr (<40km/hr required).
CEMP C7	Water carts and/or surface stabilisation measures (e.g. hydro mulch) will be used to minimise dust generated from cleared areas to minimise impacts on fauna health and fauna habitat.	Compliant	Tracc Civil implemented a Shire of Chittering approved Dust Management Plan in prior works periods, which provided for the use of various measures including water-carts. Water-cart dust suppression was provided during the prior installation of general bulk-earthworks. Hydromulch was applied at the completion of works to the extent of works area, in accordance with the direction of Shire of Chittering.

Reference code	Management Action	Compliance Status	Evidence / Comment
CEMP D1	Install minimum 3 metre firebreak within internal boundary of local reserves to provide access for emergency vehicles and a reserve management interface.	N/A	Ongoing – Local Reserves have not yet been created for final condition/hand-over. Interim 3m fire-breaks are installed for the broader land-holding (ie within paddock edges), including along the northern-edge of the Southern Conservation Reserve (at fence line). Ongoing installation and management of firebreaks will continue to occur until such time as each local reserve is handed-over to local authority.
CEMP D2	Inspect firebreak to monitor for any debris or vegetation growth.	Compliant	Interim land-holding fire breaks (including to yet to be handed over future conservation reserves) are maintained and monitored annually to required standards.
CEMP D3	Install reserve fencing to restrict public access to reserve, generally consistent with the design specification provided in Appendix B.	N/A	Works ongoing. Specifications for the nominal 'Conservation Area Fencing' included as scope for constructed work. In the case of the current works period, the lots completed along the southern boundary of the Central Reserve were fenced with an 'upgraded industrial duty fence' comprising 1.8m high mesh fencing and 3-strands barb wire, as agreed with the Shire of Chittering. This fencing is superior (in cost and quality) to the basic conservation area fencing, to both keep contain fauna from entering into the industrial lots, and also restrict industrial uses/impacts transgressing into the future reserve. Fencing will continue to be installed to the extent of the reserve areas as the adjacent industrial land is developed and sold, and prior to 'formal creatin and vesting' of the reserve(s).
CEMP D4	Inspect constructed reserve boundaries and associated fencing to monitor for damage.	Compliant	Those portions of final constructed reserve boundary fencing that have been handed over to government are regularly inspected during fortnightly site visits. No damage has been seen to date.
CEMP D5	During periods of civil construction work adjacent to reserve boundaries, undertake reserve boundary inspections to monitor for damage and/or encroachment.	Compliant	Regularly undertaken during attendance to fortnightly site visits and during construction.
CEMP E1	Access of vehicles to be restricted to construction areas only and excluded from local reserves. To be included as part of site induction package.	Compliant	Any works during the current reporting period did not require the contractor's staff to enter the local reserves.
CEMP E2	All machinery, vehicles and tools to be cleaned down before entering the site and when leaving the site. To be included as part of site induction package.	Compliant	Contractor inducted all staff and on-site personnel to all matters of the project including CEMP requirements.
CEMP E3	Any fill brought onto site to be disease free.	NA	No fill imported into the site for works pertaining to the EPBC 2017/8119 approval area, or any of the broader construction areas during the current reporting period.

- *END* -