
**EPBC 2006/2834 ANNUAL COMPLIANCE REPORT
(23 FEBRUARY 2015 – 22 FEBRUARY 2016)**

**CAPECARE, URBAN AND COMMERCIAL NEW
DEVELOPMENT, AGED CARE NATURALISTE TERRACE,
DUNSBOROUGH, W.A.**

Prepared for: RAY VILLAGE AGED SERVICES (INC.) trading as CAPECARE
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ENDPLAN ENVIRONMENTAL

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STATEMENT OF LIMITATIONS

Scope of Services

This report has been prepared in accordance with the scope of work set out in the contract, or as otherwise agreed, between the Client and EndPlan Environmental* (EndPlan).

Reliance on Data

In preparing the report, EndPlan has relied upon data, surveys, analyses, designs, plans and other information provided by the Client and other individuals and organisations, most of which are referred to in the report ("the data"). Except as otherwise stated in the report, EndPlan has not verified the accuracy or completeness of the data. To the extent that the statements, opinions, facts, information, conclusions and/or recommendations in the report ("conclusions") are based in whole or part on the data, those conclusions are contingent upon the accuracy and completeness of the data. EndPlan will not be liable in relation to incorrect conclusions should any data, information or condition be incorrect or have been concealed, withheld, misrepresented or otherwise not fully disclosed to EndPlan.

Environmental Conclusions

Within the limitations imposed by the scope of work, the preparation of this report has been undertaken and performed in a professional manner, in accordance with generally accepted practices and using a degree of skill and care ordinarily exercised by reputable environmental consultants under similar circumstances. No other warranty, expressed or implied, is made.

Report for Benefit of Client

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Other Limitations

The scope of work did not include any assessment of the title to or ownership of the properties, buildings and structures referred to in the report nor the application or interpretation of laws in the jurisdiction in which those properties, buildings and structures are located.

*Wiske Pty Ltd (CAN: 080497892) ITF the Esk Family Trust trading as "EndPlan Environmental" (ABN: 23 684 573 524)

DOCUMENT STATUS

REVISION CONTROL				
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Declaration of accuracy

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

Signed

Full name (please print)

Position (please print)

Organisation (please print including ABN/ACN if applicable)

Date

____/____/____

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1. DESCRIPTION OF ACTIVITIES

EPBC No.:	2006/2834
Project Name:	Capecare, Urban and Commercial New Development, Aged Care
Approval Holder:	Ray Village Aged Services (In.) t/a Capecare
ABN:	77 630 179 279
Project Location:	Lot 600 on Deposited Plan 403383, Armstrong Place, Dunsborough, Western Australia
Contact:	Mr John Reid, Chairman of the Board of Trustees
Reporting Period:	23 February 2015 – 22 February 2016
Report Preparation Date:	5 May 2016

1.1 Development Area Location

Ray Village Aged Services (Inc.) trading as Capecare (the proponent for the action), is to develop a 1.28 ha portion of Armstrong Reserve, Naturaliste Terrace, Dunsborough, for the purpose of an aged care facility (the site).

The development footprint is located approximately 500 m north of the business centre of the town of Dunsborough and is bounded by Armstrong Place to the south, Gifford Road to the east and Naturaliste Terrace to the west (refer to **Figure 1**).

Situated within the municipal boundary of the City of Busselton, the development footprint previously comprised Lots 111, 115, 116, 117 Naturaliste Terrace and a 9994 m² portion of Lot 257 Naturaliste Terrace (**Figure 2**). In accordance with the Western Australian *Town Planning and Development Act 2005*, prior to development commencing, rezoning of the development area has been undertaken resulting in the amalgamation of the previous lots being consolidated into a single lot (Lot 600 on Deposited Plan 403383 Armstrong Place, Dunsborough). Lot 600 is now the legal responsibility of the proponent and will be retained as one Title in perpetuity. The City of Busselton will be retaining the vesting of the remainder of the Armstrong Reserve.

1.2 Project Background

Capecare is a not-for-profit community organisation involved in delivering aged care services to the South West region of Western Australia and is the second largest private employer in the City of Busselton.

Increasing demand for aged care services in the Dunsborough area led Capecare to identify the site as a possible location for the development of aged care facilities. The aged care facility will consist of the following operational elements:

- A number of independent and supported living accommodation units (buildings will be 3-4 storeys in height);
- Administration offices and community facilities (including meeting rooms for the CWA);
- Internal road network; and

- Road access between the proposed development footprint, Naturaliste Terrace and Gifford Road.

1.3 Purpose and Scope of the Report

During the reporting period, *EndPlan Environmental* conducted an audit of the pre-construction activities undertaken by Capecare to determine their compliance with EPBC 2006/2834 approval conditions (refer to **Appendix 1**).

The audit included both a desktop review of correspondence from the Department of the Environment (DoE), the Office of the Environmental Protection Authority (OEPA), Department of Parks and Wildlife (DPAW), the Department of Lands (DoL) and the City of Busselton and informal interviews with Capecare's representatives during the reporting period 23 February 2015 – 22 February 2016.

This annual report summarises the findings of the audit and has been prepared in accordance with the document *Annual Compliance Report Guidelines* (Commonwealth of Australia, 2014).

2. APPROVAL CONDITIONS COMPLIANCE

2.1 Audit Status Designations

This report has adopted the action implementation status terminology taken from Section 3.7 of the *Annual Compliance Report Guidelines* (Commonwealth of Australia, 2014) that provides a list of 'designations' (terminology) and their related description that are to be used when assessing compliance with the approval condition (refer to **Table 1**). In addition, two further designations have also been used. The terminology was applied during the audit.

TABLE 1: ACTION IMPLEMENTATION STATUS

STATUS	ACRONYM	DESCRIPTION
APPROVAL CONDITIONS		
Compliant ¹	C	All the requirements of a condition have been met, including the implementation of management plans or other measures required by condition.
Non-compliant ¹	NC	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 ¹	N/A	The requirements of a management action fall outside of the scope of the current reporting period. For example a condition which applies to an activity that has not yet commenced.
Potentially Non-compliant ²	PNC	Possible or likely failure to meet the requirements of the audit element.
Not Required at this Stage ²	NR	The requirements of the audit element were not triggered during the reporting period.

Source: Adapted from the ¹Commonwealth of Australia (2014) / ²Office of the Environmental Protection Authority (2012)

2.2 Audit Table

The 'status' field of the Audit Table (refer to **Table 2** over the page) describes the implementation of actions and compliance with the relevant approval condition.

2.3 Non-compliances

No non-compliances were observed by *EndPlan Environmental* to have occurred during the reporting period 23 February 2015 – 22 February 2016.

EndPlan Environmental considers that all of the activities undertaken by Capecare in relation to the construction of an aged facility on the development footprint located at Armstrong Reserve in Dunsborough, Western Australia, have complied with the EPBC 2006/2834 approval conditions (refer to **Appendix 1**).

TABLE 1: EPBC 2006/2834 CONDITIONS AUDIT TABLE

CONDITION No.	CONDITION	TIMING	EVIDENCE	COMMENT	COMPLIANCE STATUS
EPBC 1	The person taking the action must not clear more than 0.9020 ha of habitat for the vulnerable Western Ringtail Possum (<i>Pseudocheirus occidentalis</i>) within the proposed development footprint (as shown at Attachment A).	Survey/map - prior to clearing to commencing. Ongoing - check via annual compliance reporting.	Refer to Plates 1 and 2.	As all Western Australian regulatory planning approvals have not yet been issued to CapeCare, clearing of the development footprint has not yet commenced.	C
EPBC 2	Clearing must not occur outside of the proposed development footprint (as shown on Attachment A).	Survey/map - prior to clearing to commencing. Ongoing - check via annual compliance reporting.	Not applicable.	Refer to information provided in response to EPBC 1.	C
EPBC 3	To mitigate potential impacts to the Western Ringtail Possum, the person taking the action must have an experienced zoologist with an approved Regulation 15 WA DEC fauna relocation licence on site, to spot for, handle and relocate Western Ringtail Possums from the proposed development footprint to undisturbed vegetation within Armstrong Reserve, during clearance of vegetation.	During vegetation clearing.	Not applicable.	Refer to information provided in response to EPBC 1.	Unable to assess
EPBC 4	The person taking the action must not commence construction until written evidence is provided to the Department that the remaining 2.83 ha of Armstrong Reserve, outside of the proposed development footprint (as shown at Attachment A), is designated a reserve for the purpose of 'Landscape Protection' under the WA Land Administration Act, 1997.	Prior to commencement of construction.	The Certificate of Title for Lot 600 Armstrong Place, Dunsborough is included as Appendix 2.	The following comments are provided as background information: The CapeCare has continued to liaise with officers from the Department of Lands (DoL) and the City of Busselton's planning officers regarding the rezoning requirements associated with the City's proposed Town Planning	Unable to assess

CONDITION No.	CONDITION	TIMING	EVIDENCE	COMMENT	COMPLIANCE STATUS
				Scheme Amendment Omnibus. This process will include the rezoning of Armstrong Reserve (outside of the development footprint). In July 2014, the DoL issued a survey instruction to the CapeCare's surveyor to undertake a survey of the development footprint and prepare and submit a Deposited Plan to the DoL's Landgate office. On the 15 October 2014, CapeCare received advice from the DoL that the Minister of Lands had approved the transfer of the land from the State to CapeCare subject to conditions that the land was used for "Seniors Accommodation, Community and Day Care Centre" and held as a section 75 Certificate of Title by Ray Village Aged Services (Inc.). The development area has subsequently been consolidated into a single lot now known as Lot 600 (on Deposited Plan 403383) Armstrong Place, Dunsborough.	
EPBC 5	To offset the residual impacts of the action on the Western Ringtail Possum, the person taking the action must prepare and submit a Rehabilitation Offset Management Plan (ROMP). The ROMP must be prepared in consultation with the City of Busselton and WA DEC and must include, though not be limited to	In preparation of ROMP.	Not applicable.	CapeCare is continuing to liaise with the City of Busselton and DPaw with respect to obtaining a suitable offset site. The draft ROMP cannot be prepared until the offset site is finalised.	Unable to assess

CONDITION No.	CONDITION	TIMING	EVIDENCE	COMMENT	COMPLIANCE STATUS
	the following:				
EPBC 5a	The identification (including a map) of the offset site(s) at least 1.8 ha in size, containing Western Ringtail Possum habitat, that is within the Dunsborough region of Western Australia and is able to support the planting of at least 700 Peppermint (<i>Agonis flexuosa</i>) trees. The offset site(s) must be accompanied with the Offset attributes;	In preparation of ROMP.	Email correspondence is included in Appendix 3a-d.	The following comments are provided as background information: In February 2015, the City advised that Reserve 43005 (corner of Caves Road and Cape Naturaliste Road) was once again a possible offset site. At the time, the City had commissioned the preparation of an Environmental Management Plan (EMP) that was still subject to Council review (refer to Appendix 3a). Capecare (through EndPlan Environmental) has liaised with the DotE regarding the difficulties of securing a suitable rehabilitation site within the Dunsborough region (refer to Appendix 3b). In early February 2016, the City advised that: 1. A section 18 approval from Department of Aboriginal Affairs. 2. A draft Fire and Environmental Management Plan prepared for Lot 43008 was currently before Council for their consideration following which the document will need to go to a public consultation phase. (refer to Appendix 3c)	Unable to assess

CONDITION No.	CONDITION	TIMING	EVIDENCE	COMMENT	COMPLIANCE STATUS
				In November 2015, DPAW provided advice regarding two sites closer to Busselton that may be potential offset rehabilitation sites (refer to Appendix 3d).	
EPBC 5b	The planting of at least 700 Peppermint trees within the offset site(s).	In preparation of ROMP.	Not applicable.	Refer to EPBC 5a comments.	Unable to assess
EPBC 5c	Methodology for rehabilitation works and ongoing management measures to ensure a survival rate of 80% of the 700 Peppermint trees is maintained 5 years after planting.	In preparation of ROMP.	Not applicable.	Refer to EPBC 5a comments.	Unable to assess
EPBC 5d	Details of the transfer of responsibility for the offset site(s) to the City of Busselton, which must occur within 3 years following the commencement of rehabilitation works, and the management measures that will occur after this transition.	In preparation of ROMP.	Not applicable.	Refer to EPBC 5a comments.	Unable to assess
EPBC 5e	Measures to ensure the long term protection of the offset site(s).	In preparation of ROMP.	Not applicable.	Refer to EPBC 5a comments.	Unable to assess
EPBC 5f	Measures to manage the impacts of feral animals, people, weeds and Dieback (<i>Phytophthora cinnamomi</i>).	In preparation of ROMP.	Not applicable.	Refer to EPBC 5a comments.	Unable to assess
EPBC 5g	Details of monitoring, reporting and contingency measures if performance indicators are not met.	In preparation of ROMP.	Not applicable.	Refer to EPBC 5a comments.	Unable to assess
EPBC 5h	Timelines for the implementation and completion of the above measures/programs/reporting.	In preparation of ROMP.	Not applicable.	Refer to EPBC 5a comments.	Unable to assess
EPBC 5i	Roles and responsibilities of personnel associated with the implementation of the above	In preparation of ROMP.	Not applicable.	Refer to EPBC 5a comments.	Unable to assess

CONDITION No.	CONDITION	TIMING	EVIDENCE	COMMENT	COMPLIANCE STATUS
	measures/programs/reporting.				
EPBC 5j	The ROMP must be submitted to the Department prior to the commencement of construction. If the Minister approves the ROMP, the approved ROMP must be implemented. Construction must not commence until the ROMP is approved by the Minister.	Prior to commencement of construction.	Not applicable.	Refer to EPBC 5a comments.	Unable to assess
EPBC 6	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.	Within 30 days following commencement of construction.	Not applicable.	As ground disturbing activities have not yet been undertaken, commencement of the action has not yet occurred.	NA
EPBC 7	The person taking the action must maintain accurate records substantiating all activities associate with or relevant to the conditions of the approval, including measures taken to implement the ROMP required by this approval, and make them available upon request to the Department. 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. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.	Ongoing. As required (DotE decision).	Various.	Accurate records for all applicable conditions have been maintained and were available at the time of the audit and following the audit (refer to other items in this table and Appendices).	C
EPBC 8	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 the ROMP as specified in the conditions. Each report must stay on the proponent's website for at least 3 years. Documentary evidence providing proof of the date of	Within three months of every 12 month anniversary commencement.	Not applicable.	As ground-disturbing activities have not yet been conducted, commencement of the action has not yet occurred and hence the requirement to publish a report on the proponent's website (www.capecare.com.au) has not yet been required to be	NA

CONDITION No.	CONDITION	TIMING	EVIDENCE	COMMENT	COMPLIANCE STATUS
	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.			implemented.	
EPBC 9	If the person taking the action wishes to carry out any activity otherwise than in accordance with the ROMP 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 ROMP. The varied activity shall not commence until the Minister has approved the varied ROMP in writing. The Minister will not approve a varied ROMP unless the revised ROMP would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised ROMP, that ROMP must be implemented in place of the ROMP originally approved.	As required.	Not applicable.	Refer to EPBC 5a comments.	NA
EPBC 10	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species to do so, the Minister may request that the person taking the action make specified revisions to the ROMP specified in the conditions and submit the revised ROMP for the Minister's written approval. The person taking the action must comply with any such request. The revised approved ROMP must be implemented. Unless the Minister has approved the revised ROMP, then the person taking the action must continue to implement the ROMP originally approved, as specified in the conditions.	As required (Minister's request).	No such request has occurred to date.	As a ROMP has not yet been prepared there has been no requirement for the document to be revised.	C
EPBC 11	If, at any time after 5 years from the date of this approval, the person taking the action has not commenced construction the action, then the person	Approval granted on the 23 February 2013.	Not applicable.	Planning and architectural /engineering design of the facility and associated development	NA

CONDITION No.	CONDITION	TIMING	EVIDENCE	COMMENT	COMPLIANCE STATUS
	taking the action must not substantially commence the action without the written agreement of the Minister.			footprint is being undertaken in accordance with the statutory requirements of the relevant State and Local Government authorities. Capcare is awaiting approval from the Commonwealth Government for a 60 bed facility. A Development Application for the aged care facility is likely to be submitted to Council in second half of 2016 (refer to Appendix 4).	
EPBC 12	Unless otherwise agreed to in writing by the Minister, the person taking the action must publish the ROMP referred to in these conditions of approval on their website. The ROMP must be published on the website within 1 month of being approved.	Within 1 month of the ROMP being approved.	Not applicable.	As an approved ROMP has not yet been prepared the requirement for the document to be made publicly available by publishing on the proponent's website (www.capecare.com.au) has not yet been required to be implemented.	NA
EPBC 13	Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. 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 (Minister's request).	No such request has occurred to date.	To date the Minister has not directed an independent audit of compliance be undertaken.	C

3. REFERENCES

Commonwealth of Australia (2014), *Annual Compliance Report Guidelines*.

EndPlan Environmental (2012), *Public Environmental Review – Armstrong Reserve, Dunsborough – Aged Care Facility Development*. Report prepared for Ray Village Aged Services (Inc.) t/a Capecare, September 2012.

Office of the Environmental Protection Authority (2012), *Post Assessment Guideline for Preparing a Compliance Assessment Plan*, Post Assessment Guideline No. 2. Office of the Environmental Protection Authority, August 2012. Version date 4 April 2014.

FIGURES

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PLATE 1: City of Busselton Dunsborough Works Depot

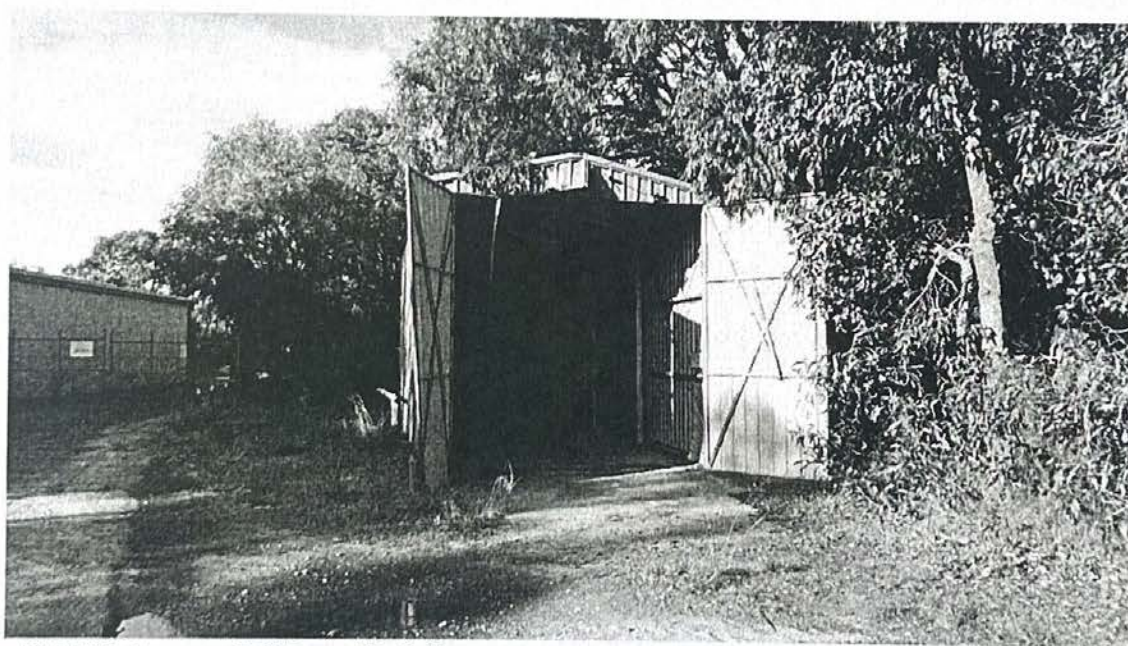


PLATE 2: Former SES Depot Building



PLATE 3: CWA Meeting Hall



PLATE 4: Looking into Armstrong Reserve at the Armstrong Place cul-de-sac

APPENDICES

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APPENDIX 1

EPBC APPROVAL DECISION

APPENDIX 2

CERTIFICATE OF TITLE (Source: Department of Lands, 2015)

APPENDIX 3

EMAIL CORRESPONDENCE

APPENDIX 4

CAPECARE CORRESPONDENCE