



## **ANNUAL COMPLIANCE REPORT**

**LOT 501, No. 113 VASSE HIGHWAY, YALYALUP  
(EPBC 2018/8244)**

**November 2024**

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### Document Control

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### Limitations

This report has been prepared by Accendo Australia Pty Ltd in accordance with the scope limitations provided in this report, or as otherwise agreed, between the Client and Accendo.

This report is strictly limited to the matters stated in it and is not to be read as extending, by implication, to any other matter in connection with the matters addressed in it.

This report has been prepared based upon data and other information provided by the Client and other individuals and organisations, most of which are referred to in the report, which Accendo has not independently verified or checked beyond the agreed scope of work. Accendo does not accept liability in connection with such unverified information.

The conclusions and recommendations in this report are based on assumptions made by Accendo described in this report where and as they are required. Accendo disclaims liability arising from any of the assumptions being incorrect.

The report is based on site specific conditions encountered and information received at the time of preparation of this report or the time that site investigations were undertaken. Accendo disclaims responsibility for any changes that may have occurred after this time.

The preparation of this report has been undertaken and performed in a professional manner, in consideration of the scope of services and in accordance with environmental consulting practices. No other warranty is made.

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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:

Aaron John Bell

Position:

Authorised agent for proponent

Organisation (include ABN/ACN): DA Blum (ABN 62 565 920 061)

Date:

28/11/2024

## 2 INTRODUCTION

### 2.1 Background

The proponents are proposing to subdivide and develop Lot 501, No. 113 Vasse Highway, Yalyalup. Lot 501 is located within the municipality of the City of Busselton, approximately 220 km south of Perth and 3.5 km north-east of Busselton. The subdivision works will be undertaken in three Stages, with Stage 1 completed in October 2021. Stages 2 and 3 (herein referred to as the subject site) have commenced and are the focus of this Annual Compliance Report. Stages 2 and 3 are comprised of the following:

- Stage 2 (north) is approximately 2 hectares (ha) in size and comprises four residential lots ranging in size from 4,006 m<sup>2</sup> to 4,077 m<sup>2</sup>;
- Stage 2 (south) is approximately 3.6 ha in size and includes eight residential lots ranging in size from 4,179 m<sup>2</sup> to 5,097 m<sup>2</sup>; and
- Stage 3 is approximately 3.4 ha in size and is comprised of 11 residential lots ranging in size from 2,000 m<sup>2</sup> to 4,855 m<sup>2</sup>.

For the proposed Stage 2 and 3 works, the total clearing will be 4.75 ha which includes clearing within road reserves, indicative development footprints and Asset Protection Zones (APZs). Within the proposed lots, approximately 2.48 ha of remnant vegetation will be retained. In addition, Lot 2002 will be ceded to the Crown and vested in the City of Busselton as a Reserve for Recreation and Drainage to enable the protection in perpetuity of 6.6 ha of remnant vegetation within Lot 501. Lot 2001 has already been ceded to the Crown as Reserve for Landscape Buffer, and approximately 1.37 ha within this reserve lot has been rehabilitated / revegetated and due to be handed over the City in March / April 2025.

### 2.2 Purpose of this Report

Commonwealth Approval pursuant to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was granted for Stages 2 and 3 on the 16<sup>th</sup> September 2019. Subject to Condition 15 of the Approval (EPBC 2018/8244) the proponent is required to submit to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) an annual report addressing compliance with the Conditions of the Approval. Specifically, Condition 15 stipulates the following:

15. *The approval holder must prepare a compliance report for each 12 month period following the date of the commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must:*

- Publish each compliance report on the website within 60 business days following the relevant 12 month period;*
- Notify the Department by email that a compliance report has been published on the website within five business days of the date of publication;*
- Keep all compliance reports publicly available on the website until this approval expires;*
- Exclude or redact sensitive ecological data from compliance reports published on the website; and*
- Where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.*

This report addresses the status and compliance of construction of Stages 2 and 3 with the conditions in the EPBC Act Approval 2018/8244 for the period 6<sup>th</sup> November 2023 to 6<sup>th</sup> November 2024. This report has

been prepared for the purpose of meeting the requirements of Condition 15 of the Approval, which requires the proponent to submit annual compliance reports.

## 3 PROJECT STATUS AND COMPLIANCE

### 3.1 Project Status

A breakdown of the works completed during this monitoring period is provided below within **Table 1**.

**Table 1. Progress of works.**

Date	Works
6-17th November 2023	Clearing works associated with the action commenced.
August – September 2022	Weed control
September 2022	Revegetation works within Lot 2001

### 3.2 Compliance Status

This report addresses the status and compliance of the action against the prescribed Conditions provided within the EPBC Act Approval 2018/8244 for the first reporting period between 6th November 2023 to 6th November 2024.

Details on the status of compliance have been tabulated separately for conditions under EPBC Act Approval 2018/8244 and the related Environmental Management Plan as follows:

- Table 3. - EPBC Act Approval 2018/8244 Conditions - Compliance Assessment Table; and
- Table 4. – Environmental Management Plan - Compliance Assessment Table.

For each Table mentioned above, the approval condition or management measure is provided with a note on its status of compliance, a general comment and related source of evidence. The DCCEEW have prepared updated guidance (2014) related to the preparation of compliance audits, including generic expressions that are used to identify the status of each item (refer to **Table 2**).

**Table 2. Compliance status (DAWE 2014).**

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

The assessment revealed that of the 27 Conditions referenced in the EPBC Act Approval 2018/8244, the following was achieved during the annual reporting period:

- 12 compliances; and
- 15 Conditions were not applicable.

No incidents or non-compliances occurred during this report period.

An assessment of compliance with the management measures prescribed within the EMP revealed compliance with all management measures.

Table 3. EPBC Act Approval 2018/8244 Conditions and Compliance Assessment.

Condition Number	Condition	Compliance Status	Evidence/Comments
1.	The approval holder must not clear more than 4.75 ha of Western Ringtail Possum habitat within the project area.	Compliant	<p>Clearing to date has comprised–</p> <ul style="list-style-type: none"> <li>the building footprints and asset protection zones for Lots 120 – 123 (all of Stage 2 North), 128 – 129 (portion of Stage 3) and 135 – 137 (portion of Stage 2 South); and</li> </ul> <p>the roads fronting Lots 120 – 123 (Wannang Crescent) and Lots 128 – 130 (now Shingleback Way). This is only about a third of the overall 4.75 ha of Western Ringtail Possum habitat within the project area to be cleared under this EPBC Act approval.</p> <p>All vegetation removed was surveyed and checked prior to clearing, and it was confirmed that no more than the approved clearing has occurred.</p>
2	<p>To mitigate the loss of Western Ringtail Possum habitat the approval holder must prepare and implement an Environmental Management Plan (EMP).</p> <ul style="list-style-type: none"> <li>a. details of clearing protocols, vegetation retention, measures to protect dreys and trees with hollows suitable for Western Ringtail Possum, and management and mitigation measures during construction and throughout the life of this approval to avoid impacts to the Western Ringtail Possum;</li> <li>b. details of the revegetation that is to be carried out under the EMP of an area of at least 1.37 ha within Lot 2001 Reserve for Recreation and Drainage and an area of at least 6.6 ha within Lot 2002 Reserve For Recreation and Drainage with high quality Western Ringtail Possum habitat;</li> <li>c. a diagram of the revegetation areas, showing their location boundaries in relation to the project area;</li> <li>d. objectives, targets, timing and completion criteria for the revegetation to provide high quality Western Ringtail Possum habitat, including details of site preparation works, species selection and source, seedling planting program (planting density), protection of seedlings, success rates, details of replanting requirements if success rates are not achieved, and post planting maintenance;</li> <li>e. arrangements for the enduring protection of the revegetation areas;</li> <li>f. environmental management mechanisms;</li> <li>g. descriptions of the roles and responsibilities of personnel associated with implementation of each of the above measures.</li> </ul>	Compliant	<p>An Environmental Management Plan (EMP) was prepared by Accendo Australia. The EMP included all the requirements specified in Condition 2a – g, and was peer reviewed by an independent Environmental Consultant. The EMP was submitted to the DCCEEW on the 7/12/2022.</p>
3	<p>The EMP must also be consistent with all relevant recovery plans, threat abatement plans and conservation advices and the Department's Environmental Management Plan Guidelines, and must include:</p> <ul style="list-style-type: none"> <li>a. the EMP environmental objectives, relevant EPBC Act protected matter/s and a reference to EPBC Act approval conditions to which the EMP refers;</li> <li>b. a table of commitments made in the EMP to achieve the objectives, and a reference to where the commitments are detailed in the EMP;</li> <li>c. reporting and review mechanisms, and documentation standards to demonstrate compliance with the EMP;</li> <li>d. an assessment of risks to achieving EMP environmental objectives and risk management strategies that will be applied;</li> <li>e. impact avoidance, mitigation and/or repair measures, and their timing; and</li> <li>f. a monitoring program, which must include: <ul style="list-style-type: none"> <li>i. measurable performance indicators;</li> </ul> </li> </ul>	Compliant	<p>The EMP is consistent with all relevant recovery plans, threat abatement plans and conservation advices and the Department's <i>Environmental Management Plan Guidelines</i>.</p>

Condition Number	Condition	Compliance Status	Evidence/Comments
	<ul style="list-style-type: none"> <li>ii. the timing and frequency of monitoring to detect changes in the performance indicators;</li> <li>iii. trigger values for corrective actions;</li> <li>iv. proposed corrective actions, if trigger values are reached; and</li> <li>v. a schedule for when any monitoring data will be submitted to the department.</li> </ul>		
4	The approval holder must submit the EMP required under condition 2 to a suitably qualified reviewer for independent review. The suitably qualified reviewer must produce a review report	Compliant	The EMP was submitted to Ecosystem Solutions on the 12/08/22 for independent review. The reviewer provided a report which is located in <b>Appendix A</b> .
5	Before the EMP is considered final the EMP and the review report, which must certify the EMP, must be published on the website and provided to the Department electronically. The review report must remain published on the website until the end date of this approval.	Compliant	The final EMP was submitted to the DCCEEW on the 7/12/2022. It and the independent review are currently available on the proponent's website (see <a href="https://www.willowgrovebusselton.com">https://www.willowgrovebusselton.com</a> ).
6	The approval holder must not commence the action until the EMP is finalised and published. The finalised EMP must be implemented for the life of this approval.	NA	The final EMP was submitted to the DCCEEW on the 7/12/2022 and the action commenced on the 6th November 2023.
7	Notwithstanding the results of the independent review, the Department may request, in writing, the EMP to be approved by the Minister at any point up until the end date of this approval.	NA	No request has been made to date.
8	<p>The approval holder must ensure that suitable environmental management mechanisms are applied to the revegetation areas (required under condition 2b) and five off-site reserves with a total area of no less than 4.06 ha at the locations designated with a red boundary in Figure 2 of Attachment A for the life of this approval.</p> <p>For the revegetation areas (required under condition 2b), the approval holder must not transfer responsibility for the application environmental management mechanisms to another entity (other than directly engaging the services of a suitably qualified contractor) until at least two years after the commencement of the action.</p> <p>For the five off-site reserves, the approval holder must provide written confirmation to the Department from the management body that appropriate environmental management mechanisms will be undertaken for the life of this approval. The approval holder must fully fund any additional management beyond that already performed by the management body, if additional management is required to meet the standard of suitable environmental management mechanisms as set out in the EMP required under condition 2.</p>	Compliant	<p>The proponent has undertaken revegetation and ongoing environmental management of the revegetation areas in accordance with the EMP. This is documented in <b>Appendix B</b>.</p> <p>The proponent will continue management of the revegetation areas for at least two years post commencement of the action.</p> <p>This was completed as a component of the EMP. As advised by the City of Busselton on the 01/03/2022:</p> <ul style="list-style-type: none"> <li>&gt; -Reserve 46270 is actively managed by City of Busselton, including mowing of non-irrigated turf.</li> <li>&gt; -Reserve 46365 is actively managed by City of Busselton. This reserve does have some future revegetation potential, dependant on suitability of species.</li> <li>&gt; -Reserve 46366 is actively managed by City of Busselton, including slashing. The City has carried out some revegetation planting previously and this reserve does have some future revegetation potential, dependant on the suitability of species.</li> <li>&gt; -Reserve 48233 lot 400 and 5469 is actively managed by City of Busselton.</li> </ul> <p>The City is actively managing the reserves (i.e. weed control, infill planting (if required) and general maintenance).</p>
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	The DCCEEW was notified on the 31 October 2023 (refer to <b>Appendix C</b> ).
10	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	NA	The action has occurred within 5 years from the date of the approval.
11	The approval holder must maintain accurate and complete compliance records.	Compliant	The approval holder has maintained all relevant records on file which can be provided upon request.

Condition Number	Condition	Compliance Status	Evidence/Comments
12	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.	NA	The Department has not made a request for documents.
13	The approval holder must: <ol style="list-style-type: none"> <li>submit plans electronically to the Department for approval by the Minister;</li> <li>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 Minister, unless otherwise agreed to in writing by the Minister;</li> <li>exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and</li> <li>keep plans published on the website until the end date of this approval.</li> </ol>	Compliant	All plans have been submitted electronically and are published as per the requirements of this condition.
14	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under the EMP is prepared in accordance with the Department's Guidelines for biological survey and mapped data (2018) and submitted electronically to the Department in accordance with the requirements of the EMP.	Compliant	All monitoring undertaken to date has been prepared in accordance with the EMP and is provided within the approved documentation.
15	The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must: <ul style="list-style-type: none"> <li>› a. publish each compliance report on the website within 60 business days following the relevant 12 month period;</li> <li>› b. notify the Department by email that a compliance report has been published on the website within five business days of the date of publication;</li> <li>› c. keep all compliance reports publicly available on the website until this approval expires;</li> <li>› d. exclude or redact sensitive ecological data from compliance reports published on the website; and</li> <li>› e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.</li> </ul>	Compliant	This Report represents the first annual report since the commencement of the action. This report has been prepared in accordance with this conditional requirement.
16	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: <ol style="list-style-type: none"> <li>the condition which is or may be in breach; and</li> <li>a short description of the incident and/or non-compliance.</li> </ol>	Compliant	No incidents, non-compliance with the conditions, or non-compliance with the commitments made in plans have occurred during this reporting period.
17	The approval holder must provide to the Department the details of any incident or noncompliance 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: <ul style="list-style-type: none"> <li>› a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</li> <li>› b. the potential impacts of the incident or non-compliance; and</li> <li>› c. the method and timing of any remedial action that will be undertaken by the approval holder.</li> </ul>	NA	No incidents or noncompliance's with the conditions or commitments have occurred during the reporting period.
18	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	NA	No such request has been made by the Minister.

Condition Number	Condition	Compliance Status	Evidence/Comments
19	For each independent audit, the approval holder must: 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.	NA	An independent audit has not been requested by the Minister.
20	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	NA	As above.
21	The approval holder may, at any time, apply to the Minister for a variation to an action management plan previously subject to certification by a suitably qualified reviewer under conditions 4 and 5, or approval by the Minister under condition 7, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.	NA	No variations to the EMP have been required.
22	The approval holder may choose to revise an action management plan certified by a suitably qualified reviewer under conditions 4 and 5, or approved by the Minister under condition 7, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact.	NA	No variations to the EMP have been required.
23	If the approval holder makes the choice under condition 22 to revise an action management plan without submitting it for approval, the approval holder must: a. notify the Department in writing that the approved action management plan has been revised and provide the Department with: i. an electronic copy of the RAMP; ii. an electronic copy of the RAMP marked up with track changes to show the differences between the original action management plan and the RAMP; iii. an explanation of the differences between the approved action management plan and the RAMP; iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a new or increased impact; and v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department. b. subject to condition 21, implement the RAMP from the RAMP implementation date.	NA	As above.
24	The approval holder may revoke their choice to implement a RAMP under condition 23 at any time by giving written notice to the Department. If the approval holder revokes the choice under condition 23, the approval holder must implement the previous action management plan approved by the Minister.	NA	As above
25	If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact, then: a. condition 22 does not apply, or ceases to apply, in relation to the RAMP; and b. the approval holder must implement the action management plan specified by the Minister in the notice.	NA	As above.

Condition Number	Condition	Compliance Status	Evidence/Comments
26	At the time of giving the notice under condition 23, the Minister may also notify that for a specified period of time, condition 22 does not apply for one or more specified action management plans	NA	As above.
27	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	NA	Completion of the action has not occurred.

**Table 4. Environmental Management Plan (Accendo 2022) Compliance Assessment.**

Objective	Management Measure	Compliance Status	Evidence/Comments
Prevent clearing outside of designated clearing envelope	All site personnel will be inducted on the clearing controls for this project	Compliant	Prior to works commencing an onsite meeting was held with all contractors to discuss the clearing protocol and clearing area.
	The clearing line is to be marked by the surveyor with white flagging tape attached to either pegs or tied to vegetation with each peg/marker clearly visible from the last. Trees with hollows/dreys to be retained will be marked so that they are clearly recognised by clearing contractors.	Compliant	Flagging tape was used to accurately delineate the clearing area. Trees to be retained were flagged with different colour tape. No clearing beyond the approved boundary occurred.
	Clearing will be undertaken in accordance with the WRP clearing procedures provided within <b>Section 4.2</b> .	Compliant	Clearing was undertaken in accordance with the WRP management measures.
	The flagging tape which demarcates the clearing areas will be checked on a daily basis to ensure that the clearing boundaries remain clearly visible.	Compliant	Flagging tape and the clearing area was regularly checked by the site supervisor. No clearing beyond the approved boundary occurred.
	No movement of vehicles or personnel within the vegetation retention areas will be allowed.	Compliant	During the site induction all contractors were advised to keep clear of vegetation retention areas. All vehicles were required to stay on designated tracks.
	No stockpiling of topsoil or other material is to occur outside of the clearing boundary.	Compliant	Stockpiled materials were not located in any vegetation retention areas.
	Cleared vegetation will be removed and stockpiled offsite.	Compliant	Cleared vegetation was removed, chipped and removed outside of Stages 2 and 3.
	The location and area of vegetation cleared will be checked for WRP and other wildlife on a daily basis.	Compliant	The site supervisor undertook daily checks of the clearing area.
Minimise direct and indirect impacts to fauna and vegetation as far as practicable.	Trees containing hollows and dreys will be clearly marked for retention.	Compliant	Flagging tape was used to accurately delineate the clearing area. Trees to be retained were flagged with different colour tape. No clearing beyond the approved boundary occurred.
	The following clearing protocols will be implemented to avoid impacts to WRPs: <ul style="list-style-type: none"> <li>o Immediately prior to any clearing commencing a qualified expert will undertake a pre-clearing inspection of the clearing zone and nearby areas to confirm the location of dreys and tree hollows currently or likely to be occupied by WRPs and mark these trees as necessary. The qualified expert should hold a <i>Biodiversity Conservation Act 2016</i> Section 40 'authorisation to disturb or handle threatened fauna'.</li> <li>o Prior to clearing commencing, the clearing operators will be briefed by the same qualified expert who will explain to operators which areas of the subject site are more sensitive in relation to the presence of WRPs and the technique and approaches that will need to be employed during the clearing operations. An agreed means of communication between the operators and the qualified expert will be established prior to clearing commencing to ensure the safety of the WRPs. Operators will be required to abide by this agreed means of communication at all times.</li> <li>o The operators will develop a spatial approach to clearing that does not result in isolated patches of remnant vegetation and that generally achieves a progression of clearing in the direction towards the areas of remnant vegetation to be</li> </ul>	Compliant	<p>A qualified expert with the required authorisations undertook a pre-clearance inspection of the clearing area (refer to <b>Appendix D</b>). Four Western Ringtail Possums and six Common Brushtail Possums (target fauna) were encountered during the clearing activities. All were left in situ, and either moved on overnight or had the dens retained, apart from two Common Brushtail Possums within the same hollow that were moved with the hollow, to just outside of the clearing footprint. No target fauna were injured or required the attention of a veterinarian or carer as a result of clearing.</p> <p>The qualified expert provided guidance to the operators regarding clearing methodology to safeguard WRPs.</p>

Objective	Management Measure	Compliance Status	Evidence/Comments
	<p>retained. If there is suitable habitat adjoining the subject site, a clearing pattern that encourages movement of WRPs to this habitat will be adopted.</p> <ul style="list-style-type: none"> <li>○ During clearing, the qualified expert will be present on the subject site to direct clearing operators, particularly with clearing trees are occupied by WRPs to ensure that these are cleared in a way that allows the animals to safely mobilise to adjacent areas. In addition, they will undertake any animal handling and the rescue of injured animals should this be required.</li> <li>○ In the event that a WRP is observed in a tree that is about to be cleared and there is a tree/area marked for retention near the tree which is to be cleared then the tree will be gently lowered to the ground to enable the animal to safely evacuate. The animal/s will be encouraged to move towards and occupy the trees to be retained.</li> <li>○ If there are no trees/areas to be retained within the proximity of a tree occupied by a WRP but needs to be cleared, then the qualified expert will rescue the animal prior to the tree being pushed down.</li> <li>○ Dreys will be inspected prior to clearing and possibly removed.</li> <li>○ Operators need to take care when clearing any midstorey vegetation as WRPs may be located within these areas. This can be achieved by undertaking a check on foot prior to machines entering the areas and clearing the vegetation.</li> <li>○ If operators encounter injured WRPs during clearing then the qualified expert will make arrangements for the care and welfare of the injured animals.</li> <li>○ Operators will be advised that displaced WRPs may shelter within stockpiled vegetation. To minimize any accidental injury or death of WRPs, personnel involved in the removal or disposal of stockpiles need to be made aware of and be prepared for the potential presence of WRPs. If WRPs are encountered they need to be removed by the qualified expert. Cleared vegetation will be removed from the site.</li> </ul> <p>In relation to the qualified expert, the following requirements need to be met:</p> <ul style="list-style-type: none"> <li>○ They need to have appropriate equipment to administer emergency care to any injured or displaced WRPs.</li> <li>○ They need to have a suitable care facility of their own or have made prior arrangements with an appropriate carer who can rehabilitate any injured WRPs.</li> <li>○ They need to be able to recognize suitable WRP habitat adjacent to the clearing.</li> </ul> <p>They need to have demonstrated possum capture and animal handling experience, in addition to a Section 40 'authorisation to disturb or handle threatened fauna', pursuant to the <i>Biodiversity and Conservation Act 2016</i>.</p>		
Prevent weed species competing with native	Vehicles, plant and equipment will be cleaned prior to exiting the site and will be inspected by the site manager or representative for soil, soil slurry or vegetation material. Inspections will	Compliant	During the site induction all contractors were advised of the requirements for clean plant and equipment prior to entry to site. The Site Supervisor undertook visual inspections of machinery coming to site.

Objective	Management Measure	Compliance Status	Evidence/Comments
plants for light, nutrients and moisture, and to remove declared and environmental weed species.	include wheels, undercarriage, belly plates, buckets and tracks of all equipment. Machinery contractors will be advised of these requirements prior to coming to site.	Compliant	
	Should any of the mentioned materials be present, the equipment/vehicle must be cleaned, and the material removed offsite. Dry conditions will require a brush down to remove dirt clods or vegetation. Construction works should be undertaken during dry conditions but if this is not practicable, under wet conditions, mud present on tyres, tracks, under carriages etc. will require a wash down with high pressure water offsite. It is recommended that all wash down activities are undertaken within the suitable cleaning facility provided.		All plant and equipment were required to be clean prior to entry to site. Construction works were undertaken during the summer of 2023.
	All weed plant material containing seed heads, weeds that have allelopathic properties and weeds that are able to reproduce vegetatively, including topsoil containing weed propagules will be disposed of to an appropriate waste management facility. Local council should be contacted for a list of disposal facilities within the local area; and		All plant and equipment were required to be clean prior to entry to site.
	Weed free fill is to be used for on-site earthworks.		Weed free fill with no organics was obtained from a local contractor.
	Undertake weed control as per Section 4.3.2.		Weed control commenced onsite by licensed revegetation contractors in 2022 (refer to <b>Appendix B</b> ).
Rehabilitation of Lot 2001 and Lot 2002 'Reserve for Recreation and Drainage'.	Undertake revegetation as per Section 4.3.3.	Compliant	Revegetation commenced in Lot 2001 in 2022. Since then, ongoing maintenance has been undertaken including weed management and infill planting. Further infill planting is proposed in 2024 to meet the completion criteria (refer to <b>Appendix B</b> ). Revegetation within Lot 2002 has not commenced.

## 4 SUMMARY

The proponents are proposing to subdivide and develop Lot 501, No. 113 Vasse Highway, Yalyalup. Lot 501 is located within the municipality of the City of Busselton, approximately 220 km south of Perth and 3.5 km north-east of Busselton. The subdivision works will be undertaken in three Stages, with Stage 1 completed in October 2021. Stages 2 and 3 (herein referred to as the subject site) have commenced and are the focus of this Annual Compliance Report.

Commonwealth Approval pursuant to the EPBC Act was granted for Stages 2 and 3 on the 16<sup>th</sup> September 2019. Subject to Condition 15 of the Approval (EPBC 2018/8244) the proponent is required to submit to the DCCEEW an annual report addressing compliance with the Conditions of the Approval.

Accordingly, this report addresses the status and compliance of the project with the conditions in the EPBC Act Approval 2018/8244 and the EMP for the period 6<sup>th</sup> November 2023 to 6<sup>th</sup> November 2024.

The assessment revealed that of the 27 Conditions referenced in the EPBC Act Approval 2018/8244, the following was achieved during the annual reporting period:

- 12 compliances; and
- 15 Conditions were not applicable.

No incidents or non-compliances occurred during this report period.

An assessment of compliance with the management measures prescribed within the EMP revealed compliance with all management measures.

## APPENDIX A – ECOSYSTEM SOLUTIONS PEER REVIEW



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# Independent Review

Environmental Management Plan Lot 501 Vasse  
Highway, Yalyalup

23 September 2022

Prepared for:  
Accendo Australia  
Att: Kirsten Muir-Thompson



# Limitations Statement

This report has been solely prepared for Accendo Australia (Att: Kirsten Muir-Thompson). No express or implied warranties are made by Ecosystem Solutions Pty Ltd regarding the findings and data contained in this report. No new research or field studies were conducted other than those specifically outlined in this report. All of the information details included in this report are based upon the research provided and obtained at the time Ecosystem Solutions Pty Ltd conducted its analysis.

In undertaking this work the authors have made every effort to ensure the accuracy of the information used. Any conclusions drawn or recommendations made in the report are done in good faith and the consultants take no responsibility for how this information and the report are used subsequently by others.

**Please note that the contents in this report may not be directly applicable towards another organisation's needs. Ecosystem Solutions Pty Ltd accepts no liability whatsoever for a third party's use of, or reliance upon, this specific report.**

# Document Control

Accendo Australia

Environmental Management Plan Lot 501 Vasse Highway, Yalyalup

Version	Revision	Purpose	Author	Reviewer	Submitted	
					Form	Date
Report	Rev A	Report	GM	KP	Electronic (email)	23/09/2022

Filename: z:\projects\221347 lot 501 vasee hwy, yalyalup wrp review\reports\review emp st 2 & 3 willow grove lot 501 vasee highway yalyalup ver2.docx

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# Appendices

Appendix A

EPBC referral 2018/8244

# 1 Introduction

The owners of Lot 501 Vasse Highway, Yalyalup seek to subdivide and develop a residential subdivision development at this location as part of Stages 2 & 3 of the Willow Grove subdivision, within the City of Busselton, Western Australia. This proposal includes the clearing of 4.75 ha of vegetation which includes areas of habitat for Western Ringtail Possum (*Pseudochirus occidentalis*)

The development was referred to the Australian Government Department of the Environment and Energy under the *Environmental Protection and Biodiversity Conservation Act Cwth* (1999) (EPBC Act). Approval was granted (EPBC referral 2018/8244) 16/9/2019, (Appendix A). with Condition 2 stating an Environmental Management Plan (EMP) be prepared to mitigate the loss of Western Ringtail Possums (WRP) habitat and that the EMP be reviewed by a suitable qualified reviewer for an independent review (Condition 4).

Accendo Australia has prepared an EMP and have contracted Ecosystem Solutions to provide a review of an (EMP) for the development.

This report outlines our review of the Environmental Management Plan prepared by Accendo Australia as part of the compliance with Condition 4 of the Commonwealth approval.

## 2 Approach

Condition 2 of the approval states:

*“2. To mitigate the loss of Western Ringtail Possum habitat the approval holder must prepare and implement an Environmental Management Plan (EMP).*

*The EMP must include:*

- a. details of clearing protocols, vegetation retention, measures to protect dreys and trees with hollows suitable for Western Ringtail Possum, and management and mitigation measures during construction and throughout the life of this approval to avoid impacts to the Western Ringtail Possum;*
- b. details of the revegetation that is to be carried out under the EMP of an area of at least 1.37 ha within Lot 2001 Reserve for Recreation and Drainage and an area of at least 6.6 ha within Lot 2002 Reserve For Recreation and Drainage with high quality Western Ringtail Possum habitat;*
- c. a diagram of the revegetation areas, showing their location boundaries in relation to the project area;*
- d. objectives, targets, timing and completion criteria for the revegetation to provide high quality Western Ringtail Possum habitat, including details of site preparation works, species selection and source, seedling planting program (planting density), protection of seedlings, success rates, details of replanting requirements if success rates are not achieved, and post planting maintenance;*
- e. arrangements for the enduring protection of the revegetation areas;*
- f. environmental management mechanisms;*
- g. descriptions of the roles and responsibilities of personnel associated with implementation of each of the above measures.”*

Condition 3 of the approval states:

*“3. The EMP must also be consistent with all relevant recovery plan, threat abatement plans and conservation advice **and the Department’s Environmental Management Plan Guidelines (Commonwealth of Australia, 2014)** and must include:*

- a. the EMP environmental objectives, relevant EPBC Act protected matter/s and a reference to EPBC Act approval conditions to which the EMP refers;*
- b. a table of commitments made in the EMP to achieve the objectives, and a reference to where the commitments are detailed in the EMP;*

- c. reporting and review mechanisms, and documentation standards to demonstrate compliance with the EMP;
- d. an assessment of risks to achieving EMP environmental objectives and risk management strategies that will be applied;
- e. impact avoidance, mitigation and/or repair measures, and their timing; and
- f. a monitoring program, which must include:
  - i. measurable performance indicators;
  - ii. the timing and frequency of monitoring to detect changes in the performance indicators;
  - iii. trigger values for corrective actions;
  - iv. proposed corrective actions, if trigger values are reached; and
  - v. a schedule for when any monitoring data will be submitted to the Department.”

These documents and the above points were used as the basis for the review.

# 3 Review

Table 1 Condition 2 EPBC requirements and comments

Condition No.	EPBC Requirements	Comments
(a)	<p>Details of clearing protocols, vegetation retention, measures to protect dreys and trees with hollows suitable for Western Ringtail Possum, and management and mitigation measures during construction and throughout the life of this approval to avoid impacts to the Western Ringtail Possum</p>	<p>Section 4.2.3 Table 6 extensively documents the management strategies that will be taken in order to further support the protection of WRPs within the site prior and during clearing.</p> <p>The first management strategy in Table 6 mentions that trees with hollows and dreys will be clearly marked for retention prior to clearing to protect those suitable for WRP. However, in the EPBC Act policy statement 3.10: Significant impact guidelines for the vulnerable western ringtail possum it is stated to retain peppermint trees with a diameter at breast height of greater than ten cm, while avoiding: soil disturbance within three meters of the trunk, heavy branch pruning and filling around base of trees should be considered during clearing stage (DEWHA, 2009).</p> <p><b>One of the strategies is to create a “clearing pattern that encourages movement of WRPs”.</b> In the EPBC Act Policy Statement 3.10 (DEWHA, 2009) it is mentioned to avoid breaks of 6m or more in when creating the pattern to maintain existing canopy cover.</p> <p>The clearing protocol that the qualified expert will be present on-site <b>mentions “In addition, they will supervise any animal handling and the rescue of injured animals should this be required.”</b> The expert or other qualified fauna handlers present are the only ones authorised to handle WRP and would not be supervising any handling by unauthorised persons.</p> <p>Fencing is to be installed around Lots 2001 and 2002 but only as a measurement to minimise grazing on revegetation efforts. However, the fencing could also be used as a measure to protect the WRPs from dog attacks (DPAW, 2014). Constructing fences to the height of 180-</p>

Condition No.	EPBC Requirements	Comments
		<p>240 cm allows possums to move around with less risk of dog attack. The fence mentioned in the EMP is 1.2 and 1.5m high along some of the boundaries of the Lots which do not meet the minimum height mentioned in the EPBC Policy Act Statement 3.10 (DEWHA, 2009) or Approved Conservation Advice for the species (Threatened Species Scientific Committee, 2013). Increasing the fence height to at least the minimum could keep dogs out of the reserve areas as well as reducing grazing.</p> <p>The performance indicator for long term preservation of WRPs within the subject site, <b>“Persistence and increase of onsite WRP populations”</b>. It is not specifically mentioned how long annual monitoring compliance reporting will take place and it noticed that WRP post-revegetation monitoring surveys are be incorporated into the monitoring program to identify if the performance indicator is achieved. The timeframe of post development monitoring could be clarified to enable evaluation of this performance indicator .</p> <p>Lots 2001 and 2002 are fragmented via Golding Ramble. There is the potential to improve connectivity and persistence of the WRP population in the site by implementing artificial means of connectivity (e.g., possum bridges) between the fragmented pockets of remnant vegetation to reduce road and feral predator WRP deaths (DPAW, 2014).</p> <p>A higher number of common brushtail possums were observed during nocturnal surveys compared to WRPs. Potential competition (increased with clearing) for tree hollows (DPAW, 2014) could warrant the need to install artificial possum boxes to the reserves to reduce competition between the species.</p>
(b)	Details of the revegetation that is to be carried out under the EMP of an area of at least 1.37 ha within Lot 2001 Reserve for Recreation and Drainage and an area of at	Provided in Section 4.3.3 - Revegetation to occur throughout Lots 2001 and 2002 and to be based on the vegetation communities within the surrounding landscape. A variety of species have

Condition No.	EPBC Requirements	Comments
	least 6.6 ha within Lot 2002 Reserve For Recreation and Drainage with high quality Western Ringtail Possum habitat	been selected based on soil type, local endemism and bushfire risk. Table 8 provides a list of species broken into growth form to be used in the revegetation stage. Revegetation will occur only in areas classified as Class A <b>“Forest” focusing on understorey species</b> (Following those listed in Table 8) and <i>Agonis flexuosa</i> .
(c)	A diagram of the revegetation areas, showing their location boundaries in relation to the project area	Diagram is provided on page 41 (Figure 3 - Revegetation Areas) of the EMP. Includes the proposed revegetation area boundaries in relation to Lot 2001 and 2002.
(d)	Objectives, targets, timing and completion criteria for the revegetation to provide high quality Western Ringtail Possum habitat, including details of site preparation works, species selection and source, seedling planting program (planting density), protection of seedlings, success rates, details of replanting requirements if success rates are not achieved, and post planting maintenance	<p>One rehabilitation objective for revegetation in EMP.</p> <p>Section 4.3 provides details for the revegetation proposed and associated monitoring program with completion criteria for each reserve/revegetation area with performance indicator and measurement tool. Details requested by this requirement are all covered in this section.</p> <p>Brief description of measures of the site preparation but specifies to occur well before planting to ensure revegetation success.</p> <p>Success rates seem to be based on performance indicators.</p>
(e)	Arrangements for the enduring protection of the revegetation areas	Provided in Section 4.3 - Lots 2001 and 2002 will be ceded to the Crown and managed by the City of Busselton upon completion of revegetation works as reserves.
(f)	Environmental management mechanisms	Provided in Section 4 - Management and mitigation measures provided in Table 5 (Vegetation clearing and construction) to minimise potential impacts minimised as far as practicable and Table 6 (Western ringtail Possum management) to support the protection of WRPs within the site.

Condition No.	EPBC Requirements	Comments
(g)	Descriptions of the roles and responsibilities of personnel associated with implementation of each of the above measures	Provided in Section 3 - Roles and responsibilities clearly detailed in relation to the above measures.

Table 2 Condition 3 requirements and comments

Condition No.	Requirements	Comments
(a)	The EMP environmental objectives, relevant EPBC Act protected matter/s and a reference to EPBC Act approval conditions to which the EMP refers	<p>Environmental objectives are present in Section 1.4, Table 2 and mentioned throughout EMP.</p> <p>EPBC Act protected matter is the Western Ringtail Possum (<i>Pseudochirus occidentalis</i>).</p> <p>EPBC Act approval conditions are referenced in Section 1.3, Table 1.</p>
(b)	A table of commitments made in the EMP to achieve the objectives, and a reference to where the commitments are detailed in the EMP;	Provided in Section 1.3, Table 1.
(c)	Reporting and review mechanisms, and documentation standards to demonstrate compliance with the EMP;	<p>Section 4.4, Table 12 summarises the environmental management measures including reporting and monitoring.</p> <p>No documentation standards provided.</p>
(d)	An assessment of risks to achieving EMP environmental objectives and risk management strategies that will be applied;	Section 5 is a risk assessment, summarising key potential impacts posed by the project in Table 14.
(e)	Impact avoidance, mitigation and/or repair measures, and their timing; and	Section 4.1 and 4.2, Table 5 and 6 respectively, identifies the impacts, management strategies and timing in regards the clearing and WRP management.
(f)	<p>A monitoring program, which must include:</p> <ul style="list-style-type: none"> <li>i. Measurable performance indicators;</li> <li>ii. The timing and frequency of monitoring to detect changes in the performance indicators;</li> <li>iii. Trigger values for corrective actions;</li> <li>iv. Proposed corrective actions, if trigger values are reached; and</li> </ul>	Summarised in Table 12 and 13.

	v. A schedule for when any monitoring data will be submitted to the department.	
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## 4 Conclusion

The EMP was reviewed by Gary McMahon, B.Sc. M. Env Mgmt. PG Dip Bushfire Protection, Certified Environmental Practitioner (C.EnvP #412). He has more than 20 **years'** experience in the survey and management of WRP and its associated habitats. It is our professional opinion and judgment (outlined in the comments above) that the Accendo EMP for Lot 501 Vasse Highway, Yalyalup meets the requirements stipulated in the EPBC referral 2018/8244 by the Australian Government Department of the Environment and Energy.

## 5 References

Accendo Australia (2022). Environmental Management Plan Lot 501 Vasse Hwy, Yalyalup.

Department of the Environment, Water, Heritage and the Arts (2009). EPBC Act policy statement 3.10 Significant impact guidelines for the vulnerable western ringtail possum (*Pseudocheirus occidentalis*) in the southern Swan Coastal Plain, Western Australia. Canberra.

Department of Parks and Wildlife (2014). Western Ringtail Possum (*Pseudocheirus occidentalis*) Recovery Plan. Wildlife Management Program No. 58. Department of Parks and Wildlife, Perth, WA.

Threatened Species Scientific Committee (2013). Conservation Advice for *Pseudocheirus occidentalis* (Western ringtail possum). Canberra: Department of the Environment and Energy.





## Appendix A DEE Approval 2018/8244



Australian Government

Department of the Environment and Energy

## APPROVAL

Residential Subdivision, Lot 501, Vasse Highway, Yalyalup, Western Australia (EPBC 2018/8244)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

### Details

<b>Person to whom the approval is granted (approval holder)</b>	Ms Dorothy Blum
<b>ACN or ABN of approval holder</b>	N/A – proponent is an individual
<b>Action</b>	To subdivide and develop, including clearing of 4.75 ha of vegetation, Lot 501 Vasse Highway, Yalyalup, Western Australia. See EPBC Act referral 2018/8244.

### Approval decision

My decisions on whether or not to approve the taking of the action for the purposes of each controlling provision for the action are as follows.

### Controlling Provisions

<b>Listed Threatened Species and Communities</b>	
Section 18	Approve
Section 18A	Approve

### Period for which the approval has effect

This approval has effect until 1 October 2049

### Decision-maker

<b>Name and position</b>	Gregory Manning Assistant Secretary Assessments and Post Approval Branch Department of the Environment and Energy
<b>Signature</b>	
<b>Date of decision</b>	16/9/19

### Conditions of approval:

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

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## ANNEXURE A – CONDITIONS OF APPROVAL

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### Part A – Conditions specific to the action

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1. The **approval holder** must not clear more than 4.75 ha of **Western Ringtail Possum habitat** within the **project area**.
2. To mitigate the loss of **Western Ringtail Possum habitat** the **approval holder** must prepare and implement an Environmental Management Plan (EMP).  
The EMP must include:
  - a. details of clearing protocols, vegetation retention, measures to protect dreys and trees with hollows suitable for **Western Ringtail Possum**, and management and mitigation measures during construction and throughout the life of this approval to avoid impacts to the **Western Ringtail Possum**;
  - b. details of the revegetation that is to be carried out under the EMP of an area of at least 1.37 ha within **Lot 2001 Reserve for Recreation and Drainage** and an area of at least 6.6 ha within **Lot 2002 Reserve For Recreation and Drainage** with **high quality Western Ringtail Possum habitat**;
  - c. a diagram of the revegetation areas, showing their location boundaries in relation to the **project area**;
  - d. objectives, targets, timing and completion criteria for the revegetation to provide **high quality Western Ringtail Possum habitat**, including details of site preparation works, species selection and source, seedling planting program (planting density), protection of seedlings, success rates, details of replanting requirements if success rates are not achieved, and post planting maintenance;
  - e. arrangements for the enduring protection of the revegetation areas;
  - f. **environmental management mechanisms**;
  - g. descriptions of the roles and responsibilities of personnel associated with implementation of each of the above measures.
3. The EMP must also be consistent with all relevant recovery plans, threat abatement plans and conservation advices and the **Department's Environmental Management Plan Guidelines**, and must include:
  - a. the EMP environmental objectives, relevant **EPBC Act protected matter/s** and a reference to **EPBC Act** approval conditions to which the EMP refers;
  - b. a table of commitments made in the EMP to achieve the objectives, and a reference to where the commitments are detailed in the EMP;
  - c. reporting and review mechanisms, and documentation standards to demonstrate compliance with the EMP;
  - d. an assessment of risks to achieving EMP environmental objectives and risk management strategies that will be applied;
  - e. impact avoidance, mitigation and/or repair measures, and their timing; and
  - f. a monitoring program, which must include:
    - i. measurable performance indicators;
    - ii. the timing and frequency of monitoring to detect changes in the performance indicators;
    - iii. trigger values for corrective actions;

- iv. proposed corrective actions, if trigger values are reached; and
- v. a schedule for when any **monitoring data** will be submitted to the **Department**.

4. The **approval holder** must submit the EMP required under condition 2 to a **suitably qualified reviewer** for independent review. The **suitably qualified reviewer** must produce a **review report**.
5. Before the EMP is considered final the EMP and the **review report**, which must **certify** the EMP, must be published on the **website** and provided to the **Department** electronically. The **review report** must remain published on the **website** until the end date of this approval.

**Note:** the **review report** may be published on the **Department**'s website.
6. The **approval holder** must not **commence the action** until the EMP is finalised and published. The finalised EMP must be implemented for the life of this approval.
7. Notwithstanding the results of the independent review, the **Department** may request, in writing, the EMP to be approved by the **Minister** at any point up until the end date of this approval.
8. The **approval holder** must ensure that suitable **environmental management mechanisms** are applied to the revegetation areas (required under condition 2b) and five off-site reserves with a total area of no less than 4.06 ha at the locations designated with a red boundary in Figure 2 of **Attachment A** for the life of this approval.

For the revegetation areas (required under condition 2b), the **approval holder** must not transfer responsibility for the application **environmental management mechanisms** to another entity (other than directly engaging the services of a **suitably qualified contractor**) until at least two years after the **commencement of the action**.

For the five off-site reserves, the **approval holder** must provide written confirmation to the **Department** from the management body that appropriate **environmental management mechanisms** will be undertaken for the life of this approval. The **approval holder** must **fully fund** any additional management beyond that already performed by the management body, if additional management is required to meet the standard of suitable **environmental management mechanisms** as set out in the EMP required under condition 2.

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#### Part B – Standard administrative conditions

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##### 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**.
10. If the **commencement of the action** does not occur within 5 years from the date of this approval, then the approval holder must not **commence the action** without the prior written agreement of the **Minister**.

##### Compliance records

11. The approval holder must maintain accurate and complete **compliance records**.
12. 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.

##### Preparation and publication of plans

13. The approval holder must:
  - a. submit **plans** electronically to the **Department** for approval by the **Minister**;

- 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 **Minister**, 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.

14. The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under the EMP is prepared in accordance with the **Department's Guidelines for biological survey and mapped data** (2018) and submitted electronically to the **Department** in accordance with the requirements of the EMP.

#### Annual compliance reporting

15. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or as otherwise agreed to in writing by the **Minister**. The approval holder must:

- a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period;
- b. notify the **Department** by email that a **compliance report** has been published on the **website** 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 5 **business days** of publication.

**Note:** **Compliance reports** may be published on the **Department's website**. The first **compliance report** may report a period less than 12 months so that it, and subsequent compliance reports, align with any similar requirements under a state approval.

#### Reporting non-compliance

16. 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:

- a. the condition which is or may be in breach; and
- b. a short description of the **incident** and/or non-compliance.

17. 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:

- 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.

#### Independent audit

18. The **approval holder** must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.

19. For each **independent audit**, the approval holder must:

- 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.

20. 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.

#### **Revision of action management plans**

21. The approval holder may, at any time, apply to the **Minister** for a variation to an action management plan previously subject to **certification** by a **suitably qualified reviewer** under conditions 4 and 5, or approval by the **Minister** under condition 7, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the **EPBC Act**. If the **Minister** approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.
22. The approval holder may choose to revise an action management plan **certified** by a **suitably qualified reviewer** under conditions 4 and 5, or approved by the **Minister** under condition 7, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the action in accordance with the RAMP would not be likely to have a **new or increased impact**.
23. If the approval holder makes the choice under condition 22 to revise an action management plan without submitting it for approval, the approval holder must:
  - a. notify the **Department** in writing that the approved action management plan has been revised and provide the **Department** with:
    - i. an electronic copy of the RAMP;
    - ii. an electronic copy of the RAMP marked up with track changes to show the differences between the original action management plan and the RAMP;
    - iii. an explanation of the differences between the approved action management plan and the RAMP;
    - iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a **new or increased impact**; and
    - v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 **business days** after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the **Department**.
  - b. subject to condition 21, implement the RAMP from the RAMP implementation date.
24. The approval holder may revoke their choice to implement a RAMP under condition 23 at any time by giving written notice to the **Department**. If the approval holder revokes the choice under condition 23, the approval holder must implement the previous action management plan approved by the **Minister**.
25. If the **Minister** gives a notice to the approval holder that the **Minister** is satisfied that the taking of the action in accordance with the RAMP would be likely to have a **new or increased impact**, then:
  - a. condition 22 does not apply, or ceases to apply, in relation to the RAMP; and
  - b. the approval holder must implement the action management plan specified by the **Minister** in the notice.

26. At the time of giving the notice under condition 23, the **Minister** may also notify that for a specified period of time, condition 22 does not apply for one or more specified action management plans.

**Note:** conditions 21, 22, 23 and 24 are not intended to limit the operation of section 143A of the **EPBC Act** which allows the approval holder to submit a revised action management plan, at any time, to the **Minister** for approval.

#### **Completion of the action**

27. Within 30 days after the **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.

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#### **Part C - Definitions**

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28. In these conditions, except where contrary intention is expressed, the following definitions are used:

- a. **Approval holder** means the name of the person to whom the approval is granted.
- b. **Business days** means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
- c. **Certify/Certifies/Certified** means providing a formal declaration that the **suitably qualified reviewer** is both suitably qualified and independent as well as a declaration that the EMP will provide for the protection of the **protected matter** and that the outcomes of the EMP are specific, measurable, achievable, relevant and time-based
- d. **Clear/Clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the *Australian weeds strategy 2017 to 2027* for further guidance).
- e. **Commencement of the action/Commence the action** means the first instance of any specified activity associated with the action including clearance of vegetation and **construction** of any infrastructure. Commencement does not include minor physical disturbance necessary to:
  - i. undertake pre-clearance surveys or monitoring programs;
  - ii. install signage and /or temporary fencing to prevent unapproved use of the project area;
  - iii. protect environmental and property assets from fire, weeds and pests, including erection or **construction** of fencing and signage, and maintenance or use of existing surface access tracks, if agreed in writing by the **Department**.
- f. **Completion data** means an environmental report and spatial data information clearly detailing how the conditions of this approval have been met. The **Department's** preferred spatial data format is shapefile.
- g. **Completion of the action** means the time at which all approved conditions (except this condition) have been fully met.
- h. **Compliance records** means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.
  - i. **Compliance reports** means written reports:
    - i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plans**;
    - ii. consistent with the **Department's Annual Compliance Report Guidelines** (2014);
    - iii. include a shapefile of any clearance of any **protected matters**, or their habitat, undertaken within the relevant 12 month period; and

- iv. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period.
- j. **Department** means the Australian Government agency responsible for administering the **EPBC Act**.
- k. **Environmental management mechanisms** include, but are not limited to, fencing, signage, weed management, feral animal management and access controls.
- l. **Environmental Management Plan Guidelines** is the 2014 document published by the Department of Environment or any subsequent revision.
- m. **EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
- n. **Fully fund** means providing an appropriate monetary amount, as agreed to by both parties, to undertake any additional measures not already required as standard practice to ensure appropriate **environmental management mechanisms** are applied to a site.
- o. **High quality** means habitat which meets the requirements for the relevant **protected matter** including by providing sufficient canopy connectivity/cover, suitable food species and a reliable water source.
- p. **Incident** means any event which has the potential to, or does, impact on **protected matter(s)**.
- q. **Independent audit**: means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2015).
- r. **Lot 2001 Reserve for Recreation and Drainage** is the area shown at Figure 1 of Attachment A.
- s. **Lot 2002 Reserve for Recreation and Drainage** is the area shown at Figure 1 of Attachment A.
- t. **Minister** means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.
- u. **Monitoring data** means the data required to be recorded under the conditions of this approval.
- v. **New or increased impact** means a new or increased environmental impact or risk relating to any **protected matter**, when compared to the likely impact of implementing the action management plan that has been approved by the **Minister** under condition 2, including any subsequent revisions approved by the **Minister**, as outlined in the *Guidance on 'New or Increased Impact' relating to changes to approved management plans under EPBC Act environmental approvals (2017)*.
- w. **Plan(s)** means any of the documents required to be prepared, approved by the **Minister**, and/or implemented by the approval holder and published on the **website** in accordance with these conditions (includes action management plans and/or strategies).
- x. **Project area** means Lot 501, Vasse Highway, Yalyalup, or the area defined in the EPBC Referral 2018/8244.
- y. **Protected matter** means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.
- z. **Review report** means the report produced by the **suitably qualified reviewer** which includes a **certification** and demonstrates that the EMP will provide for the protection of the **protected matter** and that the outcomes of the EMP are specific, measurable, achievable, relevant and time-based.
- aa. **Sensitive ecological data** means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*.

- bb. **Suitably qualified contractor** means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can undertake authoritative management, monitoring and reporting on management of reserves and offsets, using the relevant management systems, protocols, standards and methods.
- cc. **Suitably qualified reviewer** means a person or persons with professional qualifications, training or demonstrated experience in the formation and successful implementation of management plans for the **protected matter** as required by environmental law. The **suitably qualified reviewer** must not be the original author of the EMP nor be employed by the same company as the original author of the EMP.
- dd. **website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.
- ee. **Western Ringtail Possum(s)** means *Pseudochirus occidentalis* listed as critically endangered under a controlling provision in Part 3 of the **EPBC Act**.
- ff. **Western Ringtail Possum habitat** means all vegetation suitable for supporting **Western Ringtail Possums** including feeding, breeding and dispersal habitat.

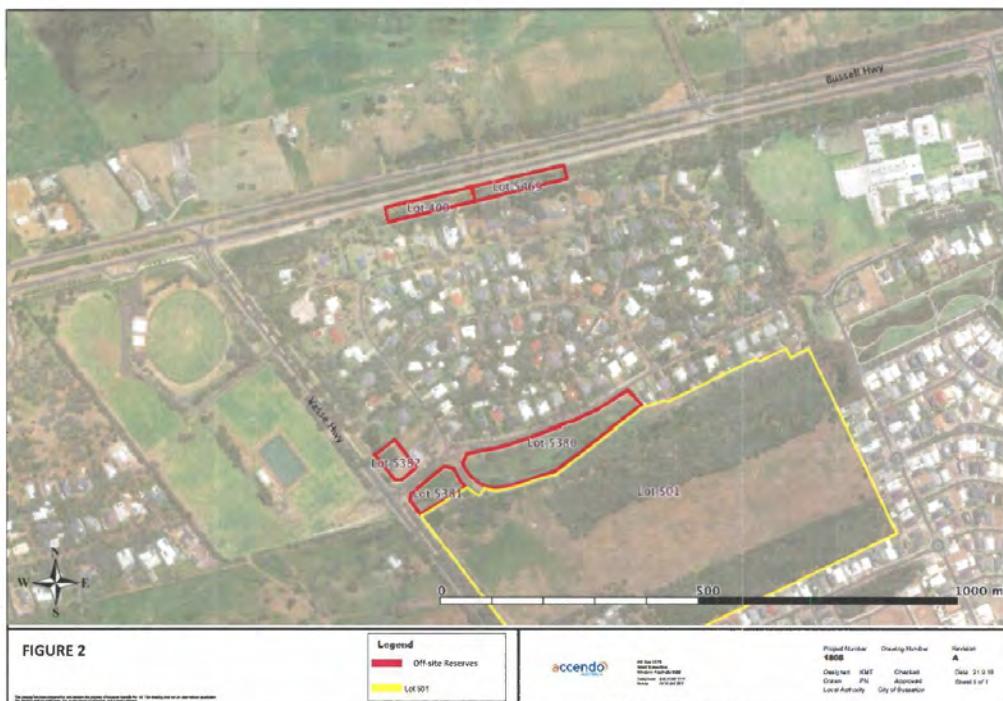
ATTACHMENTS

1. Attachment A



**ATTACHMENTS**

1. Attachment A



## APPENDIX B – REVEGETATION REPORT



## Willow Grove Stage 1A Revegetation – Able Planning and Project Management Monitoring Report – Summer 2024

Monitoring Date(s):	05/02/24	Conducted By:	G. O'Reilly
Site Reference:	Willow Grove Stg 1A	Reviewed By:	A. Johnston
Area (ha):	1.3		

### Revegetation Progress / Condition Summary

- The site is in reasonable condition considering that 2023 was the driest year in 14 years and that consequent summer temperatures were extreme. The last effective rainfall was on October 2<sup>nd</sup>, leaving the site rainless for four months at the time of monitoring, with record evaporation, particularly in December 2023 (BOM 2024).
- Considering the poor seasonal conditions, and the late planting and commencement of weed control in 2022, the site is nearly achieving success criteria for plant density and has easily achieved criteria for weed control.
- Garden weeds like mallow, yucca, black flag, and castor oil are not present and couch grass is below one percent cover across the site. Targeted control methods including hand pulling and using specialised chemical treatments has greatly reduced weed presence across the site.
- The 2023 infill planting has allowed site condition to be maintained and to not go backwards despite extreme conditions, and a modest infill planting in 2024 would ensure the site achieves adequate cover and density of vegetation.

### Monitoring Data Summary

Revegetation Area	Quadrat Data	Required Criteria		Other Statistics	
		Native Density (stems / m <sup>2</sup> )	Weed Coverage (%)	Species Richness (No. of Species)	Native Cover (%)
	<b>Completion Criteria</b>	<b>0.5</b>	<b>&lt;10%</b>	<b>N/A</b>	<b>N/A</b>
Flat	Q1	0.4	1	9	25
Bund	Q2	0.3	1	7	50
Bund	Q3	0.4	1	7	60
Flat	Q4	0.5	1	11	10
	<b>Avg/Overall</b>	<b>0.4</b>	<b>1</b>	<b>20</b>	<b>36</b>

\*Cells is **green** if meeting criteria or **red** if not meeting criteria.

## Brief Works History

Date(s):	Activity	Description
24/08/22 & 12/09/22	Preliminary Weed control	2x events: initial boom spraying of entire revegetation area and spot spraying priority weeds: Arum Lily, Black Flag, various garden bulbs. Follow up targeted control of arum and other weeds on bund and flat revegetation areas.
12/09/22	Site preparation - ripping	All accessible flat areas were ripped via tractor at 1-2m spacing and approx. 300mm depth. Areas around existing trees and inaccessible areas were not ripped.
16/09/22	Seedling collection and batching	All plants were collected from GCLN and batched according to planting zone at the Tranen depot.
19/09/22 – 21/09/22	Mulch clearing & seedling installation	Mulch was cleared for each seedling on the bund. Seedlings were installed at an average of one plant / 2 m <sup>2</sup> on the bund. Planting density for the flat areas was at a higher density of approx. one plant / m <sup>2</sup> due to limitations of planting in weedy areas. All seedlings were installed using Pottiputki planting tubes. One 10 g fertiliser tablet suitable for use with natives installed adjacent to each plant in the flat revegetation area and 2-3g of Terracottem was installed with each seedling in the bund area.
October-22 to July 23	Maintenance weed control	Regular herbicide / manual weed control across reveg areas.
22-23 July 2023	Seedling collection and batching	All plants were collected / delivered from Boyanup Botanical / Plantrite and batched according to planting zone at the Tranen depot.
24-25 July 2023	Mulch clearing and seedling installation	Mulch was cleared for each seedling on the bund. All seedlings were installed as infill using Pottiputki planting tubes. One 10 g fertiliser tablet suitable for use with natives installed adjacent to each plant in the flat revegetation area and 2-3g of Terracottem was installed with each seedling in the bund area.
21/09/23 4/10/23 16/11/23 19/01/23	Maintenance weed control	Regular herbicide / manual weed control across reveg areas. Garden / waste ground weeds like castor oil, black flag, mallow, and yucca sprayed and pulled. Couch grass sprayed and fleabane slashed.

\*Further details on works undertaken are provided in the Project Activity Reports.

## Assessment Methodology

### **Quadrat Establishment**

Four 5 m x 5 m monitoring quadrats were installed, with placement determined through a process of stratified random sampling. Quadrat locations were distributed across the bund and flat revegetation areas.

An additional four photo monitoring points (PMP) were established to provide a visual record of revegetation progress. These points were selected, and images orientated, to best capture the overall progress of the revegetation and represent all areas of site. The locations of each quadrat and PMP are provided in the Map of Monitoring Locations attached.

Each quadrat was marked with galvanised steel droppers in each corner. The northeast corner dropper (for quadrats) was then marked with an identification tag and flagging tape to create a geographical reference point. The co-ordinates for each plot and quadrat were marked with a GPS at the north-east corner marker. The co-ordinates for the quadrats and photo points are shown in the raw data tables attached.

### **Data Collection**

The following quantitative and qualitative data were recorded within each quadrat during the assessment:

Quantitative data:

- Native species presence, count and overall cover %;
- Weed species and overall cover %;
- Average vegetation height.

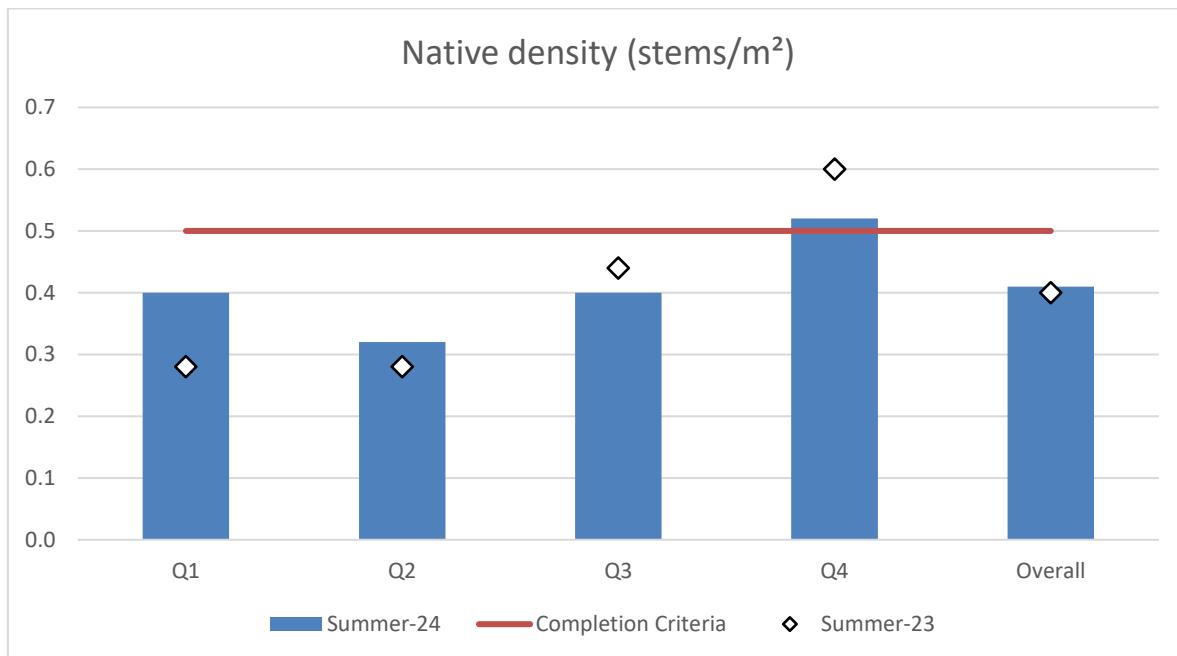
Note: All cover below 0.5% has been rounded to 0% for statistical analysis purposes.

Qualitative data:

- Presence of fauna, disease, pests;
- Presence / severity of erosion; and
- Additional notes as required.

## Results / Discussion / Recommendations

### Native Stem Density



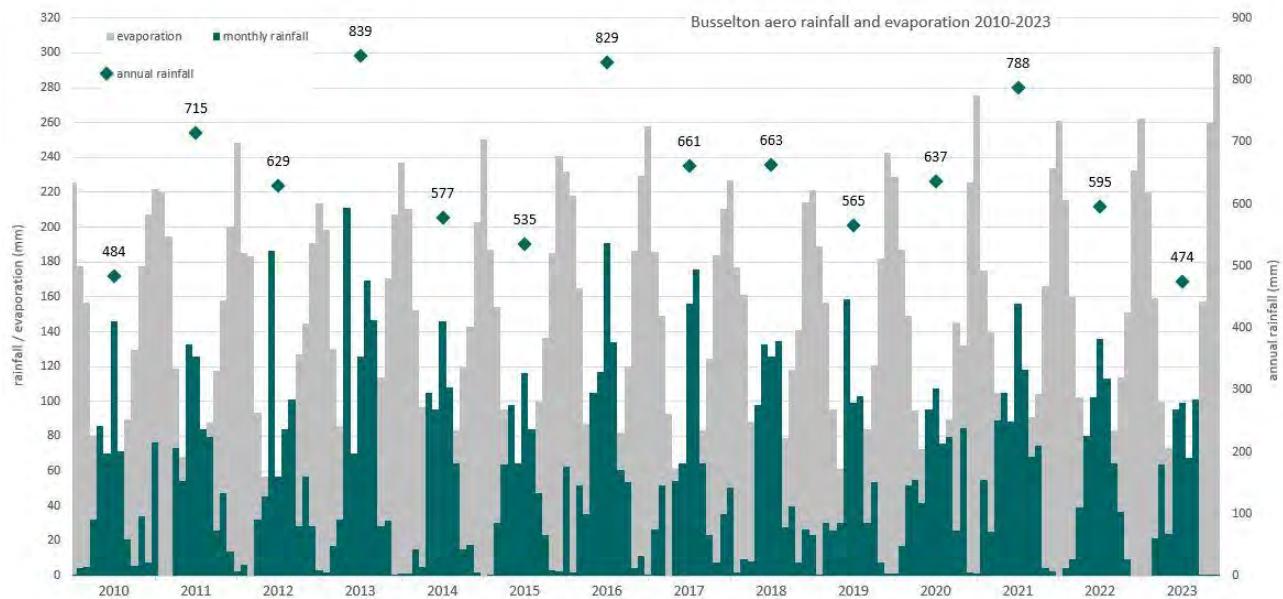
**Figure 1 Native Stem Density – Quadrat Data**

Average native stem density was 0.4 stems per  $\text{m}^2$  based on the quadrat data, which is below the completion criterion of 0.5 stems per  $\text{m}^2$  (Figure 1).

The averaged stem density across all quadrats did not change from the previous assessment in February 2023 despite the infill planting in July 2023. This is because, while there were additional plants established in each quadrat, there were corresponding deaths of plants installed in September 2022 as well as deaths of seedlings planted in 2023. Two quadrats had a higher density of plants in 2024 than 2023 but two had a lower density.

The pattern of plant survival and density is reflected across the site, and it is estimated that 50% of plants installed in 2023 have died from the extreme dry and hot conditions of the four months since September 2023, and that 30% of plants installed in 2022 have died from moisture stress during this same period.

Figure 2 below shows that 2023 was the lowest rainfall in 14 years at nearby Busselton Airport and that evaporation in November and December 2023 was extreme.

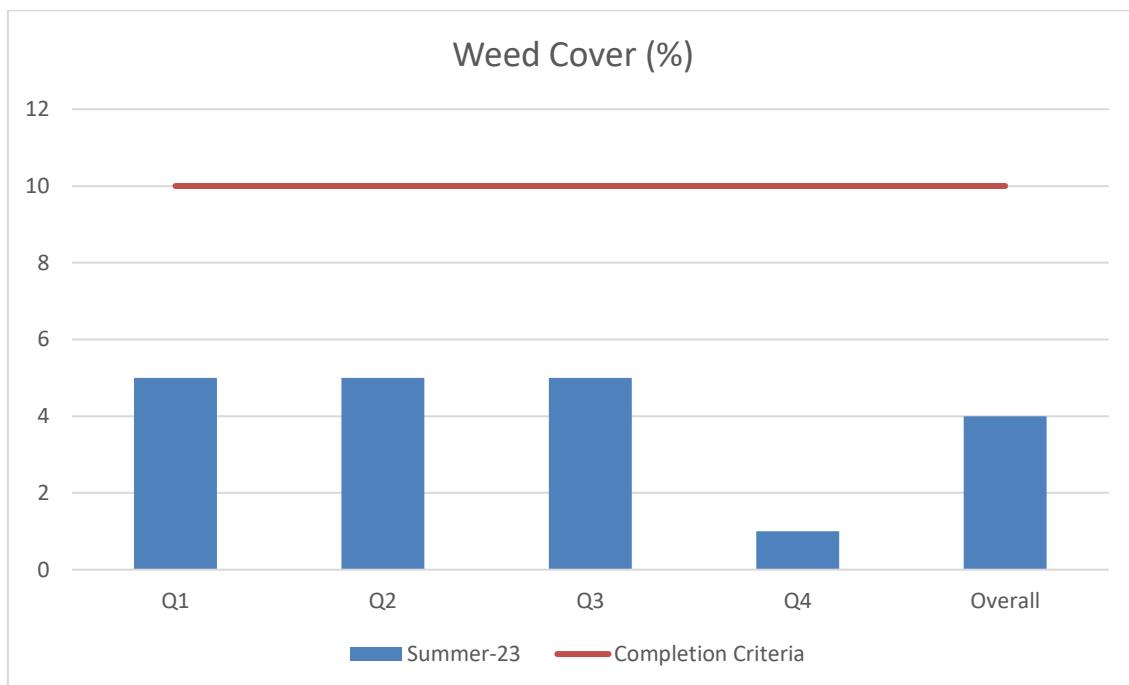


Deaths associated with the hottest and driest summer in 14 years highlight the importance of an infill planting program. Without the infill planting in 2023, the site would have gone backwards but has at least been maintained despite the very difficult conditions experienced since September 2023, with no effective rainfall since October 2nd.

**Recommendation 1:**

**Undertake minor infill planting across the site in 2024, with a focus on filling in larger gaps with hardy species where existing plants are unlikely to attain adequate cover over time. It is estimated that approximately 1,000 plants in 2024 will be enough to reach the required density and cover of vegetation.**

## Weed Cover



**Figure 2      Weed Cover – Quadrat Data**

Average weed cover was recorded as 1% based on quadrat data, a nominal percentage indicating a very minor presence of *Cynodon dactylon* (Couch) in each quadrat. The results reflect the extremely dry conditions at the time of monitoring, but the regular and thorough weed control events undertaken at key times based around weed species life cycles is also very evident at the site.

Castor oil (*Ricinus communis*) was recorded in all quadrats in the 2023 monitoring event but is not found anywhere across the site in 2024. Considerable effort was undertaken to hand pull garden weeds like yucca and mallow, while specific chemical treatment of geophytes like arum and black flag will hopefully lead to far less presence of these weeds following the break of season in 2024.

### **Recommendation 2:**

**Continue the progressive and targeted weed control program as per the current project schedule. Increase frequency and intensity of weed management activities during peak seasonal weed emergence, particularly prior to undertaking any additional planting.**

## Native Cover

Native cover was also assessed as an indicator of overall site performance. An average cover of 13% was recorded in the quadrats in 2023, with the fast-growing *Myoporum. insulare* (Boobialla) constituting most of this cover. The average cover in 2024 increased to 36% reflecting the continued growth of the *M. insulare* shrubs but also growth and spread of ground covers like *Eremophila glabra* and *Hardenbergia comptoniana*.

## Quadrat and Photo Monitoring Images







## Raw Data Sheets

Quadrat Information			
Site / Quadrat Name:	Q1 (Flat - N side)		
Quadrat GPS Location:	GDA2020 (MGA Zone 50) 349161E; 6273551S		
	count 2023	count 2024	
<b>Native Species (% cover and count)</b>			Comments:
<i>Acacia cochlearis</i>	2	1	
<i>Acacia littorea</i>	1	1	
<i>Corymbia calophylla</i>	1	1	
<i>Leucophyta brownii</i>	1		
<i>Myoporum insulare</i>	2	2	
<i>Kunzea glabrescens</i>		1	
<i>Agonis flexulosa</i>		1	
<i>Eucalyptus rufa</i>		1	
<i>Hardenbergia comptoniana</i>		1	2022 plant spread into quadrat
<i>Allocasuarina fraseriana</i>		1	2022 plant regrown after browsing
<b>Weed Species (% cover)</b>			Comments:
<i>Cynodon dactylon</i>	4	1	
<i>Ricinus communis</i>	1		
<b>Native Density</b>			Comments:
Stem density (stems / m <sup>2</sup> )	0.28	0.40	
<b>Overall Cover (%)</b>			Comments:
Native Cover	15	25	
Weed Cover	5	1	
<b>Average Native Vegetation Height (m)</b>			Comments:
Vegetation Height	0.5	0.7	
<b>Other</b>			Comments:
Presence of Fauna	N	N	
Presence of Disease / Pests	N	N	
Erosion severity (minor, moderate, significant)	N	N	

Quadrat Information			
Site / Quadrat Name:	Q2 (Bund - N side)		
Quadrat GPS Location:	GDA2020 (MGA Zone 50) 349154E; 6273545S		
	count 2023	count 2024	
<b>Native Species (% cover and count)</b>			Comments:
<i>Guichenotia ledifolia</i>	1		
<i>Hakea prostrata</i>	1	1	
<i>Hardenbergia comptoniana</i>	1	1	
<i>Myoporum caprarioides</i>	1	2	
<i>Myoporum insulare</i>	1	1	
<i>Templetonia retusa</i>	1	1	
<i>Westringia dampieri</i>	1	1	
<i>Lysiandra calycina</i>		1	
<b>Weed Species (% cover)</b>			Comments:
<i>Cynodon dactylon</i>	4	1	
<i>Ricinus communis</i>	1		
<b>Native Density</b>			Comments:
Stem density (stems / m <sup>2</sup> )	0.28	0.32	
<b>Overall Cover (%)</b>			Comments:
Native Cover	10	50	
Weed Cover	5	1	
<b>Average Native Vegetation Height (m)</b>			Comments:
Vegetation Height	0.3	1	
<b>Other</b>			Comments:
Presence of Fauna	N	N	
Presence of Disease / Pests	N	N	
Erosion severity (minor, moderate, significant)	N	N	

Quadrat Information			
Site / Quadrat Name:	Q3 (Bund- S side)		
Quadrat GPS Location:	GDA2020 (MGA Zone 50) 349322E; 6273462S		
Native Species (% cover and count)	count 2023	count 2024	Comments:
<i>Grevillea vestita</i>	2	1	
<i>Guichenotia ledifolia</i>	1	1	
<i>Myoporum insulare</i>	4	3	
<i>Spyridium globulosum</i>	1	1	
<i>Rhagodia baccata</i>	1	1	
<i>Westringia dampieri</i>	2	2	
<i>Eremophila glabra</i>		1	2022 plant spread into quadrat
Weed Species (dominance 1, 2 or 3 and % cover)	4	1	Comments:
<i>Cynodon dactylon</i>	4	1	
<i>Ricinus communis</i>	1		
Native Density	0.44	0.40	Comments:
Stem density (stems / m <sup>2</sup> )	0.44	0.40	
Overall Cover (%)	20	50	Comments:
Native Cover	20	50	
Weed Cover	5	1	
Average Native Vegetation Height (m)	0.5	2	Comments:
Vegetation Height	0.5	2	
Other	N	N	Comments:
Presence of Fauna	N	N	
Presence of Disease / Pests	N	N	
Erosion severity (minor, moderate, significant)	N	N	

Quadrat Information			
Site / Quadrat Name:	Q4 (Flat - S side)		
Quadrat GPS Location:	GDA2020 (MGA Zone 50) 349234E; 6273439S		
Native Species (% cover and count)	count 2023	count 2024	Comments:
<i>Acacia cyclops</i>	2	2	
<i>Acacia littorea</i>	2		
<i>Acacia pulchella</i>	1	1	
<i>Agonis flexuosa</i>	1	1	
<i>Bolboschoenus caldwellii</i>	1		
<i>Corymbia calophylla</i>	1	1	
<i>Juncus pallidus</i>	2	1	
<i>Juncus pauciflorus</i>	1		
<i>Myoporum caprariooides</i>	2	1	
<i>Myoporum insulare</i>	2	1	
<i>Melaleuca hueglii</i>		2	
<i>Paraserianthes lophantha</i>		1	
<i>Olearia axillaris</i>		1	
<i>Eremophila glabra</i>		1	2022 plant spread into quadrat
Weed Species (dominance 1, 2 or 3 and % cover)	0.5	1	Comments:
<i>Cynodon dactylon</i>	0.5	1	
<i>Ehrharta calycina</i>	0.5		
Native Density	0.60	0.52	Comments:
Stem density (stems / m <sup>2</sup> )	0.60	0.52	
Overall Cover (%)	5	10	Comments:
Native Cover	5	10	
Weed Cover	1	1	
Average Native Vegetation Height (m)	0.3	0.5	Comments:
Vegetation Height	0.3	0.5	
Other	N	N	Comments:
Presence of Fauna	N	N	
Presence of Disease / Pests	N	N	
Erosion severity (minor, moderate, significant)	N	N	

### Map of Monitoring Locations



## APPENDIX C – NOTICE OF ACTION



Australian Government

Department of Climate Change, Energy,  
the Environment and Water

Ref: EPBC 2018/8244

Email: [EPBCmonitoring@dcceew.gov.au](mailto:EPBCmonitoring@dcceew.gov.au)

Kirsten Muir-Thompson  
Principal Consultant,  
Accendo Australia  
Ms Dorothy Blum  
PO Box 211,  
Bussleton WA 6280

Dear Kirsten,

**Commencement of the Action – Residential Subdivision, Lot 501, Vasse Highway,  
Yalyalup, WA, EPBC 2018/8244**

Thank you for your correspondence dated 31 October 2023 notifying the Department of Climate Change, Energy, the Environment and Water (the department) of commencement of the action reference EPBC 2018/8244, in accordance with the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) approval.

I note that the project commenced on 6 November 2023.

Condition 15 of the approval requires Ms Dorothy Blum to prepare an Annual Compliance Report for each 12 month period following the commencement of the action. Ms Dorothy Blum must continue to publish Annual Compliance Reports and notify the department of publication until the expiry of the EPBC Act approval. The reports must be published within 60 business days.

Please notify the department, within 5 business days, of publication of the reports by email, including the link to where the report is publicly available, to [EPBCmonitoring@dcceew.gov.au](mailto:EPBCmonitoring@dcceew.gov.au). Please note the first Annual Compliance Report is due to the department by 4 February 2025.

When preparing the Annual Compliance Report please refer to the department's Annual Compliance Report Guidelines available on the department's website at [Annual Compliance Report Guidelines - DCCEEW](#).

Please note that the conditions of approval require you, as the approval holder, to maintain accurate records of all activities associated with, or relevant to, the approval. This includes maintaining records associated with implementing any management plan/s specified and/or approved as part of the conditions of approval. If the conditions of approval specify requirements that must be met prior to commencement of the action, it is incumbent upon you as the approval holder to ensure those conditions are met, recorded and documented for reporting and auditing purposes.

More information about the department's Monitoring and Audit program is available on the department's website at [Compliance audits - DCCEEW](#). Section 142 of the Act requires Ms

Dorothy Blum to comply with conditions attached to an approval. Penalties may apply to approval holders who contravene conditions.

Please be aware that the EPBC Act places a duty upon persons to provide accurate information in response to a request made by a person performing a duty or carrying out a function under the EPBC Act, and that to knowingly provide information that is false or misleading is an offence.

If you would like to discuss this matter further, please contact the Approvals Compliance Section via [EPBCmonitoring@dcceew.gov.au](mailto:EPBCmonitoring@dcceew.gov.au).

Yours sincerely,



Karina Richards  
Assistant Director  
Approvals Compliance Section  
20 November 2023

## APPENDIX D – PRE-CLEARING FAUNA REPORT

26 February 2024

David Evans  
Chief Operating Officer  
Leeuwin Civil  
[david.evans@leeuwincivil.com.au](mailto:david.evans@leeuwincivil.com.au)

CC:  
DBCA Wildlife Licensing Section [wildlifelicensing@dbca.wa.gov.au](mailto:wildlifelicensing@dbca.wa.gov.au)  
DBCA Fauna Section [fauna.data@dbca.wa.gov.au](mailto:fauna.data@dbca.wa.gov.au)  
DBCA SW Planning [swlanduseplanning@dbca.wa.gov.au](mailto:swlanduseplanning@dbca.wa.gov.au)  
DBCA Wildlife Officer (SW) [WildlifeOfficerSW@dbca.wa.gov.au](mailto:WildlifeOfficerSW@dbca.wa.gov.au)

Dear Mr Evans

**RE: (SW473) Willow Grove Stage 2, Yalyalup: Fauna preclearance results – 26/02/2024**

I am pleased to provide you with the results of the fauna preclearance survey carried out on 26<sup>th</sup> February 2024 at the location above. Minor clearing of approximately 0.08 ha was undertaken to accommodate subdivision works.

No western ringtail possums or other fauna were encountered during the clearing activities. No fauna were injured or required the attention of a veterinarian or carer as a result of clearing. A *Fauna Report Form* has also been submitted to the Department of Biodiversity Conservation and Attractions.

If you have any enquiries regarding these results, please contact me on 0437 700 917.

Yours sincerely,

Shane Priddle,

A handwritten signature in black ink, appearing to read 'Shane Priddle'.

Principal Consultant  
SW Environmental  
M +61 (0)437 700 917  
[shane@swenvironmental.com.au](mailto:shane@swenvironmental.com.au)

**ATTACHMENTS**

**Attachment 1 Background, methods and results**

**Attachment 2 Approximate works location**

# ATTACHMENT 1

## **Background**

A fauna preclearance survey was carried out to manage clearing of approximately 0.08 ha to accommodate ancillary services for Stage 2 of the Willow Grove subdivision, Yalyalup, within the City of Busselton, off Blum Boulevard. The majority of the clearing had been undertaken in 2023, with only minor selective clearing required.

The vegetation to be cleared consisted predominantly of small to medium sized Peppermint (*Agonis flexuosa*) with some Candlestick banksia (*Banksia attenuata*), Jarrah (*Eucalyptus marginata*), Marri (*Corymbia calophylla*), and Tuart (*Eucalyptus gomphocephala*) trees. The clearing area is shown in Attachment 2. The trees were considered to provide potential habitat for threatened Western Ringtail Possum (WRP) (*Pseudocheirus occidentalis*). Common Brushtail Possum (CBP) (*Trichosurus vulpecula*), although not threatened, were managed similarly to WRP, and considered target species.

The civil works contractor, Leeuwin Civil requested SW Environmental provide authorised fauna spotter services to manage risk to fauna, particularly to WRPs to meet the subdivision approval conditions and associated Environmental Management Plan requirements.

## **Methods and results**

Gregory Overton undertook the fauna preclearance survey on 26<sup>th</sup> February 2024 under SW Environmental's Regulation 28 Fauna Taking (Relocation) License (FR28000016) of the WA *Biodiversity Conservation Regulations 2018* and Section 40 (TFA 2020-0013) of the WA *Biodiversity Conservation Act 2016*.

A 'toolbox talk' was carried out prior to clearing to communicate expectations and requirements in relation to fauna management. Specifically, this included a brief discussion on

- The purpose of the fauna spotter, proposed scope along with contact details,
- The location of habitat features (dreys/hollows) at the site,
- The need to avoid habitat features where they occur,
- The requirement to stop work and contact the fauna specialist should they be spotted, and
- The need to maintain close communication during clearing.

Prior to clearing, trees were inspected for habitat features (hollows and dreys) from the ground by the fauna spotter and flagged with day glow survey tape. The civil works contractor used an excavator to remove the trees, which were stockpiled onsite and to burnt / chipped later.

No western ringtail possums or other fauna were encountered during the clearing activities. No fauna were injured or required the attention of a veterinarian or carer as a result of clearing. Confidence was high that no fauna or habitat features were missed or that any fauna was accidentally injured during the clearing.

## ATTACHMENT 2



## FAUNA PRECLEARANCE RESULTS

STAGE 2 WILLOW GROVE, YALYALUP

— Road

■ Approximate clearing (26/02/2024)

■ Cleared November 2023

A3 @ 1:2000

0 5 10 20 m

GRID: GDA zone 50

N



1 December 2023

David Evans  
Chief Operating Officer  
Leeuwin Civil  
[david.evans@leeuwincivil.com.au](mailto:david.evans@leeuwincivil.com.au)

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DBCA Wildlife Officer (SW) [WildlifeOfficerSW@dbca.wa.gov.au](mailto:WildlifeOfficerSW@dbca.wa.gov.au)

Dear Mr Evans

**RE: (SW473) Willow Grove Stage 2, Yalyalup: Fauna preclearance results**

I am pleased to provide you with the results of the fauna preclearance survey carried out over 10 days between 6-17<sup>th</sup> November 2023 at the location above.

Four Western Ringtail Possums and six Common Brushtail Possums (target fauna) were encountered during the clearing activities. All were left in situ, and either moved on overnight or had the dens retained, apart from two Common Brushtail Possums within the same hollow that were moved with the hollow, to just outside of the clearing footprint. No target fauna were injured or required the attention of a veterinarian or carer as a result of clearing. A *Fauna Report Form* has also been submitted to the Department of Biodiversity Conservation and Attractions.

If you have any enquiries regarding these results, please contact me on 0437 700 917.

Yours sincerely,

Shane Priddle,

A handwritten signature in black ink, appearing to read 'Shane Priddle'.

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**ATTACHMENTS**

**Attachment 1 Background, methods and results**

**Attachment 2 Approximate works location**

# ATTACHMENT 1

## Background

A fauna preclearance survey was carried out to manage clearing for bushfire asset protection, house sites, a road and ancillary services for Stage 2 of the Willow Grove subdivision, Yalyalup, within the City of Busselton. The survey area is located off Blum Boulevarde.

The vegetation to be cleared consisted predominantly of small to medium sized Peppermint (*Agonis flexuosa*) with some Candlestick banksia (*Banksia attenuata*), Jarrah (*Eucalyptus marginata*), Marri (*Corymbia calophylla*), and Tuart (*Eucalyptus gomphocephala*) trees. The clearing area is shown in Attachment 2. The trees were considered to provide potential habitat for threatened Western Ringtail Possum (WRP) (*Pseudocheirus occidentalis*). Common Brushtail Possum (CBP) (*Trichosurus vulpecula*), although not threatened, were managed similarly to WRP, and considered target species.

The civil works contractor, Leeuwin Civil requested SW Environmental provide authorised fauna spotter services to manage risk to fauna, particularly to WRPs to meet the subdivision approval conditions and associated Environmental Management Plan requirements.

## Methods and results

Shane Priddle led the fauna preclearance survey on 6-10<sup>th</sup> and 13-17<sup>th</sup> November 2023 under SW Environmental's Regulation 28 Fauna Taking (Relocation) License (FR28000016) of the WA *Biodiversity Conservation Regulations 2018* and Section 40 (TFA 2020-0013) of the WA *Biodiversity Conservation Act 2016*.

A 'toolbox talk' was carried out prior to clearing to communicate expectations and requirements in relation to fauna management. Specifically, this included a brief discussion on

- The purpose of the fauna spotter, proposed scope along with contact details,
- The location of habitat features (dreys/hollows) at the site,
- The need to avoid habitat features where they occur,
- The requirement to stop work and contact the fauna specialist should they be spotted, and
- The need to maintain close communication during clearing.

Prior to clearing, trees were inspected for habitat features (hollows and dreys) from the ground by the fauna spotter and flagged with day glow orange survey tape. The civil works contractor used an excavator to remove the trees, which were stockpiled onsite and to burnt / chipped later.

Four WRPs were observed during the clearing activities. All WRP were left in situ overnight, in dens (drey / hollows) that were able to be retained, or found to have moved on prior to clearing. Six CBP were also observed during the clearing activities, four of which were left in situ overnight in hollows that were able to be retained, or found to have moved on prior to clearing. Two CBP within the same hollow were moved, with the hollow, to outside of the clearing area. No target fauna were injured or required the attention of a veterinarian or carer as a result of clearing. Confidence was high that no fauna or habitat features were missed or that any fauna was accidentally injured during the clearing. Results are shown in Table 1 and Attachment 2.

**Table 1 Fauna preclearance survey results from Willow Grove Stage 2, Yalyalup**

Easting (GDA94)	Northing	Date	Name	Common name	Count	Fate
349625	6273475	6/11/2023	<i>Pseudocheirus occidentalis</i>	Western Ringtail Possum	1	Observation, left in situ overnight
349535	6273494	6/11/2023	<i>Pseudocheirus occidentalis</i>	Western Ringtail Possum	1	Observation, left in situ overnight

<b>Easting (GDA94)</b>	<b>Northing</b>	<b>Date</b>	<b>Name</b>	<b>Common name</b>	<b>Count</b>	<b>Fate</b>
349458	6273710	9/11/2023	<i>Trichosurus vulpecula</i>	Common Brushtail Possum	2	Released adjacent to capture site E349613 S6273510
349618	6273447	10/11/2023	<i>Trichosurus vulpecula</i>	Common Brushtail Possum	1	Observation, left in situ overnight
349648	6273490	13/11/2023	<i>Trichosurus vulpecula</i>	Common Brushtail Possum	1	Observation, left in situ overnight
349690	6273554	13/11/2023	<i>Trichosurus vulpecula</i>	Common Brushtail Possum	1	Observation, left in situ overnight
349695	6273539	13/11/2023	<i>Trichosurus vulpecula</i>	Common Brushtail Possum	1	Observation, left in situ overnight
349401	6273679	15/11/2023	<i>Pseudocheirus occidentalis</i>	Western Ringtail Possum	1	Observation, left in situ overnight
349346	6273714	15/11/2023	<i>Pseudocheirus occidentalis</i>	Western Ringtail Possum	1	Observation, left in situ overnight
349581	6723436	16/11/2023	<i>Tiliqua rugosa rugosa</i>	Bobtail	1	Released adjacent to capture site E349729 S6273539

## ATTACHMENT 2



## FAUNA PRECLEARANCE RESULTS

STAGE 2 WILLOW GROVE, YALYALUP

- Common brushtail possum observed
- Western ringtail possum observed
- Road
- Approximate clearing location (includes parkland cleared areas)

