



ecosystem  
solutions

PO Box 685  
DUNSBOROUGH WA 6281

Ph: +61 8 9759 1960

Fax: +61 8 9759 1920

Mobile: 0427 591 960

[info@ecosystemsolutions.com.au](mailto:info@ecosystemsolutions.com.au)

[www.ecosystemsolutions.com.au](http://www.ecosystemsolutions.com.au)

# 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 vasse hwy, yalyalup wrp review\reports\review emp st 2 & 3 willow grove lot 501 vasse highway yalyallup ver2.docx

# Contents

1	Introduction	4
2	Approach	5
3	Review	7
4	Conclusion	13
5	References	14

# List of Tables

Table 1	Condition 2 EPBC requirements and comments	7
Table 2	Condition 3 requirements and comments	11

# 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 (*Pseudocheirus occidentale*)

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)	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>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”. 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.</b></p> <p>The clearing protocol that the qualified expert will be present on-site mentions <b>“In addition, they will supervise any animal handling and the rescue of injured animals should this be required.”. 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.</b></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 remanent 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 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>Pseudocheirus 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.	
--	---	--

## 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





## 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

Person to whom the approval is granted (approval holder)	Ms Dorothy Blum
ACN or ABN of approval holder	N/A – proponent is an individual
Action	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.

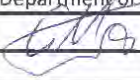
#### Controlling Provisions

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve

#### Period for which the approval has effect

This approval has effect until 1 October 2049

#### Decision-maker

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

#### Conditions of approval:

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

---

## ANNEXURE A – CONDITIONS OF APPROVAL

---

### Part A – Conditions specific to the action

---

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.

---

## **Part B – Standard administrative conditions**

---

### **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**.

---

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

---

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 *Pseudocheirus 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

