Department of the Environment and Energy
Compliance Monitoring Team
Office of Compliance
GPO Box 787, Canberra ACT 2601

Attention: Mr. Keith Horwood

1 May 2018

Dear Keith,

RE: EPBC 2006/2834 – Capecare, urban and commercial development, Aged Care – Naturaliste Terrace, Dunsborough, WA – Annual Compliance Report

On behalf of my client, Ray Village Aged Services Inc. t/a Capecare the proponent for the abovementioned action, please find attached a pdf copy of version 1 of the following report:

> **EPBC 2006/2834 ANNUAL COMPLIANCE REPORT (25 FEBRUARY 2017 – 24 FEBRUARY 2018) CAPECARE, URBAN AND COMMERCIAL NEW DEVELOPMENT, AGED CARE – NATURALISTE TERRACE, DUNSBOROUGH, W.A.**

The report has been prepared to fulfil the requirements of Condition 8 of the approval for EPBC 2006/2834.

Please do not hesitate to contact me should you have any queries regarding the plan.

Yours sincerely

BERNADETTE VAN DER WIELE
Director

CC: Mr Stephen Carmody (Chief Executive Officer, Capecare)
Mr Dominic Trombetta (General Manager – Operations, Capecare)

EPBC 2006/2834 ANNUAL COMPLIANCE REPORT (25 FEBRUARY 2017 – 24 FEBRUARY 2018)

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

RAY VILLAGE AGED SERVICES INCORPORATED trading as CAPECARE
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Document Title:	**EPBC 2006/2834 ANNUAL COMPLIANCE REPORT (25 FEBRUARY 2017 – 24 FEBRUARY 2018) CAPECARE, URBAN AND COMMERCIAL NEW DEVELOPMENT, AGED CARE – NATURALISTE TERRACE, DUNSBOROUGH, W.A.**		
File Name/Version No:	**Issue Date:**	**Changes:**	**Status:**
RVA292_63_draft	31/03/2018	New document	Issued to Client for review and comment
RVA292_63_V1	30/04/2018	Minor amendments	Issued to Department of the Environment and Energy for review and comment

STATEMENT OF LIMITATIONS:

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

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

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

Report for Benefit of Client
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Planning Institute Australia

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Declaration of Accuracy

I declare that:

1. To the best of my knowledge, all the information contained in, or accompanying this Annual Compliance Report is complete, current and correct.

2. I am duly authorised to sign this declaration on behalf of the approval holder.

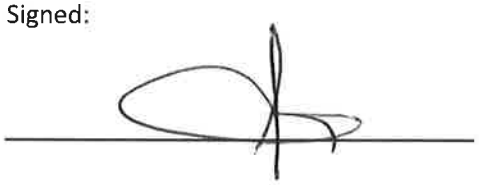
3. I am aware that:

   a. Section 490 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) makes it an offence for an approval holder to provide information in response to an approval condition where the person is reckless as to whether the information is false or misleading.

   b. Section 491 of the EPBC Act makes it an offence for a person to provide information or documents to specified persons who are known by the person to be performing a duty or carrying out a function under the EPBC Act or the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth) where the person knows the information or document is false or misleading.

   c. The above offences are punishable on conviction by imprisonment, a fine or both.

Signed:



Full name:	STEPHEN FREDERIC ' BUSSELL CARMODY
Position:	CHIEF EXECUTIVE OFFICER
Organisation:	RAY VILLAGE AGED SERVICES INCORPORATED TRADING AS CAPECARE
ABN:	77 630 179 279
Date:	30 MARCH 2018

EXECUTIVE SUMMARY

Ray Village Aged Services Incorporated trading as Capecare (Capecare) is preparing to develop a 1.28 ha portion of Armstrong Reserve, Naturaliste Terrace, Dunsborough (the development footprint), for the purpose of constructing and operating an aged care facility. The development is to be known as *Armstrong Village*.

The aged care facility will consist of the following operational elements:

- An 80-bed residential care facility to cater for people with high physical needs in a dementia-enabling environment;
- Approximately 40 independent living apartments;
- Administration offices and community facilities (including meeting rooms for the CWA);
- Internal road network; and
- Road access between the proposed development area and Naturaliste Terrace and Armstrong Place.

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

This annual compliance report covers the reporting period 25 February 2017 – 24 February 2018 during which time *EndPlan Environmental* conducted an audit of the pre-construction activities undertaken by Capecare to determine their compliance with the EPBC 2006/2834 Approval Conditions.

Prepared in accordance with the document *Annual Compliance Report Guidelines* (Commonwealth of Australia, 2014), the audit included a desktop review of correspondence from the Department of the Environment and Energy (the Department), the Office of the Environmental Protection Authority (OEPA), Department of Biodiversity, Conservation and Attractions (DBCA) formerly the Department of Parks and Wildlife (DPaW), the Department of Lands (DoL) and the City of Busselton (the City), and informal interviews with Capecare's representatives and consultants.

Table 2 comprises the EPBC 2006/2834 Conditions Audit Table and has been updated to clearly identify the compliance status of implementation of approval conditions during the current reporting period.

One non-compliance was determined to have occurred during the reporting period 25 February 2017 – 24 February 2018. This non-compliance relates to **condition 12** which requires that the Rehabilitation Offset Management Plan (ROMP) be published on Capecare's website within one month of being approved. The ROMP was approved for implementation by the Department on the 16 December 2017 and Capecare advised that the ROMP was published on the website on the 23 January 2018. *EndPlan Environmental* has verified that the information provided by Capecare was accurate through accessing the website[1] on the 23 January 2018. This non-compliance is considered to be minor in nature.

[1] **Access to the relevant Capecare webpage can be accessed online through: http://capecare.com.au/independent-living/new-dunsborough-aged-care-village/**

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

TABLE OF CONTENTS

EXECUTIVE SUMMARY.....III

1. DESCRIPTION OF ACTIVITIES.....1

1.2 Project Location.....1
1.2 Project Background.....1
1.3 Environmental Approval to Implement the Project.....2
1.4 Purpose and Scope of the Report.....3

2. APPROVAL CONDITIONS COMPLIANCE.....4

2.1 Audit Status Designations.....4
2.2 Audit Table.....4
2.3 Non-compliances.....4

3. REFERENCES..... 13

FIGURES
PLATES
APPENDICES

LIST OF FIGURES

Figure 1 Regional Location
Figure 2 Existing Environment with Cadastre (2015)
Figure 3 Existing Environment with Cadastre (2018)
Figure 4 Approved Development Footprint
Figure 5 Regional Location of Offset Site
Figure 6 Existing Environment with Cadastre at Offset Site

LIST OF PLATES

Plate 1 SE corner of Armstrong Reserve looking towards the Reserve
Plate 2 SE corner of Armstrong Reserve looking NE down Gifford Road
Plate 3 NE corner of Armstrong Reserve looking towards the Reserve
Plate 4 NE corner of Armstrong Reserve looking SE down Gifford Road
Plate 5 Dieback marker at the Gifford Road entrance to the walk trail
Plate 6 Dieback signage at the Gifford Road entrance to the Reserve
Plate 7 Native vegetation at the centre of the walk trail
Plate 8 Entrance to the walk trail at Naturaliste Terrace
Plate 9 NW corner of Armstrong Reserve looking towards town centre
Plate 10 NW corner of Armstrong Reserve looking into the Reserve
Plate 11 NW corner of Armstrong Reserve looking towards Newberry Road
Plate 12 Looking into the Reserve from midway along Naturaliste Terrace
Plate 13 Housing development along the Reserve boundary
Plate 14 SW corner of Armstrong Reserve looking into the walk trail
Plate 15 Old Shire Depot entrance off of Naturaliste Terrace
Plate 16 Soil and gravel mounds at the front of the Old Shire Depot
Plate 17 Old fire truck shed
Plate 18 Loading station in Old Shire Depot
Plate 19 Storage yard in Old Shire Depot
Plate 20 Gravel heap in Old Shire Depot
Plate 21 *Armstrong Park* Sign corner of Naturaliste Terrace and Marri Drive
Plate 22 CWA building off of Naturaliste Terrace
Plate 23 Armstrong Place *cul de sac*
Plate 24 Gifford Road end of Armstrong Place with adjacent residential housing

LIST OF APPENDICES

Appendix 1 Certificate of Title Lot 600 Naturaliste Terrace, Dunsborough
Appendix 2 City of Busselton LPS21 Amendment 1 Correspondence
Appendix 3 Armstrong Reserve Cadastre
Appendix 4 EPBC 2006/2834 Decision on Approval (23 February 2013)
Appendix 5 Variation to Conditions Attached to Approval (18 October 2017)
Appendix 6 Request for Variation to Condition 11
Appendix 7 Department Approval of the Rehabilitation Offset Management Plan (16 December 2017)
Appendix 8 Variation to Conditions Attached to Approval (16 December 2017)
Appendix 9 Notification of Extension of Period of Effect of Approval

Appendix 10 Capecare correspondence re Website Publication of ROMP
Appendix 11 Rehabilitation Offset Management Plan
Appendix 12 Approval of Rehabilitation Offset Management Plan (6 December 2017)

1. DESCRIPTION OF ACTIVITIES

EPBC No.:	2006/2834
Project Name:	Capecare, Urban and Commercial New Development, Aged Care
Approval Holder:	Ray Village Aged Care Services Incorporated t/a Capecare
ABN:	77 630 179 279
Project Location:	Lot 600 on Deposited Plan 403383, Armstrong Place, Dunsborough, Western Australia
Contact:	Mr Stephen Carmody, Chief Executive Officer, Capecare
Reporting Period:	25 February 2017 – 24 February 2018
Report Preparation Date:	10 April 2018

1.2 Project Location

The development footprint, situated within the municipal boundary of the City of Busselton, is located approximately 500 m north of the business centre of the town of Dunsborough and is bounded by Armstrong Place to the south, Gifford Road to the east, Naturaliste Terrace to the west and the remaining vegetated portion of Armstrong Reserve (refer to **Figure 1**).

Previously comprising Lots 111, 115, 116, 117 Naturaliste Terrace and a 9994 m^2 portion of Lot 257 Naturaliste Terrace (refer to **Figure 2**), in accordance with the Western Australian *Town Planning and Development Act 2005*, rezoning of the development footprint has resulted in the amalgamation of the Lots into a single Certificate of Title - Lot 600 on Deposited Plan 403383 Armstrong Place, Dunsborough (refer to **Appendix 1**).

Lot 600 is now the legal responsibility of Capecare and will be retained as one Title in perpetuity and is zoned 'Special Purpose – Aged Person Housing' under the City of Busselton's Local Planning Scheme No. 21 (refer to **Appendix 2**). The remainder of Armstrong Reserve has subsequently been gazetted into three separate lots with City of Busselton retaining vesting of Reserve 25339 (Lots 3000 and 601) for the purpose of 'Landscape Protection' and Department of Water and Environmental Regulation (DEWR) retaining vesting of Reserve 40445 (Lot 258) for the purpose of 'Drainage' (refer to **Appendix 3**).

1.2 Project Background

Increasing demand for aged care services in the Dunsborough area resulted in Capecare identifying Armstrong Reserve as a possible location for the development of aged care facilities (http://capecare.com.au/independent-living/new-dunsborough-aged-care-village/).

The aged care facility (to be known as *Armstrong Park*) will consist of the following operational elements:

- An 80-bed residential care facility to cater for people with high physical needs in a dementia-enabling environment;

- Approximately 40 independent living apartments;
- Administration offices and community facilities (including meeting rooms for the CWA);
- Internal road network; and
- Road access between the proposed development footprint, Naturaliste Terrace and Armstrong Place.

On-site and off-site rehabilitation will be undertaken in order to offset the environmental impacts of the development on the Western Ringtail Possum (*Pseudocheirus occidentalis*). On-site bushland within the remainder of Armstrong Reserve will be retained as Public Open Space (POS) and rehabilitation will be guided by an Environmental Management Plan (EndPlan Environmental, 2015) prepared in consultation with the City of Busselton and the former Department of Parks and Wildlife (now Department of Biodiversity Conservation and Attractions), and approved for implementation by the Environmental Protection Authority.

Offsite rehabilitation will take place at the Broadwater Nature Reserve on portions of Lots 117-119 Busselton Bypass in Vasse, where 1 ha of degraded former agricultural land will be rehabilitated as Western Ringtail Possum habitat.

1.3 Environmental Approval to Implement the Project

On the 30 May 2006, Capecare referred the action to the former Department of the Environment and Heritage for a decision as to whether or not an approval was required under Chapter 4 of the EPBC Act.

On the 28 June 2006, the proposal was deemed to be a 'Controlled Action' due to potential impacts on the *Pseudocheirus occidentalis* (Western Ringtail Possum) then listed as 'Vulnerable' under the EPBC Act and as 'Critically Endangered' under the Western Australian *Wildlife Conservation Act 1950*.

An Approval for the proposed action was issued to Capecare on the 25 February 2013. The Approval decision, which initially had effect until the 31 December 2021, related to the Controlling Provision being listed threatened species and communities (sections 18 and 18A) and was subject to 13 conditions (refer to **Appendix 4**).

Approval condition 5 requires Capecare to provide an environmental offset in lieu of the clearing of approximately 9,020 m^2 of Western Ringtail Possum habitat within the development footprint. Since the Approval was issued, Capecare has liaised with the Department of the Environment and Energy (the Department), the Western Australian Department of Biodiversity, Conservation and Attractions (DBCA) and the City of Busselton with respect to the requirements of condition 5. The approved offset site (refer to **Figures 5 and 6**) is vested in the DBCA, and specific revegetation requirements have been requested by the DBCA to be implemented. A variation to EPBC 2006/2834 was approved on the 18 October 2017, deleting conditions 4 – 9 attached to the Approval and substituting with conditions attached to the approval and adding new conditions 9A and 9B to the approval (refer to **Appendix 5**).

On the 7 November 2017, due to the difficulties and time taken to find an acceptable offset site, Capecare submitted a variation request relating to condition 11 (Substantive Commencement Timeframe) which was due to be invoked on the 23 February 2018 (refer to **Appendix 6**). A variation was approved on the 16 December 2017 (refer to **Appendix 7**) that included:

- approving the Rehabilitation Offset Management Plan (version 6) a requirement of condition 5 (refer to **Appendix 7**);
- extending the approved period to commencement (condition 11) to the 25 February 2019 (refer to **Appendix 8**); and
- extending the period of effect of approval until 25 February 2024 (refer to **Appendix 9**);

1.4 Purpose and Scope of the Report

The Annual Compliance Report (the Report) has been prepared for the purpose of meeting the requirements of condition 8 of the *Environment Protection and Biodiversity Conservation Act 1999* (the Act) Approval 2006/2834. The Approval enables Capecare to clear Western Ringtail Possum habitat from Lot 600 Naturaliste Terrace, Dunsborough, Western Australia.

The Report covers the reporting period 25 February 2017 – 24 February 2018 during which time *EndPlan Environmental* conducted an audit of the pre-construction activities undertaken by Capecare to determine their compliance with the EPBC 2006/2834 Approval conditions (refer to **Appendix 4**).

A compliance audit, undertaken between January and February 2018, involved a site inspection conducted on the 16 February 2018 and informal interviews with key members of the project team undertaken to support the audit.

Table 1 provides an overview of the personnel consulted as part of the audit.

TABLE 1: PERSONS CONSULTED DURING THE COMPLIANCE AUDIT

Name	Position	Organisation
Stephen Carmody	Chief Executive Officer	Capecare
John Reid	Deputy Chair	Capecare Board of Trustees
Stuart Sibbald	Capecare Client Representative	SJSibbald Consulting
Dr Darren Brearley	Rehabilitation Consultant	Onshore Environmental

The audit also included a desktop review of correspondence between Capecare and its consultants from State and Commonwealth agencies including:

- Department of the Environment and Energy (the Department);
- Office of the Environmental Protection Authority (OEPA);
- Department of Biodiversity, Conservation and Attractions (DBCA) formerly the Department of Parks and Wildlife (DPaW);
- Department of Lands (DoL); and
- City of Busselton (the City).

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

2. APPROVAL CONDITIONS COMPLIANCE

2.1 Audit Status Designations

The Report has adopted the action implementation status terminology taken from Section 3.7 of the *Annual Compliance Report Guidelines* (Commonwealth of Australia, 2014) that provides a list of 'designations' (terminology) and their related description that are to be used when assessing compliance with the approval condition (refer to **Table 2**).

TABLE 2: ACTION IMPLEMENTATION STATUS

STATUS	ACRONYM	DESCRIPTION
Compliant	**C**	All the requirements of a condition have been met, including the implementation of management plans or other measures required by condition.
Non-compliant	**NC**	The requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
Not applicable	**N/A**	The requirements of a management action fall outside of the scope of the current reporting period. For example a condition which applies to an activity that has not yet commenced.

2.2 Audit Table

The 'status' field of the audit table (refer to **Table 3** over the page) describes the implementation of actions and compliance with the relevant approval condition.

2.3 Non-compliances

One non-compliance was determined to have occurred during the reporting period 25 February 2017 – 24 February 2018. This non-compliance relates to **condition 12** which requires that the Rehabilitation Offset Management Plan (ROMP) be published on Capecare's website within one month of being approved. The ROMP was approved for implementation on the 16 December (refer to **Appendix 7**) and Capecare advised that the ROMP was published on the website on the 23 January 2018 (refer to **Appendix 10**). *EndPlan Environmental* has verified that the information provided by Capecare was accurate through accessing the website[2] on the 23 January 2018 (refer to **Appendix 10**). This non-compliance is considered to be minor in nature.

EndPlan Environmental considers that all other activities undertaken by Capecare in relation to the construction of an aged facility on the proposed development footprint located at Armstrong Reserve in Dunsborough, Western Australia, have complied with all other EPBC 2006/2834 Approval conditions (refer to **Appendix 4**).

[2] **Access to the relevant Capecare webpage can be gained through: http://capecare.com.au/independent-living/new-dunsborough-aged-care-village/**

TABLE 3: EPBC 2006/2834 CONDITIONS AUDIT TABLE

CONDITION No.	CONDITION	TIMING	EVIDENCE	COMMENT	COMPLIANCE STATUS
EPBC 1	The person taking the action must not **clear** more than 0.9020 ha of habitat for the vulnerable Western Ringtail Possum (*Pseudocheirus occidentalis*) within the **proposed development footprint** (as shown at Attachment A).	Surveying of the development footprint to be undertaken prior to clearing commencing. Ongoing. Audit checks during annual compliance reporting.	Refer to **Plates 1 -24**.	As all Western Australian statutory planning approvals have not yet been issued to Capecare, clearing of the proposed development footprint has not yet commenced.	**N/A**
EPBC 2	**Clearing** must not occur outside of the **proposed development footprint** (as shown on Attachment A).	Surveying of the development footprint to be undertaken prior to clearing commencing. Ongoing - check via annual compliance reporting.	Refer to **Plates 1 -24**.	As all Western Australian statutory planning approvals have not yet been issued to Capecare, clearing of the development footprint has not yet commenced.	**C**
EPBC 3	To mitigate potential impacts to the Western Ringtail Possum, the person taking the action must have an experienced zoologist with an approved Regulation 15 **WA DEC** fauna relocation licence on site, to spot for, handle and relocate Western Ringtail Possums from the **proposed development**	During vegetation clearing.	Not applicable.	As all Western Australian regulatory planning approvals have not yet been issued to Capecare, clearing of the development footprint has not yet commenced.	**N/A**

CONDITION No.	CONDITION	TIMING	EVIDENCE	COMMENT	COMPLIANCE STATUS
	footprint to undisturbed vegetation within **Armstrong Reserve**, during **clearance** of vegetation.				
EPBC 4	The person taking the action must not commence **construction** until written evidence is provided to the **Department** that the remaining 2.83 ha of **Armstrong Reserve**, outside of the **proposed development footprint** (as shown at Attachment A), is designated a reserve for the purpose of 'Landscape Protection' under the WA Land Administration Act, 1997.	Prior to commencement of construction.	**Appendix 1**: Certificate of Title Lot 600 Armstrong Place **Appendix 5:** Variation to Conditions Attached to Approval (18 October 2017) **Appendix 2 :** City of Busselton LPS21 Amendment 1 Correspondence	In August 2017, the City of Busselton advised that Lot 600 Naturaliste Terrace had been rezoned to "Special Purpose – Aged Persons Housing" as part of Amendment 1 to the Local Planning Scheme No 21, and that the remainder of Armstrong Reserve was consolidated into Lot 601 (now part of Reserve 25229) with the purpose of "Landscape Protection" under the management of the City of Busselton.	**C**
EPBC 5	To offset the residual impacts of the action on the Western Ringtail Possum, the person taking the action must prepare and submit a Rehabilitation Offset Management Plan (ROMP). The ROMP must be prepared in consultation with the **WA DBCA** and must:	During preparation of the ROMP.	**Appendix 11:** Rehabilitation Offset Management Plan **Appendix 7:** Department Approval of the Rehabilitation Offset Management Plan (16 December 2017) **Appendix 12:** DBCA Approval of the Rehabilitation Offset Management Plan (6 December	Version 4 of the ROMP was submitted to the DBCA and the Department on the 20 October 2017. Version 6 of the ROMP was approved for implementation by the DBCA on the 6 December and by the Department on the 16 December 2017.	**C**

CONDITION No.	CONDITION	TIMING	EVIDENCE	COMMENT	COMPLIANCE STATUS
			2017)		
EPBC 5a	Specify an offset site at least 1 ha in size within the area shown at Attachment B;	During preparation of the ROMP.	**Figure 4:** Regional Location of Offset Site **Figure 5:** Existing Environment with Cadastre at Offset Site	The approved ROMP includes the required details. Refer to EPBC 5.	**C**
EPBC 5b	Provide for the planting of at least 2,500 Peppermint trees (*Agonis flexuosa*) per hectare within the offset site;		**Appendix 11:** Rehabilitation Offset Management Plan	The approved ROMP includes the required details. Refer to EPBC 5.	**C**
EPBC 5c	Include a methodology for ensuring a survival rate of 80% of the 2,500 Peppermint trees is maintained per hectare 5 years after planting;				
EPBC 5d	Describe monitoring and contingency measures if the survival rate (item) is not met; and				
EPBC 5e	Contain measures to minimise human access, and impacts of herbivores, unplanned fire, weeds and Dieback (*Phytophthora cinnamomi*) within 3 years following commencement of rehabilitation works.				
	The ROMP must be submitted to the **Department** for approval by the **Minister**. Construction must not commencement until the ROMP is approved by the Minister. If the **Minister** approves the ROMP, the approved ROMP must be implemented.	Prior to commencement of construction.	**Appendix 7:** Approval of Rehabilitation Offset Management Plan	The approved ROMP includes the required details. Refer to EPBC 5.	**C**
EPBC 6	Within 10 business days after commencement of	Within 10 days	Not applicable.	As ground-disturbing activities	**N/A**

CONDITION No.	CONDITION	TIMING	EVIDENCE	COMMENT	COMPLIANCE STATUS
	the action, the person taking the action must advise the **Department** in writing of the actual date of commencement.	following commencement of construction.		within the development footprint have not yet been undertaken, commencement of the action has not yet occurred.	
EPBC 7	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of the approval, including measures taken to implement plans and strategies required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act. The results of audits may also be publicised through the general media.	Ongoing As required (Department decision).	This report and associated appendices.	Accurate records for all applicable conditions have been maintained and were available at the time of the audit and following the audit (refer to other items in this Table and Appendices).	**C**
EPBC 8	Within three (3) months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the ROMP as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published. Compliance reports must remain	Within three (3) months of every 12 month anniversary of commencement of the action.	Not applicable.	As ground-disturbing activities have not yet been conducted, commencement of the action has not yet occurred and hence the requirement to publish a report on the proponent's website (www.capecare.com.au) has not yet officially been required to be implemented.	**N/A**

CONDITION No.	CONDITION	TIMING	EVIDENCE	COMMENT	COMPLIANCE STATUS
	published, or until written approval by the **Minister** for removal of the report.				
EPBC 9	The person taking the action may choose to revise the ROMP approved by the **Minister** under condition 5 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan would not be likely to have a **new or increased impact**. If the person taking the action makes this choice they must notify the **Department** in writing that the approval plan has been revised and provide the **Department**, at least four weeks before implementing the revised plan, with: i. with an electronic copy of the revised plan; ii. an explanation of the differences between the revised plan and the approved plan; and iii. the reasons the person taking the action considers that the taking of the action in accordance with the revised plan would not be likely to have a **new or increased impact**.	As required.	Not applicable.	The approved ROMP was not revised during the compliance reporting period.	**N/A**
EPBC 9A	The person taking the action may revoke its choice under condition 9 at any time by giving written notice to the **Department**. If the person taking the action revokes the choice to implement the revised plan, without approval under section 143A of the EPBC Act, the plan approved by the **Minister** must be implemented.	As required.	Not applicable.	The approved ROMP was not revised during the compliance reporting period.	**N/A**
EPBC 9B	If the **Minister** gives a notice to the person taking	As required	Not applicable	The Minister did not request	**N/A**

CONDITION No.	CONDITION	TIMING	EVIDENCE	COMMENT	COMPLIANCE STATUS
	the action that the **Minister** is satisfied that the taking of the action in accordance with the revised plan would be likely to have a new or increased impact, then: i. condition 9 does not apply, or ceases to apply, in relation to the revised plan; and ii. the person taking the action must implement the plan approved by the **Minister**. To avoid any doubt, this condition does not affect any operation of conditions 9 and 9A in the period before the day the notice is given. At the time of giving the notice, the **Minister** may also notify that for a specified period of time condition 9 does not apply for the plan required under the approval. Conditions 9, 9A and 9B are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised plan to the **Minister** for approval.	(Minister's request).		revisions to the ROMP during the compliance reporting period.	
EPBC 10	If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species to do so, the **Minister** may request that the person taking the action make specified revisions to the ROMP specified in the conditions and submit the revised ROMP for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved ROMP must be implemented.	As required (Minister's request).	Not applicable	The Minister did not request revisions to the ROMP during the compliance reporting period.	**N/A**

CONDITION No.	CONDITION	TIMING	EVIDENCE	COMMENT	COMPLIANCE STATUS
	Unless the **Minister** has approved the revised ROMP, then the person taking the action must continue to implement the ROMP originally approved, as specified in the conditions.				
EPBC 11	If, at any time after 25 February 2019, the person taking the action has not commenced **construction** the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.	Prior to 25 February 2019	**Appendix 6:** Request for Extension to the approved period of substantive commencement timeframe **Appendix 8:** Variation to Conditions Attached to Approval (16 December 2017)	On the 7 November 2017, due to the difficulties and time taken to find an acceptable offset site, Capecare submitted a variation request relating to condition 11 (Substantive Commencement Timeframe) which was due to be invoked on the 23 February 2018. A variation was approved on the 16 December 2017.	**N/A**
EPBC 12	Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish the ROMP referred to in these conditions of approval on their website. The ROMP must be published on the website within 1 month of being approved.	Within 1 month of the ROMP being approved.	**Appendix 10:** Capecare correspondence re website publication of ROMP	The ROMP was approved for implementation on the 16 December 2017. The approved ROMP was published on the Capecare website on the 23 January 2018. Mr Stuart Sibbald (Capecare's Client Representative) advised that due to the resignation of the staff member who was previously responsible for	**NC**

CONDITION No.	CONDITION	TIMING	EVIDENCE	COMMENT	COMPLIANCE STATUS
				updating the webpage and the intervening Christmas/New Year holidays, the replacement staff member had not commenced working for Capecare by the 17 January 2018.	
EPBC 13	Upon the direction of the **Minister**, the person taking the action must ensure than an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.	As required (Minister's request).	No such request has occurred to date.	To date, the Minister has not directed an independent audit of compliance be undertaken.	**N/A**

Note: The definitions of bolded names/terminology are included in the EPBC 2006/2834 Variation to Conditions Attached to Approval (refer to **Appendix 8**).

3. REFERENCES

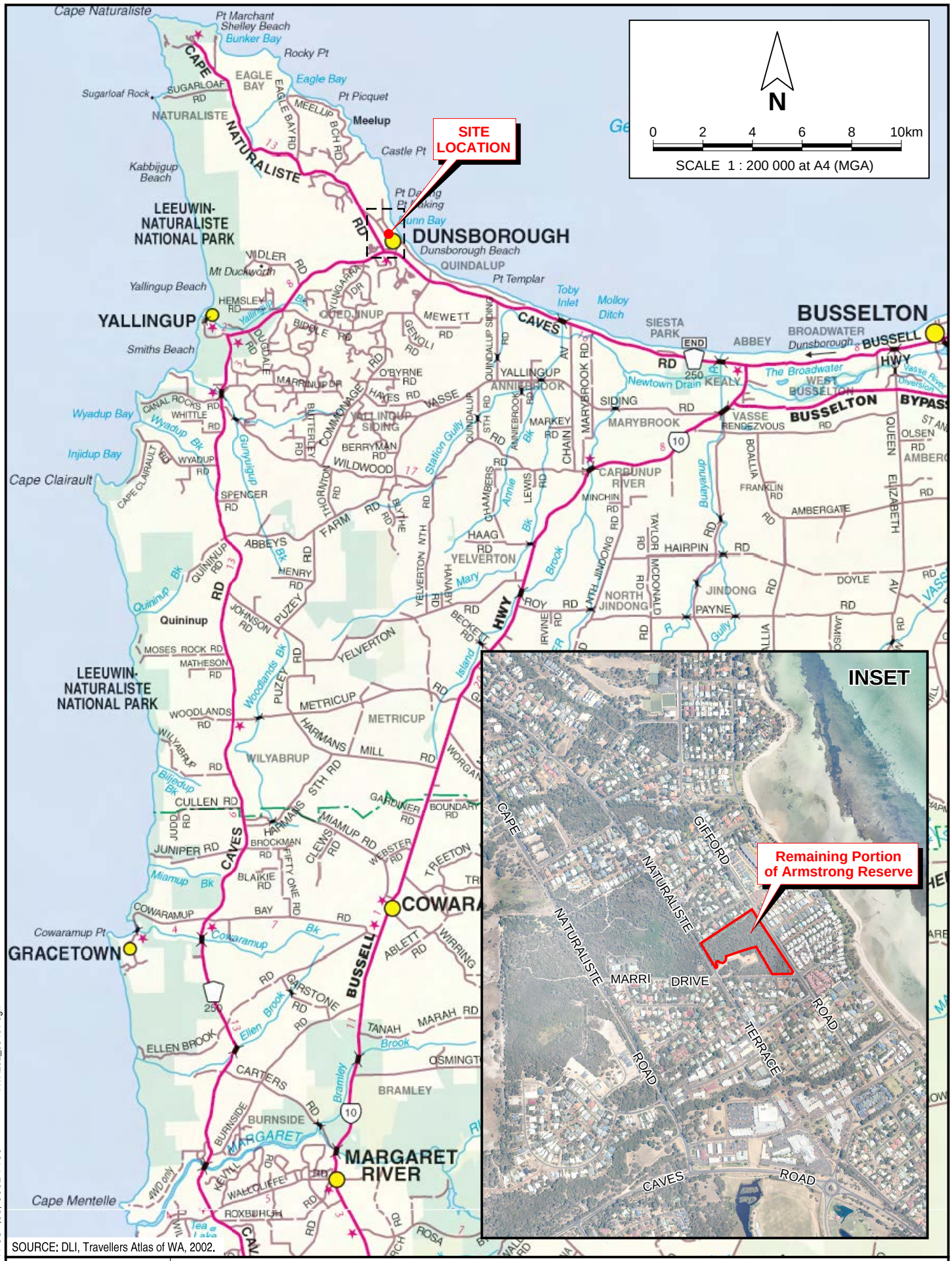
Commonwealth of Australia 2014, *Annual Compliance Report Guidelines.*

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

FIGURES

EPBC 2006/2834 ANNUAL COMPLIANCE REPORT
(25 FEBRUARY 2017 – 24 FEBRUARY 2018)

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



SOURCE: DLI, Travellers Atlas of WA, 2002.

PINPOINT CARTOGRAPHICS (08) 9562 7136 RVA292_63-f01.dgn

EndPlan Environmental

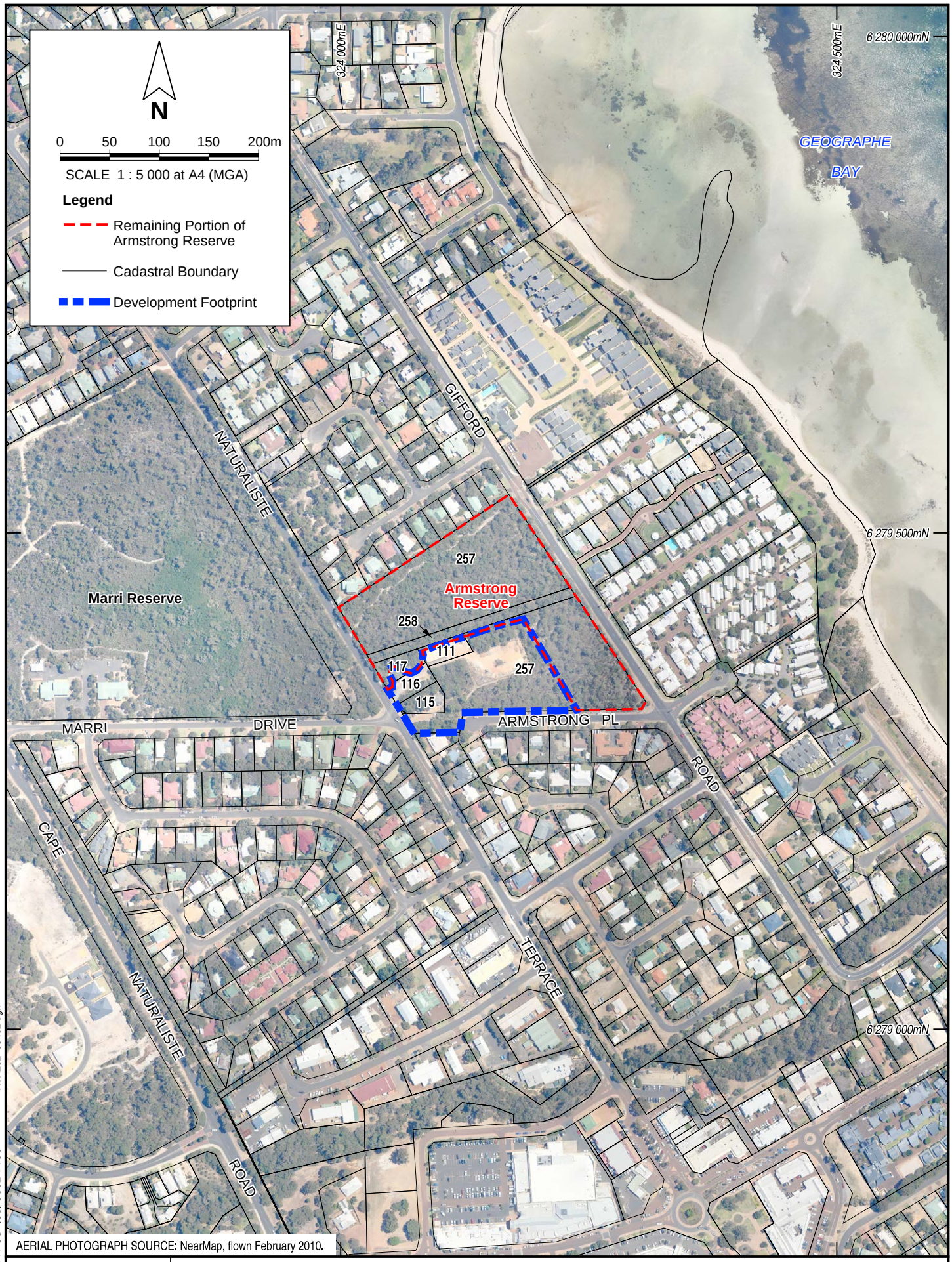
Ray Village Aged Care Services Inc t/a Capecare
EPBC 2006/2834 ANNUAL COMPLIANCE REPORT (25 FEBRUARY 2017 - 24 FEBRUARY 2018) - CAPECARE, URBAN AND COMMERCIAL NEW DEVELOPMENT, AGED CARE - NATURALISTE TERRACE, DUNSBOROUGH, W.A.

Date: 5 Apr 2018
Drawn: B. Van der Wiele

REGIONAL LOCATION

Figure 1

Report No. RVA292_63



AERIAL PHOTOGRAPH SOURCE: NearMap, flown February 2010.

PINPOINT CARTOGRAPHICS (08) 9562 7136 RVA292_63-f02.dgn

EndPlan Environmental

Ray Village Aged Care Services Inc t/a Capecare
EPBC 2006/2834 ANNUAL COMPLIANCE REPORT (25 FEBRUARY 2017 - 24 FEBRUARY 2018) - CAPECARE, URBAN AND COMMERCIAL NEW DEVELOPMENT, AGED CARE - NATURALISTE TERRACE, DUNSBOROUGH, W.A.

Date: 5 Apr 2018
Drawn: B. Van der Wiele

EXISTING ENVIRONMENT WITH CADASTRE (2015)

Figure 2

Report No. RVA292_63



CADASTRAL SOURCE: Landgate, March 2017.
AERIAL PHOTOGRAPH SOURCE: NearMap, flown November 2016.

PINPOINT CARTOGRAPHICS (08) 9562 7136 RVA292_63-f03.dgn

EndPlan Environmental

Ray Village Aged Care Services Inc t/a Capecare
EPBC 2006/2834 ANNUAL COMPLIANCE REPORT (25 FEBRUARY 2017 - 24 FEBRUARY 2018) - CAPECARE, URBAN AND COMMERCIAL NEW DEVELOPMENT, AGED CARE - NATURALISTE TERRACE, DUNSBOROUGH, W.A.

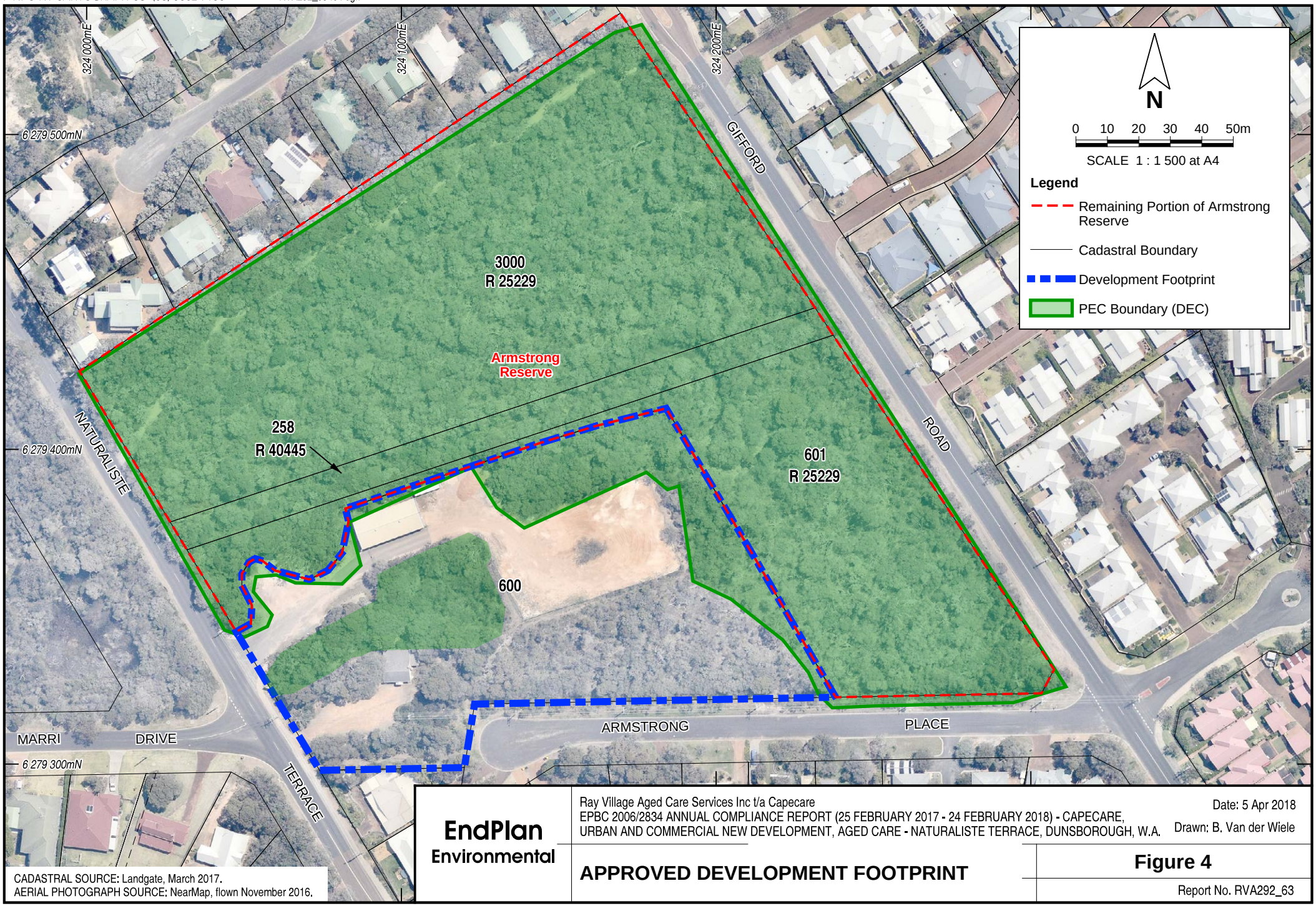
Date: 5 Apr 2018
Drawn: B. Van der Wiele

EXISTING ENVIRONMENT WITH CADASTRE (2017)

Figure 3

Report No. RVA292_63

PINPOINT CARTOGRAPHICS (08) 9562 7136 RVA292_63-f04.dgn



CADASTRAL SOURCE: Landgate, March 2017.
AERIAL PHOTOGRAPH SOURCE: NearMap, flown November 2016.

EndPlan Environmental

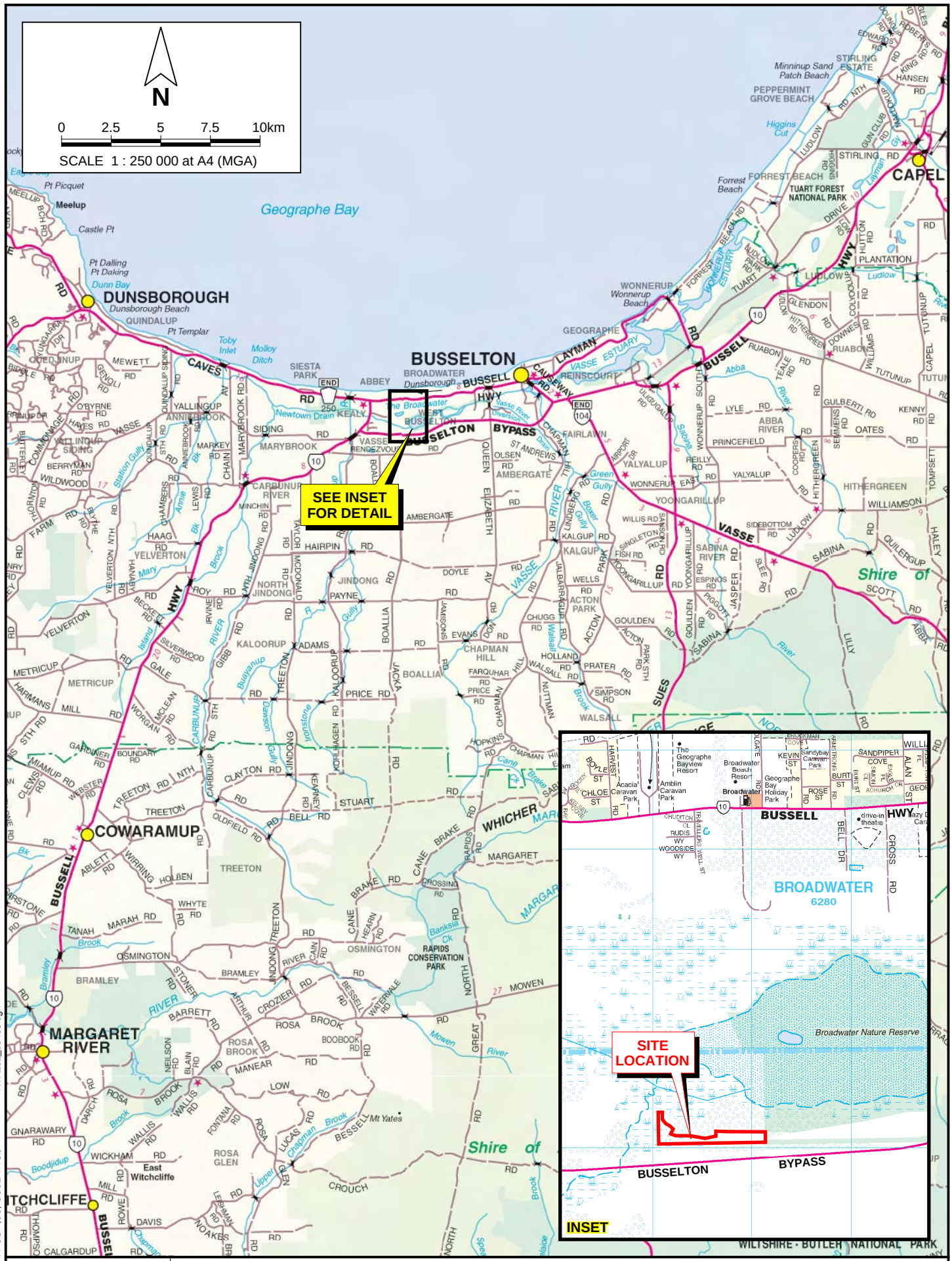
Ray Village Aged Care Services Inc t/a Capecare
EPBC 2006/2834 ANNUAL COMPLIANCE REPORT (25 FEBRUARY 2017 - 24 FEBRUARY 2018) - CAPECARE, URBAN AND COMMERCIAL NEW DEVELOPMENT, AGED CARE - NATURALISTE TERRACE, DUNSBOROUGH, W.A.

Date: 5 Apr 2018
Drawn: B. Van der Wiele

APPROVED DEVELOPMENT FOOTPRINT

Figure 4

Report No. RVA292_63



PINPOINT CARTOGRAPHICS (08) 9562 7136 RVA292_63-f05.dgn

EndPlan Environmental

Ray Village Aged Care Services Inc t/a Capecare
EPBC 2006/2834 ANNUAL COMPLIANCE REPORT (25 FEBRUARY 2017 - 24 FEBRUARY 2018) - CAPECARE, URBAN AND COMMERCIAL NEW DEVELOPMENT, AGED CARE - NATURALISTE TERRACE, DUNSBOROUGH, W.A.

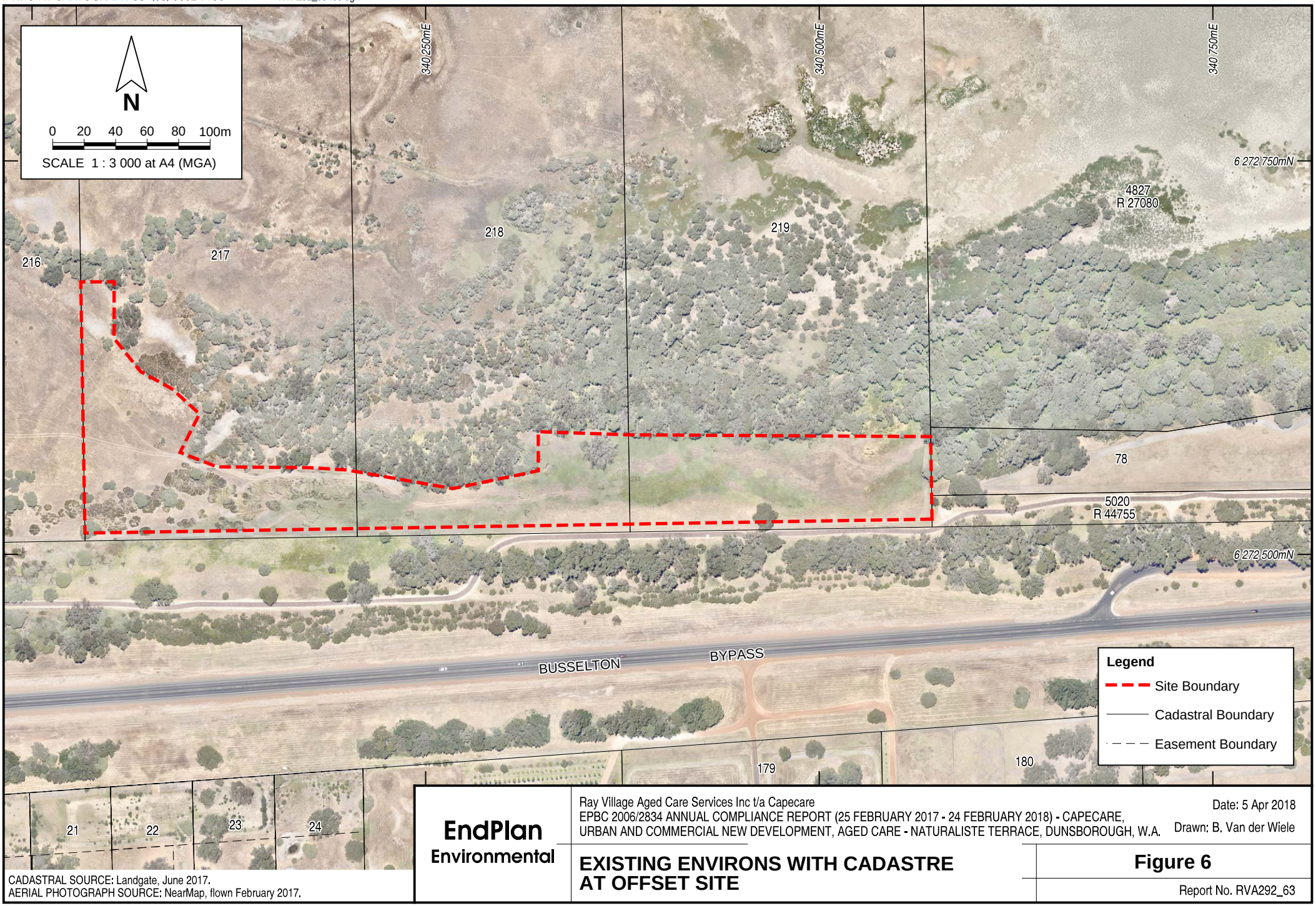
Date: 5 Apr 2018
Drawn: B. Van der Wiele

REGIONAL LOCATION OF OFFSET SITE

Figure 5

Report No. RVA292_63

PINPOINT CARTOGRAPHICS (08) 9562 7136 RVA292_63-f06.dgn



CADASTRAL SOURCE: Landgate, June 2017.
AERIAL PHOTOGRAPH SOURCE: NearMap, flown February 2017.

EndPlan Environmental

Ray Village Aged Care Services Inc t/a Capecare
EPBC 2006/2834 ANNUAL COMPLIANCE REPORT (25 FEBRUARY 2017 - 24 FEBRUARY 2018) - CAPECARE, URBAN AND COMMERCIAL NEW DEVELOPMENT, AGED CARE - NATURALISTE TERRACE, DUNSBOROUGH, W.A.

Date: 5 Apr 2018
Drawn: B. Van der Wiele

EXISTING ENVIRONS WITH CADASTRE AT OFFSET SITE

Figure 6

Report No. RVA292_63

PLATES

EPBC 2006/2834 ANNUAL COMPLIANCE REPORT
(25 FEBRUARY 2017 – 24 FEBRUARY 2018)

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



Plate 1: SE corner of Armstrong Reserve looking towards the Reserve



Plate 2: SE corner of Armstrong Reserve looking NE down Gifford Road



Plate 3: NE corner of Armstrong Reserve looking towards the Reserve



Plate 4: NE corner of Armstrong Reserve looking SE down Gifford Road



Plate 5: Dieback marker at the Gifford Road entrance to the walk trail



Plate 6: Dieback signage at the Gifford Road entrance to the Reserve



Plate 7: Vegetation at the centre of the walk trail



Plate 8: Entrance to the walk trail at Naturaliste Terrace



Plate 9: NW corner of Armstrong Reserve looking towards town centre



Plate 10: NW corner of Armstrong Reserve looking into the Reserve



Plate 11: NW corner of Armstrong Reserve looking towards Newberry Road



Plate 12: Looking into the Reserve from midway along Naturaliste Terrace



Plate 13: Housing development along the Reserve boundary



Plate 14: SW corner of Armstrong Reserve looking into the walk trail



Plate 15: Old Shire Depot entrance off of Naturaliste Terrace



Plate 16: Soil and gravel mounds at the front of the Old Shire Depot



Plate 17: Old fire truck storage shed



Plate 18: Loading station in Old Shire Depot



Plate 19: Storage yard in Old Shire Depot



Plate 20: Gravel heap in Old Shire Depot



Plate 21: *Armstrong Park* Sign corner of Naturaliste Terrace and Marri Drive



Plate 22: CWA building off of Naturaliste Terrace



Plate 23: Armstrong Place *cul de sac*



Plate 24: Gifford Road end of Armstrong Place with adjacent residential housing

APPENDICES

EPBC 2006/2834 ANNUAL COMPLIANCE REPORT (25 FEBRUARY 2017 – 24 FEBRUARY 2018)

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

APPENDIX 1

CERTIFICATE OF TITLE LOT 600 NATURALISTE TERRACE, DUNSBOROUGH
(Source: Department of Lands, 2015)

999L
RAY VILLAGE AGED SERVICES INC
Exam - Post
M924358

WESTERN AUSTRALIA

REGISTER NUMBER	
600/DP403383	
DUPLICATE EDITION	DATE DUPLICATE ISSUED
1	**8/4/2015**

DUPLICATE CERTIFICATE OF TITLE

VOLUME **2862** FOLIO **254**

UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

REGISTRAR OF TITLES

REGISTRAR OF TITLES WESTERN AUSTRALIA

LAND DESCRIPTION:

LOT 600 ON DEPOSITED PLAN 403383

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

RAY VILLAGE AGED SERVICES INC OF 20 RAY AVENUE, BUSSELTON
(TF M924358) REGISTERED 26 FEBRUARY 2015

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. M924358 CONDITIONAL TENURE LAND. LAND SUBJECT TO CONDITIONS PURSUANT TO S75 LAA. MINISTER'S CONSENT REQUIRED TO TRANSFER OR ENCUMBER LAND. SEE INSTRUMENT M924358 REGISTERED 26.2.2015.

Warning: A current search of the certificate of title held in electronic form should be obtained before dealing on this land. Lot as described in the land description may be a lot or location.

----------END OF DUPLICATE CERTIFICATE OF TITLE----------

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:	DP403383.
PREVIOUS TITLE:	LR3140-192, LR3164-892, LR3140-193, LR3140-194.
PROPERTY STREET ADDRESS:	NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AREA:	CITY OF BUSSELTON.



APPENDIX 2

CITY OF BUSSELTON LPS21 AMENDMENT 1 CORRESPONDENCE
(Source: City of Busselton, 2017)

From:	Helen Foulds
To:	Bernadette Van der Wiele
Cc:	Will Oldfield; "Dominic Trombetta"; Krystal Laurentsch
Subject:	RE: Armstrong Reserve - Capecare EPBC Approval
Date:	Tuesday, 28 February 2017 11:14:02 AM
Attachments:	FW EPBC2006 2834 Condition 4 - rezoning query.pdf

Good morning Bernadette,

Amendment No. 1 to LPS21 unfortunately has not been approved by the Minister as yet. Given the State government has gone into caretaker mode for the upcoming elections, I am advised that the Minister will not be endorsing the Amendment until after the elections. It is difficult for us to gauge how soon after elections this could take place as a new Minister will take time to fit into the role.

When it is finally approved and gazetted, we will be able to provide you with a copy of the gazette notice. Please feel free to contact me, perhaps in April, for a further update.

Kind regards,

Helen Foulds
Senior Strategic Planner
p: (08) 9781 0472
helen.foulds@busselton.wa.gov.au

City of Busselton
Locked Bag 1 - 2 Southern Drive, Busselton WA 6280
p: (08) 9781 0444 f: (08) 9752 4958
www.busselton.wa.gov.au

"Events Capital WA"

From: Bernadette Van der Wiele [mailto:bernadette@endplanenvironmental.com.au]
Sent: Sunday, 26 February 2017 12:06 PM
To: Helen Foulds
Cc: Will Oldfield; 'Dominic Trombetta'; Krystal Laurentsch
Subject: Armstrong Reserve - Capecare EPBC Approval

Hello Helen

RE: EPBC 2006/2834- Armstrong Reserve Dunsborough (Approval Holder: Capecare)

I refer to your email correspondence to Will (see attached) regarding the status of Lots 600 and 601 Naturaliste Terrace.

I am currently preparing an EPBC Compliance Audit of EPBC2006/2834 approval conditions on behalf of Capecare and to be submitted to the Department of the Environment and Energy (Canberra). To assist me can you please advise whether LSP21 has been endorsed by the WAPC/Minister, and if it has been, do you have any paperwork that you can provide me with so that I can include it as documentary 'evidence' in the EPBC Compliance Audit?
Many thanks
Kind regards
Bernadette Van der Wiele
Director

EndPlan Environmental
PO Box 138 NORTH FREMANTLE WA 6159
M: 0447 366 460
Environmental Excellence Award Winner





Wiske Pty Ltd as Trustee for Esk Family Trust trading as "EndPlan Environmental" ABN: 23 684 573 524

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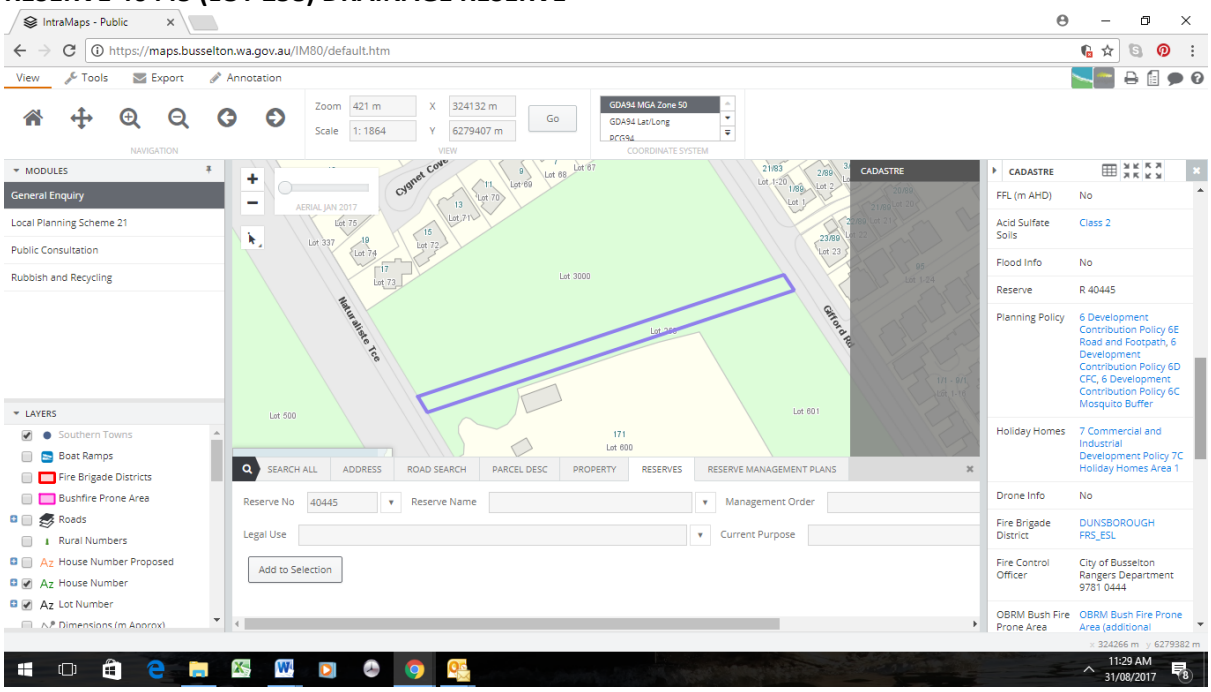
APPENDIX 3

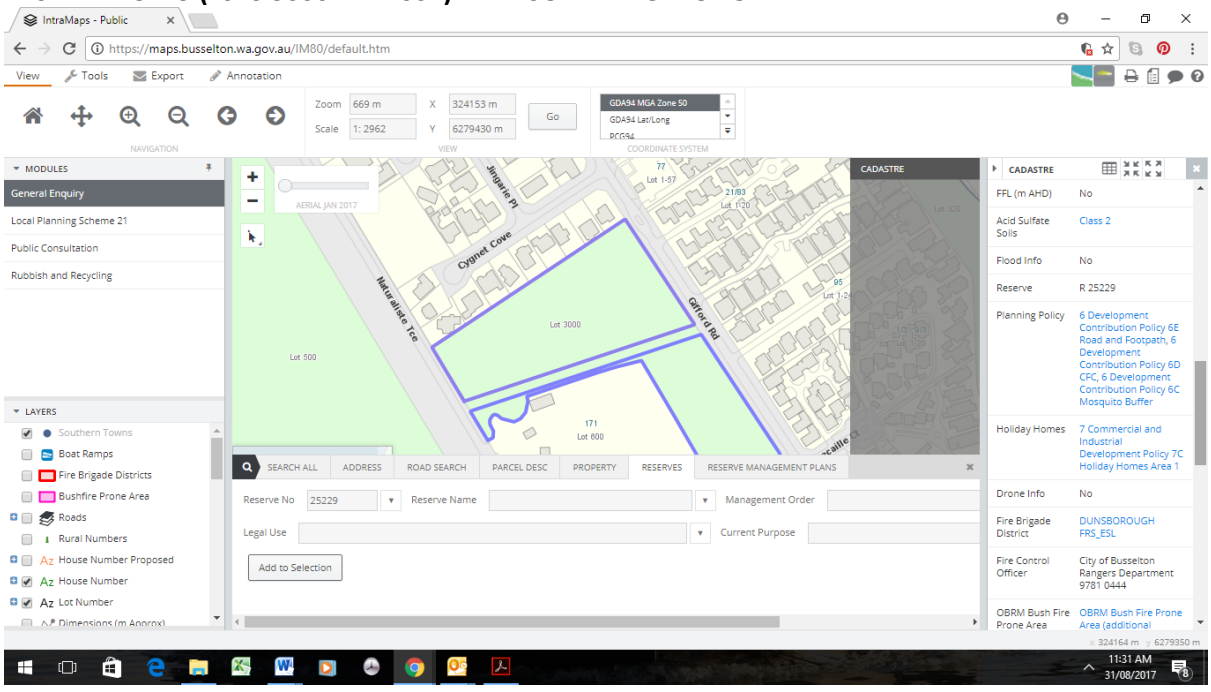
ARMSTRONG RESERVE CADASTRE
(Source: City of Busselton, 2017)

CITY OF BUSSELTON INTRAMAP PRINT SCREENS (Downloaded: 31 August 2017)

RESERVE 40445 (LOT 258) DRAINAGE RESERVE



RESERVE 25229 (L0TS 3000 AND 601) LANDSCAPE PROTECTION



APPENDIX 4

EPBC 2006/2834 DECISION ON APPROVAL (23 FEBRUARY 2013) (Source: Department of Sustainability, Water, Environment, Population and Communities, 2013)

Australian Government
Department of Sustainability, Environment, Water, Population and Communities

EPBC Ref: 2006/2834

Mr Greg Holland
Chief Executive Officer
Capecare
20 Ray Ave
BUSSELTON WA 6280

Dear Mr Holland

Decision on approval
Capecare, Aged Care Village, Dunsborough, WA (EPBC 2006/2834)

I am writing to you in relation to your proposal to develop aged care facilities on Naturaliste Terrace, Dunsborough, WA.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to Capecare. The details of my decision are attached. The proposal must be undertaken in accordance with the conditions specified in the approval.

I would appreciate your assistance by informing me when you start the action, when you intend to provide the Rehabilitation Offset Management Plan and who will be the contact person responsible for the administration of the approval decision.

Please note, any plans required as conditions of approval will be regarded as public documents unless you provide sufficient justification to warrant commercial-in-confidence status.

You should also note that this EPBC Act approval does not affect obligations to comply with any other laws of the Commonwealth, state or territory that are applicable to the action. Neither does this approval confer any right, title or interest that may be required to access land or waters to take the action.

The department has an active audit program for proposals that have been referred or approved under the EPBC Act. The audit program aims to ensure that proposals are implemented as planned and that there is a high degree of compliance with any associated conditions. Please note that your project may be selected for audit by the department at any time and all related records and documents may be subject to scrutiny. Information about the department's compliance monitoring and auditing program is enclosed.

I have also written to Mr Kim Taylor of the WA Office of the Environmental Protection Authority, and Mr Keiran McNamara of the WA Department of Environment and Conservation, informing them of this decision.

If you have any questions about this decision, please contact the project manager, Mitchell Bouma, by email to mitchell.bouma@environment.gov.au, or telephone (02) 6274 2020 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Michael Ward
Acting Assistant Secretary
North, West and Offshore Assessment Branch
25 February 2013

Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Approval

Capecare, urban and commercial new development, Aged Care – Naturaliste Terrace, Dunsborough, WA (EPBC 2006/2834)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted	**Ray Village Aged Services Inc. (Trading as Capecare)**
proponent's ACN (if applicable)	**ABN: 77 630 179 279**
proposed action	To develop aged care facilities on Naturaliste Terrace, Dunsborough, WA [See EPBC Act referral 2006/2834].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 December 2021.

Decision-maker

name and position	Michael Ward Acting Assistant Secretary North, West and Offshore Assessment Branch
signature	
date of decision	25 February 2013

Conditions attached to the approval

1. The person taking the action must not **clear** more than 0.9020 ha of habitat for the vulnerable Western Ringtail Possum (*Psuedocheirus occidentalis*) within the **proposed development footprint** (as shown at Attachment A).

2. **Clearing** must not occur outside of the **proposed development footprint** (as shown at Attachment A).

3. To mitigate potential impacts to the Western Ringtail Possum, the person taking the action must have an experienced zoologist with an approved Regulation 15 **WA DEC** fauna relocation licence on site, to spot for, handle and relocate Western Ringtail Possums from the **proposed development footprint** to undisturbed vegetation within **Armstrong Reserve**, during **clearance** of vegetation.

4. The person taking the action must not commence **construction** until written evidence is provided to the **Department** that the remaining 2.83 ha of **Armstrong Reserve**, outside of the **proposed development footprint** (as shown at Attachment A), is designated a reserve for the purpose of 'Landscape Protection' under the *WA Land Administration Act 1997*.

5. To offset the residual impacts of the action on the Western Ringtail Possum, the person taking the action must prepare and submit a Rehabilitation Offset Management Plan (ROMP). The ROMP must be prepared in consultation with the City of Busselton and **WA DEC** and must include, though not be limited to the following:

    a. the identification (including a map) of an **offset site(s)** at least 1.8 ha in size, containing Western Ringtail Possum habitat, that is within the Dunsborough region of Western Australia and is able to support the planting of at least 700 Peppermint (*Agonis flexuosa*) trees. The **offset site(s)** must be accompanied with the **Offset attributes**;

    b. the planting of at least 700 Peppermint trees within the **offset site(s)**;

    c. methodology for rehabilitation works and ongoing management measures to ensure a survival rate of 80% of the 700 Peppermint trees is maintained 5 years after planting;

    d. details of the transfer of responsibility for the **offset site(s)** to the City of Busselton, which must occur within 3 years following the commencement of rehabilitation works, and the management measures that will occur after this transition;

    e. measures to ensure the long term protection of the **offset site(s)**;

    f. measures to manage the impacts of feral animals, people, weeds and Dieback (*Phytopthora cinnamomi*);

    g. details of monitoring, reporting and contingency measures if performance indicators are not met;

    h. timeframes for the implementation and completion of the above measures/programs/reporting; and,

i. roles and responsibilities of personnel associated with the implementation of the above measures/programs/reporting.

The ROMP must be submitted to the **Department** prior to the commencement of **construction**. If the **Minister** approves the ROMP, the approved ROMP must be implemented. **Construction** must not commence until the ROMP is approved by the **Minister**.

6. Within 30 days after the commencement of the action, the person taking the action must advise the **Department** in writing of the actual date of commencement.

7. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the ROMP required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.

8. Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the ROMP as specified in the conditions. Each report must stay on the proponent's website for at least 3 years. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published.

9. If the person taking the action wishes to carry out any activity otherwise than in accordance with the ROMP as specified in the conditions**,** the person taking the action must submit to the **Department** for the **Minister's** written approval a revised version of that ROMP. The varied activity shall not commence until the **Minister** has approved the varied ROMP in writing. The **Minister** will not approve a varied ROMP unless the revised ROMP would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised ROMP, that ROMP must be implemented in place of the ROMP originally approved.

10. If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species to do so, the **Minister** may request that the person taking the action make specified revisions to the ROMP specified in the conditions and submit the revised ROMP for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved ROMP must be implemented. Unless the **Minister** has approved the revised ROMP, then the person taking the action must continue to implement the ROMP originally approved, as specified in the conditions.

11. If, at any time after 5 years from the date of this approval, the person taking the action has not commenced **construction** the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.

12. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish the ROMP referred to in these conditions of approval on their website. The ROMP must be published on the website within 1 month of being approved.

13. Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.

Definitions

Armstrong Reserve is the area contained within the 'Site Boundary' at Attachment A, which is comprised of Lots 117, 116, 118, 257 and 258, Naturaliste Terrace, Dunsborough, Western Australia.

Clear/clearing is the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation.

Construction includes any preparatory works required to be undertaken including clearing vegetation, the erection of any fences, signage or on-site temporary structures and the use of construction or excavation equipment on site for the purpose of breaking the ground for buildings or infrastructure.

The **Department** is the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

Minister is the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the **Minister**.

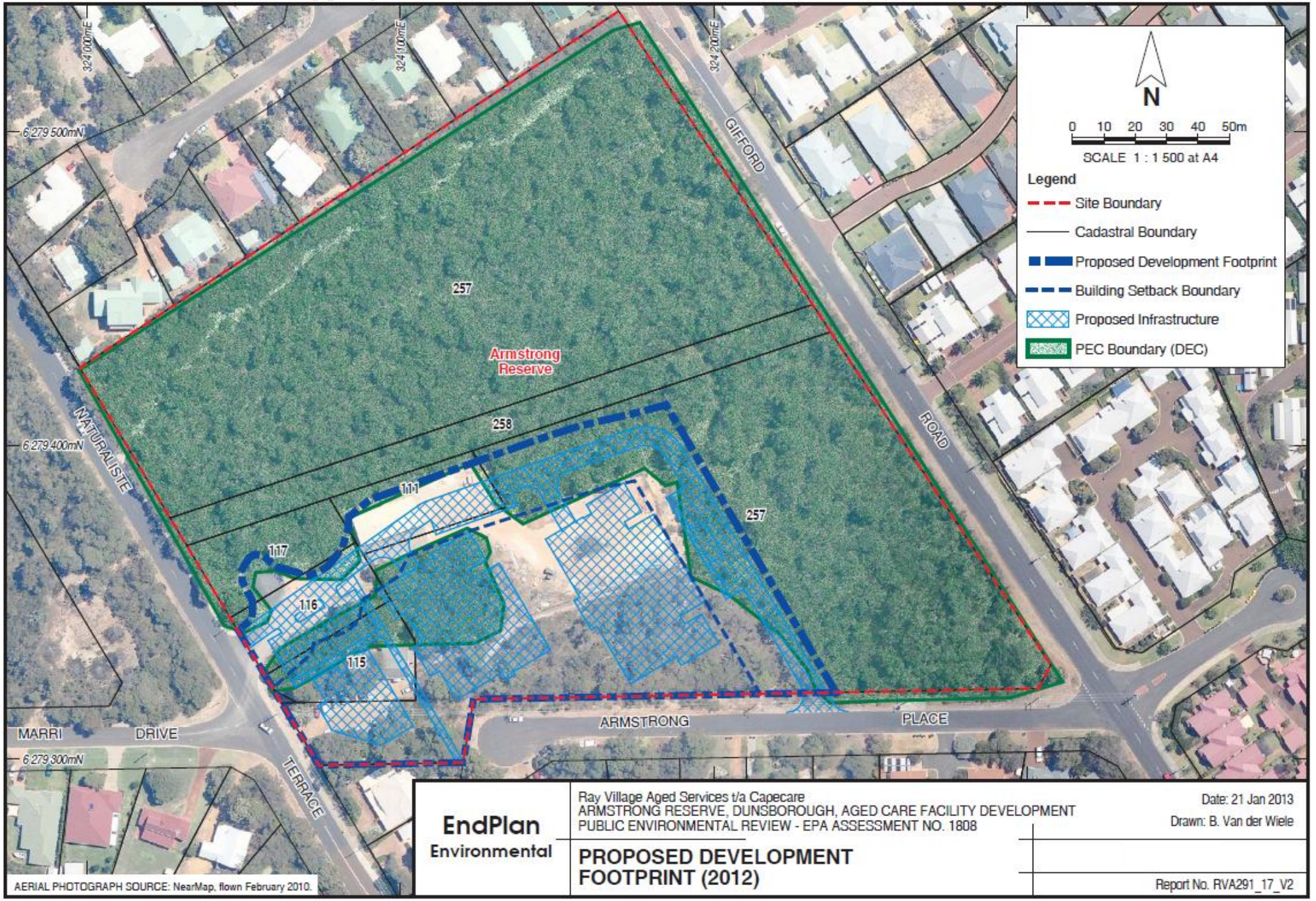
Offset attributes means an excel file ('.xls') capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.

Offset site(s) is the area, or areas, to be identified by the proponent to be used for their proposed rehabilitation offset that must be a total of at least 1.8 ha in size and support the planting of at least 700 Peppermint trees. The proponent will specify the location of the **offset sites(s)** within the ROMP.

Proposed development footprint is the area identified as '*Proposed Development Footprint*' at Attachment A.

WA DEC is the Western Australian Department of Environment and Conservation, (or equivalent agency).

Attachment A



APPENDIX 5

VARIATION TO CONDITIONS ATTACHED TO APPROVAL (18 OCTOBER 2017) (Source: Department of the Environment and Energy, 2017)

Australian Government
Department of the Environment and Energy

Mr Dominic Trombetta
General Manager Operations
Capecare
20 Ray Avenue
BUSSELTON WA 6280

EPBC 2006/2834 CAPECARE, URBAN AND COMMERCIAL DEVELOPMENT, AGED CARE – NATURALISTE TERRACE, DUNSBOROUGH, WA

Dear Mr Trombetta

I refer to a series of emails from EndPlan Environmental, on behalf of Capecare, regarding the variation of conditions of approval for EPBC 2006/2834.

I understand the Department has worked closely with EndPlan Environmental to resolve matters regarding the status of Armstrong Reserve and to identify an offset for the EPBC Act listed Western Ringtail Possum.

As a delegate of the Minister for the Environment and Energy, I have varied the conditions of approval to update certain administrative conditions, to reflect the tenure of Armstrong Reserve and to provide a suitable alternative to the environmental offset envisaged in the 2013 project approval. I have made this decision in accordance with section 143(1)(c) of the Act. The approved action must now be undertaken in accordance with the attached variation notice.

Condition 9 allows you, under certain circumstances, to implement a revised approved Rehabilitation Offset Management Plan without seeking the Minister's approval. A fact sheet has been attached to provide guidance on 'new or increased impacts' and changes to approved management plans under EPBC Act environmental approvals.

As you are aware, the Department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the Department on request.

Should you require any further information please contact Vaughn Cox on 02 6274 2005 or by email: post.approvals@environment.gov.au.

Yours sincerely

James Barker
Assistant Secretary
Assessments and Governance Branch
Environment Standards Division

18 October 2017

Attachments: EPBC 2006/2834 Variation to conditions attached to approval October 2017.
Guidance on 'new or increased impact'.

Australian Government
Department of the Environment and Energy

VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Capecare, urban and commercial new development, Aged Care – Naturaliste Terrace, Dunsborough, WA (EPBC 2006/2834)

This decision to vary a condition of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

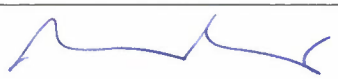
Approved action

Person to whom the approval is granted	Ray Village Aged Services Inc. (Trading as Capecare) ABN: 77 630 179 279
Approved action	To develop aged care facilities on Naturaliste Terrace, Dunsborough, WA [See EPBC Act referral 2006/2834]

Variation

Variation of conditions of approval	The variation is: Delete conditions 4, 5, 6, 7, 8 and 9 attached to the approval and substitute with the conditions specified below. Add new conditions 9A and 9B to the approval, as specified below. Revoke definitions of ***Offset site(s)*** and ***WA DEC*** attached to the approval. Add new definition of ***New or increased impact*** and ***WA DBCA*** to the approval, as specified below. Add new **Attachment B** to the approval, as specified below.
Date of effect	This variation has effect on the date the instrument is signed

Person authorised to make decision

Name and position	James Barker Assistant Secretary Assessment and Governance Branch
Signature	
Date of decision	18 October 2017

Conditions attached to the approval

Original conditions	Varied conditions
4. The person taking the action must not commence **construction** until written evidence is provided to the **Department** that the remaining 2.83 ha of **Armstrong Reserve**, outside of the **proposed development footprint** (as shown at Attachment A), is designated a reserve for the purpose of 'Landscape Protection' under the *WA Land Administration Act 1997*.	4. The person taking the action must not commence **construction** until written evidence is provided to the **Department** that the remaining 2.83 ha of **Armstrong Reserve**, outside of the **proposed development footprint** (as shown at Attachment A), is designated a reserve for the purpose of 'Landscape Protection' or 'Reserve for Drainage' under the *WA Land Administration Act 1997*.
5. To offset the residual impacts of the action on the Western Ringtail Possum, the person taking the action must prepare and submit a Rehabilitation Offset Management Plan (ROMP). The ROMP must be prepared in consultation with the City of Busselton and **WA DEC** and must include, though not be limited to the following: a) the identification (including a map) of an **offset site(s)** at least 1.8 ha in size, containing Western Ringtail Possum habitat, that is within the Dunsborough region of Western Australia and is able to support the planting of at least 700 Peppermint (*Agonis flexuosa*) trees. The **offset site(s)** must be accompanied with the **Offset attributes**; b) the planting of at least 700 Peppermint trees within the **offset site(s)**; c) methodology for rehabilitation works and ongoing management measures to ensure a survival rate of 80% of the 700 Peppermint trees is maintained 5 years after planting; d) details of the transfer of responsibility for the **offset site(s)** to the City of Busselton, which must occur within 3 years following the commencement of rehabilitation works, and the management measures that will occur after this transition; e) measures to ensure the long term protection of the **offset site(s)**; f) measures to manage the impacts of feral animals, people, weeds and Dieback (*Phytopthora cinnamomi*); g) details of monitoring, reporting and contingency measures if performance indicators are not met; h) timeframes for the implementation and completion of the above measures/programs/reporting; and, i) roles and responsibilities of personnel associated with the implementation of the above measures/programs/reporting.	**5.** To offset the impacts of the action on the Western Ringtail Possum, the person taking the action must prepare and submit a Rehabilitation Offset Management Plan (ROMP). The ROMP must be prepared in consultation with the **WA DBCA** and must: a) specify an offset site of at least 1 ha in size within the area shown at Attachment B; b) provide for the planting of at least 2,500 Peppermint trees (*Agonis flexuosa*) per hectare within the offset site; c) include a methodology for ensuring a survival rate of 80% of the 2,500 Peppermint trees is maintained per hectare 5 years after planting; d) describe monitoring and contingency measures if the survival rate (item c) is not met; and e) contain measures to minimise human access, and the impacts of herbivores, unplanned fire, weeds and Dieback (*Phytophthora cinnamomi*) within 3 years following commencement of rehabilitation works. The ROMP must be submitted to the **Department** for approval by the **Minister**. **Construction** must not commence until the ROMP is approved by the **Minister**. If the **Minister** approves the ROMP, the approved ROMP must be implemented.

The ROMP must be submitted to the **Department** prior to the commencement of **construction**. If the **Minister** approves the ROMP, the approved ROMP must be implemented. **Construction** must not commence until the ROMP is approved by the **Minister**.	
6. Within 30 days after the commencement of the action, the person taking the action must advise the **Department** in writing of the actual date of commencement.	**6.** Within 10 business days after commencement of the action, the person taking the action must advise the **Department** in writing of the actual date of commencement.
7. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the ROMP required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.	**7.** The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement plans and strategies required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act. The results of audits may also be publicised through the general media.
8. Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the ROMP as specified in the conditions. Each report must stay on the proponent's website for at least 3 years. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published.	**8.** Within three (3) months of every twelve (12) month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the ROMP as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be reported to the **Department** at the same time as the compliance report is published. Compliance reports must remain published, or until written approval by the **Minister** for removal of the report.
9. If the person taking the action wishes to carry out any activity otherwise than in accordance with the ROMP as specified in the conditions, the person taking the action must submit to the **Department** for the **Minister's** written approval a revised version of that ROMP. The varied activity shall not commence until the **Minister** has approved the varied ROMP in writing. The **Minister** will not approve a varied ROMP unless the revised ROMP would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised ROMP, that ROMP must be implemented in place of the ROMP originally approved.	**9.** The person taking the action may choose to revise the ROMP approved by the **Minister** under condition 5 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan would not be likely to have a **new or increased impact**. If the person taking the action makes this choice they must notify the **Department** in writing that the approved plan has been revised and provide the **Department**, at least four weeks before implementing the revised plan, with: i. with an electronic copy of the revised plan; ii. an explanation of the differences between the revised plan and the approved plan; and iii. the reasons the person taking the action considers that the taking of the action in accordance with the revised plan would not be likely to have a **new or increased impact**.

	9A. The person taking the action may revoke its choice under condition 9 at any time by giving written notice to the **Department**. If the person taking the action revokes the choice to implement the revised plan, without approval under section 143A of the EPBC Act, the plan approved by the **Minister** must be implemented. **9B.** If the **Minister** gives a notice to the person taking the action that the **Minister** is satisfied that the taking of the action in accordance with the revised plan would be likely to have a **new or increased impact**, then: i. condition 9 does not apply, or ceases to apply, in relation to the revised plan; and ii. the person taking the action must implement the plan approved by the **Minister**. To avoid any doubt, this condition does not affect any operation of conditions 9 and 9A in the period before the day the notice is given. At the time of giving the notice, the **Minister** may also notify that for a specified period of time condition 9 does not apply for the plan required under the approval. Conditions 9, 9A and 9B are not intended to limit the operation of section 143A of the **EPBC Act** which allows the person taking the action to submit a revised plan to the **Minister** for approval.

Definitions

New or increased impact is a new or increased environmental impact or risk relating to any matter protected by the controlling provisions for the action, when compared to the impact or risk arising from implementing the plan that has been approved by the **Minister.**

WA DBCA is the Western Australian Department of Biodiversity, Conservation and Attractions (or equivalent agency).

Attachment B: Portion of the Broadwater Nature Reserve, Dunsborough (as delineated by green line), within which the offset site must be located (Condition 5).



APPENDIX 6

REQUEST FOR VARIATION TO CONDITION 11
(Source: Capecare, 2017)

capecare
Your One Link for South West Aged Care

Mr Greg Manning
Assistant Secretary, Assessments and Post Approvals Branch
Department of the Environment and Energy
John Gorton Building, King Edward Terrace
Parkes ACT 2611

7 November 2017

Dear Mr Manning

RE: EPBC 2006/2834 – CONDITION 11: SUBSTANTIVE COMMENCEMENT TIMEFRAME

On behalf of the Capecare Board of Management, I would like to request an extension to the 5 year substantive commencement period identified in EPBC 2006/2834 Approval Condition 11.

Condition 11 states:

> *If, at any time after 5 years from the date of this approval, the person taking the action has not commenced **construction** the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.*

Given the Approval issue date was the 23rd February 2013, Condition 11 will be invoked on the 23rd February 2018.

As shown on the attached project timeline, the architectural consultant has recently been appointed (mid-October 2017) and the Conceptual Design and Review is not expected to be finalised until the start of February 2018. In addition, because the cost of construction of the aged care facility will be in excess of $10 million, a Development Application must be submitted and assessed by the WA Department of Planning's Southern Joint Development Assessment Panel (JDAP) and the City of Busselton. The Development Application to the City of Busselton and the JDAP cannot be submitted until the architectural design has been completed. The attached project timeline indicates that the final Development Approval is anticipated to be granted in late April 2018.

As this delay means that the action will not be able to be 'substantively commenced' until late April 2018, can you please advise whether a variation can be provided to the proponent enabling an extension of the substantive commencement date until the 23rd February 2019?

Please do not hesitate to contact me should you require any further information regarding this request for an extension to the substantive commencement date.

Yours sincerely

Stephen Carmody
Chief Executive Officer

Capecare Inc.
20 Ray Avenue
Busselton WA 6280
ABN 77630 179 279

Ph: 08 **9750 2000**
Fax: 08 9755 46 96
info@capecare.com.au

www.capecare.com.au

APPENDIX 7

DEPARTMENT APPROVAL OF THE REHABILITATION OFFSET MANAGEMENT PLAN
(Source: Department of the Environment and Energy, 2017)

Australian Government
Department of the Environment and Energy

Mr Stephen Carmody
Chief Executive Officer, Capecare Inc.
20 Ray Avenue
BUSSELTON WA 6280

Dear Mr Carmody,

Capecare, urban and commercial new development, Aged Care – Naturaliste Terrace, Dunsborough, Western Australia (EPBC 2006/2834)

Thank you for your correspondence relating to the approval for EPBC 2006/2834. Officers of this Department have reviewed and advised me on the various requests submitted by Capecare under the *Environment Protection and Biodiversity Act 1999* (EPBC Act). As a delegate of the Minister for the Environment and Energy, I have decided to:

- vary the approval conditions, in accordance with section 143(1)(c) of the EPBC Act. The variation notice of my decision, which extends the approved period to commencement until 25 February 2019, is attached for your records;

- extend the period of effect of approval, in accordance with section 145D of the EPBC Act. The conditions of approval for this project must now be implemented until 25 February 2024. The notice of my decision is attached for you records; and

- approve the *Rehabilitation Offset Management Plan, version 6 (dated 6 December 2017)* as meeting the requirements of condition 5 of the EPBC Act approval. The *Rehabilitation Offset Management Plan* (ROMP) must now be implemented.

In accordance with condition 12 of EPBC Act approval 2006/2834, the approved ROMP must be published on your website within one month of approval, and must remain on the website for the period in which the EPBC Act approval has effect.

I note that Condition 9 allows you, under certain circumstances, to implement a revised approved ROMP without seeking the Minister's approval. I have attached a fact sheet that provides guidance on 'new or increased impacts' and changes to approved management plans under EPBC Act environmental approvals.

As you are aware, the Department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the Department on request.

Should you require any further information please contact Justin Williams on (02) 6275 9492 or by email to postapproval@environment.gov.au.

Yours sincerely

Greg Manning
Assistant Secretary
Assessments (WA, SA, NT) & Post Approvals Branch
Environment Standards Division

16 December 2017

cc. Bernadette Van Der Wiele, EndPlan Environmental

Attachments: EPBC 2006/2834 Variation to conditions attached to approval.
EPBC 2006/2834 Notification of Extension of Period of Effect of Approval.
Guidance on 'new or increased impact'.

Guidance on 'New or Increased Impact' relating to changes to approved management plans under EPBC Act environmental approvals

Introduction

This guidance is for those environmental approvals under Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) containing an approval condition which uses the reference 'new or increased impact' in relation to revisions to approved management plans. This condition, referred to in this document as the Revised Management Plan (RMP) condition, allows revised plans to be implemented without approval by the Minister, provided that the proposed changes do not have a new or increased impact on matters protected under the approval.

The aim of this guidance is to assist approval holders and officers of the Department in determining whether or not a change is likely to have a 'new or increased impact' on a protected matter.

Background

Many EPBC Act Part 9 approvals include conditions for management plans, strategies or programs to be implemented, and usually these documents must be submitted for approval by the Minister prior to implementation. For the purposes of this guidance, such documents are referred to collectively as 'plans'.

Section 143A of the EPBC Act allows an approval holder to submit revisions to approved plans for re-approval by the Minister in certain circumstances. In some cases, revisions to approved plans under section 143A will incur a fee under cost recovery provisions of the EPBC Act and regulations.

From late 2015, the RMP condition was included in new approvals where appropriate, and in some cases the RMP condition has been retrospectively added to projects with an existing EPBC Act approval through formal variations to conditions.

> In approvals that have the revised management plan condition, a 'new or increased impact' is typically defined as: *a new or increased impact on any matter protected by the controlling provisions for the action, when compared to the plan, program or strategy that has been approved by the Minister.*

In broad terms, section 527E of the EPBC Act defines the term 'impact' as an 'event or circumstance' that is a direct or indirect result of the action taken by the approval holder or someone acting on behalf of the approval holder. A 'new or increased impact' in the context of the RMP condition is therefore very broad, and includes any direct or indirect increase in the impacts of an action, an increase to the risk of an impact occurring, or a change that reduces the acceptability of an impact such as a change to an environmental offset.

Scope of changes to a plan

Approvals are given for the purposes of one or more controlling provisions described in Part 3 of the EPBC Act, and plans may be required to avoid, mitigate or offset impacts to matters protected under those provisions (protected matters).

In some cases a plan may be required under both Commonwealth and state or territory approvals. It is possible that such a plan may require a revision in relation to state or territory matters only, and the changes may not relate to EPBC Act protected matters.

When considering whether a revised plan would have a new or increased impact, approval holders should have regard to all changes to the approved plan (ie. the latest version of that

plan that was formally approved by the Minister or delegate), not an unapproved revised plan (previously deemed by the approval holder to not have a new or increased impact under the RMP condition) or a plan only approved by the state or territory. In other words, if a revised unapproved plan is being implemented, and further revisions are being considered, all deviations (including incremental or cumulative changes) from the approved plan must be considered when making a decision on whether there is a new or increased impact.

The above emphasises the need to approval holders to use proper version control for plans. Further information about document version control can be found in the Department's Environmental Management Plan Guidelines available on the department's website: http://www.environment.gov.au/epbc/publications/environmental-management-plan-guidelines

The following paragraphs are intended to provide general guidance about the types of changes to plans that are likely to result in a new or increased impact. They are not intended to be exhaustive or definitive. The particular facts and circumstances of a proposed revision to a plan will need to be taken into account in determining whether there is likely to be a new or increased impact.

What is a new impact?

A 'new impact' may be caused by a change to an activity or a change to circumstances surrounding the activity, and can include:

- new activities that may impact on protected matters;
- any change to an activity that creates a new potential impact to a protected matter; or
- an impact to a protected matter that was not previously foreseen.

It should also be noted that in some cases, a new activity may also require a formal variation to approval conditions (under section 143 of the EPBC Act); or may be beyond the scope of an approved action and could require separate EPBC Act approval.

What is an increased impact?

A change to a plan may increase a known impact. An 'increased impact' can include:

- a new activity;
- an increase in the scale, intensity or duration of impacts;
- an increase in the likelihood or consequences of an impact occurring;
- a change to a measure designed to avoid, mitigate or offset an impact;
- a reduced capacity to identify or measure an impact; or
- any other change that increases the risks or uncertainty associated with an impact.

Some changes above may not be considered an 'increase' if the change is a clear improvement.

Examples of a new or increased impact

Although determined on a case-by-case basis, the following changes to a plan are **likely** to result in a new or increased impact:

- The transition from construction phase to operations phase, where the approved plan only covers the construction period.
- Increasing the amount of habitat for a listed threatened species that will be cleared.
- A change in a measure designed to mitigate the impacts of an action on a RAMSAR wetland.
- A delay to the commencement of an environmental offset.
- A change to the timing of a temporary impact, to a time when a listed migratory species is more prevalent.
- A reduction in the frequency of monitoring.

What is unlikely to be a new or increased impact?

Changes unlikely to be a new or increased impact include:

- changes to the structure or layout of a plan or other administrative changes that are unrelated to environmental impacts or risks;
- a change to a plan which does not affect EPBC Act protected matters; or
- a clear improvement to a measure that avoids, mitigates or offsets the impacts of a proposal.

Examples unlikely to be a new or increased impact

Although determined on a case-by-case basis, the following changes to a plan are **unlikely** to result in a new or increased impact:

- Changes to a person's contact details.
- Changes to the name of a plan, or title page of a plan including version number or date.
- Changes to pagination or chapter format where content is not altered.
- Rectification of a clear typographical, grammatical error or mapping error, where the change does not relate to an impact or an avoidance, mitigation or offsetting measure.
- Changes to a plan that covers both state and EPBC Act requirements, and the change only relates to matters protected under state laws.
- The introduction of an additional mitigation measure.
- An increase in the frequency of monitoring.
- A change to the timing of a temporary impact, to a time when a listed migratory species is less prevalent.

Who decides whether a revised plan is likely to have a 'new or increased impact'?

The onus is on the approval holder to decide if a revision to a plan is likely to result in a new or increased impact.

If, after considering this guidance, approval holders are still unsure whether a proposed revision to a plan is likely to result in a new or increased impact, they may request advice or further information from the Department.

When submitting a revised plan under the RMP condition, the approval holder should include a document clearly explaining the revisions (such as a 'tracked changes' version of the plan) and reasoning why they believe that the revisions will not have a new or increased impact.

Approvals that include the RMP condition also include a condition which gives the Minister the power to require implementation of the previously approved plan if the Minister believes that a revision is likely to result in a new or increased impact. In order to reduce the likelihood of the Minister making this decision, the approval holder should contact the Department for advice if they have any doubt about whether a change is likely to result in a new or increased impact.

Option to submit revised plan to Minister for approval

Nothing in the RMP condition prevents an approval holder from choosing to submit a revised management plan to the Minister for formal approval under section 143A of the EPBC Act at any time.

Advice and further Information

Approval holders may request advice relating to the matters described in this document by emailing: post.approvals@environment.gov.au

APPENDIX 8

VARIATION TO CONDITIONS ATTACHED TO APPROVAL (16 DECEMBER 2017) (Source: Department of the Environment and Energy, 2017)

Australian Government
Department of the Environment and Energy

VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Capecare, urban and commercial new development, Aged Care – Naturaliste Terrace, Dunsborough, WA (EPBC 2006/2834)

This decision to vary a condition of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

Person to whom the approval is granted	Ray Village Aged Services Inc. (Trading as Capecare) ABN: 77 630 179 279
Approved action	To develop aged care facilities on Naturaliste Terrace, Dunsborough, WA [See EPBC Act referral 2006/2834]

Variation

Variation of conditions of approval	The variation is: Delete condition 11 attached to the approval and substitute with the conditions specified below.
Date of effect	This variation has effect on the date the instrument is signed

Person authorised to make decision

Name and position	Greg Manning Assistant Secretary Assessments (WA, SA, NT) and Post Approvals Branch
Signature	
Date of decision	16 December 2017

Conditions attached to the approval

11. If, at any time after the 25 February 2019, the person taking the action has not commenced **construction** the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.

APPENDIX 9

NOTIFICATION OF EXTENSION OF PERIOD OF EFFECT OF APPROVAL

(Source: Department of the Environment and Energy, 2017)

Australian Government
Department of the Environment and Energy

Notification of Extension of Period of Effect of Approval

Capecare, urban and commercial new development, Aged Care – Naturaliste Terrace, Dunsborough, WA (EPBC 2006/2834)

This decision is made under section 145D of the *Environment Protection and Biodiversity Conservation Act 1999*.

Person to whom the approval is granted	Ray Village Aged Services Inc. (Trading as Capecare)
ABN of approval holder	77 630 179 279
Approved action	To develop aged care facilities on Naturaliste Terrace, Dunsborough, WA [See EPBC Act referral 2006/2834]

Extension of Period of Effect of Approval

The period of effect of the approval has been extended under section 145D(4) of the EPBC Act as described below.

New expiry date of approval	This approval has effect until 25 February 2024.

Decision-maker

Name and position	Greg Manning Assistant Secretary (WA, SA, NT) & Post Approvals Branch
Signature	
Date of decision	16 December 2017

Conditions attached to the approval

The conditions shown below are the conditions applicable to the approval on the date this extension of period of effect of approval was made. These decisions are publicly available on the Department's website at http://epbcnotices.environment.gov.au/referralslist/

Conditions attached to the approval

1. The person taking the action must not **clear** more than 0.9020 ha of habitat for the vulnerable Western Ringtail Possum (*Psuedocheirus occidentalis*) within the **proposed development footprint** (as shown at Attachment A).

2. **Clearing** must not occur outside of the **proposed development footprint** (as shown at Attachment A).

3. To mitigate potential impacts to the Western Ringtail Possum, the person taking the action must have an experienced zoologist with an approved Regulation 15 **WA DEC** fauna relocation licence on site, to spot for, handle and relocate Western Ringtail Possums from the **proposed development footprint** to undisturbed vegetation within **Armstrong Reserve**, during **clearance** of vegetation.

4. The person taking the action must not commence **construction** until written evidence is provided to the **Department** that the remaining 2.83 ha of **Armstrong Reserve**, outside of the **proposed development footprint** (as shown at Attachment A), is designated a reserve for the purpose of 'Landscape Protection' or 'Reserve for Drainage' under the *WA Land Administration Act 1997*.

5. To offset the impacts of the action on the Western Ringtail Possum, the person taking the action must prepare and submit a Rehabilitation Offset Management Plan (ROMP). The ROMP must be prepared in consultation with the **WA DBCA** and must:

    a. specify an offset site of at least 1 ha in size within the area shown at Attachment B;

    b. provide for the planting of at least 2,500 Peppermint trees (*Agonis flexuosa*) per hectare within the offset site;

    c. include a methodology for ensuring a survival rate of 80% of the 2,500 Peppermint trees is maintained per hectare 5 years after planting;

    d. describe monitoring and contingency measures if the survival rate (item c) is not met; and

    e. contain measures to minimise human access, and the impacts of herbivores, unplanned fire, weeds and Dieback (*Phytophthora cinnamomi*) within 3 years following commencement of rehabilitation works.

    The ROMP must be submitted to the **Department** for approval by the **Minister**. Construction must not commence until the ROMP is approved by the **Minister**. If the **Minister** approves the ROMP, the approved ROMP must be implemented.

6. Within 10 business days after commencement of the action, the person taking the action must advise the **Department** in writing of the actual date of commencement.

7. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement plans and strategies required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**. The results of audits may also be publicised through the general media.

8. Within three (3) months of every twelve (12) month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing

compliance with each of the conditions of this approval, including implementation of the ROMP as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be reported to the **Department** at the same time as the compliance report is published. Compliance reports must remain published, or until written approval by the **Minister** for removal of the report.

9. The person taking the action may choose to revise the ROMP approved by the **Minister** under condition 5 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact. If the person taking the action makes this choice they must notify the **Department** in writing that the approved plan has been revised and provide the **Department**, at least four weeks before implementing the revised plan, with:

i. with an electronic copy of the revised plan;

ii. an explanation of the differences between the revised plan and the approved plan; and

iii. the reasons the person taking the action considers that the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact.

9A. The person taking the action may revoke its choice under condition 9 at any time by giving written notice to the **Department**. If the person taking the action revokes the choice to implement the revised plan, without approval under section 143A of the EPBC Act, the plan approved by the **Minister** must be implemented.

9B. If the **Minister** gives a notice to the person taking the action that the **Minister** is satisfied that the taking of the action in accordance with the revised plan would be likely to have a new or increased impact, then:

i. condition 9 does not apply, or ceases to apply, in relation to the revised plan; and

ii. the person taking the action must implement the plan approved by the **Minister**.

To avoid any doubt, this condition does not affect any operation of conditions 9 and 9A in the period before the day the notice is given.

At the time of giving the notice, the **Minister** may also notify that for a specified period of time condition 9 does not apply for the plan required under the approval.

Conditions 9, 9A and 9B are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised plan to the **Minister** for approval.

10. If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species to do so, the **Minister** may request that the person taking the action make specified revisions to the ROMP specified in the conditions and submit the revised ROMP for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved ROMP must be implemented. Unless the **Minister** has approved the revised ROMP, then the person taking the action must continue to implement the ROMP originally approved, as specified in the conditions.

11. If, at any time after the 25 February 2019, the person taking the action has not commenced **construction** the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.

12. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish the ROMP referred to in these conditions of approval on their website. The ROMP must be published on the website within 1 month of being approved.

13. Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.

Definitions

Armstrong Reserve is the area contained within the 'Site Boundary' at Attachment A, which is comprised of Lots 117, 116, 118, 257 and 258, Naturaliste Terrace, Dunsborough, Western Australia.

Clear/clearing is the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation.

Construction includes any preparatory works required to be undertaken including clearing vegetation, the erection of any fences, signage or on-site temporary structures and the use of construction or excavation equipment on site for the purpose of breaking the ground for buildings or infrastructure.

The **Department** is the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

Minister is the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the **Minister**.

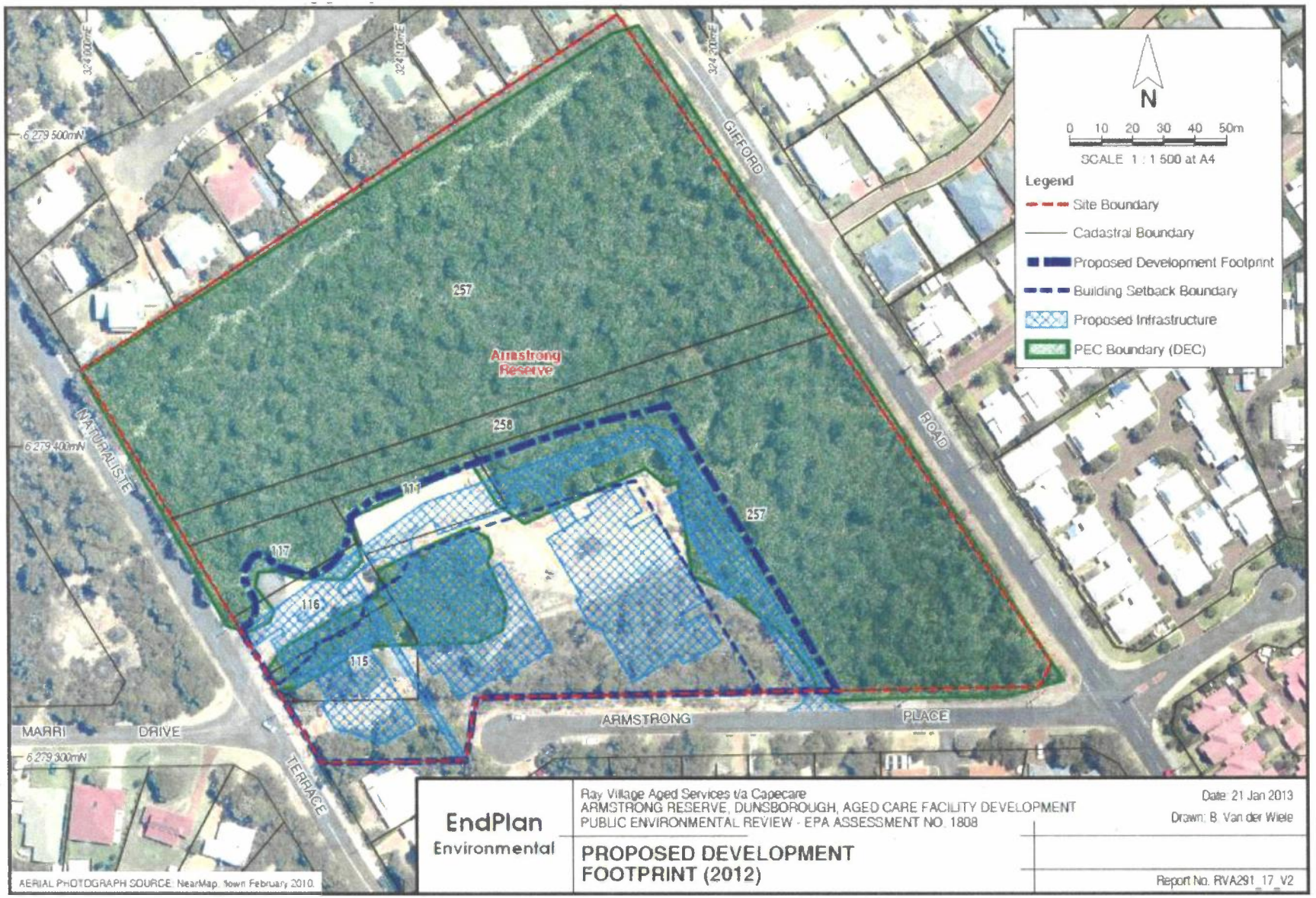
New or increased impact is a new or increased environmental impact or risk relating to any matter protected by the controlling provisions for the action, when compared to the impact or risk arising from implementing the plan that has been approved by the **Minister.**

Offset attributes means an excel file ('.xls') capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.

Proposed development footprint is the area identified as '*Proposed Development Footprint*' at Attachment A.

WA DBCA is the Western Australian Department of Biodiversity, Conservation and Attractions (or equivalent agency).

Attachment A



Attachment B: Portion of the Broadwater Nature Reserve, Dunsborough (as delineated by green line), within which the offset site must be located (Condition 5).



APPENDIX 10

CAPECARE CORRESPONDENCE RE WEBSITE PUBLICATION OF ROMP
(Source: Capecare, 2017)

From: Stuart Sibbald
To: "Bernadette Van der Wiele"
Cc: Stephen.Carmody@capecare.com.au; "Dominic Trombetta"
Subject: RE: Capecare website requirement
Date: Tuesday, 23 January 2018 1:33:13 PM

HI Bernadette,

Thankyou for the timely reminder regarding the ROMP being placed on our web page

Capecare recently had a departure of a staff member (Karen Ardler) who kept the Website up to date and I can confirm that we have the Rehabilitation Offset Management Plan (Romp) now posted to the website. Please accept our apologies for this over sight

Kind Regards
Stuart Sibbald
M.Sust., B.Eng, MIEAust.
0417177230

Capecare Client Representative
Armstrong Village Dunsborough

From: Bernadette Van der Wiele [mailto:bernadette@endplanenvironmental.com.au]
Sent: Monday, 22 January 2018 10:13 AM
To: Stephen.Carmody@capecare.com.au; 'Dominic Trombetta'
Cc: Stuart Sibbald; Nadine Carter; 'John Reid'
Subject: Capecare website requirement

Hello Steve and Dom
I have had a query from Will Oldfield regarding Capecare's use of the DBCA offset site (from third party request for information to him from the local Environment Centre). Before I respond to Will, can I please draw your attention to the attached correspondence and in particular referral to condition 12 of Capecare's approval.
As the correspondence is dated the 17 December 2017 the ROMP should have been placed on your webpage. Can you please advise whether it has been?
Many thanks

Kind regards
Bernadette van der Wiele
Director
EndPlan Environmental
PO Box 138 NORTH FREMANTLE WA 6159
M: 0447 366 460
UDIA 2014 WA and 2015 National Environmental Excellence Award Winner

Wiske Pty Ltd as Trustee for Esk Family Trust trading as "EndPlan Environmental" ABN: 23 684 573 524

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capecare

Your One Link for South West Aged Care

08 9750 2000



Armstrong Village – Dunsborough

Armstrong Village will be the first residential care facility for the rapidly-growing Dunsborough community. Innovative design and technology will help to create a vibrant community hub, in harmony with the natural environment, connecting village residents with the wider Dunsborough community and enabling residents to live well as they age.

A 60-bed residential care facility will cater for people with high physical needs in a dementia-enabling environment.

Approximately 33- 40 Independent Living Apartments will also be included in the development, allowing residents to live as independently as they can with the knowledge that supporting resources are readily available as required.

Armstrong Village will also incorporate a new base for the Dunsborough Branch of the Country Women's Association.

Located within easy walking distance to the Dunsborough Town Centre, shops, cafés, medical facilities, Country Club and Geographe Bay, Armstrong Village will be nestled in a natural environment that will maximise the availability of outdoor space and overlook the adjacent nature reserve.

The Village is also likely to include a meeting room for residents, onsite amenities such as a hairdresser, doctors room, allied health (occupational therapy, podiatry and physiotherapy) a library/technology hub, a small coffee shop, crafts/games room and an outdoor BBQ area.

A portion of Armstrong Reserve was gifted to aged care by the State of Western Australia and in November 2003, the City of Busselton passed a motion to "support the need for land to be set aside for age care facilities within the urban area or close to Dunsborough Township as a vital part in strategic planning for the community in the western sector of the shire."

Stage of the development

Architects Site/KPA have been appointed following a competitive tender process and design work is underway.

Consultation with the Dunsborough community is currently occurring and current planning shows that a Development Application will be submitted in March 2018.

Independent Living Units marketing and pre-sales will commence with submission of the Development Application. The project investment threshold has a prerequisite for 50 % presales of Independent Living Units prior to proceeding to the Construction Phase.

We anticipate completing the design phase in the third quarter of 2018, and it is planned to tender and award the construction phase by the end of 2018, pending the Board decision to proceed.

The Construction phase will likely take approximately 18 months followed by commissioning and handover for operations. It expected that Armstrong Village Dunsborough will be ready for use in the final quarter of 2020.

Environmental Matters

The area of land set aside for Armstrong Village Residential Care Community is approximately a third of the land area (1.28ha or 3.2acres); with the balance of the land a conservation reserve vested in the City of Busselton.

The development has approval from the Minister for the Environment and Environmental Protection Authority (EPA) approval.

Capecare has worked diligently over the past few years to ensure that any environmental impact is minimised. EPA approval has been granted with the condition that a number of trees (2500 Peppermint trees and 7500 under-canopy shrubs) are planted in an approved location with a guaranteed 80% survival rate in 5 years.

The Armstrong Village development team is committed to work closely with local environmental and wildlife care groups to maximise the wellbeing and safe relocation of any wildlife.

Please click **HERE** to view the 2017 Rehabilitation Offset Management Plan

Other environmental reports:

Click **HERE** to read Capecare 2012 Responses to PER Submissions

Click **HERE** to download the 2014 Environmental Report- Statement of Compliance

Click **HERE** to download the 2016 Environmental Report- Statement of Compliance

Click **HERE** to download the 2017 Environmental Report Statement of Compliance

Sales Information

Independent Living Units marketing and pre-sales will commence with submission of the Development Application (March 2018) at which time a pricing structure and plans will be available for public viewing.

The project investment threshold has a prerequisite for 50 % presales of Independent Living Units prior to proceeding to the Construction Phase.

It is planned to have 2 and 3 bedroom apartments available for independent living on one level of the multi-level development serviced by lifts and separate stairs

The upper units are likely to have views of the Bay, or Dunsborough and beyond and we are planning a relaxed parkland style bush setting for the lower levels, so those apartments will have either a view of the surrounding Armstrong Reserve or the Village Centre.

Capecare is intending to offer a "lease for life" arrangement for those wishing to live in the apartments.

When you enter into a life lease agreement at Capecare you purchase the exclusive right to occupy a unit at Armstrong Village for 49 years, or until you are no longer capable of living independently in the unit..

A life lease with Capecare offers you a security of tenure for your unit, which means that you can stay in your home until the life lease agreement ends.

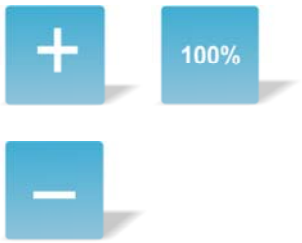
This type of lease agreement lies between renting and owning a residential premise..

Your life lease grants you access to our common facilities and services and the guarantee that you will be sharing those facilities with people of your same age group.

There will be a deferred maintenance fee (charged annually to an upper limit yet to be determined) that will be payable at the time the occupier leaves the unit (leaves Dunsborough, transfers to the Residential Care Facility, etc.).

Further enquiries should be directed to Capecare CEO Stephen Carmody

Tel: 08 97 50 2000 or Contact Us online.



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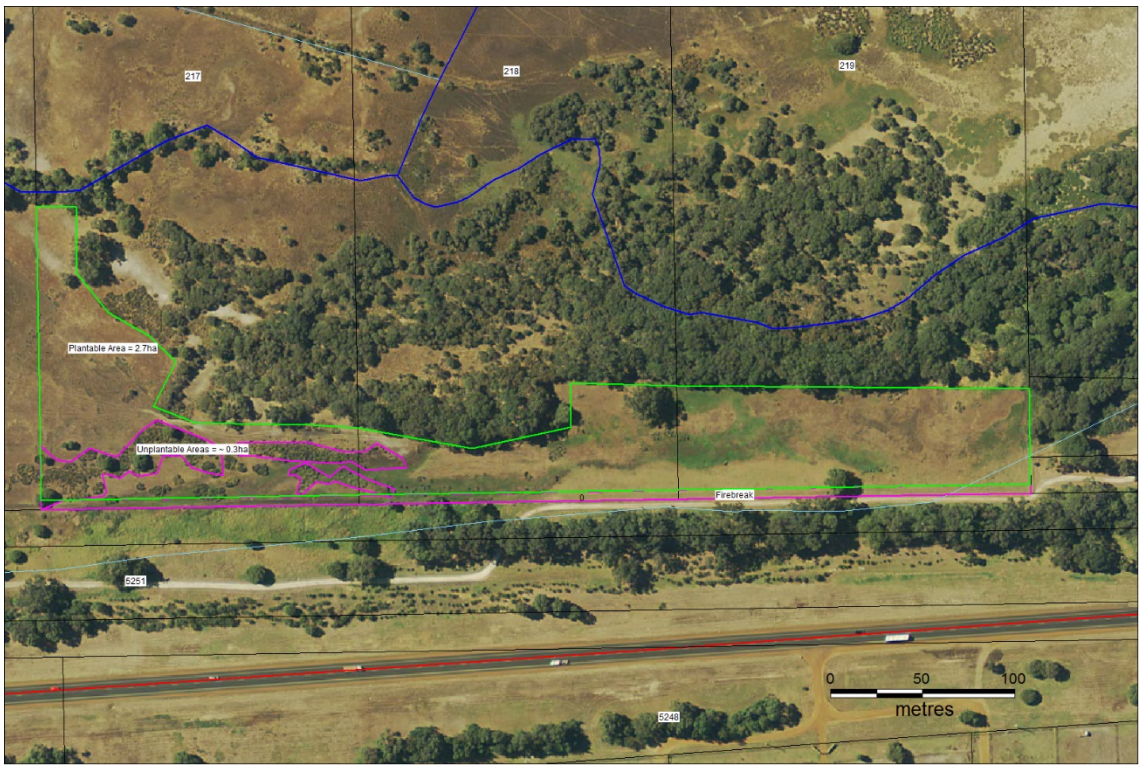
APPENDIX 11

REHABILITATION OFFSET MANAGEMENT PLAN
(Source: EndPlan Environmental, 2017)

REHABILITATION OFFSET MANAGEMENT PLAN (EPBC 2006/2834)

PORTION LOTS 217 - 219 BUSSELTON BYPASS, VASSE (BROADWATER NATURE RESERVE)



Prepared for:
RAY VILLAGE AGED SERVICES INCORPORATED T/A CAPECARE
20 RAY AVENUE
BUSSELTON WA 6280

Report Date: 6 December 2017
Document No. RVA292_43_V6

DOCUMENT STATUS:

REVISION CONTROL			
Document Title:	**REHABILITATION OFFSET MANAGEMENT PLAN (EPBC 2006/2834) PORTION LOTS 217 - 219 BUSSELTON BYPASS, VASSE (BROADWATER NATURE RESERVE)**		
Document No.	**Version**	**Issue Date**	**Issued To**
RVA292_43	**draft**	**26 June 2017**	**Client / Total Horticultural Services**
RVA292_43	**V1**	**11 September 2017**	**Client / Onshore Environmental**
RVA292_43	**V2**	**2 October 2017**	**Client / Onshore Environmental**
RVA292_43	**V3**	**10 October 2017**	**Client / Onshore Environmental**
RVA292_43	**V4**	**20 October 2017**	**Client / Dept Biodiversity Conservation and Attractions / Department of the Environment and Energy**
RVA292_43	**V5**	**17 November 2017**	**Dept Biodiversity Conservation and Attractions / Department of the Environment and Energy**
RVA292_43	**V6**	**6 December 2017**	**Dept Biodiversity Conservation and Attractions / Department of the Environment and Energy / Client**

STATEMENT OF LIMITATIONS

Scope of Services

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

Reliance on Data

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

Environmental Conclusions

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

Report for Benefit of Client

The report has been prepared for the benefit of the Client and no other party. EndPlan assumes no responsibility and will not be liable to any other person or organisation for or in relation to any matter dealt with or conclusions expressed in the report, or for any loss or damage suffered by any other person or organisation arising from matters dealt with or conclusions expressed in the report (including without limitation matters arising from any negligent act or omission of EndPlan or for any loss or damage suffered by any other party relying upon the matters dealt with or conclusions expressed in the report). Other parties should not rely upon the report or the accuracy or completeness of any conclusions and should make their own enquiries and obtain independent advice in relation to such matters. Copying of this report or parts of the report is not permitted without the authorisation of the Client or EndPlan.

Other Limitations

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

THIS MANAGEMENT PLAN HAS BEEN PREPARED BY ENDPLAN ENVIRONMENTAL IN ASSOCIATION WITH:

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Declaration of Accuracy

I declare that:

1. To the best of my knowledge, all the information contained in, or accompanying this Rehabilitation Offset Plan is complete, current and correct.

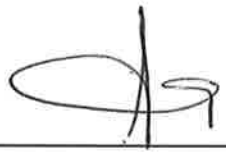
2. I am duly authorised to sign this declaration on behalf of the approval holder.

3. I am aware that:

   a. Section 490 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) makes it an offence for an approval holder to provide information in response to an approval condition where the person is reckless as to whether the information is false or misleading.

   b. Section 491 of the EPBC Act makes it an offence for a person to provide information or documents to specified persons who are known by the person to be performing a duty or carrying out a function under the EPBC Act or the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth) where the person knows the information or document is false or misleading.

   c. The above offences are punishable on conviction by imprisonment, a fine or both.

Signed 

Full name: STEPHEN FREDERIC BUSSELL CARMODY

Organisation: RAY VILLAGE AGED SERVICES INCORPORATED TRADING AS CAPECARE

Date: 6 DECEMBER 2017

TABLE OF CONTENTS

1. INTRODUCTION 1

1.1 Purpose and Scope 1
1.2 Project Overview 2
1.2.1 Approval 2
1.2.2 Project Components 3
1.3 Definitions 4

2. ENVIRONMENTAL SETTING 5

2.1 Climate 5
2.1.1 Rainfall 5
2.1.2 Temperature 6
2.2 Geology and Soils 7
2.3 Wetlands 8
2.4 Vegetation 8
2.4.1 Biogeographic Region 8
2.4.2 Vegetation Complex 8
2.4.3 Vegetation Type and Condition 8
2.5 Weeds 9
2.6 Fauna 10
2.6.1 Fauna Habitats 10
2.6.2 Conservation Significant Fauna 10
2.7 Pests 11
2.7.1 Introduced 11
2.7.2 Native 12

3. REHABILITATION STRATEGY 13

3.1 Rehabilitation Objectives 13
3.2 Targets and Indicators 13
3.3 Completion Criteria 13

4. METHODOLOGY AND MANAGEMENT ACTIONS 15

4.1 Site Preparation 15
4.2 Fencing 15
4.3 Weed Control 16
4.4 Soil Amelioration 16
4.5 Planting Seedlings and Direct Sowing 16
4.5.1 Species Selection and Plant Allocation 17
4.5.2 Sourcing Plant Material 17
4.5.3 Direct Seeding 17
4.5.4 Seedling Planting 17
4.6 Plant Disease 19
4.6.1 *Phytophthora* dieback 19
4.6.2 Redlegged earth mite 19
4.7 Pest Control 19

4.7.1 Introduced Pests 19
4.7.2 Native Pests 20
4.8 Fire Management 20
4.9 Rehabilitation Chronology 21

5. MONITORING AND CORRECTIVE MEASURES 23

5.1 Quarterly Site Inspections 23
5.2 Revegetation and Weed Control 23
5.2.1 Belt transects 23
5.2.2 Tree plots 23
5.3 Corrective Actions 24

6. RESPONSIBILITIES, RECORD-KEEPING, AUDITING AND REPORTING 26

6.1 Proponent Responsibilities 26
6.2 Record-keeping, Auditing and Reporting 26

7. REFERENCES 27

LIST OF TABLES

TABLE 1 EPBC 2006/2834 Approval Condition 5 and Where the Requirements are Addressed in the ROMP
TABLE 2 Rainfall Data Recorded at Busselton Aero Weather Station
TABLE 3 Temperature Data Recorded at Busselton Aero Weather Station
TABLE 4 Targets and Indicators for Rehabilitation Objectives
TABLE 5 Species List for Revegetation Area
TABLE 6 Schedule for Weed Control, Revegetation, Monitoring and Reporting
TABLE 7 Triggers and Contingency Actions for Rehabilitation

LIST OF CHARTS

CHART 1 Monthly Mean Rainfall (mm) Recorded at the Busselton Aero Weather Station (Long-term and 2016)
CHART 2 Mean Maximum and Minimum Temperatures (^{o}C) Recorded at the Busselton Aero Weather Station (2016)
CHART 3 Layout of Permanent Belt Transect (20, 1m by 1m quadrats) and Tree Plots (20m by 20m) to be Established as Part of the Monitoring Program

LIST OF PLATES

PLATE 1 Map of Bush Fire Prone Areas in and around the Offset Site

LIST OF FIGURES

FIGURE 1 Regional Location of Development Area
FIGURE 2 Cadastre of Armstrong Reserve (2015)
FIGURE 3 Regional Location of Offset Site
FIGURE 4 Existing Environs with Cadastre
FIGURE 5 Soils and Landscape
FIGURE 6 Geomorphic Wetland Mapping

LIST OF APPENDICES

APPENDIX 1 City of Busselton Local Planning Strategy No. 21 – Armstrong Reserve Cadastre (August 2017)
APPENDIX 2 EPBC 2006/2834 Variation to Conditions Attached to Approval (18 October 2017)
APPENDIX 3 Department of Biodiversity, Conservation and Attractions Correspondence
APPENDIX 4 EPBC 2006/2834 Approval (25 February 2013)
APPENDIX 5 Offset Site Rehabilitation Area (Onshore Environmental 2017)
APPENDIX 6 Firebreak and Fuel Hazard Reduction Notice (City of Busselton 2017)

1. INTRODUCTION

Ray Village Aged Services (Inc.) trading as Capecare (Capecare) proposes to develop Lot 600 Naturaliste Terrace, Dunsborough (development area) as an aged care facility.

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

Previously comprising Lots 111, 115, 116, 117 Naturaliste Terrace and a 9994 m^2 portion of Lot 257 Naturaliste Terrace (**Figure 2**), in accordance with the Western Australian *Town Planning and Development Act 2005*, rezoning of the development area has been undertaken resulting in the amalgamation of the previous lots into a single lot (Lot 600 on Deposited Plan 403383 Armstrong Place, Dunsborough). Lot 600 is now the legal responsibility of Capecare and will be retained as one Title in perpetuity. The remainder of Armstrong Reserve has subsequently been gazetted into three separate lots: the City of Busselton will retain the vesting of Reserve 25339 (Lots 3000 and 601) for the purpose of 'Landscape Protection', while the Department of Water and Environmental Regulation (DEWR) will retain the vesting of Reserve 40445 (Lot 258) for the purpose of 'Drainage' (refer to **Appendix 1**).

1.1 Purpose and Scope

This Rehabilitation Offset Management Plan (ROMP) has been commissioned by Capecare to fulfil the requirements of **Condition 5** of the conditions of approval for EPBC 2006/2834 as varied on 18 October 2017 (refer to **Appendix 2**).

The ROMP will be implemented within the designated offset site which comprises a portion of Lots 217 - 219 (on Deposited Plan 4918 / Volume 1918 / Folio 406) Busselton Bypass, Vasse (offset site) situated within the Dunsborough region (refer to **Figure 3**). The offset site is vested in the Western Australian Conservation and Parks Commission and the Department of Biodiversity Conservation and Attractions (DBCA)[1] and forms part of the Broadwater Nature Reserve (refer to **Figure 4**).

The ROMP identifies rehabilitation strategies, management actions, monitoring activities, contingency measures, auditing and reporting requirements to be undertaken to satisfy Condition 5 of the EPBC 2006/2834, as varied (refer to **Appendix 2**).

Table 1 (over the page) details the requirements of Condition 5 and the section(s)/table(s) of the ROMP in which the requirement is addressed.

[1] Previously the Department of Parks and Wildlife (DPaW)

TABLE 1
EPBC 2006/2834 APPROVAL CONDITION 5 AND WHERE THE REQUIREMENTS ARE ADDRESSED IN THE ROMP

CONDITION No.	REQUIREMENT	SECTION OF REPORT
5	To offset the impacts of the action on the Western Ringtail Possum, the person taking the action must prepare and submit a Rehabilitation Offset Management Plan (ROMP). The ROMP must be prepared in consultation with the Western Australian Department of Biodiversity Conservation and Attractions (DBCA) and must:	Evidence of consultation with DBCA is included in accompanying documents (refer to **Appendix 3**).
a.	specify an offset site of at least 1 ha in size within the area shown at Attachment B;	Refer to **Appendix 2, Section 1.1** and **Figure 3**.
b.	provide for the planting of at least 2,500 Peppermint trees (*Agonis flexuosa*) per hectare within the offset site;	The proposed species and densities to be planted are identified in **Tables 4 and 5** and **Section 3**.
c.	include a methodology for ensuring a survival rate of 80% of the 2,500 Peppermint trees is maintained per hectare 5 years after planting;	Methodology is detailed in **Section 4**. Objectives, targets and indicators are detailed in **Tables 4 and 6**. Completion criteria are detailed in **Section 3.3**. Timeframes for the implementation and completion of the above measures / programs /reporting are detailed in **Section 4.8** and **Tables 6 and 7**.
d.	describe monitoring and contingency measures if the survival rate (item c) is not met; and	Refer to **Section 5, Chart 3** and **Table 7**.
e.	contain measures to minimise human access, and the impacts of herbivores, unplanned fire, weeds and Dieback (*Phytophthora cinnamomi*) within 3 years following commencement of rehabilitation works.	Refer to **Section 4**.

1.2 Project Overview

1.2.1 Approval

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), sets out the way in which the Commonwealth Government regulates the environmental impacts of projects or 'actions'. An 'action' is defined broadly in the EPBC Act and includes a project, a development, an undertaking, an activity or series of activities, or an alternation of any of these things (Commonwealth of Australia, 2009).

On the 30 May 2006, Capecare referred a proposal to develop an aged care facility at Armstrong Reserve, Naturaliste Terrace, Dunsborough, Western Australia to the then Commonwealth Department of the Environment and Heritage (now the Department of the Environment and Energy - DotEE) for a decision as to whether or not an approval was required under Chapter 4 of the EPBC Act.

On the 28 June 2006, Capecare was advised that the proposal was determined to be a 'Controlled Action' due to potential impacts on the *Pseudocheirus occidentalis* (Western Ringtail Possum). The

Western Ringtail Possum was, at the time of the referral decision, listed as 'Vulnerable' under the EPBC Act and as 'Critically Endangered' under the Western Australian *Wildlife Conservation Act 1950*.

An Approval for the proposed action, made under sections 130(1) and 133 of the EPBC Act, was issued to Capecare on the 25 February 2013. The Approval decision, which has effect until the 31 December 2021[2], related to the Controlling Provision being listed threatened species and communities (sections 18 and 18A) and was subject to 13 conditions (refer to **Appendix 4**). Condition 5 required Capecare to provide an environmental offset in lieu of the clearing of approximately 9,020 m^2 of Western Ringtail Possum habitat within the development area.

An environmental offset is a conservation action that compensates for the negative environmental impacts of an action, such as a development. Under the EPBC Act environmental offsets policy, offsets should directly correlate to the impact of a proposed action (Commonwealth of Australia, 2012).

Following further consultation with the DotEE regarding the environmental complexities of the offset site, and with respect to the request by the DBCA that Capecare undertake additional overstorey and understorey planting across all landscape elements of the offset site, a delegate of the Federal Minister for the Environment and Energy varied the Conditions of Approval on the 18 October 2017 (refer to **Appendix 2**).

1.2.2 Project Components

Capecare proposes to develop the 1.28 ha development area that is to be zoned "Special Purposes - Aged Persons Housing" under the City of Busselton's (City) Local Planning Scheme No. 21. The remainder of Armstrong Reserve has been gazetted as Lots 3000 and 601 Naturaliste Terrace (Reserve 25229) for the purpose of 'Landscape Protection' vested in the City of Busselton and Lot 258 (Reserve 40445) for the purpose of 'Drainage' vested in the Department of Water and Environmental Regulation (refer to **Appendix 1**).

While approximately 4,332 m^2 of the development area has historically been cleared, a further 9,020 m^2 area of Western Ringtail Possum habitat will be required to be cleared to enable construction of the aged care facility. To compensate for the removal of this area of habitat, rehabilitation of 1 ha of degraded Western Ringtail Possum habitat is required to be undertaken at the designated offset site (refer to **Figure 3**).

Since the EPBC Act Approval was issued, Capecare has liaised with the DotEE and the DBCA with respect to the requirements of Condition 5. Given that the offset site is vested in the DBCA, specific revegetation requirements have been requested by the DBCA to be implemented. The requirements are identified in **Section 4.5.4**.

[2] Capecare has applied to the Minister for a variation to the implementation period of the Approval requesting that it be extended to 2025 to enable completion of the management period of this ROMP.

1.3 Definitions

Department: Is the Australian Government Department administering the EPBC Act 1999.

DBCA: The Western Australian Department of Biodiversity Conservation and Attractions (or equivalent agency).

DWER: The Western Australian Department of Water and Environmental Regulation.

Minister: Is the Minister administering the EPBC Act 1999 and includes a delegate of the Minister.

Proposed development footprint: The area identified as '*Proposed Development Footprint*' at Attachment A of the EPBC Act Approval (refer to **Appendix 2**).

Rehabilitation: Acknowledges that vegetation has been permanently altered, but seeks to return a native plant community that has elements that are compatible with surrounding vegetation.

Revegetation: The planting or direct seeding of native species in areas that have been cleared or highly modified.

Weed: Any plant species (native or more frequently exotic to a region) which has the potential to impact on the ecology of a natural area.

2. ENVIRONMENTAL SETTING

The offset site is located on the southern portion of the Swan Coastal Plain; a narrow plain approximately 30 km wide extending from Jurien Bay in the north to almost Cape Naturaliste in the south. The land is associated with the flat, inland Yoongarillup Plain that is characterised by low ridges and swales with a thin cover of siliceous sands over limestone (Churchward and McArthur, 1980).

2.1 Climate

The Dunsborough region experiences a Mediterranean climate with warm, dry summers and mild, wet winters. High-pressure cells dominate climatic patterns during summer and the passage of cold fronts and associated low-pressure cells dominate during winter.

Data included in **Tables 2 and 3**, and shown pictorially on **Charts 1 and 2** have been obtained from the Bureau of Meteorology's (BOM) Busselton Aero Weather Station (Site No. 009603) located at the Busselton Airport, the closest weather station to the offset site (Bureau of Meteorology, 2017).

2.1.1 Rainfall

The long-term (1997-2016) mean annual rainfall is 657.5 mm, with the lowest monthly total of 4.4 mm recorded in February and the highest (133.8 mm) recorded in July. During 2016, the total rainfall recorded was 781.4 mm which is considerably above the long-term mean annual rainfall. The lowest monthly rainfall for 2016 was 4.8 mm (November) and the highest monthly total was 181.0 mm (July) (refer to **Table 2 and Chart 1**). Rainfall events, particularly in terms of intensity, are irregular and characterised by a winter maximum which results from rain-bearing low pressure cells crossing the south-west coastal area.

TABLE 2
RAINFALL DATA RECORDED AT BUSSELTON AERO WEATHER STATION

STATISTIC	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Mean **Rainfall** (mm) for years 1997-2016	12.9	4.4	19.2	34.0	99.8	127.9	133.8	105.7	77.8	30.2	23.6	9.1	657.5
Rainfall (mm) 2016	64.4	5.0	44.0	41.2	90.2	112.2	181.0	133.0	58.4	37.4	4.8	9.8	781.4

Source: Bureau of Meteorology (2017)

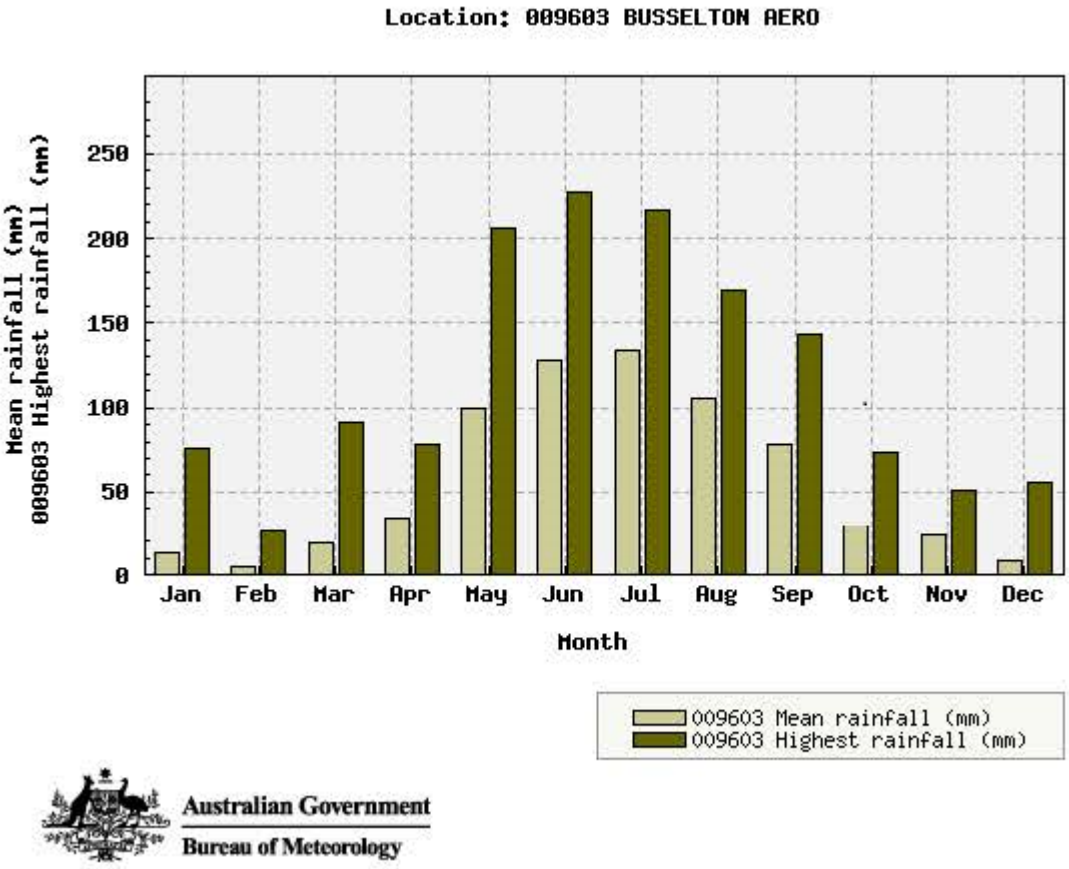


CHART 1: Monthly mean rainfall (mm) recorded at the Busselton Aero Weather Station (long-term and 2016).

2.1.2 Temperature

The long-term data (1997-2016) for mean daily temperature shows a mean maximum temperature of 30.2°C in January/February and a mean minimum temperature of 7.2°C in July (refer to **Table 3 and Chart 2**). During 2016, a mean maximum temperature of 14.6°C was recorded in February with the mean minimum temperature of 7.2°C recorded in July.

TABLE 3
TEMPERATURE DATA RECORDED AT BUSSELTON AERO WEATHER STATION

STATISTIC	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mean **maximum temperature** (°C) for years 1997-2016	30.2	30.2	27.9	24.0	20.5	17.8	16.8	17.3	18.3	21.3	25.0	27.9
Mean **minimum temperature** (°C) for years 1997-2016	14.3	14.6	13.3	11.0	9.1	7.6	7.2	7.7	8.6	10.7	12.3	10.3

Source: Bureau of Meteorology (2017)

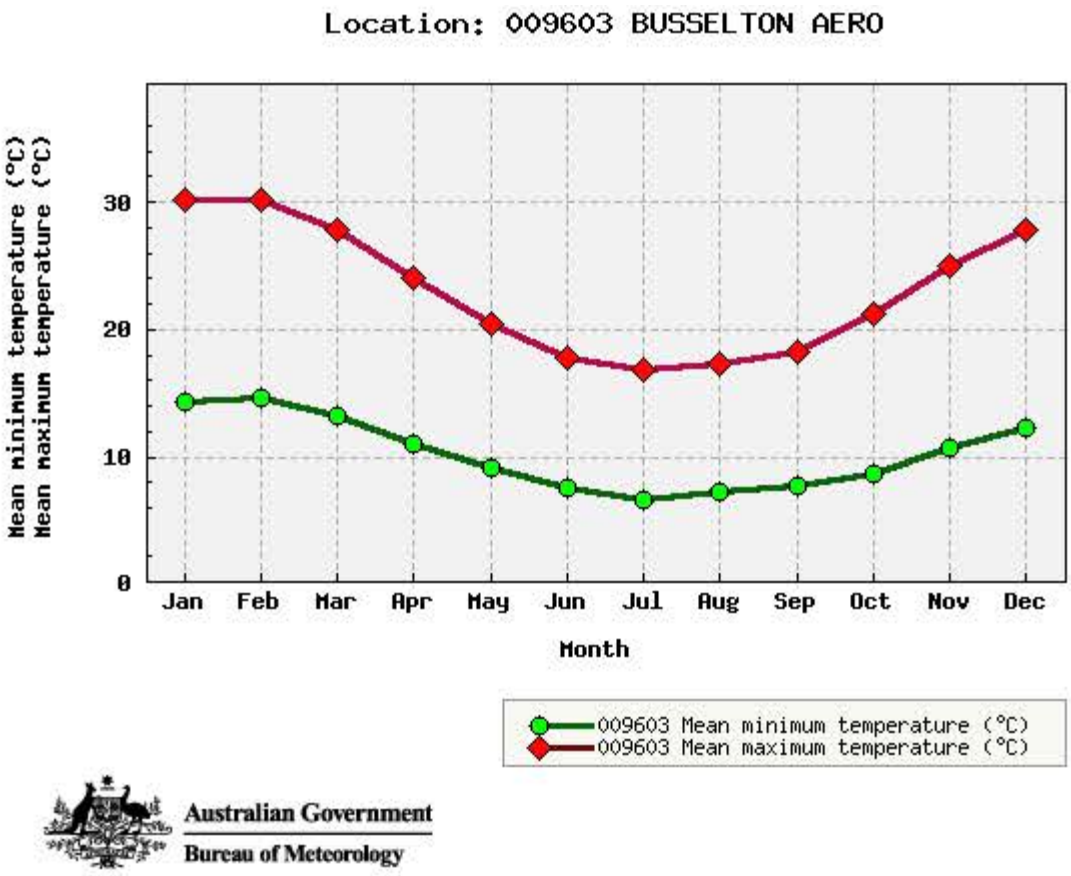


CHART 2: Mean Maximum and Minimum Temperatures (°C) Recorded at the Busselton Aero Weather Station (2016).

2.2 Geology and Soils

The offset site is located at the southern extremity of the Swan Coastal Plain which is bounded by the Whicher Scarp to the south and Geographe Bay to the north. This area is thought to have originally comprised relatively low sand drifts that have been flattened as a result of long-term pastoral use (Tille and Lantzke, 1990).

The regional geology of the Busselton-Capel area is dominated by a Cretaceous sedimentary sequence that was deposited within a major graben structure in the southern Perth Basin. The stratigraphy underlying the offset site comprises the Leederville Formation unconformably overlying Permian deposits and comprises a sequence of onshore fluviatile (river) and paludal (wetland) deposits (sediments) that are essentially flat-lying with a gentle slope to the north and have a thick weathering profile, up to about 25 m thick (Department of Water, 2008).

The soils-landscaping mapping for the general area (Department of Agriculture and Food WA, 2008) identifies the area of the offset site as belonging to the Spearwood Dunes System characterised by low relief dunes generally <10 m in elevation. The offset site forms part of the Vasse Wonnerup Subsystem and is comprised of three distinct sub-units:

- **211VaWOwy** – located in the northern half described as Vasse Wonnerup very wet saline flats; Phase Wet and Semi-wet soils and Saline wet soils;
- **211SpLD1** – located in the southern half described as Ludlow flats Phase Yellow and Brown DotEp sands; and
- **211VaWOw** – located in the north-western portion described as Vasse Wonnerup wet flats Phase Semi-wet and Wet soils with some Saline 48274827wet soils and Pale DotEp sands.

Figure 5 identifies the location of each of the soil-landscape units.

2.3 Wetlands

The *Geomorphic Wetlands Swan Coastal Plain* dataset displays the location, boundary, geomorphic classification (wetland type) and management category of wetlands on the Swan Coastal Plain (Department of Environment and Conservation, 2012) viewable online using the Government of Western Australia's *WA Atlas* (2017).

A conservation wetland (UFI 13156), part of the Broadwater wetland system is located to the north of the offset site and a multiple use wetland (UFI 13195) is located across the northern half of the offset site (refer to **Figure 6**).

2.4 Vegetation

2.4.1 Biogeographic Region

The site is located within the Swan Coastal Plain (SWA) Region under the Interim Biogeographic Regionalisation of Australia (IBRA7) codes and in the Swan Coastal Plain 02 (SWA02) subregion that is characterised by a low-lying coastal plain, mainly covered by woodlands (Government of Australia, 2012).

2.4.2 Vegetation Complex

The offset site is located within the Karrakatta Complex - Central and South (Heddle *et al.,* 1980) and the Ludlow Units (LW) and (L) (Mattiske and Havell, 1998).

2.4.3 Vegetation Type and Condition

The dominant plant community in the adjacent reserve comprises a Low Forest dominated by *Eucalyptus rudis* subsp. *rudis* and *Melaleuca rhaphiophylla* with scattered *Agonis flexuosa* over a degraded understorey comprising a dense cover (>70%) of *Zantedeschia aethiopica* (Arum Lily).

On-site, the vegetation comprises one mature *Agonis flexuosa* tree, one mature *Eucalyptus rudis* tree, and scattered *Melaleuca rhaphiophylla* trees, while the native understorey strata have been totally removed as a result of historical grazing and replaced by a dense cover (>70%) of annual pasture grasses and weeds (refer to **Section 2.5)**.

The condition of remnant vegetation across the site was assessed using the condition rating scale of Keighery published in *Bush Forever* (Government of WA, 2000) that ranges from Pristine (which means

that the vegetation exhibits no visible signs of disturbance) to Completely Degraded (where the vegetation structure is no longer intact and without native plant species). While vegetation fringing the northern boundary of the offset site (within the multiple use wetland) is in a Good to Degraded condition, the entire offset site has been cleared for annual pasture and the vegetation condition is rated as Completely Degraded[3].

Due to the degree of clearing undertaken within the offset site to provide annual pasture for cattle grazing, the vegetation was unmappable for *Phytophthora* dieback.

2.5 Weeds

Environmental weeds include those listed as Declared Plants under the Government of Western Australia's *Agriculture and Related Resources Protection Act 1976.* Declared Plants require a varying degree of control, depending upon their rating in the district in which they are encountered (Government of Western Australia, 2009; Department of Agriculture and Food Western Australia, 2017a and 2017b).

The following 41 introduced species were observed during a late September 2017 site visit:

- *Amaranthus albus* (Tumbleweed)
- *Avena barbata* (Bearded Oat)
- *Arctotheca calendula* (Cape Weed)
- *Briza minima* (Shivery Grass)
- *Bromus diandrus* (Great Brome)
- *Carduus tenuiflorus* (Slender Thistle)
- *Cenchrus clandestinus* (Kikuyu Grass)
- *Conyza bonariensis* (Flaxleaf Fleabane)
- *Cynodon dactylon* (Couch Grass)
- *Disa bracteata* (African Orchid)
- *Dittrichia graveolens* (Stinkwort)
- *Ehrharta longiflora* (Annual Veldt Grass)
- *Euphorbia peplus* (Petty Spurge)
- *Geranium molle* (Doves foot Geranium)
- *Holcus lanatus* (Yorkshire Fog)
- *Hypochaeris glabra* (Flatweed)
- *Lolium rigidum* (Wimmera Ryegrass)
- *Lotus angustissimus* (Narrowleaf Trefoil)
- *Lupinus cosentinii* (Western Australian Blue Lupin)
- *Lythrum hyssopifolia* (Lesser Loosestrife)
- *Malva parviflora* (Marshmallow)
- *Medicago polymorpha* (Burr Medic)
- *Melilotus indicus* (King Island Melilot)
- *Mentha pulegium* (Pennyroyal)
- *Oxalis pes-caprae* (Soursob)
- *Romulea rosea* (Guildford Grass)
- *Rumex acetosella* (Sorrel)

[3] The structure of the vegetation is no longer intact and the area is completely or almost completely without native species.

- *Rumex crispus* (Curled Dock)
- *Rumex hypogaeus* (Doublegee)
- *Solanum nigrum* (Deadly Nightshade)
- *Sonchus asper* (Rough Sowthistle)
- *Sonchus oleraceus* (Common Sowthistle)
- *Sparaxis bulbifera* (Sparaxis)
- *Spergularia rubra* (Sand Spurry)
- *Stellaria media* (Common Chickweed)
- *Stenotaphrum secundatum* (Buffalo Grass)
- *Symphyotrichum squamatum* (Bushy Starwort)
- *Trifolium fragiferum* (Strawberry Clover)
- *Trifolium lappaceum* (Burr Clover)
- *Vulpia myuros* (Rat's Tail Fescue)
- *Zantedeschia aethiopica* (Arum Lily)

Zantedeschia aethiopica (Arum Lily) is a listed as a Declared Pest in Western Australia. It occurs as scattered plants within the offset site; these plants can be easily removed prior to commencing rehabilitation. However, the larger risk is posed from the adjacent Broadwater Nature Reserve where there has been no management of Arum Lily for an extended period, and the Declared Pest now provides a seasonal cover of 95 percent. This loading significantly increases the risk of spread into the neighbouring offset site and threatens the sustainability of the native revegetation cover in the event that it continues to be unmanaged.

2.6 Fauna

2.6.1 Fauna Habitats

The adjacent Broadwater Nature Reserve supports a Low Forest dominated by *Eucalyptus rudis* subsp. *rudis* and *Melaleuca rhaphiophylla* with scattered *Agonis flexuosa* over a degraded understorey comprising a dense cover (>70%) of *Zantedeschia aethiopica* (Arum Lily). There is evidence of crown decline within the dominant canopy species, *Eucalyptus rudis* subsp. *rudis* (Flooded Gum). The offset site comprises annual pasture which currently provides limited value in terms of fauna habitat, other than for kangaroo grazing.

2.6.2 Conservation Significant Fauna

Habitat parameters affecting the distribution of the Western Ringtail Possum (*Pseudocheirus occidentalis*) are well known with the population on the Swan Coastal Plain predominantly located in the coastal strip between Bunbury and Albany (extending inland in riparian habitat between the Collie and Blackwood Rivers), and in the Upper Warren region. Habitat is associated with stands of myrtaceous trees (usually Peppermint Tree [*Agonis flexuosa*]) growing near the coast, swamps, watercourses or floodplains, and at topographic low points which provide cooler, often more fertile conditions (Department of the Environment, 2015c).

The area lies within the known distribution of the Ringtail Possum (*Pseudocheirus occidentalis*) in the Dunsborough to Bunbury Zone, and habitat within the Broadwater Nature Reserve is mapped as high quality for the species. Lots 217 – 219 provide a small and discrete area suitable to meeting the offset conditions required by Capecare, and would further enhance a previous Western Ringtail Possum

habitat creation offset implemented by Main Roads Department along the Busselton Bypass Road (Kim Williams, Parks and Wildlife Service, DBCA, pers. comm. 31 October 2017).

2.7 Pests

2.7.1 Introduced

The following introduced pest species are likely to inhabit or range through the offset site: *Vulpes vulpes* (European red fox), *Oryctolagus cuniculus* (feral European rabbit), and *Felis catus* (feral or semi-domestic cat).

The European red fox is an opportunistic predator and scavenger and has been recognised as a serious threat to Australian native fauna. Fox population densities may range from 0.2 to 12 adults per km^2 with fox groups having well defined home ranges with stable borders; the size of the home range averaging approximately 30 ha in urban areas (Animal Pest Management Services, 2017).

Feral rabbits are nocturnal grazers preferring green grass and herbs thereby preventing regeneration by eating seeds and seedlings and contributing to the decline in numbers of many native plants and animals (Department of Sustainability, Environment, Water, Population and Communities, 2011).

Feral cats range in size from 3.5- 6.5 kg, are nocturnal hunters capable of killing prey up to their own body size and are thought to have contributed to the extinction of a number of small to medium sized ground-dwelling mammals and ground-nesting birds in Australia. Home ranges of 1-10 km may be extended during times of food shortage (Animal Pest Management Services, 2017).

The *Threat Abatement Plan for Predation by Feral Cats* (Commonwealth of Australia, 2015) states that:

> *The responsibility for managing domestic cats ultimately rests with their owners. State, territory and local governments are supporting initiatives aimed at encouraging responsible pet ownership, including developing appropriate legislation, education and awareness programs, and management plans to address local problems with domestic and stray cats.*

In Western Australia, the *Cat Act 2011* requires the identification, registration and sterilisation of domestic cats, and gives local government authorities the power to administer and enforce the legislation (Department of Local Government, 2013). From the 1 November 2013, the full *Cat Act 2011* required that all cats that have reached six months of age be microchipped, sterilised and registered with the relevant local government authority.

While responsible cat management includes keeping a cat confined to its property, especially at night (Department of Local Government, 2013), this is particularly difficult for authorities to enforce.

Feral predators such as foxes and cats (both feral and domestic) have the potential to be concentrated in remnant bushland areas such as in or near to the offset site and have an adverse impact on the Western Ringtail Possum through predation, while the introduced pest the European rabbit can have an adverse impact on revegetation measures through herbivoring.

Management actions to reduce the impact of introduced pests on Western Ringtail Possum are identified in **Section 4.7.1**.

2.7.2 Native

A large population of native Western Grey Kangaroos (*Macropus fuliginosus*) are known to inhabit the Broadwater Nature Reserve including the offset site moving freely throughout the Reserve. This species can have an adverse impact on the revegetation process due to their foraging activity and preference for young green growth of saplings and grasses (introduced and native).

The Western Grey Kangaroo is protected under the Western Australian *Wildlife Conservation Act 1950* and is also a declared pest of agriculture under the provisions of the *Agriculture and Related Resources Protection Act 1976*. This declaration allows for the approval and implementation of a Western Grey Kangaroo management plan and management strategies in various areas of the state.

Management actions to reduce the impact of the kangaroo on revegetation are identified in **Section 4.7.2**.

3. REHABILITATION STRATEGY

The rehabilitation process must acknowledge that native vegetation at the offset site has been permanently altered, but seeks to return a native plant community that has elements that are compatible with original and adjacent vegetation complexes. Capecare will be responsible for managing the revegetation for a period of five years during the early establishment phase.

3.1 Rehabilitation Objectives

The principal objectives of the ROMP as they apply to the offset site are to:

1. Undertake native rehabilitation across a minimum 1 hectare area of annual pasture within the offset site that has previously been cleared of native vegetation and subjected to prolonged grazing by dairy cattle;
2. Revegetate using a minimum number of nine plant taxa including three each of overstorey, mid-storey and understorey species, matched to the landform, i.e. upland and wetland, and ensuring a minimum number of 2,500 Peppermint seedlings are included in the overstorey mix; and
3. Maintain revegetation at the offset site for a period of five years following planting to ensure the survival of at least 80 percent of the Peppermint seedlings and that no patch greater than 100 m^2 has mid-storey and upper storey native species absent.

3.2 Targets and Indicators

Targets and indicators have been established for each of the principal objectives of the ROMP to ensure that the rehabilitation performance is measurable as identified in **Table 4**.

3.3 Completion Criteria

The completion criteria as prescribed by EPBC Condition 5(c) requires there to be a survival rate of 80 percent (equivalent to 2,000 Peppermints per hectare) for the offset site five years after planting. For the non-Peppermint mixed species survival rate five years after planting, no patch greater than 100 m^2 will have mid-storey and upper storey native species absent and patches of 400 m^2 will contain at least two different under/mid-storey species and a minimum under/mid-storey cover of approximately 30 percent.

At the end of the initial planting, a spreadsheet will be provided to the DotEE and the DBCA detailing the final species type and number of tubestock planted. This information will be used as baseline data for comparison in future monitoring assessments and to determine the survival rate (or otherwise) of revegetation, whether completion criteria have been met and whether additional plantings are required.

Five years following planting, the management responsibility for the site will devolve to the DBCA.

TABLE 4
TARGETS AND INDICATORS FOR REHABILITATION OBJECTIVES

CRITERION / OBJECTIVE	MECHANISM	TARGET	INDICATOR(S)	MEASUREMENT TOOL
Undertake native rehabilitation across a minimum 1 ha area of annual pasture that has previously been cleared of native vegetation and subjected to prolonged grazing by dairy cattle.	Implement the approved ROMP.	Rehabilitate no less than 1 ha of land within the designated offset site.	The annual monitoring confirms that all required components of the ROMP have been appropriately implemented.	Quarterly site inspections of revegetation development to be completed by an appropriately qualified botanist. Annual revegetation monitoring and reporting to be completed by an appropriately qualified botanist.
Revegetate using a minimum number of nine plant taxa including 3 each of upper storey, mid-storey and understorey species, matched to the landform, i.e. upland and wetland, and ensuring a minimum number of 2,500 Peppermint seedlings are included in the upper storey mix per hectare.	Implement rehabilitation methodologies listed in **Section 4** of the ROMP.	2,500 peppermint seedlings planted per hectare within the designated offset site.	Revegetation monitoring confirms that at least 2,500 Peppermint seedlings per hectare were planted. Review of plant orders and invoices confirms total number of tubestock.	Quarterly site inspections of revegetation development to be completed by an appropriately qualified botanist. Annual revegetation monitoring and reporting to be completed by an appropriately qualified botanist.
Maintain revegetation at the offset site for a period of five years following planting to ensure the survival of at least 80% of the Peppermint seedlings, and for the non-Peppermint mixed species survival rate five years after planting, no patch greater than 100 m^2 will have mid-storey and upper storey native species absent and patches of 400m^2 will contain at least 2 different under/mid-storey species and a minimum under/mid-storey cover of approximately 30%. Five years following planting, the management responsibility for the site will devolve to the DBCA.	Implement rehabilitation methodologies listed in **Section 4** of the ROMP.	Ongoing management measures to ensure a survival rate of 80% of the 2,500 Peppermint seedlings is maintained per hectare five years after planting.	Revegetation monitoring confirms that at least 2,000 Peppermint seedlings per hectare occur within the designated offset site after five years, representing an 80% survival rate.	Quarterly site inspections of revegetation development to be completed by an appropriately qualified botanist. Annual revegetation monitoring and reporting to be completed by an appropriately qualified botanist.
		Ongoing management measures to ensure that no patch greater than 100 m^2 will have mid- and upper storey native species absent and patches of 400 m^2 will contain at least 2 different under/mid-storey species and a minimum under/mid-storey cover of approximately 30%.	Revegetation monitoring confirms that patches greater than 100 m^2 have mid-storey and upper storey native species present and patches of 400 m^2 will contain at least 2 different under/mid-storey species with a minimum under/mid-storey cover of approximately 30%.	

4. METHODOLOGY AND MANAGEMENT ACTIONS

Parts of the Broadwater Nature Reserve and its associated landforms have been successfully rehabilitated to develop into Western Ringtail Possum habitat whilst other areas, particularly the wetland, have proven difficult to successfully rehabilitate. The use of site-specific appropriate site preparation, weed control and planting methodologies will form the basis of ensuring the objectives identified in **Table 4** can be achieved over Capecare's five-year management period. The use of specialist subcontractors to implement the methodologies and assess the outcomes throughout the management period will also be critical to rehabilitation success at the offset site.

4.1 Site Preparation

There are three landforms represented within the offset site:

1. An elevated sandy ridge comprising deep grey sandy soil and supporting one large isolated tree of *Agonis flexuosa* (Peppermint) over cleared annual pasture grasses and weeds;
2. A seasonally wet floodplain (dark clayey sand) fringing the Broadwater wetland and supporting one large isolated tree of *Eucalyptus rudis* (Flooded Gum) and scattered trees of *Melaleuca rhaphiophylla* (Swamp Paperbark) over cleared annual pasture grasses and weeds; and
3. An un-incised ephemeral drainage line with seasonal pools during winter months.

As shown in **Appendix 5**, approximately 0.5 hectares of the offset site supports the elevated sandy ridge with deep grey non-wetting sands. This landform will be ideal for establishment of Peppermint woodland that will develop into Western Ringtail Possum habitat. Deep ripping on the contour by a D9 dozer with modified 'winged' tyne at less than 1 metre intervals and to a minimum depth of 500 mm will be the site preparation technique. This method directs water following rainfall into the base of riplines where seedlings will be establishing, increasing plant available water in the otherwise non-wetting soils. The riplines also provide protection to developing seedlings from prevailing winds.

The seasonally wet floodplains occur over approximately 0.70 hectares situated lower in the landscape, fringing the Broadwater wetland. These areas were holding surficial standing water during site visits conducted in late August and late September 2017. Prolonged waterlogging is potentially a major issue for developing seedlings. Rip mounding is an appropriate site preparation technique in soils that are subject to waterlogging as it allows plant roots to develop along the tops of mounds above the level of seasonal inundation, which promotes faster early plant growth and increased survival rates.

An unincised drainage line supporting seasonal pooling of surface water occurs over approximately 0.60 hectares of the offsite site. Due to the increased rate of flow along this drainage line, site preparation is not recommended owing to the potential for scouring. Any revegetation will occur directly into the existing profile using plant species that are adapted to being seasonally inundated. Revegetation of this landform will occur late in year during periods when surface water is receding.

4.2 Fencing

The southern boundary of the offset site is currently fenced with 1.8 m high chain mesh. The other three perimeters are currently fenced with ringlock or single strand fencing to 1.2 m height. In order to manage kangaroo herbivoring, the offset site will be fenced with a 1.5m netting fence with 1.8m

posts (thereby providing potential to add a further 300 mm netting at a later stage if needed) and the installation of one way "roo gates" to enable animals to escape the fenced area will be required. Additional rabbit-proof meshing for the base will be 500 mm high attached as an apron at the base, extending a minimum of 400 mm height above ground level and dug in 100 mm (refer also to **Section 4.7**).

4.3 Weed Control

The offset site has been actively managed as annual pasture and grazed by cattle for an extended period, resulting in the site being dominated by a mixture of introduced annual and perennial grasses in combination with other common pasture weeds including Cape Weed and Guildford Grass. Timely treatment of weeds within the rehabilitation area will therefore be critical to revegetation success. Knockdown herbicide treatments will be implemented prior to revegetation using glyphosate (Roundup), with broadscale use of a grass selective herbicide (e.g. Fusilade or Verdict) following revegetation, in combination with targeted spot-spraying of woody weeds. It will be important not to use any residual herbicides which prevent native seed germination.

Following planting, quarterly qualitative assessment of weeds at the offset site will be conducted by a qualified botanist (January, April, July and October), with weed infested areas mapped and corresponding control treatments to be conducted annotated.

Weed control will be ongoing throughout Capecare's five-year management period.

4.4 Soil Amelioration

Soil testing will be undertaken to confirm soil acidity, level of organic carbon, cation exchange capacity, and nutritional status of *in situ* soil. Given that the site supports low quality annual pasture, it is likely that soil amelioration will be required prior to revegetation. Depending on soil test results, there may be a requirement to increase soil organic carbon by spreading compost at 4 m^3 per hectare (farm spreader), followed by a spray application of soil microbial inoculant through boomless spray nozzle (100 litres per hectare), prior to planting seedlings and direct sowing native seed.

4.5 Planting Seedlings and Direct Sowing

Revegetation will consist of a number of steps, including:

- Species selection and plant allocation;
- Sourcing plant material;
- Direct seeding;
- Planting seedlings;
- Plant establishment; and
- Documentation.

4.5.1 Species Selection and Plant Allocation

As identified in **Table 5**, a recommended list of plant species for revegetation of upland, wetland and interface zones within the offset site was provided by the DBCA (refer to **Appendix 3**). Unfortunately not all of the recommended plant species are readily available from local nurseries, and hence, additional species have been added to the original list.

4.5.2 Sourcing Plant Material

Where practicable, plant species used in revegetation works will be of local provenance. However, in acknowledging that sourcing sufficient plant stock of local provenance can be difficult, tubestock from species that are found in the Dunsborough region may be sourced from nurseries that are NIASA accredited which will guarantee the quality of the plant material, including *Phytophthora* dieback free status.

4.5.3 Direct Seeding

Direct seeding will be undertaken using local provenance seed where practical and available, with the seed mix based on the species listed in **Table 5**. Direct sowing is an effective method of providing rapid native cover and reducing potential issues with introduced species by increasing competition during the early establishment phase.

Seed broadcast rates will be determined by annual seed availability for individual species. All seeds will be mixed with a suitable bulking and spreading agent (preferably vermiculite), and manually spread ensuring even coverage over the whole area. Sowing of the upland seed mix (elevated sandy ridges) will occur in early winter, following the required soil preparation and subsequent weed treatment. For wetland areas, direct sowing will be delayed until at least late August when flood waters are receding.

4.5.4 Seedling Planting

Plant stock (tubestock) used should be suitably mature (9-12 months) and appear to be thriving in order to enable optimal establishment and growth.

Initial planting of seedlings within upland areas (elevated sandy ridges) will commence after the season's first major rains, and following required treatment of subsequent weed germination (typically post-June). All seedlings will be planted into the base of riplines at even spacings (planting density to be confirmed following ripping).

For wetland areas, planting of seedlings will be delayed until at least late-August when flood waters typically begin receding. The later planting reduces the potential for seedlings to suffer from prolonged waterlogging. All seedlings will be planted into the top of mounds at even spacings (planting density to be confirmed following mounding).

Infill/supplementary planting of tubestock will be undertaken in the second year following planting if determined to be required during the annual monitoring program completed by an appropriately qualified botanist. Supplementary planting in Year 3 will be informed by the outcomes of Year 2 (2019) planting, with annual review ensuring that the survival rate is met at the corresponding month in 2023.

TABLE 5
SPECIES LIST FOR REVEGETATION AREA

PLANTING ZONE	OVERSTOREY [a]		MIDSTOREY [b]		UNDERSTOREY [c]	
	SPECIES NAME	**COMMON NAME**	**SPECIES NAME**	**COMMON NAME**	**SPECIES NAME**	**COMMON NAME**
Upland Zone	*Agonis flexuosa*	Coastal Peppermint	*Acacia saligna*[4]	Coojong	*Adenanthos meisneri* [4]	Prostrate Woollybush
	Banksia grandis	Bull Banksia	*Jacksonia furcellata*	Grey stinkwood	*Gastrolobium praemorsum*[5]	Bronze Butterfly
	Banksia attenuata	Candle Banksia	*Kunzea glabrescens*	Spearwood	*Hardenbergia comptoniana*[6]	Native wisteria
	Corymbia calophylla	Marri	*Melaleuca systena*	Coastal Honeymyrtle	*Hibbertia cuneiformis*	Cutleaf Hibbertia
			Melaleuca thymoides	Sand Myrtle	*Hypocalymma angustifolium*	White Myrtle
			Spyridium globulosum	Basket Bush	*Kennedia prostrata*	Scarlet Runner
					Lepidosperma gladiatum	Coast Sword-sedge
					Rhagodia baccata	Berry Saltbush
					Stirlingia latifolia[4]	Blueboy
Wetland Zone	*Agonis flexuosa*	Coastal Peppermint	*Acacia saligna*[3]	Coojong	*Baumea juncea*	Bare twig rush
	Eucalyptus rudis	Flooded gum	*Astartea scoparia*	Common Astartea	*Ficinia nodosa*	Knotted Club Rush
	Melaleuca rhaphiophylla	Swamp Paperbark	*Banksia littoralis*	Swamp Banksia	*Gahnia trifida* [5]	Coast Saw-sedge
	Melaleuca preissiana	Moonah	*Callistachys lanceolata*	Wonnich	*Juncus krausii*	Shore rush
			Hakea prostrata	Harsh Hakea	*Juncus pallidus*	Pale rush
			Hakea varia	Variable-leaved Hakea	*Lepidosperma longitudinale*	Pithy Sword-sedge
			Kunzea recurva	Pink Pompoms	*Patersonia occidentalis*	Purple Flag
			Melaleuca viminea	Mohan		
			Melaleuca incana	Grey Honeymyrtle		
			Pericalymma ellipticum	Swamp Teatree		
			Taxandria linearifolia	Swamp Peppermint		
			Taxandria parviceps	Winter White Tea Tree		
Interface Zonei					*Adriana quadripartita*	Bitter Bush

Notes: [a] 50% comprised of the following species in each zone
[b] 25% comprised of at least 3 of the following species in each zone
[c] 25% comprised of at least 3 of the following species in each zone

[4] Potential to become weedy and reduce species richness
[5] Infrequently available from nurseries in high plant numbers
[6] Climber (non-structural component of revegetation)

4.6 Plant Disease

4.6.1 *Phytophthora* dieback

Human activity can cause the most significant, rapid and widespread distribution of both of these pathogens, and bush restoration projects can also inadvertently spread the pathogen through the inadvertent use of infected plant stock and importation of infested soil. Introducing soil or plant stock into the offset site can potentially introduce *Phytophthora* dieback and inadvertently spread the disease.

Phytophthora dieback management within the revegetation area will include, but not be limited to, the following management actions:

- Scheduling activities that involve soil disturbance during low rainfall months (November to April) when the soil is dry;
- Vehicles, tools, equipment, machinery and footwear used should be free of all mud, soil and vegetative material prior to entering the offset site; and
- Soil or plant stock used for revegetation should only be obtained from a soil/plant stock supplier accredited with Nursery Industry Accreditation Scheme of Australia (NIASA) accreditation.

4.6.2 Redlegged earth mite

The Redlegged earth mite (*Halotydeus destructor*) is a major pest of pastures, crops and vegetables in regions of Australia with cool wet winters and hot dry summers such as the offset site. Earth mites are active in the cool, wet part of the year (April to November) with over-summering eggs hatching in autumn following exposure to cooler temperatures and adequate rainfall. During this time, two to three generations may hatch, releasing swarms of mites which attack crop seedlings and emerging pasture plants (Department of Primary Industries and Regional Development, 2017).

Given the weather conditions experienced at the offset site, its historical use for cattle grazing and the annual pasture species that dominate the site, there may be a requirement to undertake Redlegged earth mite control. Typical control utilises systemic insecticides that are applied following the commencement of autumn rainfall, with possible retreatment required in spring. Further treatments will only be implemented should quarterly site inspections indicate that the Redlegged earth mite is present.

4.7 Pest Control

4.7.1 Introduced Pests

A fence will be constructed around the perimeter of the offset site to provide for long-term protection of revegetation from herbivorous pest species and to protect the Western Ringtail Possum population from predators (refer to **Section 4.2** for details).

Monitoring for signs of herbivorous and predatory pest species (e.g. scats, diggings) within and adjacent to the offset site will be undertaken during quarterly site inspections and annual revegetation

monitoring. Should signs of feral pests be observed during site inspections, a qualified pest control subcontractor will be employed to eradicate the pest(s).

Eradication of foxes, cats and rabbits will be undertaken on an 'as needs' basis in order to protect the plantings and seedlings.

Fox eradication will utilise either baiting, trapping or shooting using qualified and experienced subcontractors.

The preferred method for rabbit eradication is through deploying a strain of rabbit haemorrhagic disease virus (RHDV; also known as rabbit calicivirus disease or viral haemorrhagic disease virus). Eradication via this method will be carried out under conditions set down in a specific permit issued by the Australian Pesticides and Veterinary Medicines Authority (APVMA) under Commonwealth legislation (*Agricultural and Veterinary Chemicals Code Act 1994*) and will be used in accordance with all relevant State and Commonwealth legislation. Should the need arise, and following consultation with local DBCA staff, additional rabbit control using approved baiting techniques (ie: 1080 Oats) will be implemented.

4.7.2 Native Pests

Managing kangaroo numbers will be required to control the total grazing pressure on the offset site.

As previously discussed in **Section 4.2**, the perimeter of the offset site will be fenced to provide for long-term protection from pest species including kangaroos.

The Western Grey Kangaroo Management Plan for Western Australia includes the legalities of destroying kangaroos on non-private land, such as the offset site, when the population is found to contain excessive numbers. In light of this, culling (shooting) may be required as a short-term control measure but will need to be authorised by the DBCA prior to implementation (Department of Environment and Conservation). The implementation of a 'cull' will only be undertaken following consultation with officers from the Parks and Wildlife Services and will conducted by a licenced professional shooter.

4.8 Fire Management

The Southwest of Western Australia generally experiences a cool to mild growing season (August-November) followed by four months of summer drought conditions during which the potential for bush fire to occur is at its peak. The worst fire weather conditions occur during this summer drought when a low pressure trough forms off the west coast creating mid-level disturbances and bringing unstable atmospheric conditions from the north or north-west that result in thunderstorms and the potential for lightning strike as a fire ignition source.

The *Map of Bush Fire Prone Areas* (Department of Fire and Emergency Services, 2017) identifies land falling within, or partially within, a bush fire prone area as designated by the Fire and Emergency Services Commissioner.

Plate 1 (over the page) shows the bush fire prone areas (highlighted in pink) both within and surrounding the offset site. The amount and type of vegetation to the north and south of the offset

site has the capacity to directly contribute to the risks associated with bush fire, its spread into or out of these areas, as environmental conditions allow and impacts on the environment and therefore the revegetation of the offset site.

Vegetation located to the north and south of the offset site needs to be considered due to the potential for fire to spread into or out of these areas. The result of fire spreading into the offset site could potentially result in excessively high mortality rates of juvenile plantings.

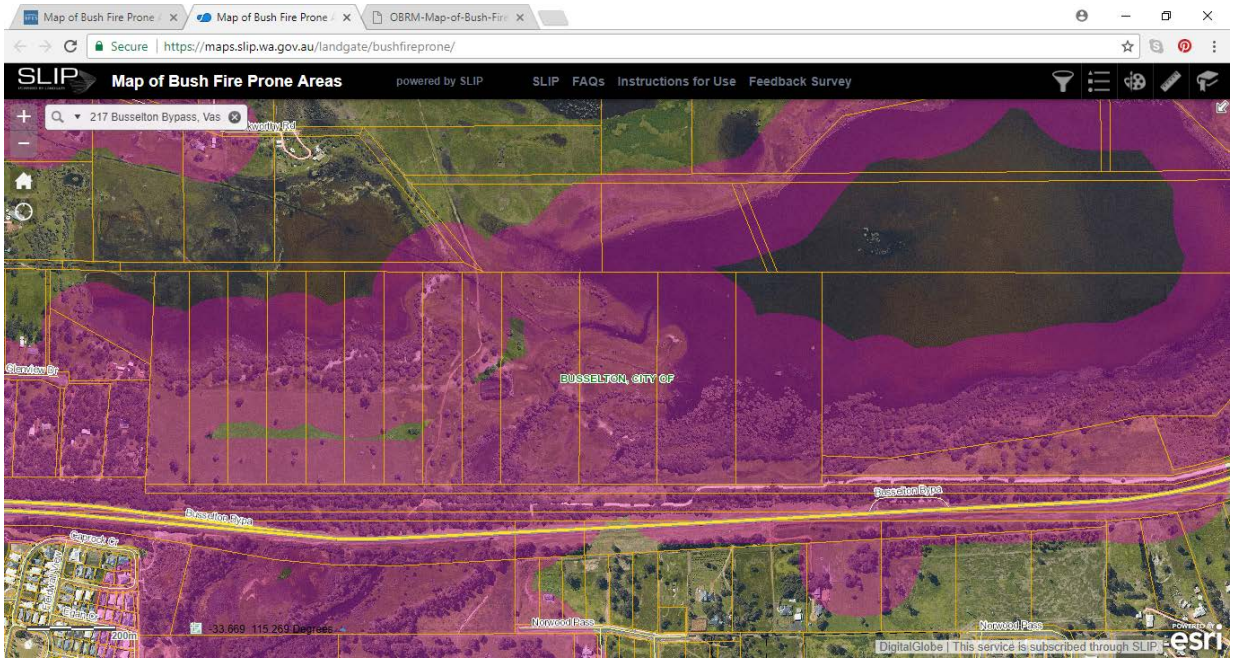


PLATE 1: Map of Bush Fire Prone Areas in and around Offset Site
(Source: Department of Fire and Emergency Services, 2017)

To prevent potential bush fire impacts on the offset site, and in keeping with the *Bush Fires Act 1954*, a 3m wide mineral earth firebreak will be cleared and maintained around the external perimeter of the offset site fenceline. Consultation and approval from local DBCA staff will be sought prior to pruning any overhanging trees and other vegetation impinging upon the firebreak. The firebreak will be installed prior to planting commencing and maintenance will be conducted prior to 15 December annually (refer to **Appendix 6**).

4.9 Rehabilitation Chronology

The chronology for proposed stages involved with rehabilitation implementation, rehabilitation management monitoring and reporting are summarised in **Table 6** (over the page).

TABLE 6
SCHEDULE FOR WEED CONTROL, REVEGETATION, MONITORING AND REPORTING

	2018				2019				2020				2021				2022				2023				2024		
	Autumn	Winter	Spring	Summer	Autumn	Winter	Spring	Summer	Autumn	Winter	Spring	Summer	Autumn	Winter	Spring	Summer	Autumn	Winter	Spring	Summer	Autumn	Winter	Spring	Summer	Autumn	Winter	Spring
Rehabilitation Implementation:																											
Installation of fence and firebreak																											
Pre-planting weed control																											
Site preparation (deep ripping, mounding)																											
Redlegged earth mite control																											
Apply microbial inoculation																											
Planting seedlings / direct sowing native seed																											
Rehabilitation Management:																											
Weed control (as directed by quarterly inspections)																											
Infill planting (if required)																											
Fence inspection and maintenance																											
Fox control (if required)																											
Rabbit control (if required)																											
Kangaroo control (if required)																											
Firebreak maintenance																											
Rehabilitation Monitoring and Reporting:																											
Quarterly site inspections and reporting																											
Annual rehabilitation monitoring and reporting																											

5. MONITORING AND CORRECTIVE MEASURES

5.1 Quarterly Site Inspections

Quarterly site inspections will be completed by an appropriately qualified rehabilitation professional (preferably a botanist) during the first week of January, April, July and October throughout Capecare's five year management period following rehabilitation commencing.

5.2 Revegetation and Weed Control

Monitoring will be completed annually during late September and continue throughout Capecare's five year management period. The monitoring procedure will involve two methods; belt transects for an overall vegetation assessment, and plots for assessment of tree density and tree health.

Annual monitoring events will conducted in Year 4 to calculate the survival rate of the Peppermint trees and non-Peppermint species, and additional infill planting and weed control conducted on an 'as needs' basis in Years 4 and 5.

5.2.1 Belt transects

Permanent belt transects of 20 contiguous one metre square quadrats will be established throughout the rehabilitated offset area (refer to **Chart 3** over the page). A GPS location of the start point and the orientation of each belt transect will be recorded and a photo monitoring point will be established. The 20 x 1m^2 quadrats along each transect line will be assessed individually. For each species within a quadrat, the number present, percentage ground cover, and maximum plant height will be recorded. Summarised data will provide mean density values (no. plants/m^{-2}), mean percentage ground cover, and mean maximum plant height for each belt transect. The number of transects established will be determined by a species accumulation curve.

Data will be collated for each landform within the offset area (i.e. upland, wetland) with data for native plant taxa summarised separately to introduced plant taxa.

5.2.2 Tree plots

Permanent 20 m by 20 m plots will be established to monitor density, health and height of tree species within the rehabilitation (refer to **Chart 3** over the page). The western boundary of each plot will be aligned with the 20 m by 1 m belt transect described in **Section 5.2.1** above. Within each plot the species name, height and condition (0 dead, 5 full healthy crown) of each tree present will be recorded and later summarised to provide average data for each tree species.

The survival rate of Peppermints and non-Peppermints will be determined by individual counting and recording the location of plants (dead, alive, absent).

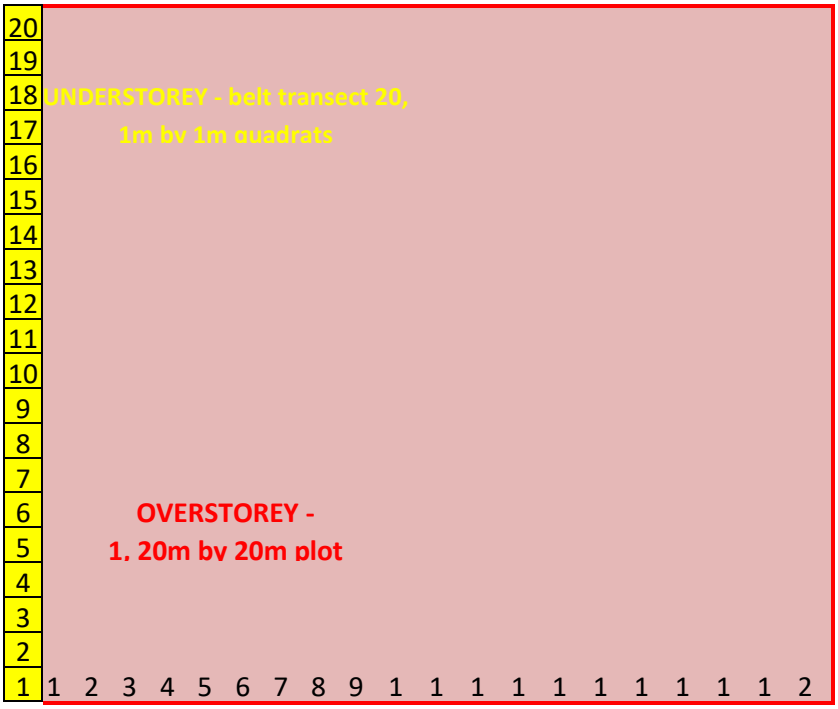


CHART 3: Layout of Permanent Belt Transect (20, 1m by 1m quadrats) and Tree Plots (20m by 20m), to be Established as part of the Monitoring Program

5.3 Corrective Actions

In the event that quarterly monitoring/site inspections or annual monitoring indicates rehabilitation is not developing in line with expected trends for the plant biodiversity parameters being monitored, the corrective actions identified in **Table 7** (over the page) will be implemented.

TABLE 7
TRIGGERS AND CORRECTIVE ACTIONS FOR REHABILITATION

ITEM	TRIGGER	CORRECTIVE ACTION
1.	Revegetation completion criteria for Peppermints and non-Peppermint species are not met at Years 2 or 3	1. Identify the cause/survival rate. 2. Implement one or more corrective actions, such as: - Undertaking additional infill planting; - Implementing supplementary watering, fertilising, wetting agents if required; 3. Monitor the success of the corrective action.
1.	Revegetation completion criteria for Peppermints and non-Peppermint species are not met at Years 4 or 5	1. Undertaking additional infill planting; 2. Monitor the success of the corrective action.
2.	Weed coverage is impacting on development of the native species cover	1. Identify the cause/weed species. 2. Implement one or more corrective actions, such as: - Using a different chemical for eradicating the species identified; - Utilising hand weeding/digging; - Conducting additional weed controls. 3. Monitor the success of the corrective action.
3.	Insect attack is reducing plant productivity within the native revegetation cover	1. Identify the insect/s. 2. Implement one or more corrective actions, such as: - Apply an appropriate insecticide aimed at eradicating the species identified; - Increasing nutritional status of soil to improve plant health and increase plant resistance. 3. Monitor the success of the corrective action.
4.	The revegetation area appears to be suffering dieback/revegetation is not thriving as expected.	1. Identify the cause, including whether dieback is caused by *Phytophthora*. 2. Engage a *Phytophthora* dieback consultant to confirm the presence of the disease. 3. Implement management measures prescribed by the dieback consultant. 4. Monitor the success of the corrective action.
5.	Unauthorised access (humans, feral or pest species) into revegetation area.	1. Identify the nature and extent of pest/unauthorised human access. 2. Undertake fence maintenance. 3. Implement eradication of feral species (baiting, trapping, shooting) on an 'as-needs-basis' in consultation with the DBCA.

6. RESPONSIBILITIES, RECORD-KEEPING, AUDITING AND REPORTING

6.1 Proponent Responsibilities

Capecare is the proponent for the proposed development of an aged care facility to be constructed on Lot 600 Naturaliste Terrace, Dunsborough and will be responsible for the preparation and implementation of this ROMP within the designated offset site identified in **Appendix 5**.

Capecare will be responsible for engaging appropriately qualified and experienced subcontractors and consultants to undertake the rehabilitation activities and for ensuring that the rehabilitation activities are implemented in accordance with the approved ROMP.

Capecare will engage an experienced, and preferably locally based, rehabilitation professional to oversee the implementation of the approved ROMP, undertake quarterly site inspections, and undertake annual rehabilitation monitoring and advise Capecare on appropriate subcontractors capable of undertaking specific tasks required to implement the ROMP. It is recommended that specialist contractors are sourced to undertake site preparation and weed control; these items will be critical to rehabilitation success at the offset site.

6.2 Record-keeping, Auditing and Reporting

Capecare will maintain accurate records of all rehabilitation activities undertaken within the offset site for the duration of the rehabilitation program. These records will be made available to the DotEE and the DBCA upon request.

Following quarterly site inspections and the annual spring monitoring assessment, a letter report will be provided to Capecare and the DBCA within one week of each quarterly site inspection being conducted. The report will identify any triggers that will require corrective actions identified in **Table 7** to be implemented in a timely and effective manner.

An annual audit of the implementation of management measures within the offset site will be undertaken by the proponent's environmental consultant to ensure compliance with the approved ROMP. The information gathered will form the basis of an annual compliance report that will include: all management actions taken, the outcomes of the quarterly site inspections and annual monitoring program, any corrective measures implemented during that calendar year, and performance of the revegetation process against the completion criteria identified in **Section 3.3** and **Table 4**.

The annual compliance report will be submitted to the DotEE and DBCA for the duration of Capecare's five-year management period.

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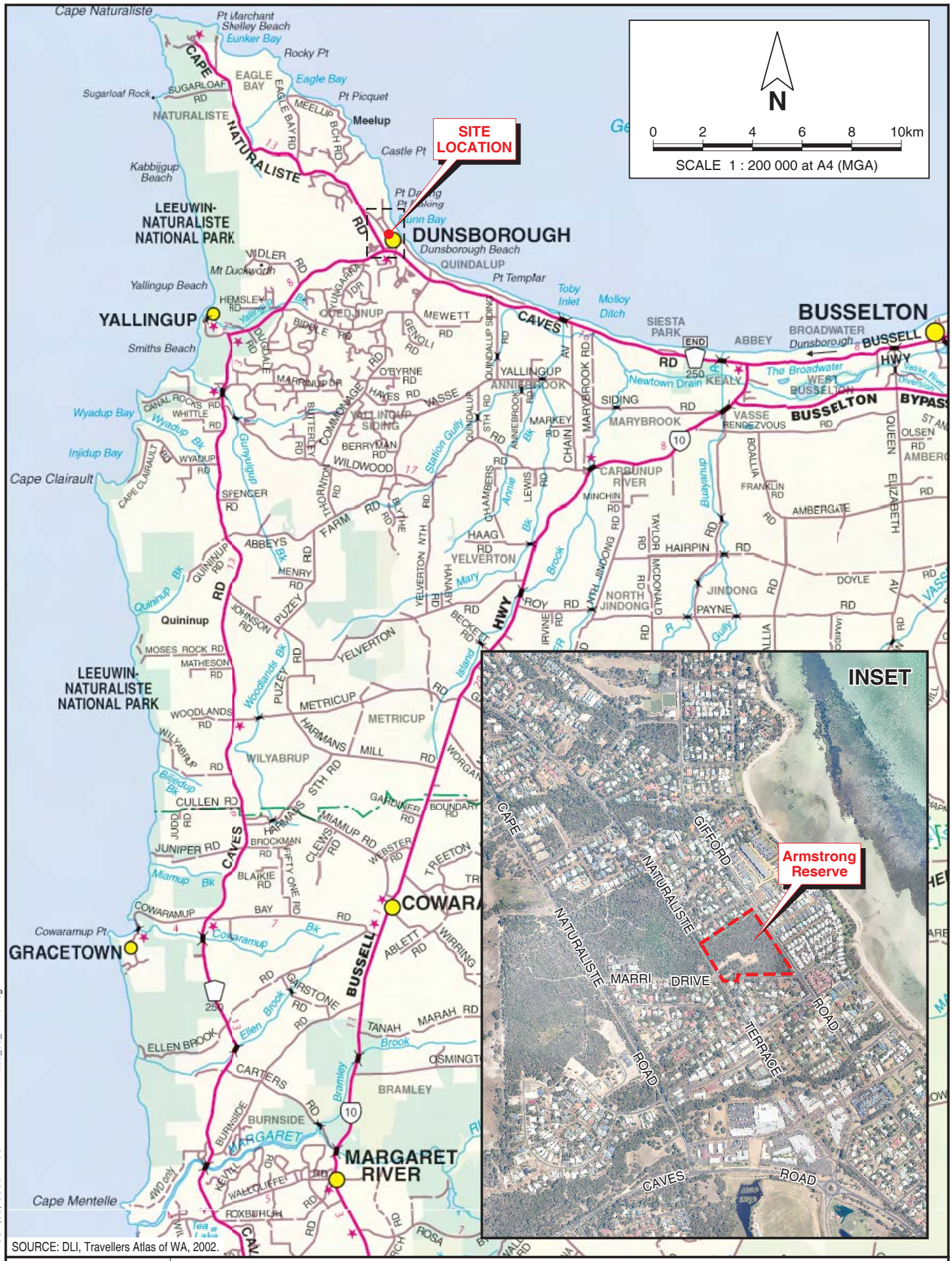
FIGURES

REHABILITATION OFFSET MANAGEMENT PLAN (EPBC 2006/2834) PORTION LOTS 217 - 219 BUSSELTON BYPASS, VASSE (BROADWATER NATURE RESERVE)



SOURCE: DLI, Travellers Atlas of WA, 2002.

PINPOINT CARTOGRAPHICS (08) 9562 7136 RVA292_39_V1-F01.dgn

EndPlan Environmental

Ray Village Aged Care Services t/a Capecare
REHABILITATION OFFSET MANAGEMENT PLAN (EPBC 2006/2834) - PORTION LOTS 217 - 219
BUSSELTON BYPASS, VASSE (BROADWATER NATURE RESERVE)

Date: 25 June 2017
Drawn: B. Van der Wiele

REGIONAL LOCATION OF DEVELOPMENT AREA

Figure 1

Report No. RVA292_43



AERIAL PHOTOGRAPH SOURCE: NearMap, flown February 2010.

PINPOINT CARTOGRAPHICS (08) 9562 7136 RVA292_39_V1-F02.dgn

EndPlan Environmental

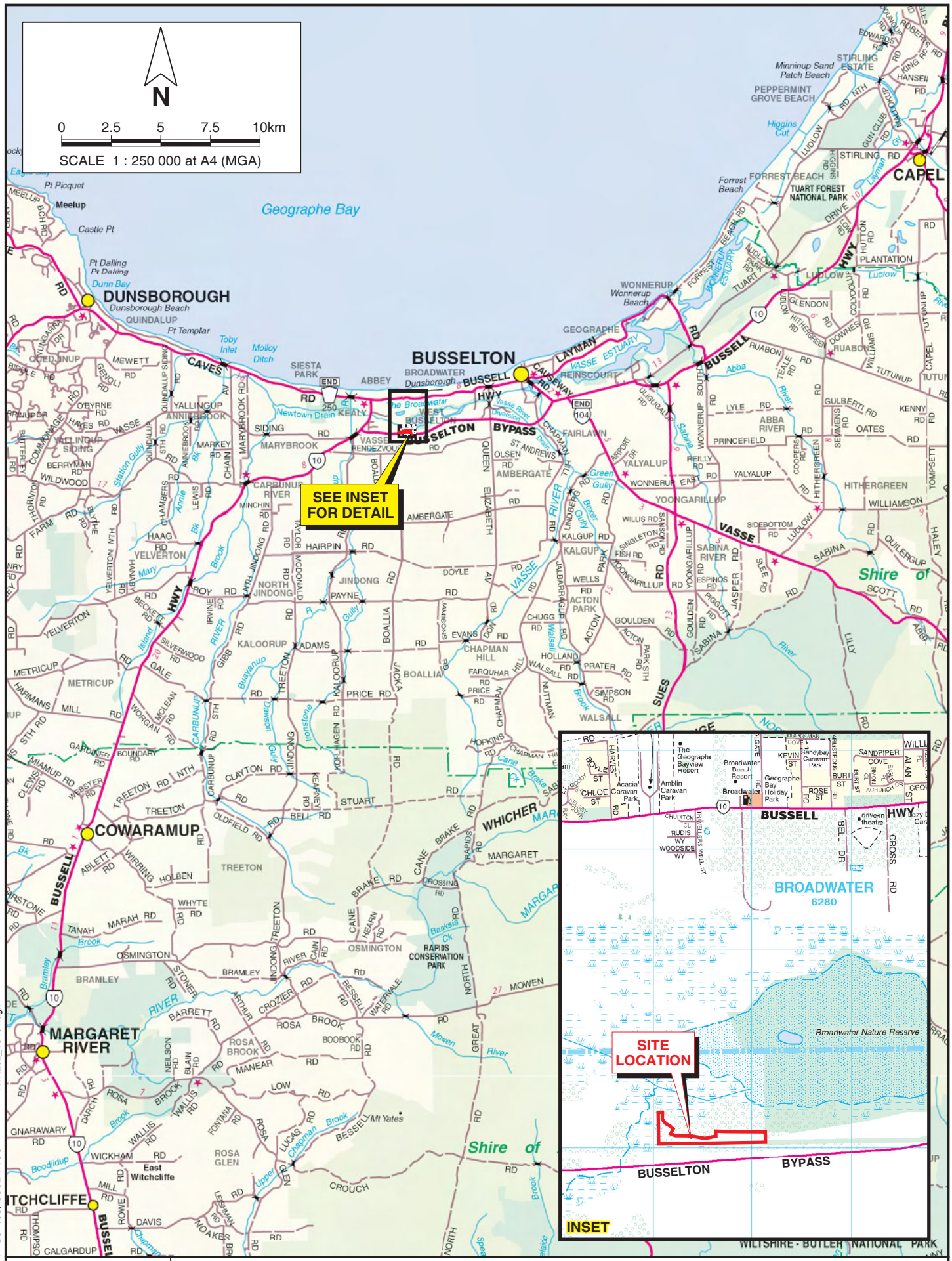
Ray Village Aged Care Services t/a Capecare
REHABILITATION OFFSET MANAGEMENT PLAN (EPBC 2006/2834) - PORTION LOTS 217 - 219
BUSSELTON BYPASS, VASSE (BROADWATER NATURE RESERVE)

Date: 25 June 2017
Drawn: B. Van der Wiele

CADASTRE OF ARMSTRONG RESERVE (2015)

Figure 2

Report No. RVA292_43



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EndPlan Environmental

Ray Village Aged Care Services t/a Capecare
REHABILITATION OFFSET MANAGEMENT PLAN (EPBC 2006/2834) - PORTION LOTS 217 - 219
BUSSELTON BYPASS, VASSE (BROADWATER NATURE RESERVE)

Date: 16 Oct 2017
Drawn: B. Van der Wiele

REGIONAL LOCATION

Figure 3

Report No. RVA292_43

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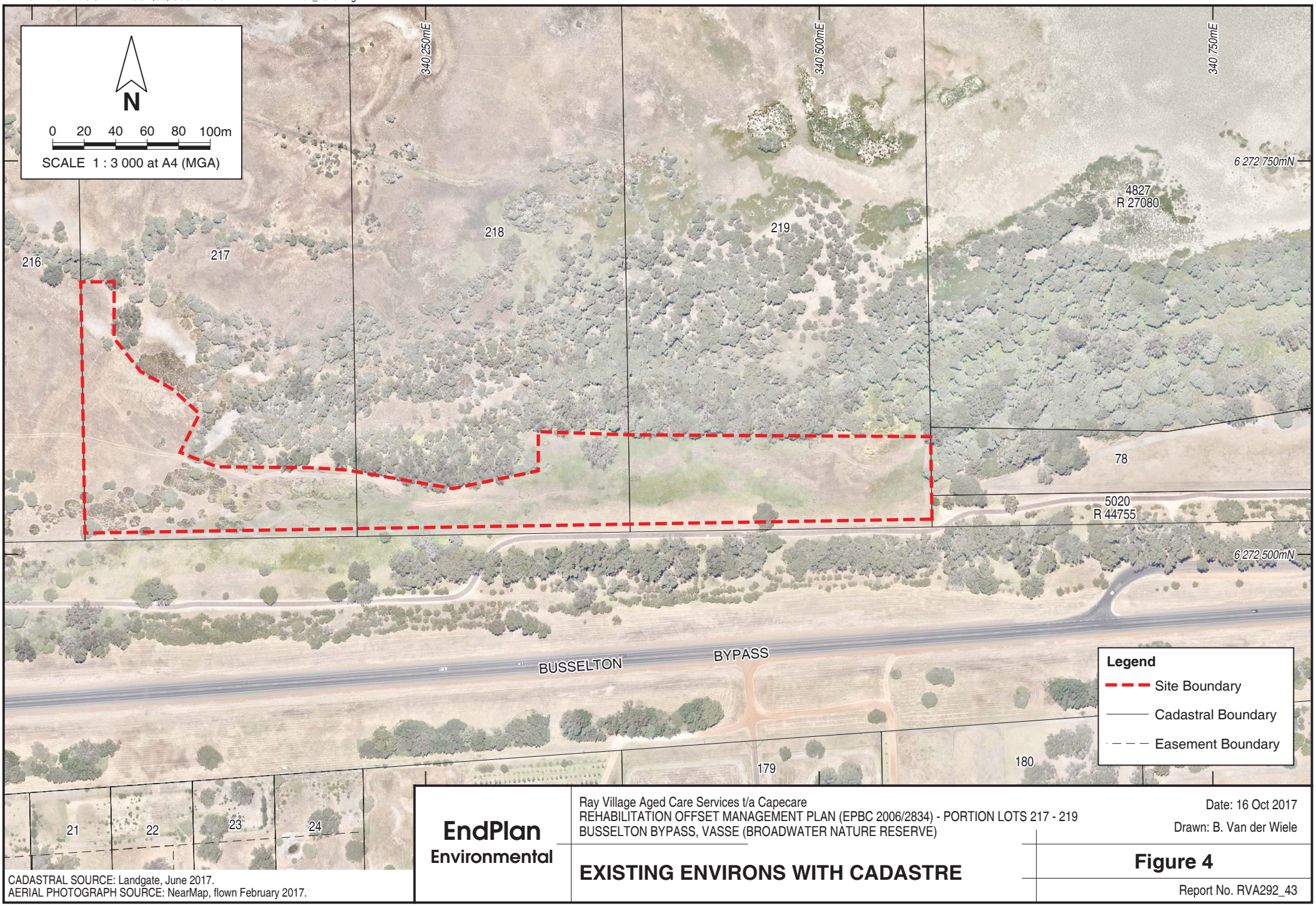

CADASTRAL SOURCE: Landgate, June 2017.
AERIAL PHOTOGRAPH SOURCE: NearMap, flown February 2017.

EndPlan Environmental

Ray Village Aged Care Services t/a Capecare
REHABILITATION OFFSET MANAGEMENT PLAN (EPBC 2006/2834) - PORTION LOTS 217 - 219
BUSSELTON BYPASS, VASSE (BROADWATER NATURE RESERVE)

Date: 16 Oct 2017
Drawn: B. Van der Wiele

EXISTING ENVIRONS WITH CADASTRE

Figure 4

Report No. RVA292_43

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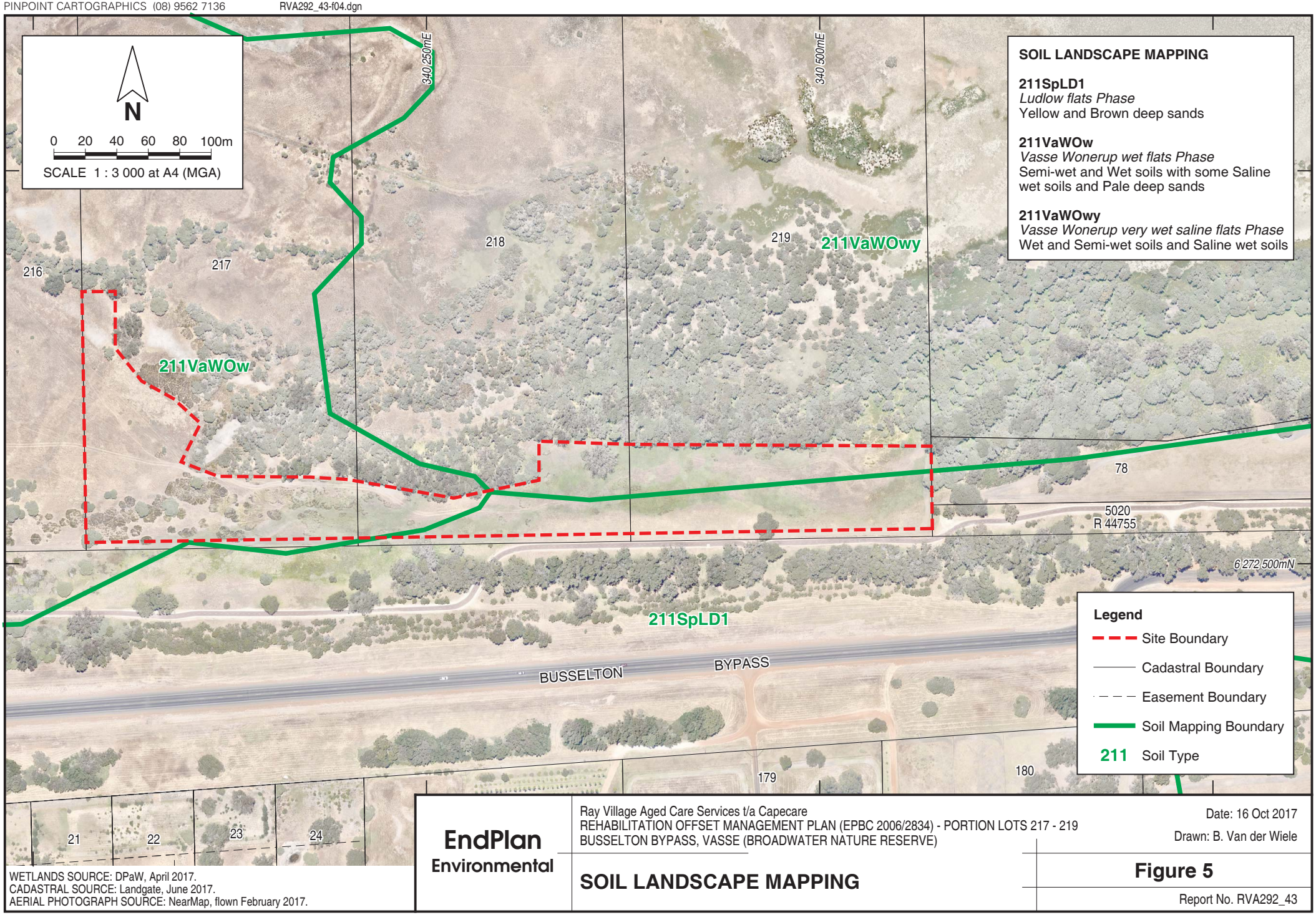

WETLANDS SOURCE: DPaW, April 2017.
CADASTRAL SOURCE: Landgate, June 2017.
AERIAL PHOTOGRAPH SOURCE: NearMap, flown February 2017.

EndPlan Environmental

Ray Village Aged Care Services t/a Capecare
REHABILITATION OFFSET MANAGEMENT PLAN (EPBC 2006/2834) - PORTION LOTS 217 - 219
BUSSELTON BYPASS, VASSE (BROADWATER NATURE RESERVE)

Date: 16 Oct 2017
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SOIL LANDSCAPE MAPPING

Figure 5

Report No. RVA292_43

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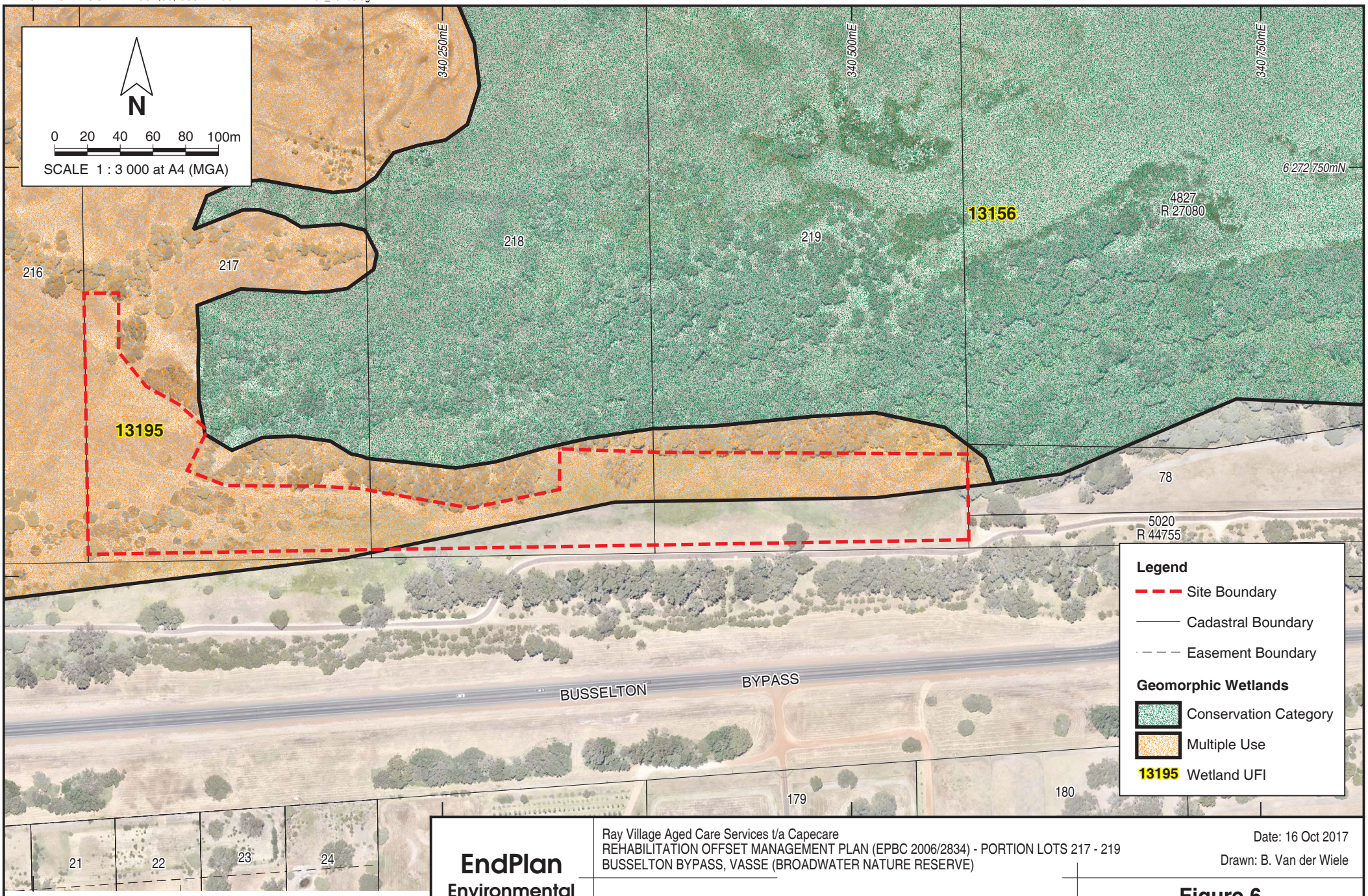


WETLANDS SOURCE: DPaW, April 2017.
CADASTRAL SOURCE: Landgate, June 2017.
AERIAL PHOTOGRAPH SOURCE: NearMap, flown February 2017.

EndPlan Environmental

Ray Village Aged Care Services t/a Capecare
REHABILITATION OFFSET MANAGEMENT PLAN (EPBC 2006/2834) - PORTION LOTS 217 - 219
BUSSELTON BYPASS, VASSE (BROADWATER NATURE RESERVE)

Date: 16 Oct 2017
Drawn: B. Van der Wiele

GEOMORPHIC WETLANDS

Figure 6

Report No. RVA292_43

APPENDICES

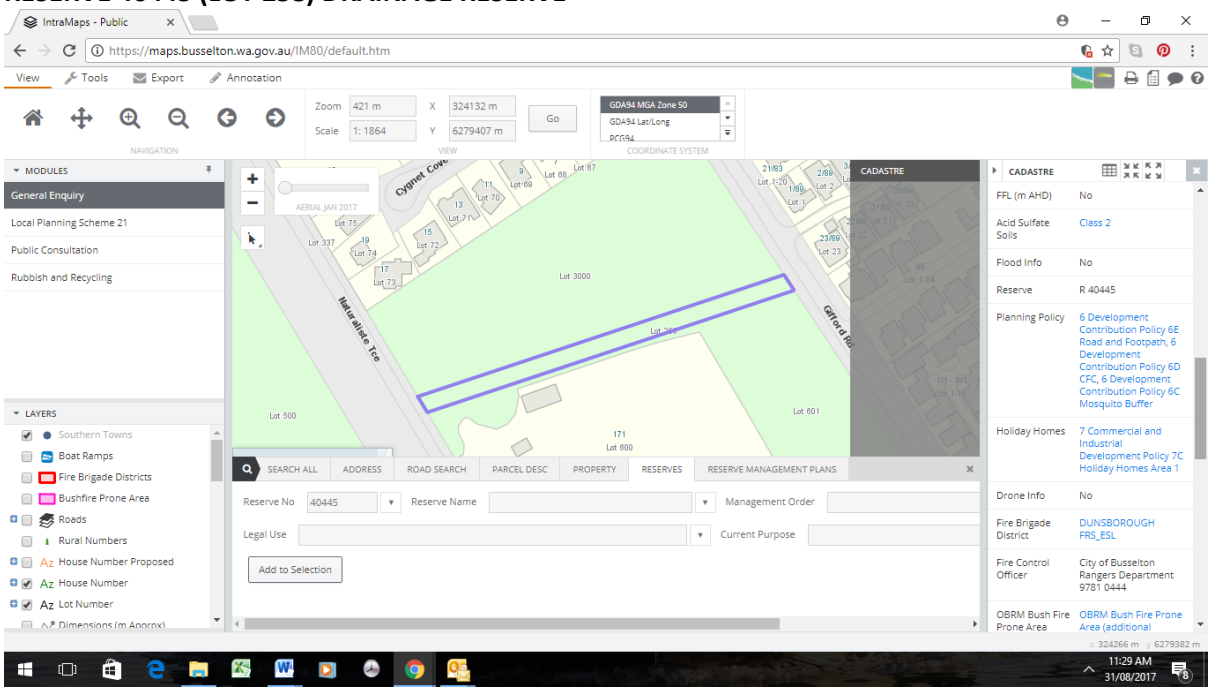
REHABILITATION OFFSET MANAGEMENT PLAN
(EPBC 2006/2834)
PORTION LOTS 217 - 219 BUSSELTON BYPASS, VASSE
(BROADWATER NATURE RESERVE)

APPENDIX 1

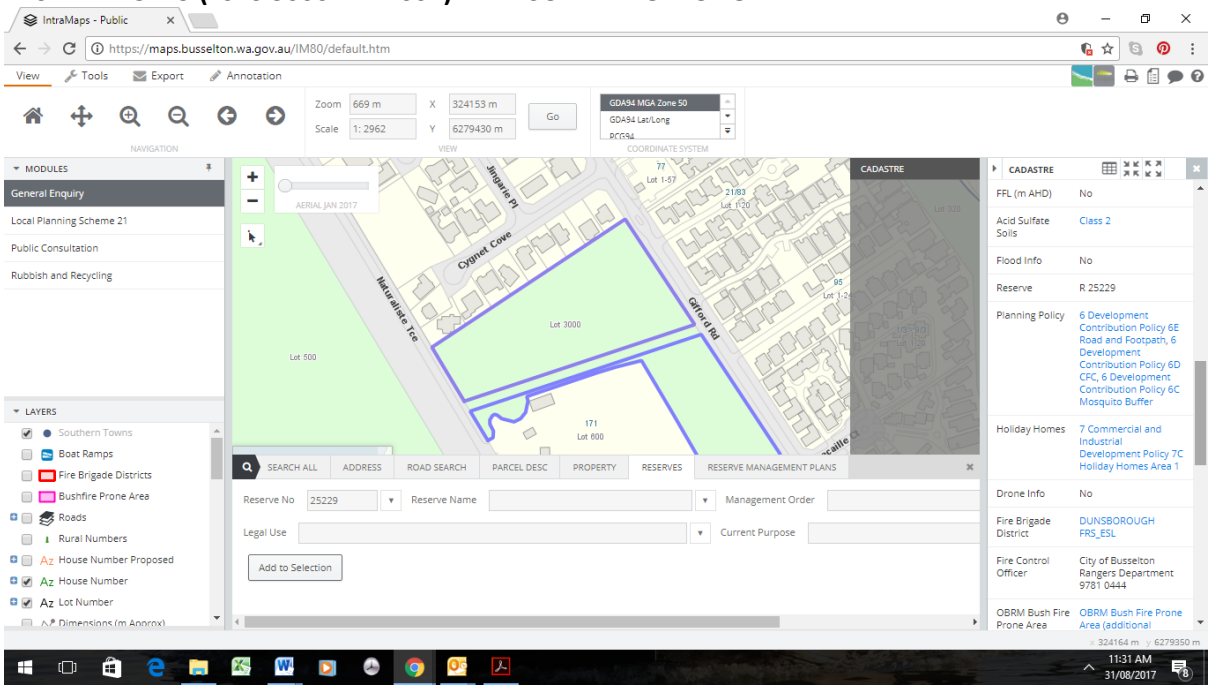
CITY OF BUSSELTON LOCAL PLANNING STRATEGY NO. 21 – ARMSTRONG RESERVE CADASTRE (2017)

CITY OF BUSSELTON INTRAMAP PRINT SCREENS (Downloaded: 31 August 2017)

RESERVE 40445 (LOT 258) DRAINAGE RESERVE



RESERVE 25229 (L0TS 3000 AND 601) LANDSCAPE PROTECTION



APPENDIX 2

EPBC 2006/2834 VARIATION TO CONDITIONS ATTACHED TO APPROVAL (18 OCTOBER 2017)

Australian Government
Department of the Environment and Energy

Mr Dominic Trombetta
General Manager Operations
Capecare
20 Ray Avenue
BUSSELTON WA 6280

EPBC 2006/2834 CAPECARE, URBAN AND COMMERCIAL DEVELOPMENT, AGED CARE – NATURALISTE TERRACE, DUNSBOROUGH, WA

Dear Mr Trombetta

I refer to a series of emails from EndPlan Environmental, on behalf of Capecare, regarding the variation of conditions of approval for EPBC 2006/2834.

I understand the Department has worked closely with EndPlan Environmental to resolve matters regarding the status of Armstrong Reserve and to identify an offset for the EPBC Act listed Western Ringtail Possum.

As a delegate of the Minister for the Environment and Energy, I have varied the conditions of approval to update certain administrative conditions, to reflect the tenure of Armstrong Reserve and to provide a suitable alternative to the environmental offset envisaged in the 2013 project approval. I have made this decision in accordance with section 143(1)(c) of the Act. The approved action must now be undertaken in accordance with the attached variation notice.

Condition 9 allows you, under certain circumstances, to implement a revised approved Rehabilitation Offset Management Plan without seeking the Minister's approval. A fact sheet has been attached to provide guidance on 'new or increased impacts' and changes to approved management plans under EPBC Act environmental approvals.

As you are aware, the Department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the Department on request.

Should you require any further information please contact Vaughn Cox on 02 6274 2005 or by email: post.approvals@environment.gov.au.

Yours sincerely

James Barker
Assistant Secretary
Assessments and Governance Branch
Environment Standards Division

18 October 2017

Attachments: EPBC 2006/2834 Variation to conditions attached to approval October 2017.
Guidance on 'new or increased impact'.

Australian Government
Department of the Environment and Energy

VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Capecare, urban and commercial new development, Aged Care – Naturaliste Terrace, Dunsborough, WA (EPBC 2006/2834)

This decision to vary a condition of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

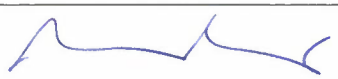
Approved action

Person to whom the approval is granted	Ray Village Aged Services Inc. (Trading as Capecare) ABN: 77 630 179 279
Approved action	To develop aged care facilities on Naturaliste Terrace, Dunsborough, WA [See EPBC Act referral 2006/2834]

Variation

Variation of conditions of approval	The variation is: Delete conditions 4, 5, 6, 7, 8 and 9 attached to the approval and substitute with the conditions specified below. Add new conditions 9A and 9B to the approval, as specified below. Revoke definitions of ***Offset site(s)*** and ***WA DEC*** attached to the approval. Add new definition of ***New or increased impact*** and ***WA DBCA*** to the approval, as specified below. Add new **Attachment B** to the approval, as specified below.
Date of effect	This variation has effect on the date the instrument is signed

Person authorised to make decision

Name and position	James Barker Assistant Secretary Assessment and Governance Branch
Signature	
Date of decision	18 October 2017

Conditions attached to the approval

Original conditions	Varied conditions
4. The person taking the action must not commence **construction** until written evidence is provided to the **Department** that the remaining 2.83 ha of **Armstrong Reserve**, outside of the **proposed development footprint** (as shown at Attachment A), is designated a reserve for the purpose of 'Landscape Protection' under the *WA Land Administration Act 1997*.	4. The person taking the action must not commence **construction** until written evidence is provided to the **Department** that the remaining 2.83 ha of **Armstrong Reserve**, outside of the **proposed development footprint** (as shown at Attachment A), is designated a reserve for the purpose of 'Landscape Protection' or 'Reserve for Drainage' under the *WA Land Administration Act 1997*.
5. To offset the residual impacts of the action on the Western Ringtail Possum, the person taking the action must prepare and submit a Rehabilitation Offset Management Plan (ROMP). The ROMP must be prepared in consultation with the City of Busselton and **WA DEC** and must include, though not be limited to the following: a) the identification (including a map) of an **offset site(s)** at least 1.8 ha in size, containing Western Ringtail Possum habitat, that is within the Dunsborough region of Western Australia and is able to support the planting of at least 700 Peppermint (*Agonis flexuosa*) trees. The **offset site(s)** must be accompanied with the **Offset attributes**; b) the planting of at least 700 Peppermint trees within the **offset site(s)**; c) methodology for rehabilitation works and ongoing management measures to ensure a survival rate of 80% of the 700 Peppermint trees is maintained 5 years after planting; d) details of the transfer of responsibility for the **offset site(s)** to the City of Busselton, which must occur within 3 years following the commencement of rehabilitation works, and the management measures that will occur after this transition; e) measures to ensure the long term protection of the **offset site(s)**; f) measures to manage the impacts of feral animals, people, weeds and Dieback (*Phytopthora cinnamomi*); g) details of monitoring, reporting and contingency measures if performance indicators are not met; h) timeframes for the implementation and completion of the above measures/programs/reporting; and, i) roles and responsibilities of personnel associated with the implementation of the above measures/programs/reporting.	**5.** To offset the impacts of the action on the Western Ringtail Possum, the person taking the action must prepare and submit a Rehabilitation Offset Management Plan (ROMP). The ROMP must be prepared in consultation with the **WA DBCA** and must: a) specify an offset site of at least 1 ha in size within the area shown at Attachment B; b) provide for the planting of at least 2,500 Peppermint trees (*Agonis flexuosa*) per hectare within the offset site; c) include a methodology for ensuring a survival rate of 80% of the 2,500 Peppermint trees is maintained per hectare 5 years after planting; d) describe monitoring and contingency measures if the survival rate (item c) is not met; and e) contain measures to minimise human access, and the impacts of herbivores, unplanned fire, weeds and Dieback (*Phytophthora cinnamomi*) within 3 years following commencement of rehabilitation works. The ROMP must be submitted to the **Department** for approval by the **Minister**. **Construction** must not commence until the ROMP is approved by the **Minister**. If the **Minister** approves the ROMP, the approved ROMP must be implemented.

The ROMP must be submitted to the **Department** prior to the commencement of **construction**. If the **Minister** approves the ROMP, the approved ROMP must be implemented. **Construction** must not commence until the ROMP is approved by the **Minister**.	
6. Within 30 days after the commencement of the action, the person taking the action must advise the **Department** in writing of the actual date of commencement.	**6.** Within 10 business days after commencement of the action, the person taking the action must advise the **Department** in writing of the actual date of commencement.
7. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the ROMP required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.	**7.** The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement plans and strategies required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act. The results of audits may also be publicised through the general media.
8. Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the ROMP as specified in the conditions. Each report must stay on the proponent's website for at least 3 years. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published.	**8.** Within three (3) months of every twelve (12) month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the ROMP as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be reported to the **Department** at the same time as the compliance report is published. Compliance reports must remain published, or until written approval by the **Minister** for removal of the report.
9. If the person taking the action wishes to carry out any activity otherwise than in accordance with the ROMP as specified in the conditions, the person taking the action must submit to the **Department** for the **Minister's** written approval a revised version of that ROMP. The varied activity shall not commence until the **Minister** has approved the varied ROMP in writing. The **Minister** will not approve a varied ROMP unless the revised ROMP would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised ROMP, that ROMP must be implemented in place of the ROMP originally approved.	**9.** The person taking the action may choose to revise the ROMP approved by the **Minister** under condition 5 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan would not be likely to have a **new or increased impact**. If the person taking the action makes this choice they must notify the **Department** in writing that the approved plan has been revised and provide the **Department**, at least four weeks before implementing the revised plan, with: i. with an electronic copy of the revised plan; ii. an explanation of the differences between the revised plan and the approved plan; and iii. the reasons the person taking the action considers that the taking of the action in accordance with the revised plan would not be likely to have a **new or increased impact**.

	9A. The person taking the action may revoke its choice under condition 9 at any time by giving written notice to the **Department**. If the person taking the action revokes the choice to implement the revised plan, without approval under section 143A of the EPBC Act, the plan approved by the **Minister** must be implemented. **9B.** If the **Minister** gives a notice to the person taking the action that the **Minister** is satisfied that the taking of the action in accordance with the revised plan would be likely to have a **new or increased impact**, then: i. condition 9 does not apply, or ceases to apply, in relation to the revised plan; and ii. the person taking the action must implement the plan approved by the **Minister**. To avoid any doubt, this condition does not affect any operation of conditions 9 and 9A in the period before the day the notice is given. At the time of giving the notice, the **Minister** may also notify that for a specified period of time condition 9 does not apply for the plan required under the approval. Conditions 9, 9A and 9B are not intended to limit the operation of section 143A of the **EPBC Act** which allows the person taking the action to submit a revised plan to the **Minister** for approval.

Definitions

New or increased impact is a new or increased environmental impact or risk relating to any matter protected by the controlling provisions for the action, when compared to the impact or risk arising from implementing the plan that has been approved by the **Minister.**

WA DBCA is the Western Australian Department of Biodiversity, Conservation and Attractions (or equivalent agency).

Attachment B: Portion of the Broadwater Nature Reserve, Dunsborough (as delineated by green line), within which the offset site must be located (Condition 5).



APPENDIX 3

DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS CORRESPONDENCE

From: Cox, Vaughn
To: "Bernadette Van der Wiele"
Subject: 2006/2384 Offset [SEC=UNCLASSIFIED]
Date: Friday, 5 May 2017 1:56:05 PM
Attachments: Planting Zones - Broadwater NR.PDF

Hello Bernadette,

We have a proposal from DPaW to revegetate a portion of the Broadwater NR.

Please see attached map and planting zones for three vegetation (wetland, interface and upland) categories. **I am not proposing the whole area be planted** – only an as yet undetermined portion, extending from the western (RHS) boundary.

Please also see below a table listing Overstorey, Midstorey and Understorey species and composition of each strata.

May I suggest you request a quote from your landscape/rehab contractor to:

a) propose a mix of species to meet the criteria in the following table. I would expect you to select the most cost effective mix of overstorey, 3 midstorey and 3 understorey species;

b) plant 0.1 hectare of each zone (upland, wetland, interface), for the proposed mix of species, at a rate of 10,000 plants per hectare. For example 0.1ha would be comprised of 1,000 plants total comprised of 500 overstorey (at least 40 Agonis – the current rate), 250 midstorey and 250 understorey plants; and

c) plant 0.5 hectare as per above, there may be economies of scale, and whether there is gradation out from the wetland (eg close to wetland melaleuca, with Agonis at the outer limits of waterlogging).

We are not concerned at survival rates – this is set and forget.

I am open to an area between 0.9 and 1.8ha, given the intensive nature of the habitat rehabilitation proposed.

Given the above, and your knowledge of the budget limits, feel free to come forward with a proposal from your consultant rehab team.

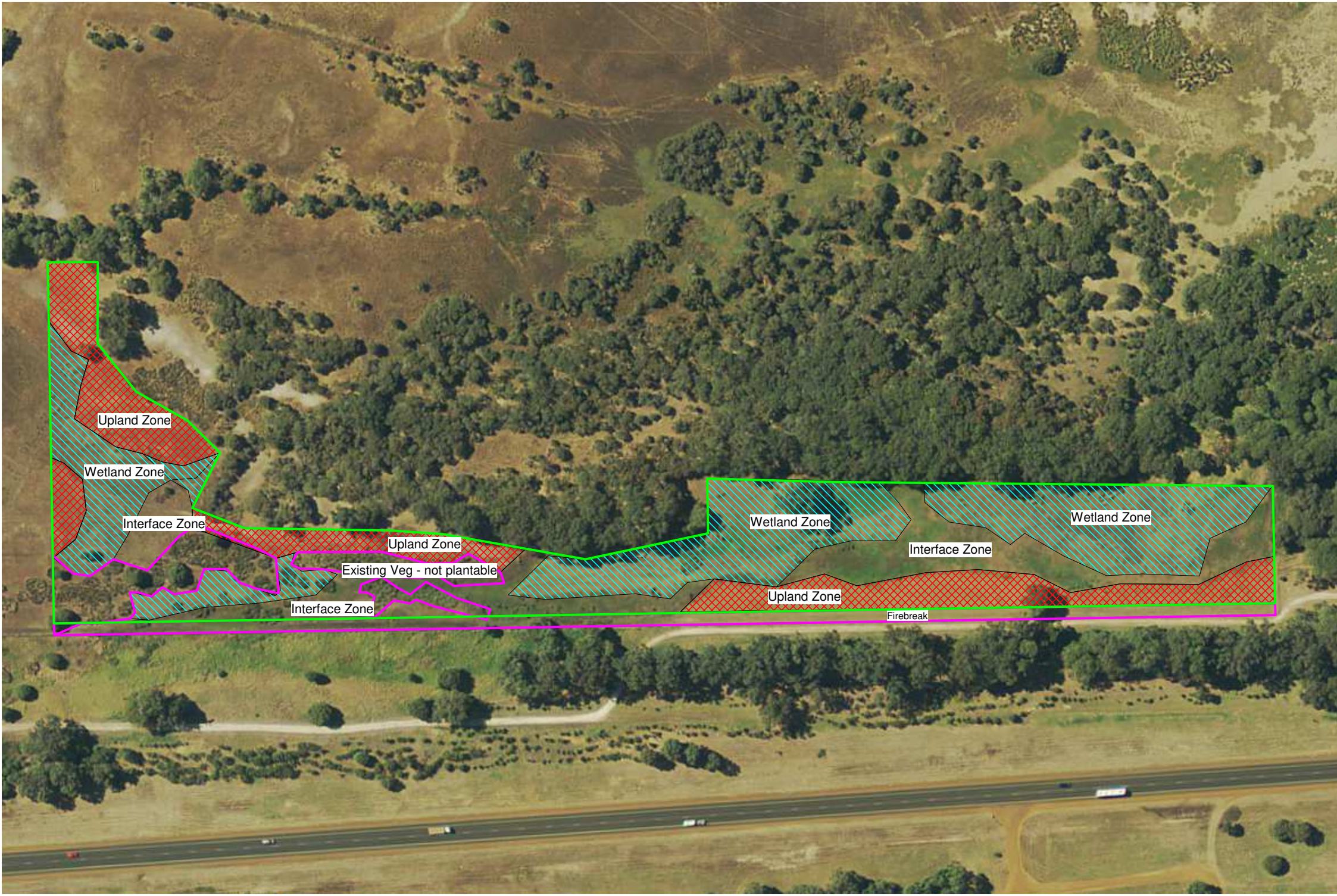
I am yet to learn of fencing etc requirements.

Best call me today if need be.

Cheers

Vaughn Cox
02 6274 2005

Planting Zone	Overstorey 50% comprised of the following species in each zone	Midstorey 25% comprised of at least 3 of the following species in each zone	Understorey 25% comprised of at least 3 of the following species in each zone
Upland Zone	Corymbia calophylla Agonis flexuosa	Kunzea glabrescens Jacksonia furcellata Banksia grandis Banksia attenuata Acacia saligna	Gastrolobium praemorsum Adenanthos meisneri Stirlingia latifolia Hardenbergia comptoniana
Wetland Zone	Eucalyptus rudis Melaleuca rhaphiophylla Agonis flexuosa	Melaleuca viminea Hakea varia Acacia saligna Banksia littoralis	Baumea juncea Lepididosperma longitudinale Gahnia trifida Juncus krausii Juncus pallidus Ficinia nodosa (*) Rhagodia baccata
Interface Zone			Lepidosperma gladiatum (*) Hibbertia cuneiformis Adriana quadripartita Melaleuca incana Spyridium globulosum (*)


Upland Zone
Wetland Zone
Interface Zone
Upland Zone
Existing Veg - not plantable
Interface Zone
Wetland Zone
Interface Zone
Wetland Zone
Upland Zone
Firebreak

From: Williams, Kim
To: Bernadette Van der Wiele
Cc: Hanly, Peter; Cox, Vaughn; "Dominic Trombetta"; Krystal Laurentsch
Subject: Re: EPBC 2006/2834 Armstrong Reserve, Dunsborough
Date: Wednesday, 7 June 2017 10:36:12 AM

Hello Bernadette,

Thanks for providing the opportunity to comment early in the development of the document.

I suggest the following additions;
1) Section 4 Rehab Approach,
- add a section 4.6 and address feral animal control and grazing pressures arising from both native and introduced herbivores (primarily roos and rabbits). Identify actions that will be used to reduce impacts from these pressures and what trigger points/threshholds will be used to initiate onground action.

- will 4.3.2 Reveg Methodology address use of supplementary fertilizers, soil amelioration using products such as bacterial additives and watering requirements over the 1st summer establishment period. NB: All of these actions need to be considered to maximise establishment and survival and achieve completion criteria. If these will not be part of 4.3.2 consider addressing them in a new section 4.7, include trigger points for initiating action.

2) Section 5 Monitoring and Contingency Measures;
This section should contain a monitoring timetable and a timetable for reporting the monitoring results.

Thanks

Kim
Kim Williams
Regional Leader Nature Conservation
Dept Parks and Wildlife. South West Region, Bunbury WA
kim.williams@dpaw.wa.gov.au

From: Bernadette Van der Wiele <bernadette@endplanenvironmental.com.au>
Sent: Tuesday, 6 June 2017 4:18:10 PM
To: Williams, Kim
Cc: Hanly, Peter; Cox, Vaughn; 'Dominic Trombetta'; Krystal Laurentsch
Subject: EPBC 2006/2834 Armstrong Reserve, Dunsborough

Hello Kim

Following on from DPaW's discussions with Mr Vaughn Cox Dept of the Environment and Energy) regarding Capecare utilising 1 ha of the Broadwater Nature Reserve as a rehabilitation offset site, I have attached a draft Table of Contents for the Rehabilitation Offset Management Plan that is required to be prepared prior to construction commencing at Armstrong Reserve.

Can you please review the attached and advise whether it covers all of the issues that DPaW would expect to be covered in this type of management plan? Should any issues be missing would you please advise accordingly?

Many thanks
Kind regards

Bernadette van der Wiele
Director
EndPlan Environmental
PO Box 138 NORTH FREMANTLE WA 6159
M: 0447 366 460

UDIA WA Environmental Excellence Award Winner 2014
UDIA National Environmental Excellence Award Winner 2015

Wiske Pty Ltd as Trustee for Esk Family Trust trading as "EndPlan Environmental" ABN: 23 684 573 524

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From:	Kim Williams
To:	Bernadette Van der Wiele
Cc:	Cox, Vaughn (Vaughn.Cox@environment.gov.au); Tracy Teede
Subject:	RE: Rehabilitation Mgt Plan - Portion Lots 217-219 Busselton Bypass, Vasse Armstrong Reserve Offset
Date:	Tuesday, 31 October 2017 11:35:29 AM
Attachments:	image003.png

Hello Bernadette,

I refer to the Rehabilitation Offset Management Plan (ROMP) ver 4 for Lots 217-219 sent as per below and provide the following comments from the South West Regional Office of the Parks and Wildlife Service, Department of Biodiversity, Conservation and Attractions.

Background:

Parks and Wildlife offered the newly acquired conservation Lots 217-219 as a potential offset site on the basis that;

- The area lies within the known distribution of Western Ringtail Possum in the Dunsborough to Bunbury Zone, and habitat within the Broadwater Nature Reserve is mapped as high quality for the species.
- Lots 217 – 219 provided a small and discrete area suitable to meet the offset conditions required by CapeCare, and would further enhance a previous WRP habitat creation offset implemented by MRD along the Busselton Bypass Road.
- Lots 217-219 were and are regarded by the department as strategically located with potential to make a significant contribution to the long term conservation values of the nature reserve and contribute to regional wetland and WRP conservation. These attributes justified purchasing the land.
- The land is vested with the Conservation and Parks Commission and all management actions such as revegetation works must be consistent with Commission and Department policies and guidelines. Inherent is a requirement that any actions undertaken should not further degrade the values of the site or leave an ongoing management burden upon the Commission or Department.
- Revegetation actions should aspire to reconstruct/restore the composition, structure and functionality of conservation reserve habitats and ecosystems in a manner that is effective and can be measured and reported.

Overall Comments:

While the general content of the document is consistent with what the department requires in a ROMP it is deficient in two key areas which will need to be addressed to be compliant with the expectations/management requirements of the Conservation and Parks Commission and Department;

1) There are no documented targets or indicators for the non-Peppermint components of the revegetation in each of the identified landforms ie" Upland and Wetland Zones.

2) There are no strategies or triggers and contingency actions documented with regard to mitigating grazing impacts resulting from native herbivores (kangaroos).

Comments on specific sections;

1) **Section 2.7.2** correctly identifies the large population of Western Grey Kangaroos that frequent the Broadwater area and the potential adverse grazing impacts they can have on revegetation works, however the document has not identified any strategies to prevent these impacts prior to plant establishment or identified what contingency actions will be implemented should quarterly

monitoring detect a significant impact on plant survival. These omissions need to be addressed.

We note **Section 4.2** makes reference to consolidating the existing 1.2m perimeter fencing for rabbit exclusion on three sides of the rehab area, but no reference to excluding kangaroos. It is the department's experience in undertaking similar revegetation works elsewhere around the Busselton Wetlands System that a 1.2m fence will be ineffective at preventing kangaroos accessing the planting area and that a minimum 1.5m netting fence with 1.8m posts (thereby providing potential to add a further 300mm netting at a later stage if needed) and the installation of one way "roo gates" to enable animals to escape the fenced area will be required. The department strongly recommends that strategies for effective kangaroo management at the site are incorporated into the ROMP.

2) **Section 3.3 Table 4**, Targets and Indicators for the non-Peppermint components of the revegetation are required to be developed and included in Table 4. The department recognises there are a number of measures that could be used to address this omission such as Species % Survival or Plant Density per square metre with some measures being more suitable for direct seeding areas and others applicable in seedling areas. The outcomes of these measures are required to be reported quarterly consistent with the nominated reporting schedule for other components.

3) Triggers and Contingency Actions are required for these non-Peppermint components are to be added to **Table 7**. The department expects suggested contingency actions would include infill planting in patches of or greater than $100m^2$ where mid and upper storey species are absent.

4) **Section 4.5.3 Table 5**, Species List for Revegetation Area: The department notes that additional species have been added to the suggested planting zone lists on the basis that some of the departments preferred species can be difficult to source from commercial suppliers. With the exception of two species these changes are acceptable to the department. Please remove Conostylis candicans and Trachymene coerulea from the upland understorey list.

5) **Section 4.8 Table 6,** Rehabilitation Schedule: Pre and Post site preparation weed control. . It is the department's experience in undertaking similar revegetation works elsewhere around the Busselton Wetlands System particularly in cleared ex-paddock farmlands, that weed control can be a significant challenge requiring multiple control sessions over a number of seasons to reduce the residual weed load prior to planting/seeding and be supplemented with at least one rotary hoeing session to break up the compacted and fibrous root mat surface soil . The current schedule (Table 6) suggests only one pre-site preparation and one post-site preparation weed control session will be undertaken prior to planting, the department is of the opinion this will be insufficient to maximise seedling and direct sowing success. It is recommended that planting / direct sowing be scheduled for winter year 2 and for year 1 to focus on preparing the site. A pre-planting weed control session should be scheduled in late autumn / early winter year 2 prior to planting.

It is highly desirable that density of weeds and weed species composition and abundance be significantly reduced over the period of the ROMP to ensure the viability and longevity of the revegetation works and functionality of the reserve. Where environmental offset works are undertaken on departmental lands, it is important and expected outcomes will result in a nett benefit without substantial on going management obligations. Ie: the Conservation and Parks Commission will be reluctant to accept an ongoing burden of managing a "scattered trees over grass" patch if the revegetation works fail.

Parks and Wildlife look forward to receiving an updated ROMP addressing the these issues for final comment.

Regards

Kim

Kim Williams
Regional Leader Nature Conservation
Parks and Wildlife Service
Department of Biodiversity, Conservation and Attractions
SW Region, Bunbury, WA
Ph: 97254300
kim.williams@dbca.wa.gov.au



From: Bernadette Van der Wiele [mailto:bernadette@endplanenvironmental.com.au]
Sent: Friday, 20 October 2017 7:33 AM
To: Kim Williams; Kim Williams
Cc: 'Dominic Trombetta'; Nadine Carter; Stuart Sibbald; 'John Reid'; Darren Brearley; Cox, Vaughn
Subject: Rehabilitation Mgt Plan - Portion Lots 217-219 Busselton Bypass, Vasse
Importance: High

Good morning Kim

On behalf of our client Ray Village Aged Services (Inc) t/a Capecare, please find attached a pdf of the Rehabilitation Management Plan prepared for portion of Lots 217-219 Busselton Bypass, Vasse.

As required by Condition 5 of EPBC2006/2834 (see attached pdf), the document is provided to the Department of Biodiversity Conservation and Attractions for their review and comment.

To assist you, I have also attached the RMP in word format for comments/track changes should there be any.

Can you please advise when you will be able to provide the Department's comments to me?
Kind regards and many thanks

Bernadette van der Wiele
Director
EndPlan Environmental
PO Box 138 NORTH FREMANTLE WA 6159
M: 0447 366 460
UDIA 2014 WA and 2015 National Environmental Excellence Award Winner

Wiske Pty Ltd as Trustee for Esk Family Trust trading as "EndPlan Environmental" ABN: 23 684 573 524
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From:	Kim Williams
To:	Bernadette Van der Wiele; Andrew Webb
Cc:	Tracy Teede; Stuart Sibbald; "John Reid"; Nadine Carter; "Dominic Trombetta"; Stephen.Carmody@capecare.com.au
Subject:	Re: Capecare offset site ROMP query
Date:	Wednesday, 29 November 2017 2:40:22 PM
Attachments:	EPBC 2006-3017 ROMP_KW 24112017.docx

Hello Bernadette,

In response to your question below, yes version 5 of the ROMP has incorporated the intent of the advice and comments previously provided by the department.

I have identified three further amendments / clarifications detailed below, which the department seeks to have incorporated into the document.

section 4.1

Query the reference to Vasse Estuary, in this context should say Broadwater wetland ?
ie: 2.A seasonally wet floodplain (dark clayey sand) fringing the Broadwater wetland and supporting one large isolated tree of Eucalyptus rudis (Flooded Gum) and scattered trees of Melaleuca rhaphiophylla (Swamp Paperbark) over cleared annual pasture grasses and weeds; and

section 4.7.1

Insert statement: " Should the need arise and following consultation with local DBCA staff, additional rabbit control using approved baiting techniques (ie: 1080 Oats) will be implemented."

section 4.8

Insert statement " Consultation and approval from local DBCA staff will be sought prior to pruning any overhanging trees and other vegetation impinging upon the firebreak." *The firebreak will be installed prior to planting commencing and annual maintenance will be conducted prior to the 15th December (refer to Appendix 5)*

Bernadette - the melaleuca canopies on the North side of the offset area have been identified as high quality WRP habitat, the potential impacts of any pruning esp to 5m height will need to be assessed on site with local departmental staff prior to undertaking this action.

Thankyou

Kim

Kim Williams
Regional Leader Nature Conservation
South West Region, Bunbury. WA.
Parks and Wildlife Service
Dept of Biodiversity, Conservation and Attractions
kim.williams@dbca.wa.gov.au

From: Bernadette Van der Wiele <bernadette@endplanenvironmental.com.au>
Sent: Monday, 27 November 2017 2:59:28 PM
To: Kim Williams
Cc: Tracy Teede; Stuart Sibbald; 'John Reid'; Nadine Carter; 'Dominic Trombetta'; Stephen.Carmody@capecare.com.au
Subject: Capecare offset site ROMP query

Hello Kim
Further to my email of the 17 November, can you please advise whether the changes made to version 5 of the ROMP are to the satisfaction of the Department?

Kind regards
Bernadette van der Wiele
Director
EndPlan Environmental
PO Box 138 NORTH FREMANTLE WA 6159
M: 0447 366 460
UDIA 2014 WA and 2015 National Environmental Excellence Award Winner
Wiske Pty Ltd as Trustee for Esk Family Trust trading as "EndPlan Environmental" ABN: 23 684 573 524
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From: Andrew Webb
To: Bernadette Van der Wiele
Cc: Kim Williams
Subject: RE: EPBC 2006/2834 ROMP Version 6
Date: Monday, 4 December 2017 8:58:35 AM

Hi Bernadette,
Yes I think the document is now ready

Thanks

From: Bernadette Van der Wiele [mailto:bernadette@endplanenvironmental.com.au]
Sent: Saturday, 2 December 2017 1:11 PM
To: Andrew Webb
Cc: Kim Williams
Subject: RE: EPBC 2006/2834 ROMP Version 6

Hello Andrew

Thank you for your comments and in particular with respect to fire management.

I have amended the text in section 3.3 and Table 4 as requested. Can you please advise whether the document is now ready to be released as a final version?

Kind regards

Bernadette van der Wiele
Director
EndPlan Environmental
PO Box 138 NORTH FREMANTLE WA 6159
M: 0447 366 460
UDIA 2014 WA and 2015 National Environmental Excellence Award Winner
Wiske Pty Ltd as Trustee for Esk Family Trust trading as "EndPlan Environmental" ABN: 23 684 573 524
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From: Andrew Webb [mailto:andrew.webb@dbca.wa.gov.au]
Sent: Friday, 1 December 2017 2:13 PM
To: Bernadette Van der Wiele
Cc: Kim Williams
Subject: RE: EPBC 2006/2834 ROMP Version 6

Hi Bernadette,
It is complicated but I don't think that change has quite captured what I was intending (I wasn't specifically intending for the criteria I suggested to be applied over the whole rehab area, I realise now that it could be interpreted that way) .. perhaps a better way to put this criteria would be a combination of both what Kim had and I am suggesting, something like,

- The completion criteria as prescribed by EPBC Condition 5(c) requires there to be a survival rate of 80 percent (equivalent to 2,000 Peppermints per hectare) for the

offset site five years after planting. For the non-Peppermint mixed species survival rate five years after planting, no patch greater than 100 m^2 will have mid-storey and upper storey native species absent and patches of 400m2 will contain at least 2 different under/mid-storey species and a minimum under/mid-storey cover of approximately 30%

And by using 400m2 (20x20m) these criteria can be measured by recording under/mid story species in the proposed 20x20m quadrats (so possibly a slight tweak to that monitoring technique section may be required)…. Perhaps this would negate the need for belt-transects

Also I don't think you need to pers.comms us unless you really want, if you want to, I am not a Dr

With the firebreak from what I understand Parks and Wildlife owns the land this rehab is proposed on (well its Cons Commision freehold) and the land to the north is also vested with us, so as such we would view this as the one reserve and firebreak requirements if the shire was to make an issue of it would only need to be around the perimeter of this larger reserve, as such we shouldn't need one in that area you are concerned with. Either way if an issue was to arise we would definitely intercede if needed

Thanks

From: Bernadette Van der Wiele [mailto:bernadette@endplanenvironmental.com.au]
Sent: Friday, 1 December 2017 1:08 PM
To: Andrew Webb
Cc: Kim Williams
Subject: RE: EPBC 2006/2834 ROMP Version 6

Hello Andrew
I have revised Section 3.3 and Table 4 to include your requested amendment regarding 30% cover and also Table 5 *Gahnia trifida* to be footnote 5. For ease of reference, all changes are highlighted in blue.
Can you please advise that you are satisfied with the changes?
Also, Kim made a note at the bottom of his last email to me regarding the WRP habitat values of *Melaleuca* woodland to the north of the site. Kim, I am very aware of this and this is what we are hoping to connect into through this revegetation process. However, in the event that City of Busselton's snr fire officer is not happy with the firebreak, will the Department intercede on Capecare's behalf please? I have had situations with some LGA's where revegetation has taken place across old firebreaks in order to provide connectivity only to have the LGA fire officers request that the firebreak be reinstalled!!
Kind regards

Bernadette van der Wiele
Director
EndPlan Environmental
PO Box 138 NORTH FREMANTLE WA 6159
M: 0447 366 460

UDIA 2014 WA and 2015 National Environmental Excellence Award Winner

Wiske Pty Ltd as Trustee for Esk Family Trust trading as "EndPlan Environmental" ABN: 23 684 573 524

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From: Andrew Webb [mailto:andrew.webb@dbca.wa.gov.au]
Sent: Friday, 1 December 2017 11:23 AM
To: Bernadette Van der Wiele
Cc: Kim Williams
Subject: RE: EPBC 2006/2834 ROMP Version 6

Hi Bernadette,
I think Kim has gone now so I will reply to this, given I am totally new to this document and previous discussions hopefully I am not complicating things with these comments.

I agree with Darren that determining 80% with direct seedling is tricky, so in regards to what you propose for understory and mid-story is an acceptable criteria, although that criteria as currently proposed could technically mean that the presence of just one under/mid-story plant or the presence of the same species will result in the completion criteria being met. Having a rehab with only one under/mid-story plant every 100m2 is not ideal, nor is it ideal if the under/mid-story species is all the one species.

I accept that the rehabilitation site may be difficult and the resulting under/mid-story may be dominated by 1-2species, but we would definitely want more than 1 scattered plant meeting the criteria. In order to avoid this I would propose that Table 4 target is adjusted to read as below

Ongoing management measures to ensure no area greater than 100 m^2 does not contain mid- and upper storey native species five years after planting. 100m2 areas should contain at least 2 different under/mid-story species and a minimum under/mid-story cover of approximately 30% .

In regards to measuring this, I note that monitoring is to involve belt-transects and 20x20m tree quadrats, the above suggestion I have added would be best measured by 10x10m quadrats, but there is no reason why the under/mid-story diversity and density measure proposed above couldn't be applied to 20x20m quadrats or somehow captured in the belt-transects in green …. I'm tempted to ask why use the belt transects couldn't all the reveg layers criteria be measured by the 20x20 quadrats.., either way if belt-transect are to be used for understory hopefully the criteria I have proposed above can be worked into that way of measuring.

I have also noted a possible error in your report, in Table 5 the foot-note numbers may be wrong .. the reason I ask is that *Gahnia trifida* is allocated a footnote of 4, this species definitely will not become weedy and if it did that would be ideal (I suspect this species is ment to be allocated a footnote of 5).

If you have any questions please ask

Thanks
Andrew Webb

From: Bernadette Van der Wiele [mailto:bernadette@endplanenvironmental.com.au]
Sent: Thursday, 30 November 2017 12:40 PM
To: Kim Williams; Andrew Webb
Cc: Williams, Justin; Darren Brearley; Stuart Sibbald; Nadine Carter; Stephen.Carmody@capecare.com.au; 'John Reid'; 'Dominic Trombetta'; Cox, Vaughn
Subject: EPBC 2006/2834 ROMP Version 6

Hello Kim and Andrew
Further to your request for some additional changes to be made to version 5, I have created version 6 (attached) wherein the requested changes have been highlighted in yellow.

With respect to your earlier advice for meaningful completion criteria for the mixed species plantings (see attached advice), on the advice of Dr Darren Brearley (Onshore Environmental) who has noted that the use of both tubestock and native seed in the revegetation area will mean that using a set figure for determining a survival rate (eg 80%) will be difficult to verify. In order to resolve both of these issues, I have amended version 6 to show that infill planting will be undertaken in patches greater than 100m2 where mid-storey and upper storey native species are absent. These changes (highlighted in green) are included in sections 3.1, 3.2 and Table 4.
Kind regards

Bernadette van der Wiele
Director
EndPlan Environmental
PO Box 138 NORTH FREMANTLE WA 6159
M: 0447 366 460
UDIA 2014 WA and 2015 National Environmental Excellence Award Winner

Wiske Pty Ltd as Trustee for Esk Family Trust trading as "EndPlan Environmental" ABN: 23 684 573 524
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APPENDIX 4

EPBC 2006/2834 APPROVAL (25 FEBRUARY 2013)

Australian Government
Department of Sustainability, Environment, Water, Population and Communities

EPBC Ref: 2006/2834

Mr Greg Holland
Chief Executive Officer
Capecare
20 Ray Ave
BUSSELTON WA 6280

Dear Mr Holland

Decision on approval
Capecare, Aged Care Village, Dunsborough, WA (EPBC 2006/2834)

I am writing to you in relation to your proposal to develop aged care facilities on Naturaliste Terrace, Dunsborough, WA.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to Capecare. The details of my decision are attached. The proposal must be undertaken in accordance with the conditions specified in the approval.

I would appreciate your assistance by informing me when you start the action, when you intend to provide the Rehabilitation Offset Management Plan and who will be the contact person responsible for the administration of the approval decision.

Please note, any plans required as conditions of approval will be regarded as public documents unless you provide sufficient justification to warrant commercial-in-confidence status.

You should also note that this EPBC Act approval does not affect obligations to comply with any other laws of the Commonwealth, state or territory that are applicable to the action. Neither does this approval confer any right, title or interest that may be required to access land or waters to take the action.

The department has an active audit program for proposals that have been referred or approved under the EPBC Act. The audit program aims to ensure that proposals are implemented as planned and that there is a high degree of compliance with any associated conditions. Please note that your project may be selected for audit by the department at any time and all related records and documents may be subject to scrutiny. Information about the department's compliance monitoring and auditing program is enclosed.

I have also written to Mr Kim Taylor of the WA Office of the Environmental Protection Authority, and Mr Keiran McNamara of the WA Department of Environment and Conservation, informing them of this decision.

If you have any questions about this decision, please contact the project manager, Mitchell Bouma, by email to mitchell.bouma@environment.gov.au, or telephone (02) 6274 2020 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Michael Ward
Acting Assistant Secretary
North, West and Offshore Assessment Branch
25 February 2013

Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Approval

Capecare, urban and commercial new development, Aged Care – Naturaliste Terrace, Dunsborough, WA (EPBC 2006/2834)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted	**Ray Village Aged Services Inc. (Trading as Capecare)**
proponent's ACN (if applicable)	**ABN: 77 630 179 279**
proposed action	To develop aged care facilities on Naturaliste Terrace, Dunsborough, WA [See EPBC Act referral 2006/2834].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 December 2021.

Decision-maker

name and position	Michael Ward Acting Assistant Secretary North, West and Offshore Assessment Branch
signature	
date of decision	25 February 2013

Conditions attached to the approval

1. The person taking the action must not **clear** more than 0.9020 ha of habitat for the vulnerable Western Ringtail Possum (*Psuedocheirus occidentalis*) within the **proposed development footprint** (as shown at Attachment A).

2. **Clearing** must not occur outside of the **proposed development footprint** (as shown at Attachment A).

3. To mitigate potential impacts to the Western Ringtail Possum, the person taking the action must have an experienced zoologist with an approved Regulation 15 **WA DEC** fauna relocation licence on site, to spot for, handle and relocate Western Ringtail Possums from the **proposed development footprint** to undisturbed vegetation within **Armstrong Reserve**, during **clearance** of vegetation.

4. The person taking the action must not commence **construction** until written evidence is provided to the **Department** that the remaining 2.83 ha of **Armstrong Reserve**, outside of the **proposed development footprint** (as shown at Attachment A), is designated a reserve for the purpose of 'Landscape Protection' under the *WA Land Administration Act 1997*.

5. To offset the residual impacts of the action on the Western Ringtail Possum, the person taking the action must prepare and submit a Rehabilitation Offset Management Plan (ROMP). The ROMP must be prepared in consultation with the City of Busselton and **WA DEC** and must include, though not be limited to the following:

    a. the identification (including a map) of an **offset site(s)** at least 1.8 ha in size, containing Western Ringtail Possum habitat, that is within the Dunsborough region of Western Australia and is able to support the planting of at least 700 Peppermint (*Agonis flexuosa*) trees. The **offset site(s)** must be accompanied with the **Offset attributes**;

    b. the planting of at least 700 Peppermint trees within the **offset site(s)**;

    c. methodology for rehabilitation works and ongoing management measures to ensure a survival rate of 80% of the 700 Peppermint trees is maintained 5 years after planting;

    d. details of the transfer of responsibility for the **offset site(s)** to the City of Busselton, which must occur within 3 years following the commencement of rehabilitation works, and the management measures that will occur after this transition;

    e. measures to ensure the long term protection of the **offset site(s)**;

    f. measures to manage the impacts of feral animals, people, weeds and Dieback (*Phytopthora cinnamomi*);

    g. details of monitoring, reporting and contingency measures if performance indicators are not met;

    h. timeframes for the implementation and completion of the above measures/programs/reporting; and,

i. roles and responsibilities of personnel associated with the implementation of the above measures/programs/reporting.

The ROMP must be submitted to the **Department** prior to the commencement of **construction**. If the **Minister** approves the ROMP, the approved ROMP must be implemented. **Construction** must not commence until the ROMP is approved by the **Minister**.

6. Within 30 days after the commencement of the action, the person taking the action must advise the **Department** in writing of the actual date of commencement.

7. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the ROMP required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.

8. Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the ROMP as specified in the conditions. Each report must stay on the proponent's website for at least 3 years. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published.

9. If the person taking the action wishes to carry out any activity otherwise than in accordance with the ROMP as specified in the conditions**,** the person taking the action must submit to the **Department** for the **Minister's** written approval a revised version of that ROMP. The varied activity shall not commence until the **Minister** has approved the varied ROMP in writing. The **Minister** will not approve a varied ROMP unless the revised ROMP would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised ROMP, that ROMP must be implemented in place of the ROMP originally approved.

10. If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species to do so, the **Minister** may request that the person taking the action make specified revisions to the ROMP specified in the conditions and submit the revised ROMP for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved ROMP must be implemented. Unless the **Minister** has approved the revised ROMP, then the person taking the action must continue to implement the ROMP originally approved, as specified in the conditions.

11. If, at any time after 5 years from the date of this approval, the person taking the action has not commenced **construction** the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.

12. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish the ROMP referred to in these conditions of approval on their website. The ROMP must be published on the website within 1 month of being approved.

13. Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.

Definitions

Armstrong Reserve is the area contained within the 'Site Boundary' at Attachment A, which is comprised of Lots 117, 116, 118, 257 and 258, Naturaliste Terrace, Dunsborough, Western Australia.

Clear/clearing is the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation.

Construction includes any preparatory works required to be undertaken including clearing vegetation, the erection of any fences, signage or on-site temporary structures and the use of construction or excavation equipment on site for the purpose of breaking the ground for buildings or infrastructure.

The **Department** is the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

Minister is the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the **Minister**.

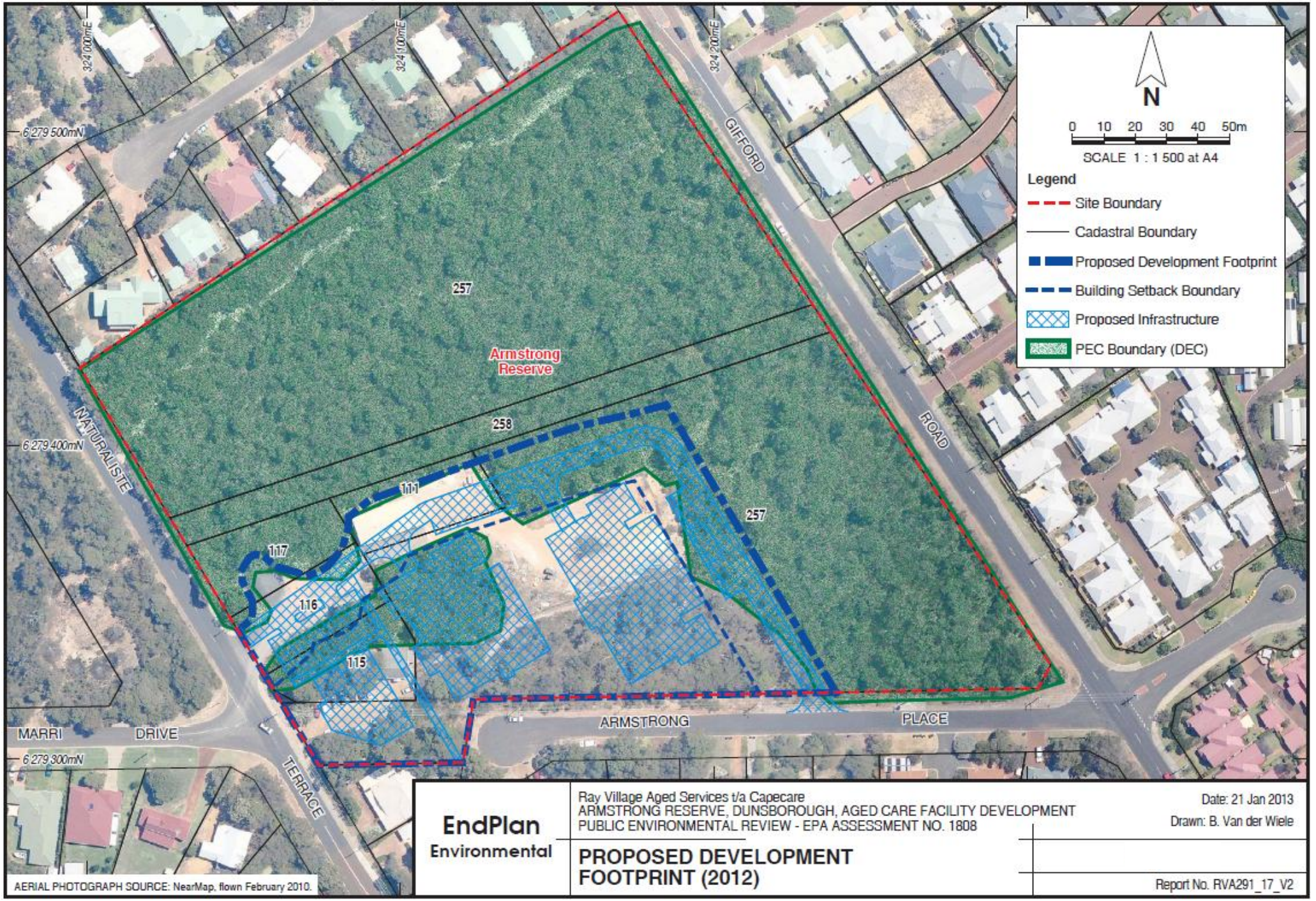
Offset attributes means an excel file ('.xls') capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.

Offset site(s) is the area, or areas, to be identified by the proponent to be used for their proposed rehabilitation offset that must be a total of at least 1.8 ha in size and support the planting of at least 700 Peppermint trees. The proponent will specify the location of the **offset sites(s)** within the ROMP.

Proposed development footprint is the area identified as '*Proposed Development Footprint*' at Attachment A.

WA DEC is the Western Australian Department of Environment and Conservation, (or equivalent agency).

Attachment A



APPENDIX 5

OFFSET SITE - REHABILITATION AREA (ONSHORE ENVIRONMENTAL, 2017)



BUSSELTON BYPASS

ATTACHMENT B

Legend

- Site Boundary
- Study Area

Rehabilitation Areas

- Sandy Ridge
- Wet Flats

N

0 10 20 30

Meters

1:1,500

Datum: GDA94

Projection: MGA Zone 50

Date:	19/10/2017
Status:	Draft
Figure:	1
Sheet Size:	A3
Internal Reference:	Buss_Bypass_At.B
Drawn by:	GSM
Requested by:	DB

GRIFFIN SPATIAL & MAPPING

APPENDIX 6

FIREBREAK AND FUEL HAZARD REDUCTION NOTICE (CITY OF BUSSELTON, 2017)

BUSH FIRES ACT 1954

PROPERTY COMPLIANCE REQUIREMENTS

Compliance inspections of land will be carried out from 16 November 2017, to assess landowner(s) or occupier(s) of land compliance with the City of Busselton Firebreak and Fuel Hazard Reduction Notice.

- **Rural Residential, Urban and Industrial Land requirements must be compliant by 16 November 2017**
- **Rural Land requirements must be compliant by 15 December 2017**

Local Government may serve a notice pursuant to Section 33 of the Bush Fire Act 1954, requiring the property owner to undertake any extra work to reduce the impact of a fire

- **Rural Residential, Urban and Rural Land requirements must be maintained in accordance with the table overleaf until 12 May 2018** or a later date if the compliance period is extended, in which case a notice will be placed in the local newspaper

FIRE PERMITS

- Permits to burn are required for the whole of the restricted periods and can only be obtained from the Fire Control Officer for your area
- Permits are to be obtained before burning commences (the permit holder must be in possession of the permit during the burn)

FIRE PERMIT APPLICATION

Before you call a Fire Control Officer ensure you have the following information

- Who will be the three able bodied persons in attendance at all times whilst the fire is alight including contact phone number?
- What is the address of the property for which the permit applies?
- What fire fighting equipment and resources will you have at the fire front and is it in good working order?
- What is the size of burn to take place?
- Are there firebreaks installed and can a fire unit get access to the area?
- What material are you burning? Is it dry? Are there any plastics, tyres, treated posts or woods in the piles or area to be burnt? If so, remove them to a safe place.
- Ensure you give 72 hours notice to the Fire Control Officer first; and
- Ensure you notify neighbours 72 hours prior to commencing your burn

For further advice, contact your local Fire Control Officer, as advertised in the City of Busselton's Community Directory or on the City of Busselton website www.busselton.wa.gov.au

GENERAL REQUIREMENTS

- **Garden Refuse Urban Areas (Town sites):** No garden refuse is permitted to be burnt on the ground, in the open air or in an outdoor incinerator within the urban areas of Busselton and Dunsborough town sites at any time of the year
- **Garden Refuse Rural Residential Areas (non-Town sites):** The burning of garden refuse is prohibited from 14 December to 28 February. **During the restricted burning period**, 2 November to 14 December and 1 March to 12 May each year, permits are required to be obtained from the Fire Control Officer in your area for the burning of any garden refuse
- **Burning of toxic materials** and **rubbish** is prohibited at all times
- **Camp fires** are prohibited within the City during the restricted and prohibited burning period
- **Wood** and **coal fuelled barbecues,** including wood fired pizza ovens and chimineas are banned during a total fire ban or in any period when the fire danger forecast is 'Very High' or above
- **Wood fired pizza ovens** must have a spark arrestor fitted
- **Warning:** The use of electric fences during periods of 'Very High' or above may cause fire
- **Owners of tractors** with down swept exhaust systems are encouraged to have an approved spark arrestor fitted as provided in the Bush Fires Act 1954 Regulations
- **Welding, Cutting** and **Grinding Equipment:** A person shall not operate this equipment during the restricted/prohibited burning times on land which is under crop, pasture, stubble and bush unless one working fire extinguisher is provided, work area is clear of flammable materials and there is compliance with any other controls required by a Fire Control Officer.
- **Welding, cutting** and **grinding equipment** is **not permitted** to be used anywhere within the City of Busselton when the fire index is '**extreme'** or above

FIRE DANGER RATING

For the current fire danger rating visit Department of Fire & Emergency Services (DFES) website www.dfes.wa.gov.au or Bureau of Meteorology (BOM) website www.bom.gov.au

CONTRACTORS

Please be advised, if you engage a contractor to gain compliance with this notice it is the property owner, **not the contractor**, who is responsible for the standard and quality of the fire prevention work undertaken and required to be compliant by 16 November (or 15 December if Rural Land) each year and maintained as per this notice throughout whole the fire season.

CONTACT US

For further fire safety information visit the City of Busselton website www.busselton.wa.gov.au or Department of Fire & Emergency Services (DFES) website www.dfes.wa.gov.au

IMPORTANT DATES

The below dates may change due to seasonal fire conditions in which case details will be published in the local newspaper.

RESTRICTED

BURNING PERMITS ARE REQUIRED FROM

2 November 2017 to 14 December 2017 inclusive

and

1 March 2018 to 12 May 2018 inclusive

BURNING PROHIBITED

15 December 2017 to 28 February 2018 inclusive

(ALL FIRES PROHIBITED)

COMPLIANCE DATE

- **Completion of firebreaks/fuel hazard reduction on all rural residential, urban and industrial land is required to be completed by 16 November 2017 and must be maintained until 12 May 2018**
- **Completion of firebreaks/fuel hazard reduction on all rural land is required to be completed by 15 December 2017 and must be maintained until 12 May 2018**
- **Burning on Sundays and public holidays during the restricted fire season is prohibited**

Applications for a variation of this the Firebreak and Fuel Hazard Reduction Notice, where ground considerations or environmental concerns prevent compliance with the requirements of this Notice, must be lodged in writing together with a Firebreak and Fuel Hazard Reduction Notice Variation form, prior to **31 October 2017.**

The hardest aspect of fire prevention is explaining to your family why you didn't undertake any!



Actions speak louder than words and actions save lives

Should you require further clarification of the information contained in this notice please do not hesitate to contact the City's Ranger and Emergency Services Department on (08) 9781 0444.

City of Busselton
Geographe Bay

FIREBREAK AND FUEL HAZARD REDUCTION NOTICE



2017/2018 BUSH FIRE SEASON

FIRST AND FINAL NOTICE

Bush Fires Act 1954

Take notice that pursuant to Part 3 Division 6 Section 33 of the Bush Fires Act 1954, landowner(s) or occupier(s) of land shall construct firebreaks and carry out fire prevention work in accordance with the City of Busselton Firebreak and Fuel Hazard Reduction Notice.

Failure to comply with this notice may result in a

$5,000 FINE

Fire Prevention Starts with You!



RING 000 FOR ALL FIRES

FIREBREAK CATEGORY CODE AND SUMMARY OF REQUIREMENTS



ALL REQUIREMENTS IN THIS NOTICE ARE TO BE MAINTAINED THROUGHOUT THE ENTIRE DURATION OF THE FIRE SEASON (1 DECEMBER TO 12 MAY EACH YEAR).

FAILURE TO COMPLY MAY RESULT IN A $5,000 FINE

PLEASE BE ADVISED THAT YOUR PROPERTY MUST COMPLY WITH CATEGORY REQUIREMENTS AS NOTED BY A TICK IN COLUMN A, B, C OR D



CATEGORY	A	B	C	D
It is the land owner's responsibility to identify the category that relates to their property and to ensure the necessary fire prevention works are completed on time. ***Please contact the City if you are unsure of your category.***				
CATEGORY 1 **RURAL** Except plantations and vineyards (for tourist chalets, refer to Estate Fire Management Plan or Individual Fire Management Plan) Sections A, C and D apply to this category.	✓		✓	✓
CATEGORY 2 **URBAN RESIDENTIAL & INDUSTRIAL - COMMERCIAL** Sections A, B, D and E1 Trees, apply to this category. Refer to section E - Interpretation and Additional Requirements (E1 Trees).	✓	✓		✓
CATEGORY 3 & 4 **PLANTATIONS** Fire Management Plan applies	N/A	N/A	N/A	N/A
CATEGORY 5 **PROTEA PLANTATIONS / VINEYARDS** (For tourist chalets, refer to Estate Fire Management Plan or Individual Fire Management Plan) Sections A, B, C and D apply to this category.	✓	✓	✓	✓
CATEGORY 6 **RURAL RESIDENTIAL - LOTS WITH INDIVIDUAL (MINERAL EARTH) BOUNDARY BREAKS** Sections A, B, C and D apply to this category unless the property is subject to Estate Fire Management Plan or Individual Fire Management Plan	✓	✓	✓	✓
CATEGORY 7 **RURAL RESIDENTIAL - LOTS WITH A STRATEGIC FIREBREAK ON ONE OR MORE BOUNDARIES** Sections A, B, C and D apply to this category unless the property is subject to Estate Fire Management Plan or Individual Fire Management Plan	✓	✓	✓	✓
CATEGORY 8 **RURAL RESIDENTIAL - LOTS WITHIN A STRATEGIC FIREBREAK AREA WITH NO STRATEGIC FIREBREAKS ON THE LOT BOUNDARIES** Sections B, C and D apply to this category unless the property is subject to Estate Fire Management Plan or Individual Fire Management Plan		✓	✓	✓

A - Firebreak

– The term firebreak includes a mineral earth firebreak. A mineral earth firebreak means a 3 metre wide area of the owner(s)/occupiers(s) land, cleared and maintained totally clear of all vegetation material (living or dead) so there is only mineral earth left. Any overhanging trees and other vegetation must be pruned to a height of 5 metres above the ground level of a mineral earth firebreak.

Category 1 – Rural: A mineral earth **FIREBREAK** shall be constructed **3 metres** wide, except in pasture or crop areas where a **FIREBREAK** shall be **2 metres** wide. **FIREBREAKS** shall be located adjacent to all external boundaries of the land. Where the land area exceeds 120 hectares, an additional **FIREBREAK** must divide the land into areas of not more than 120 hectares with each part completely surrounded by a **FIREBREAK.**

Category 2 - Urban Residential and Industrial-Commercial: Where the area of land exceeds 2024m² (½ acre) a mineral earth **FIREBREAK** shall be constructed and maintained at least **3 metres** wide and within **6 metres** of the inside of all external boundaries of the land. Where the area of land is 2024m² (½ acre) or less, hazardous material must be removed in accordance with section **B - Fuel Reduction (refer to B1).**

Category 5 - Protea Plantations/Vineyards: A mineral earth **FIREBREAK** shall be 3 metres wide. A low fuel area is to be maintained in accordance with section **B - Fuel Reduction (refer to B2).**

Category 6 and 7 - Rural Residential: A mineral earth **FIREBREAK** shall be constructed **3 metres** wide. On Category 6 Rural Residential land with pasture or crop, a **FIREBREAK** shall be **2 metres** wide and located within **6 metres** of all external boundaries of the land. For Category 7 Rural Residential land, free access along a Strategic **FIREBREAK** is to be maintained at all times and including across the boundary of a lot, by means of a **3.5 metres wide field gate** in the adjoining lot boundary fence.

B - Fuel Reduction

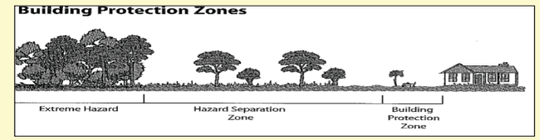
1) **Category 2 - Urban Residential and Industrial-Commercial:** Where the area of land is 2024m² (½ acre) or less, **ALL HAZARDOUS MATERIAL** must be removed from the whole of the land except living trees. In the area remaining, vegetation is to be maintained to a height of no greater than **10 centimetres**; this includes piles of timber, branches and other vegetation. Trees shall be pruned in accordance with section **E – Interpretation and Additional Requirements (refer to E1).**
2) **Category 5 - Protea Plantations/Vineyards:** A **5 metre** low fuel area is to be maintained between the **3 metre FIREBREAK** and the plantation/vineyard area. In this area, vegetation is to be maintained to a height of no greater than **10 centimetres**; this includes piles of timber, branches and other vegetation.
3) **Category 6, 7 and 8 - Rural Residential:** Parkland clearing must be carried out in all open paddocks and along the boundary of the property. Clearing means that all dead vegetation and dry grasses (excluding approved crops, pasture areas and living trees/shrubs) including piles of timber and disused materials must be maintained to a height of no greater than **10 centimetres**.

C - Building Protection Zones (BPZ) - This is a modified area of reduced fuel immediately surrounding a building

BPZ's starve the fire by reducing the fuel levels around your house. These requirements are designed to reduce the fire's intensity and minimise the likelihood of flame contact with buildings. The BPZ gives more protection to families should a fire threaten suddenly and they cannot leave. It also provides extra protection for fire fighters and property owners who may decide to stay with their property.

A BPZ shall be provided for buildings in bush fire prone areas. The surroundings of buildings must comply with the following requirements:

1) The BPZ for existing buildings must be at least 20 metres from any external wall of the building unless varied under an approved Fire Management Plan (FMP) in accordance with section **E - Interpretation and Additional Requirements (refer to E4).**
2) The minimum BPZ for buildings constructed after 1 November 2011, in all cases shall be 25 metres.
3) The BPZ must be located within the boundary of the lot that the building is situated on.
4) Hazardous/flammable materials must not exceed the maximum fuel load specified in Point 5 below with grass areas not exceeding a height greater than 10 cm.
5) Fuel loads must be reduced and maintained at 2 tonne per hectare.
6) Isolated trees and shrubs may be retained, however, the first 5 metres around all buildings is to be clear of all hazardous/flammable materials.
7) Reticulated gardens in the BPZ shall be maintained to a height of no greater than 500 millimetres.
8) Wood piles must be at least 10 metres away from habitable dwellings.
9) Trees in the BPZ must comply with section **E - Interpretation and Additional Requirements (refer to E1).**
10) Where the land has an approved FMP, compliance must be achieved in accordance with the FMP. The FMP may vary the above BPZ requirements.
11) A Hazard Separation Zone (HSZ) is also recommended in the absence of a Fire Management Plan. **Section E - Interpretation and Additional Requirements (refer to E3).**



D – Fuel Storage & Haystack Protection Zones

A **3 metre** mineral earth **FIREBREAK** shall be located within **6 metres** of fuel storage tanks, sheds, gas cylinders and haystacks. The mineral earth firebreak shall be maintained so that it is totally clear of all material (living or dead).

E – Interpretation and Additional Requirements

1) **Trees** On **Urban, Industrial, Rural,** and **Rural Residential** land, all tree branches must be removed or pruned to ensure a clear separation of at least **3 metres** back from the eaves of all buildings and **5 metres** above the top of the roof. Branches that may fall on the house must also be removed. In the **BPZ** the following is 'recommended'; the spacing of individual or groups of trees should be 15 metres apart to provide for a 5 metres separation between tree crowns. There is also a requirement of 2.5 metres between trees and power lines so they do not come into contact and start a fire or bring down a power line.
2) **Hazardous and Flammable Materials** means the accumulation of fuel (living or dead) such as leaf litter, twigs, trash, bush, dead trees and scrub capable of carrying a running fire, but excludes standing living trees and isolated shrubs. **NOTE**: All remaining vegetation, piles of timber, branches and other living vegetation must be maintained to a height of no greater than 10 centimetres. To measure and determine fuel loads use DFES's *Visual Fuel Load Guide* at http://www.dfes.wa.gov.au/safetyinformation/fire/bushfire/pages/publications.aspx#5 and select *Visual Fuel Load Guide Swan Coastal (Part 1 & 2)*. Surface bush fire fuels should be kept low to the ground.
3) **Hazard Separation Zones (HSZ)** A HSZ is a modified area of reduced fuel load outside of the BPZ and is recommended to assist in reducing the fires intensity when flames are approaching buildings. Both the BPZ and the HSZ are essential strategies for the protection of buildings. A HSZ covers the area 75 metres outside the BPZ.
   The HSZ should be modified to have a maximum fuel load of 6-8 tonne per hectare. This can be implemented by fuel reduction methods such as burning, mowing and slashing to remove the hazard. This should not require the removal of living trees or shrubs. **REMEMBER:** reduce the fuel level of the fire to lower the intensity of the blaze. Further information on fuel loading can be found in the *Visual Fuel Load Guide* available by calling DFES or via their website at www.dfes.wa.gov.au
4) **Fire Management Plan (FMP)** A FMP is a comprehensive plan for the prevention and control of bushfires which may apply to individual land holdings. A notification, pursuant to the Transfer of Land Act 1893 (as amended) may be placed on the Certificate(s) of Title of the land for medium to long term fire management to reduce the occurrence and minimise the impact of uncontrolled bush fires, thereby reducing the threat to life, property and the environment. The land owner must comply with the FMP. **Building in bush fire prone areas**, new dwellings and other forms of accommodation, as well as additions to existing buildings are to be constructed in accordance with in *Australian Standard 3959-2009*. In designated bush fire prone areas, the minimum BPZ in all cases shall be 25 metres. Further information on this and other information relating to fire safety issues can be found on the City's website www.busselton.wa.gov.au

APPENDIX 12

APPROVAL OF REHABILITATION OFFSET MANAGEMENT PLAN (Source: Department of Biodiversity Conservation and Attractions, 2017)

From: Andrew Webb
To: Bernadette Van der Wiele
Cc: Kim Williams
Subject: RE: EPBC 2006/2834 ROMP Version 6
Date: Monday, 4 December 2017 8:58:35 AM

Hi Bernadette,
Yes I think the document is now ready

Thanks

From: Bernadette Van der Wiele [mailto:bernadette@endplanenvironmental.com.au]
Sent: Saturday, 2 December 2017 1:11 PM
To: Andrew Webb
Cc: Kim Williams
Subject: RE: EPBC 2006/2834 ROMP Version 6

Hello Andrew

Thank you for your comments and in particular with respect to fire management.

I have amended the text in section 3.3 and Table 4 as requested. Can you please advise whether the document is now ready to be released as a final version?

Kind regards

Bernadette van der Wiele
Director
EndPlan Environmental
PO Box 138 NORTH FREMANTLE WA 6159
M: 0447 366 460
UDIA 2014 WA and 2015 National Environmental Excellence Award Winner
Wiske Pty Ltd as Trustee for Esk Family Trust trading as "EndPlan Environmental" ABN: 23 684 573 524
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From: Andrew Webb [mailto:andrew.webb@dbca.wa.gov.au]
Sent: Friday, 1 December 2017 2:13 PM
To: Bernadette Van der Wiele
Cc: Kim Williams
Subject: RE: EPBC 2006/2834 ROMP Version 6

Hi Bernadette,
It is complicated but I don't think that change has quite captured what I was intending (I wasn't specifically intending for the criteria I suggested to be applied over the whole rehab area, I realise now that it could be interpreted that way) .. perhaps a better way to put this criteria would be a combination of both what Kim had and I am suggesting, something like,

- The completion criteria as prescribed by EPBC Condition 5(c) requires there to be a survival rate of 80 percent (equivalent to 2,000 Peppermints per hectare) for the

offset site five years after planting. For the non-Peppermint mixed species survival rate five years after planting, no patch greater than 100 m^2 will have mid-storey and upper storey native species absent and patches of 400m2 will contain at least 2 different under/mid-storey species and a minimum under/mid-storey cover of approximately 30%

And by using 400m2 (20x20m) these criteria can be measured by recording under/mid story species in the proposed 20x20m quadrats (so possibly a slight tweak to that monitoring technique section may be required)…. Perhaps this would negate the need for belt-transects

Also I don't think you need to pers.comms us unless you really want, if you want to, I am not a Dr

With the firebreak from what I understand Parks and Wildlife owns the land this rehab is proposed on (well its Cons Commision freehold) and the land to the north is also vested with us, so as such we would view this as the one reserve and firebreak requirements if the shire was to make an issue of it would only need to be around the perimeter of this larger reserve, as such we shouldn't need one in that area you are concerned with. Either way if an issue was to arise we would definitely intercede if needed

Thanks

From: Bernadette Van der Wiele [mailto:bernadette@endplanenvironmental.com.au]
Sent: Friday, 1 December 2017 1:08 PM
To: Andrew Webb
Cc: Kim Williams
Subject: RE: EPBC 2006/2834 ROMP Version 6

Hello Andrew
I have revised Section 3.3 and Table 4 to include your requested amendment regarding 30% cover and also Table 5 *Gahnia trifida* to be footnote 5. For ease of reference, all changes are highlighted in blue.
Can you please advise that you are satisfied with the changes?
Also, Kim made a note at the bottom of his last email to me regarding the WRP habitat values of *Melaleuca* woodland to the north of the site. Kim, I am very aware of this and this is what we are hoping to connect into through this revegetation process. However, in the event that City of Busselton's snr fire officer is not happy with the firebreak, will the Department intercede on Capecare's behalf please? I have had situations with some LGA's where revegetation has taken place across old firebreaks in order to provide connectivity only to have the LGA fire officers request that the firebreak be reinstalled!!
Kind regards

Bernadette van der Wiele
Director
EndPlan Environmental
PO Box 138 NORTH FREMANTLE WA 6159
M: 0447 366 460

UDIA 2014 WA and 2015 National Environmental Excellence Award Winner

Wiske Pty Ltd as Trustee for Esk Family Trust trading as "EndPlan Environmental" ABN: 23 684 573 524

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From: Andrew Webb [mailto:andrew.webb@dbca.wa.gov.au]
Sent: Friday, 1 December 2017 11:23 AM
To: Bernadette Van der Wiele
Cc: Kim Williams
Subject: RE: EPBC 2006/2834 ROMP Version 6

Hi Bernadette,
I think Kim has gone now so I will reply to this, given I am totally new to this document and previous discussions hopefully I am not complicating things with these comments.

I agree with Darren that determining 80% with direct seedling is tricky, so in regards to what you propose for understory and mid-story is an acceptable criteria, although that criteria as currently proposed could technically mean that the presence of just one under/mid-story plant or the presence of the same species will result in the completion criteria being met. Having a rehab with only one under/mid-story plant every 100m2 is not ideal, nor is it ideal if the under/mid-story species is all the one species.

I accept that the rehabilitation site may be difficult and the resulting under/mid-story may be dominated by 1-2species, but we would definitely want more than 1 scattered plant meeting the criteria. In order to avoid this I would propose that Table 4 target is adjusted to read as below

Ongoing management measures to ensure no area greater than 100 m^2 does not contain mid- and upper storey native species five years after planting. 100m2 areas should contain at least 2 different under/mid-story species and a minimum under/mid-story cover of approximately 30% .

In regards to measuring this, I note that monitoring is to involve belt-transects and 20x20m tree quadrats, the above suggestion I have added would be best measured by 10x10m quadrats, but there is no reason why the under/mid-story diversity and density measure proposed above couldn't be applied to 20x20m quadrats or somehow captured in the belt-transects in green …. I'm tempted to ask why use the belt transects couldn't all the reveg layers criteria be measured by the 20x20 quadrats.., either way if belt-transect are to be used for understory hopefully the criteria I have proposed above can be worked into that way of measuring.

I have also noted a possible error in your report, in Table 5 the foot-note numbers may be wrong .. the reason I ask is that *Gahnia trifida* is allocated a footnote of 4, this species definitely will not become weedy and if it did that would be ideal (I suspect this species is ment to be allocated a footnote of 5).

If you have any questions please ask

Thanks
Andrew Webb

From: Bernadette Van der Wiele [mailto:bernadette@endplanenvironmental.com.au]
Sent: Thursday, 30 November 2017 12:40 PM
To: Kim Williams; Andrew Webb
Cc: Williams, Justin; Darren Brearley; Stuart Sibbald; Nadine Carter; Stephen.Carmody@capecare.com.au; 'John Reid'; 'Dominic Trombetta'; Cox, Vaughn
Subject: EPBC 2006/2834 ROMP Version 6

Hello Kim and Andrew
Further to your request for some additional changes to be made to version 5, I have created version 6 (attached) wherein the requested changes have been highlighted in yellow.

With respect to your earlier advice for meaningful completion criteria for the mixed species plantings (see attached advice), on the advice of Dr Darren Brearley (Onshore Environmental) who has noted that the use of both tubestock and native seed in the revegetation area will mean that using a set figure for determining a survival rate (eg 80%) will be difficult to verify. In order to resolve both of these issues, I have amended version 6 to show that infill planting will be undertaken in patches greater than 100m2 where mid-storey and upper storey native species are absent. These changes (highlighted in green) are included in sections 3.1, 3.2 and Table 4.
Kind regards

Bernadette van der Wiele
Director
EndPlan Environmental
PO Box 138 NORTH FREMANTLE WA 6159
M: 0447 366 460
UDIA 2014 WA and 2015 National Environmental Excellence Award Winner

Wiske Pty Ltd as Trustee for Esk Family Trust trading as "EndPlan Environmental" ABN: 23 684 573 524
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