
**EPBC 2006/2834 ANNUAL COMPLIANCE REPORT
(7 AUGUST 2022 – 6 AUGUST 2023)**

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

REPORT PREPARED FOR

**RAY VILLAGE AGED SERVICES INCORPORATED trading as CAPECARE
20 RAY AVENUE, BUSSELTON W.A. 6280**

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EPBC 2006/2834 Annual Compliance Report (7 August 2022 – 6 August 2023)
Capecare, Urban and Commercial New Development, Aged Care
Naturaliste Terrace, Dunsborough, W.A.

Reference:

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DOCUMENT CONTROL

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Declaration of accuracy

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

Signed _____

Full name (please print) _____

Position (please print) _____

Organisation: Ray Village Aged Services Incorporated trading as Capecare

ABN 77 630 179 279

Date ____/____/____

EXECUTIVE SUMMARY

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

The aged care facility consists of the following operational elements:

- An 80-bed residential care facility to cater for people with high physical needs in a dementia-enabling environment;
- 21 independent living apartments;
- Administration offices and community facilities (including meeting rooms for the Country Women's Association);
- Internal road network; and
- Road access between the proposed development area, 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 (ACR) covers the auditing period **7 August 2022 – 6 August 2023** during which time *EndPlan Environmental* conducted an audit of the operational phase activities undertaken by Capecare to determine their compliance with the EPBC 2006/2834 Approval Conditions.

This document has been prepared in accordance with the *Annual Compliance Report Guidelines* (Commonwealth of Australia, 2014). The compliance audit included a desktop review of correspondence from the Department of Climate Change, Energy, the Environment and Water (the Department), Department of Biodiversity, Conservation and Attractions (DBCA), the City of Busselton (the City), and informal interviews with Capecare's representatives and consultants.

Table 3 comprises the EPBC 2006/2834 Conditions Audit Table that identifies the compliance status of implementation of approval conditions during the current reporting timeframe and **Table 4** comprises an audit of the compliance status of implementation of the management measures included in the approved Rehabilitation Offset Management Plan (ROMP).

In all, the audit addressed 20 conditions and sub-conditions.

Capecare was found to be fully compliant with all active EPBC 2006/2834 Approval Conditions during the 2022 – 2023 reporting timeframe.

TABLE OF CONTENTS

| | |
|---|-----|
| EXECUTIVE SUMMARY..... | III |
| 1. DESCRIPTION OF ACTIVITIES..... | 1 |
| 1.1 Project Background..... | 1 |
| 1.2 Environmental Approval to Implement the Project..... | 2 |
| 2. CURRENT STATUS..... | 4 |
| 2.1 Action Commencement..... | 4 |
| 2.2 Rehabilitation Offset Management Plan Implementation..... | 4 |
| 3. AUDIT METHODOLOGY..... | 5 |
| 3.1 Audit Plan..... | 5 |
| 3.1.1 Purpose and Scope..... | 5 |
| 3.1.2 Methodology..... | 5 |
| 3.2 Audit Terminology..... | 5 |
| 4. AUDIT RESULTS..... | 7 |
| 4.1 Audit Table..... | 7 |
| 4.2 Compliance with Approval Conditions..... | 7 |
| 5. RECOMMENDATIONS FOR IMPROVEMENT..... | 18 |
| 5.1 ROMP Schedule Review..... | 18 |
| 5.2 Review of Condition 5b..... | 18 |
| 6. REFERENCES..... | 20 |
| FIGURES | |
| PLATES | |
| APPENDICES | |

LIST OF FIGURES

| | |
|-----------------|---|
| Figure 1 | Regional Location |
| Figure 2 | Existing Environment with Cadastre (2022) |
| Figure 3 | Approved Development Footprint |
| Figure 4 | Regional Location of Offset Site |
| Figure 5 | Existing Environment with Cadastre at Offset Site |

LIST OF TABLES

| | |
|----------------|--|
| Table 1 | Persons Consulted During the Compliance Audit |
| Table 2 | Action Implementation Status Terminology |
| Table 3 | EPBC 2006/2834 Approval Conditions Audit |
| Table 4 | EPBC 2006/2834 Rehabilitation Offset Management Plan Audit |

LIST OF PLATES

| | |
|-----------------|---|
| Plate 1 | Eastern portion of the offset site (July 2020) |
| Plate 2 | Western portion of the offset site (July 2020) |
| Plate 3 | Mid-point of the offset site looking north (July 2020) |
| Plate 4 | Southern boundary of the offset site looking west (July 2020) |
| Plate 5 | Broadwater Nature Reserve offset site looking north (July 2022) |
| Plate 6 | Eastern boundary of the offset site looking north (July 2022) |
| Plate 7 | Midpoint of the offset site looking north (July 2022) |
| Plate 8 | Southern boundary of the offset site looking west (July 2022) |
| Plate 9 | Broadwater Nature Reserve offset site looking north (March 2023) |
| Plate 10 | Eastern boundary of the offset site looking north (March 2023) |
| Plate 11 | Southern boundary of the offset site looking west (March 2023) |
| Plate 12 | Midpoint of the offset site looking north (March 2023) |
| Plate 13 | Western portion of the offset site following ripping (June 2023) |
| Plate 14 | Eastern portion of the offset site following ripping (June 2023) |
| Plate 15 | Aerial photograph of <i>Capecare Dunsborough</i> cleared development envelope |
| Plate 16 | Aerial photograph of <i>Capecare Dunsborough</i> looking south-east |
| Plate 17 | Aerial photograph looking directly over <i>Capecare Dunsborough</i> |
| Plate 18 | Aerial photograph of <i>Capecare Dunsborough</i> looking east |

LIST OF APPENDICES

| | |
|--------------------|---|
| Appendix 1 | Certificate of Title Lot 600 Naturaliste Terrace, Dunsborough |
| Appendix 2 | Project Team Environmental Induction Participants |
| Appendix 3 | Clearing Contractor Environmental Induction Notes |
| Appendix 4 | Feature and Contour Survey Lot 600 DP 403383, Naturaliste Tce Dunsborough |
| Appendix 5 | Deposited Plan 403383 Lots 600 and 601 Dunsborough |
| Appendix 6 | Clearing and Demolition Drawing |
| Appendix 7 | DBCA Authorisation No. TFA 2019-0095 |
| Appendix 8 | Targeted WRP Survey Armstrong Reserve, Dunsborough |
| Appendix 9 | City of Busselton Correspondence |
| Appendix 10 | City of Busselton LSP 21 – Map 11 Dunsborough Townsite (2022) |
| Appendix 11 | Approved Rehabilitation Offset Management Plan (Version 6) |
| Appendix 12 | DBCA Approval of Rehabilitation Offset Management Plan |
| Appendix 13 | Department Approval of Rehabilitation Offset Management Plan |

| | |
|--------------------|---|
| Appendix 14 | Capecare Substantive Commencement Advice |
| Appendix 15 | Department Substantive Commencement Acknowledgement |
| Appendix 16 | Electronic Records of Capecare’s Environmental Consultant |
| Appendix 17 | Correspondence and List of Reports on Capecare website |
| Appendix 18 | Capecare Correspondence re Website Publication of ROMP |
| Appendix 19 | DBCA Correspondence re Regulation 4 Lawful Authority |
| Appendix 20 | Regulation 4 Lawful Authority Application |
| Appendix 21 | ROMP Annual Rehabilitation Report 2022-2023 |
| Appendix 22 | Dieback Hygiene Guidelines for Meelup Regional Park |
| Appendix 23 | THS Tax Invoices for Offset Site Weed Management |
| Appendix 24 | THS Correspondence to Capecare re Weed Management |
| Appendix 25 | Seed Collection Correspondence |

LIST OF 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, and poisoning ringbarking, uprooting or burning of native vegetation. |
| Commence, commencement | Is the first instance of construction associated with the project except preliminary survey work essential for planning and/or detailed design of construction works |
| 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. |
| Department | Is the Australian Government Department administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> . |
| Minister | Is the Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> 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 provision 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 ' <i>Proposed Development Footprint</i> ' at <u>Attachment A</u> . |
| WA DBCA | Is the Western Australian Department of Biodiversity, Conservation and Attractions (or equivalent agency). |

1. DESCRIPTION OF ACTIVITIES

| | |
|---------------------------------|--|
| 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, Naturaliste Terrace, Dunsborough, Western Australia |
| Contact: | Ms Joanne Penman, Chief Executive Officer, Capecare |
| Reporting Period: | 7 August 2022 – 6 August 2023 |
| Report Preparation Date: | 10 October 2023 |

1.1 Project Background

Increasing demand for aged care services in the Dunsborough region resulted in Ray Village Aged Services Incorporated trading as Capecare (Capecare) identifying Armstrong Reserve as a potential location for the development of aged care facilities¹.

Construction of the aged care facility has been completed with the facility consisting of the following operational elements:

- An 82-bed residential care facility to cater for people with high physical needs in a dementia-enabling environment;
- Twenty-one independent living apartments;
- Administration offices and community facilities (including meeting rooms for the Country Women's Association (CWA);
- Internal road network, and
- Road access between the development area, Naturaliste Terrace and Gifford Road.

The aged care facility, known as *Capecare Dunsborough*, is situated within the municipal boundary of the City of Busselton (the City) and is located approximately 500 m north of the business centre 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 (**Figure 1**).

The portion of land that comprises the development envelope previously comprised Lots 111, 115-117 Naturaliste Terrace and a 9994 m² portion of Lot 257 Naturaliste Terrace. In accordance with the Western Australian *Town Planning and Development Act 2005*, rezoning of the portion of land has resulted in the amalgamation of the Lots into a single Certificate of Title namely Lot 600 Naturaliste Terrace, Dunsborough (Deposited Plan 403383) (**Figure 2 and Appendix 1**).

Lot 600 and will be retained as one Title in perpetuity and is zoned 'Special Purpose – Aged Person Housing' under the City's Local Planning Scheme No. 21. The remaining vegetated portion of Armstrong Reserve has subsequently been gazetted into three separate Lots with the City retaining

<https://capecare.com.au/dunsborough/>

vesting of Reserve 25229 (Lots 3000 and 601) for the purpose of 'Conservation' and the Water Corporation retaining vesting of Reserve 40445 (Lot 258) for the purpose of 'Drainage' (**Figure 3**).

The remaining portion of Armstrong Reserve (Reserve 25229) comprises native vegetation and off-site rehabilitation is being undertaken in order to offset the development environmental impacts on the critically endangered Western Ringtail Possum (*Pseudocheirus occidentalis*). Rehabilitation of Reserve 25229 is being guided by an Environmental Management Plan (EndPlan Environmental 2019) prepared in consultation with the City of Busselton and the Western Australian (WA) Department of Biodiversity Conservation and Attractions (DBCA) and approved for implementation by the WA Environmental Protection Authority (EPA).

To offset the impacts of the action on the Western Ringtail Possum, a Rehabilitation Offset Management Plan (ROMP) was prepared for portions of Lots 117- 119 Busselton Bypass Vasse located within the Broadwater Nature Reserve (**Figures 4 and 5**). The ROMP was prepared in consultation with the WA DBCA and approved for implementation by the Department.

1.2 Environmental Approval to Implement the Project

On the 30 May 2006, Capecare referred the action to the Department 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 Act² 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 conditions³.

Approval condition 5 requires Capecare to provide an environmental offset in lieu of clearing approximately 9,020 m² of Western Ringtail Possum habitat within the development footprint. Since the Approval was issued, Capecare has liaised with the Department, the WA DBCA and the City of Busselton with respect to the requirements of condition 5. The approved offset site 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.

² On the 11 May 2018, *Pseudocheirus occidentalis* was listed as Critically Endangered under the EPBC Act.

³ Documentation relating to EPBC2006/2834 CAPECARE/Residential Development/Dunborough/Western Australia/Capecare, urban and commercial new development, Aged Care - Naturaliste Terrace, Dunborough, WA approvals can be accessed via the following webpage at the Department of Climate Change, Energy, the Environment and Water: [Referral summary · EPBC Act Public Portal \(awe.gov.au\)](#)

On the 7 November 2017, due to the difficulties and time taken to find an 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 that included:

- Approving the Rehabilitation Offset Management Plan (version 6) a requirement of condition 5;
- Extending the approved period to commencement (condition 11) to the 25 February 2019; and
- Extending the period of effect of approval until 25 February 2024.

Changes to the architectural design and layout of the aged care facility required the Development Application (DA) for the aged care facility to be submitted to the City and the WA Department of Planning's (DoP) Southern Joint Development Assessment Panel for assessment. Consequently, in August 2018 Capecare submitted a *Variation to Conditions Attached to Approval* and an *Extension of Period of Effect of Approval* request. On the 29 August 2018, the DoP advised Capecare that both requests had been approved.

2. CURRENT STATUS

2.1 Action Commencement

Prior to vegetation clearing from within the development footprint commencing, a WRP survey was undertaken to determine the abundance and distribution of WRPs utilising Armstrong Reserve. The survey was conducted using the recommended procedures and requirements of the *Development Planning Guidelines for a preliminary survey of WRPs* (DEC 2009) and included a daytime targeted search for evidence of WRPs (e.g., dreys, tree hollows, scats, individuals) and a two-night search (Onshore Environmental 2019).

Clearing of native vegetation from within the development footprint was subsequently conducted between 28 October and 2 November 2019.

Construction of the facility was completed in October 2021.

2.2 Rehabilitation Offset Management Plan Implementation

The Rehabilitation Offset Management Plan (ROMP) was prepared in consultation with the WA DBCA and approved for implementation by the Department on the 6 December 2017. Implementation was deferred until all planning approvals for the action had been completed.

A pre-rehabilitation site meeting at the offset site was conducted on 27 July 2020 with the Auditor, Capecare representatives, *Total Horticultural Services* (Capecare's rehabilitation subcontractor), WA DBCA and *EndPlan Environmental*. **Plates 1-4** show the rehabilitation site at the time of the site meeting.

Photographs taken during a site inspection conducted by the Auditor on the 14 July 2022 are included as **Plates 5-8**.

On the 10 March 2023, the Auditor conducted a site inspection of the rehabilitation offset site to audit the status of implementation of the ROMP during the ACR 2023 reporting timeframe. **Plates 9-12** show the rehabilitation site at the time of the site visit.

Due to the long history of the offset site having been used for cattle grazing, from July 2020 until present the focus of rehabilitation has been on weed and soil management. **Plates 13 and 14** show the site following 'ripping' conducted by Total Horticultural Services in June 2023.

3. AUDIT METHODOLOGY

3.1 Audit Plan

3.1.1 Purpose and Scope

The Annual Compliance Report (ACR) 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 Armstrong Place, Dunsborough, Western Australia.

The Report covers the reporting period 7 August 2022 – 6 August 2023 during which time *EndPlan Environmental* conducted an audit of the construction/rehabilitation activities undertaken by Capecare to determine their compliance with the EPBC 2006/2834 Approval conditions.

3.1.2 Methodology

An inspection of the offset site was conducted on the 10 March 2023 to check the status of weed management that had been implemented by Capecare's rehabilitation contractor. Informal interviews were held with key members of the project team and a review of associated documentation has been undertaken.

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 |
|-----------------|-----------------------------------|--|
| Kelley Robinson | Capecare Client Representative | Capecare |
| Graeme Sly | Director | Total Horticulture Services |
| Tracey Sonneman | District Conservation Coordinator | Department of Biodiversity, Conservation and Attractions |

The audit also included a desktop review of correspondence between Capecare personnel, Capecare's subcontractors and consultants from key stakeholders including:

- Department of Agriculture, Water and the Environment (the Department) now known as the Department of Climate Change, Energy, the Environment and Water;
- Department of Biodiversity, Conservation and Attractions (DBCA) formerly the Department of Parks and Wildlife (DPaW); and
- City of Busselton (the City).

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

3.2 Audit Terminology

This ACR 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 identified in **Table 2** (over the page).

The ratings identified in **Table 2** have been used during the audit to determine compliance with approval conditions and have also been used when measuring conformance for management plans, reports, or programs etc (however described) required by approval conditions (Department of Climate Change, Energy, Environment and Water, 2023).

TABLE 2: Action Implementation Status Terminology

| STATUS | DESCRIPTION |
|--|--|
| Conditions of Approval | |
| Compliant | 'Compliance' is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions. |
| Non-compliant | A designation of 'non-compliant' must be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met. |
| Not applicable | A designation of 'not applicable' must be given where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example, a condition that applies to an activity that has not yet commenced. |
| Rehabilitation Offset Management Plan | |
| Conformant | All the requirements of a key management action detailed within a subsidiary plan or program have been satisfactorily met. |
| Non-conformant | All the requirements of a key management action detailed within a subsidiary plan or program have not been met satisfactorily. |
| Not applicable | 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. |

To offset the residual impacts of the action on the Western Ringtail Possum, Capecare was required to prepare and submit a Rehabilitation Offset Management Plan (ROMP) to the Department for approval. The ROMP was prepared in consultation with the DBCA with implementation commencing in July 2020.

A series of management and contingency measures were included in the ROMP, and audit findings for each measure are included in **Table 4**.

4. AUDIT RESULTS

4.1 Audit Table

The results of the audit of EPBC 2006/2834 are shown in **Table 3** (over the page). The 'status' field of the audit table describes the implementation of actions and compliance with the relevant approval condition.

Table 4 (page 13) contains the results of an audit of the management measures contained within the approved ROMP.

4.2 Compliance with Approval Conditions

The audit addressed 13 conditions and associated sub-conditions.

Except in instances where a condition or sub-condition was not applicable at this stage of reporting, Capecare was found to be fully compliant with all other EPBC 2006/2834 Approval Conditions during the ACR 2022 reporting period.

TABLE 3: EPBC 2006/2834 Approval Conditions Audit

| CONDITION No. | CONDITION | PROJECT COMPLIANCE | COMMENTS | EVIDENCE |
|---------------|---|--------------------|--|---|
| 1 | The person taking the action must not clear more than 0.9020 ha of habitat for the vulnerable ⁴ Western Ringtail Possum (<i>Pseudocheirus occidentalis</i>) within the proposed development footprint (as shown at Attachment A). | COMPLIANT | As reported in the ACR 2020 (EndPlan Environmental 2020), vegetation clearing of the development footprint was undertaken between 28 October and 2 November 2019. During the reporting timeframe, two site visits were conducted by the auditor (27 October 2022 and 13 February 2023) during which it was confirmed that no further clearing had occurred outside of the development footprint boundary. | Appendix 2: Project Team Environmental Induction Participants (EndPlan Environmental, 2019) Appendix 3: Clearing Contractor Environmental Induction Notes (EndPlan Environmental 2019) Appendix 4: Feature and Contour Survey Lot 600 DP 403383, Naturaliste Tce Dunsborough (Dwg 7730-SS-A Survcon Surveying Services, 16/01/2016) Appendix 5: Deposited Plan 403383 Lots 600 & 601 Dunsborough (Landgate, 28-02-16) Appendix 6: Clearing and Demolition Drawing (Perkins Builders 2019) |
| 2 | Clearing must not occur outside of the proposed development footprint (as shown on Attachment A). | COMPLIANT | Aerial photography of the development footprint were taken in June 2021 following completion of construction of the aged care facility. These photographs show the extent of clearing of the development footprint. During the reporting timeframe, two site visits were conducted by the auditor (27 October 2022 and 13 February 2023) during which it was confirmed that no further clearing had occurred outside of the development footprint boundary. | Figure 3: Approved Development Footprint Plates 15 – 18: Aerial photographs of development footprint (June 2021) |
| 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. | COMPLIANT | As reported in the ACR 2020 (EndPlan Environmental 2020): <ul style="list-style-type: none"> - 18 October 2019 - DBCA Fauna Licence issued an <i>Authorisation to Take or Disturb Threatened Species</i> licence (TFA 2019-0095) to an experienced fauna handler/zoologist (Ms Sue Elscot, Green Iguana) an <i>Authorisation to Take or Disturb Threatened Species</i> licence (TFA 2019-0095) - 21 - 24 October 2019 - pre-vegetation clearing targeted WRP 4-night survey conducted by Ms Elscot, in association with Dr Dennis Brearley (Onshore Environmental). No WRP were observed within the development footprint. - 28 October - 2 November 2019 – Clearing of the development footprint was conducted with experienced zoologist/fauna handler (Ms Sue Elscot, Green Iguana) onsite throughout vegetation clearing of development footprint. | Appendix 7: Fauna Taken Relocation Licence No FR28000071 (DBCA, 18/10/2019) Appendix 8: Targeted WRP Survey Armstrong Reserve, Dunsborough (Onshore Environmental 2019) |

⁴ Since the EPBC Approval was issued (29 August 2018), the EPBC Status of the Western Ringtail Possum (*Pseudocheirus occidentalis*) has been upgraded to Critically Endangered (Online: [Western ringtail possum - DAWE](#))

| CONDITION No. | CONDITION | PROJECT COMPLIANCE | COMMENTS | EVIDENCE |
|---------------|--|--------------------|--|--|
| 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. | COMPLIANT | As reported in ACR 2017 (EndPlan Environmental, 2017), in May 2016, the City 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 Lots 601 and 3000 (now part of Reserve 25229) with the purpose of "Landscape Protection" under the management of the City of Busselton. An audit check of the City's LSP (updated 1 August 2022) indicates that Reserve 25229 is zoned "Conservation". | Appendix 1: Certificate of Title Lot 600 Naturaliste Terrace Appendix 9: City of Busselton correspondence (5 May 2016) Appendix 10: City of Busselton LSP 21 Map 11 Dunsborough Townsite (1 August 2022) |
| 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: | COMPLIANT | As reported in ACR 2020 , the ROMP was prepared in consultation with the WA DBCA and the Department. Version 6 of the ROMP was approved for implementation by the DBCA on the 4 December 2017 and by the Department on the 16 December 2017. | Appendix 11: Rehabilitation Offset Management Plan (EPBC 2006/2834) Portion Lots 217-219 Busselton Bypass, Vass (Broadwater Nature Reserve) (EndPlan Environmental, 6 December 2017) Appendix 12: WA DBCA approval correspondence of the ROMP Appendix 13: Department approval correspondence of the ROMP |
| (a) | Specify an offset site at least 1 ha in size within the area shown at Attachment B . | COMPLIANT | As reported in ACR 2020 , version 6 of the ROMP was approved for implementation by the DBCA on the 4 December 2017 and by the Department on the 16 December 2017. | Appendix 11: Rehabilitation Offset Management Plan (EPBC 2006/2834) Portion Lots 217-219 Busselton Bypass, Vass (Broadwater Nature Reserve) (EndPlan Environmental, 6 December 2017) Figure 4: Regional Location of Offset Site Figure 5: Existing Environment with Cadastre at Offset Site |
| (b) | Provide for the planting of at least 2,500 Peppermint trees (<i>Agonis flexuosa</i>) per hectare within the offset site. | COMPLIANT | The approved ROMP includes the required details. Refer to EPBC 2(a) | Refer to EPBC 2(a). |
| (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. | COMPLIANT | The approved ROMP includes the required details. Refer to EPBC 2(a) | Refer to EPBC 2(a). |
| (d) | Describe monitoring and contingency measures if the survival rate (item) is not met. | COMPLIANT | The approved ROMP includes the required details. Refer to EPBC 2(a) | Refer to EPBC 2(a). |
| (e) | Contain measures to minimise human access, and impacts of herbivores, unplanned fire, weeds and Dieback (<i>Phytophthora cinnamomi</i>) within 3 years following commencement of rehabilitation works. | COMPLIANT | The approved ROMP includes the required details. Refer to EPBC 2(a) | Refer to EPBC 2(a). |

| CONDITION No. | CONDITION | PROJECT COMPLIANCE | COMMENTS | EVIDENCE |
|---------------|--|--------------------|---|---|
| | 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. | COMPLIANT | <p>As reported in ACR 2020, version 6 of the ROMP was approved for implementation by the DBCA on the 4 December 2017 and by the Department on the 16 December 2017.</p> <p>As reported in ACR 2020, on the 27 July 2020, the auditor attended a pre-rehabilitation site meeting at the offset site with Capecare representatives, Total Horticultural Services (Capecare’s rehabilitation subcontractor), DBCA and EndPlan Environmental. Plates 1-4 show the rehabilitation site at the time of the site meeting (i.e., pre-rehabilitation commencing).</p> <p>On the 14 July 2022, the Auditor conducted a site inspection of the rehabilitation offset site to audit implementation of the ROMP during the ACR 2022 reporting timeframe (Plates 5-8).</p> <p>On the 10 March 2023, the Auditor conducted a site inspection of rehabilitation offset site to audit the status of implementation of the ROMP during the ACR 2023 reporting timeframe. Plates 9-12 show rehabilitation site at the time of the site visit.</p> <p>Plates 13 and 14 show the site following ‘ripping’ conducted by Horticultural Services in June 2023.</p> | <p>Plates 1 – 4: Pre-rehabilitation offset site condition (July 2020)</p> <p>Plates 5 – 8: Rehabilitation weed control at offset site (July 2022)</p> <p>Plates 9 – 12: Rehabilitation weed control at offset site (March 2023)</p> <p>Plates 13 – 14: Soil ‘ripping’ following weed control (June 2023)</p> <p>Appendix 12: WA DBCA approval of the ROMP</p> <p>Appendix 13: Department approval of the ROMP</p> |
| 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 . | COMPLIANT | As reported in ACR 2020 , on the 15 August 2019, Capecare advised the Department that ground-disturbing activities within the development footprint had commenced on the 7 August 2019 in association with the relocation of Western Power’s electricity asset. | <p>Appendix 14: Capecare Substantive Commencement Advice</p> <p>Appendix 15: Department Substantive Commencement Acknowledgement</p> |
| 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. | COMPLIANT | An inspection of <i>EndPlan Environmental</i> document index and e-records at the time of the audit indicates that accurate records for all applicable conditions have been maintained. | Appendix 16: Document Index e-records of Capecare’s environmental consultant |

| CONDITION No. | CONDITION | PROJECT COMPLIANCE | COMMENTS | EVIDENCE |
|---------------|---|--------------------|---|--|
| 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 published, or until written approval by the Minister for removal of the report. | COMPLIANT | Correspondence from Capecare to <i>EndPlan Environmental</i> identified that the ACR 2022 was uploaded onto the Capecare website on the 26 October 2022. A review of the Capecare website undertaken on the 19 September 2023 indicates the ACR 2022 report had been uploaded onto the Capecare website. | Appendix 17:Correspondence and print-screen of Capecare website online at: Dunborough Environmental Reports - Capecare |
| 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: a. with an electronic copy of the revised plan; b. an explanation of the differences between the revised plan and the approved plan; and 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. | NOT APPLICABLE | The approved ROMP (Version 6) was not varied during the audit period and did not require submission to the Department. Capecare aims to successfully implement the approved ROMP. Refer to EPBC 2 for details of implementation of the ROMP. | Not applicable |
| (a) | 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. | NOT APPLICABLE | The approved ROMP (Version 6) has been sighted and there is no evidence in the form of correspondence entered into between Capecare and the Department to indicate that the approved ROMP has been revised during the compliance reporting period. | Not applicable |

| CONDITION No. | CONDITION | PROJECT COMPLIANCE | COMMENTS | EVIDENCE |
|---------------|---|-------------------------------------|--|--|
| (b) | <p>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:</p> <p>a. condition 9 does not apply, or ceases to apply, in relation to the revised plan; and</p> <p>b. the person taking the action must implement the plan approved by the Minister.</p> <p>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.</p> <p>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.</p> | NOT APPLICABLE | <p>The approved ROMP (Version 6) was not varied during the audit period and did not require submission to the Department.</p> <p>Accordingly, the Minister did not request revisions to the approved ROMP (Version 6).</p> <p>Capecare advises it intends to successfully implement the approved ROMP (Version 6).</p> | Not applicable |
| 11 | <p>If, at any time after 30 June 2021, 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.</p> | COMPLIANT | <p>As reported in ACR 2020, on the 15 August 2019, Capecare advised the Department that ground-disturbing activities within the development footprint had commenced on the 7 August 2019 in association with the relocation of Western Power’s electricity asset.</p> | <p>Appendix 14: Capecare Substantive Commencement Advice</p> <p>Appendix 15: Department Substantive Commencement Acknowledgement</p> |
| 12 | <p>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.</p> | NON-COMPLIANT (previously reported) | <p>As reported in ACR 2020, the ROMP was approved for implementation by the Department on the 16 December 2017. However, due to Christmas/New Year staff leave, the approved ROMP was published on the Capecare website on the 23 January 2018 (a period of 5 weeks). The Auditor considered that the non-compliance can be considered technical and minor in that it does not adversely affect the performance or intent of the measure.</p> | Appendix 18: Capecare correspondence re website publication of ROMP |
| 13 | <p>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.</p> | NOT APPLICABLE | <p>The Minister did not request an independent audit of compliance with the conditions of approval during the ACR 2023 reporting period.</p> | Not applicable |

TABLE 4: EPBC 2006/2834 CONDITION 5 – REHABILITATION OFFSET MANAGEMENT PLAN AUDIT

| REFERENCE No. | MANAGEMENT MEASURE | TIMING | EVIDENCE | COMMENT | CONFORMANCE STATUS |
|--|--|--|--|--|---------------------------------|
| EPBC Condition 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. | | | | | |
| ROMP 1 | Specify an offset site at least 1 ha in size within the area shown at Attachment B . | Prior to construction commencing. | Appendix 11: Approved ROMP (Version 6) Figure 4: Regional Location of Offset Site Figure 5: Existing Environment with Cadastre at Offset Site Plates 1 – 4: Aerial and ground views of offset site pre-rehabilitation (July 2020) | Section 1.1 of the ROMP identifies the Certificate of Title details for the offset site and its location is shown in Figures 4 and 5 . | CONFORMANT |
| EPBC Condition 5b | | | | | |
| Provide for the planting of at least 2,500 Peppermint trees (<i>Agonis flexuosa</i>) per hectare within the offset site. | | | | | |
| ROMP 2 | Revegetate the site using a minimum number of 9 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. | After the completion of 2-years weed control. | Not applicable at this stage of rehabilitation | Section 3 and Table 4 of the ROMP identify the principal objectives, mechanism, targets and indicators to achieve planting mix. Section 4 identifies the methodology to be implemented. | NOT APPLICABLE (pending) |
| ROMP 3 | Maintain revegetation at the offset site to ensure the survival of at least 80% of the Peppermint seedlings, and for the non-Peppermint mixed species survival rate. | Five years following initial planting. | Not applicable at this stage of rehabilitation | As described in Section 4 of the ROMP, ongoing management measures will be implemented to ensure a survival rate of 80% of the 2,500 Peppermint seedlings per hectare is maintained five years after planting. | NOT APPLICABLE (pending) |
| ROMP 4 | Implement management measures to ensure that no patch greater than 100 m ² to 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 initial planting. | Not applicable at this stage of rehabilitation | As described in Section 4 of the ROMP, ongoing management measures to ensure that the DBCA's diversity and density requirements are met. | NOT APPLICABLE (pending) |
| EPBC Condition 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. | | | | | |
| ROMP 5 | Apply for and be granted a Regulation 4 Lawful Authority permit issued under the <i>Conservation and Land Management Regulations 2002</i> . | Prior to commencing rehabilitation work on-site. | Appendix 19: DBCA correspondence re Regulation 4 Lawful Authority Appendix 20: Regulation 4 Lawful Authority application | As noted in ACR 2020 , an initial Regulation 4 Lawful Authority was issued by the DBCA to Total Horticultural Services on the 2 August 2020. In June 2023, the DBCA advised THS that the Regulation 4 Lawful Authority had expired and that a new application was required. THS subsequently applied for a Regulation 4 Lawful Authority in September 2023. | |
| ROMP 6 | Undertake site preparation (e.g., ripping and mounding). | Prior to planting. | Plates 13 and 14: Photographs of the offset site following soil ripping and mounding | Soil 'ripping' and 'mounding' was conducted in June 2023. | CONFORMANT |
| ROMP 7 | Conduct soil testing to determine soil acidity, level of organic carbon, cation exchange capacity, and nutritional status. | Prior to planting. | Not applicable at this stage of rehabilitation. | Site preparation techniques are described in Section 4 of the ROMP. | NOT APPLICABLE (pending) |

| REFERENCE No. | MANAGEMENT MEASURE | TIMING | EVIDENCE | COMMENT | CONFORMANCE STATUS |
|---|--|--|--|--|---------------------------------|
| ROMP 8 | If necessary, 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. | Not applicable at this stage of rehabilitation. | Site preparation techniques are described in Section 4 of the ROMP. | NOT APPLICABLE (pending) |
| ROMP 9 | Should there be a requirement to undertake Redlegged earth mite control, use systemic insecticides and apply following the commencement of autumn rainfall, with possible retreatment in spring. | Prior to planting. | Not applicable at this stage of rehabilitation. | Redlegged mite management is described in Section 4.6.1 of the ROMP. | NOT APPLICABLE (pending) |
| ROMP 10 | Should quarterly site inspections indicate that the Redlegged earth mite is present, implement further treatments. | Prior to planting. | Not applicable at this stage of rehabilitation. | Redlegged mite management is described in Section 4.6.1 of the ROMP. | NOT APPLICABLE (pending) |
| EPBC Condition 5d: | | | | | |
| Describe monitoring and contingency measures if the survival rate (item) is not met. | | | | | |
| ROMP 11 | Conduct quarterly site inspections to monitor the emergence of seedlings, species richness, species diversity, and number of seedlings/plants. | Post-planting - First week of January, April, July and October post-planting. | Not applicable at this stage of rehabilitation. | Belt transects and plot methodology are described in Section 5.2.1 of the ROMP. Initial plantings are anticipated during 2023-24 that will initiate quarterly site inspections. | NOT APPLICABLE (pending) |
| ROMP 12 | Conduct quarterly qualitative assessment of weeds with weed infested areas mapped and annotated with corresponding control treatments to be implemented. | Post-planting - First week of January, April, July and October annually for 5 years. | Not applicable at this stage of rehabilitation. | Monitoring will also identify weed richness and density/percentage cover and compare to performance targets contained in Table 7 of the ROMP and identify areas where control treatments are required. | NOT APPLICABLE (pending) |
| ROMP 13 | Prepare and submit a letter report to Capecare and the DBCA following quarterly site inspections and the annual spring monitoring assessment. | Post-planting - Within 1 week of the monitoring assessment being conducted. | Not applicable at this stage of rehabilitation. | The report will identify any triggers that will require corrective actions that are to be implemented. Triggers and corrective actions are identified in Table 7 of the ROMP. | NOT APPLICABLE (pending) |
| ROMP 14 | Implement corrective actions if quarterly monitoring/site inspections or annual monitoring indicates rehabilitation is not developing in line with expected trends. | Post-planting - Following quarterly site inspections. | Not applicable at this stage of rehabilitation. | Corrective actions are identified in Table 7 of the ROMP. | NOT APPLICABLE (pending) |
| ROMP 15 | Conduct annual monitoring of revegetation using belt transects for an overall vegetation assessment, and plots for assessment of tree density and tree health). | Post-planting - Annually late September for 5 years. | Not applicable at this stage of rehabilitation. | Belt transects and plot methodology are described in Section 5.2.1 of the ROMP. | NOT APPLICABLE (pending) |
| ROMP 16 | Calculate the survival rate of plant species and undertake additional infill planting and weed control conducted on an 'as needs' basis. | Post-planting - Years 4 and 5. | Not applicable at this stage of rehabilitation. | Belt transects and plot methodology are described in Section 5.2.1 of the ROMP. | NOT APPLICABLE (pending) |
| ROMP 17 | Maintain accurate records of all rehabilitation activities undertaken within the offset site for the duration of the rehabilitation program. | At all times. | <p>Appendix 16: E-records of Capecare's Environmental Consultant</p> <p>Appendix 17: Correspondence and List of Reports on Capecare website</p> <p>Appendix 18: Capecare correspondence re Website Publication of ROMP</p> <p>Appendix 21: ROMP Annual Report 2022-2023 (THS 2023)</p> | All records (hard and soft copies) are to be retained by Capecare's environmental consultant and rehabilitation contractor. | NOT APPLICABLE (pending) |

| REFERENCE No. | MANAGEMENT MEASURE | TIMING | EVIDENCE | COMMENT | CONFORMANCE STATUS |
|---|---|---|--|--|--------------------------|
| ROMP 18 | Make the records available to the Department and the DBCA. | Upon request. | Not applicable | To date, no records have been requested by either the Department or the DBCA. | CONFORMANT |
| ROMP 19 | Conduct an annual audit of the implementation of management measures within the offset site to ensure compliance with the approved ROMP. | Within three (3) months of every 12-month anniversary of planting commencing. | Appendix 21: ROMP Annual Report 2022-2023 (THS 2023) | The annual audit will examine compliance against all management measures identified in this table. | CONFORMANT |
| ROMP 20 | Prepare a rehabilitation annual compliance report that will include management actions taken, outcomes of the quarterly site inspections and annual monitoring program, corrective measures implemented during that calendar year, and performance of the revegetation process against the completion criteria. | Within three (3) months of every 12-month anniversary of planting commencing. | Appendix 21: ROMP Annual Report 2022-2023 (THS 2023) | Methodology is detailed in Section 4 of the ROMP, completion criteria are detailed in Section 3.3 and identified in Table 4. Timeframes for the implementation and completion of management measures and reporting requirement are detailed in Section 4.8 and Tables 6 and 7 of the ROMP. | CONFORMANT |
| ROMP 21 | Submit the compliance report annually to the Department and the DBCA for the duration of the five-year management timeframe. | Within three (3) months of every 12-month anniversary of planting commencing. | Appendix 21: ROMP Annual Report 2022-2023 (THS 2023) | The annual compliance report will be submitted to the Department and DBCA as part of the overall compliance reporting required by EPBC Condition 8. | CONFORMANT |
| EPBC Condition 5e: | | | | | |
| Contain measures to minimise human access, and impacts of herbivores, unplanned fire, weeds and Dieback (<i>Phytophthora cinnamomi</i>) within 3 years following commencement of rehabilitation works. | | | | | |
| ROMP 22 | Install fencing around offset site to prevent unauthorised access and fauna entry. | Prior to planting. | Not applicable at this stage of rehabilitation. | External fencing exists on the perimeter of the offset site. Fencing details are described in Section 4.2 of the ROMP. Additional entry gates will be provided to access adjacent sites for management by agreement with DBCA. | NOT APPLICABLE (pending) |
| ROMP 23 | Install educational signage adjacent to dual use path. | Prior to planting. | Not applicable at this stage of rehabilitation. | The signage should include information such as the area that is being rehabilitated, the purpose of rehabilitation works and access restrictions. | NOT APPLICABLE (pending) |
| ROMP 24 | Where practicable, schedule activities that involve soil disturbance preferably during low rainfall months (November to April) to prevent contamination with <i>Phytophthora cinnamomi</i> Dieback. | At all times. | Appendix 22: Dieback Hygiene Guidelines for Meelup Regional Park | During the implementation of rehabilitation, the rehabilitation contractor implements the Dieback Hygiene Guidelines as described in the City of Busselton's document 'Dieback Hygiene Guidelines for Meelup Regional Park'. | NOT APPLICABLE (pending) |
| ROMP 25 | Ensure all vehicles, tools, equipment, machinery and footwear are free of all mud, soil and vegetative material to prevent contamination with <i>Phytophthora cinnamomi</i> Dieback. | Prior to entering the site. | Appendix 22: Dieback Hygiene Guidelines for Meelup Regional Park | During the implementation of rehabilitation, the rehabilitation contractor implements the Dieback Hygiene Guidelines as described in the City of Busselton's document 'Dieback Hygiene Guidelines for Meelup Regional Park'. | NOT APPLICABLE (pending) |
| ROMP 26 | Monitor for signs of herbivorous and predatory pest species (e.g., scats, diggings) within and adjacent to the offset site. | During quarterly site inspections and annual revegetation monitoring. | Not applicable at this stage of rehabilitation. | Introduced pest management is described in Section 4.7.1 of the ROMP. | NOT APPLICABLE (pending) |
| ROMP 27 | Should signs of feral pests be observed, engage a qualified and experienced pest control subcontractor to eradicate the pest using either baiting, trapping or shooting. | Following quarterly site inspections. | Not applicable at this stage of rehabilitation. | Introduced pest management is described in Section 4.7.1 of the ROMP. | NOT APPLICABLE (pending) |
| ROMP 28 | Eradicate rabbits through deploying a strain of rabbit haemorrhagic disease virus (also known as rabbit calicivirus disease) carried out | Following quarterly site inspections. | Not applicable at this stage of rehabilitation. | Introduced pest management is described in Section 4.7.1 of the ROMP. | NOT APPLICABLE (pending) |

| REFERENCE No. | MANAGEMENT MEASURE | TIMING | EVIDENCE | COMMENT | CONFORMANCE STATUS |
|----------------|--|---------------------------------------|---|---|---------------------------------|
| | under conditions set down in a permit issued by the Australian Pesticides and Veterinary Medicines Authority (APVMA). | | | | |
| ROMP 29 | Culling (shooting) of the Western Grey Kangaroo is only be conducted by a licenced professional shooter. | Following consultation with the DBCA. | Not applicable at this stage of rehabilitation. | Native pest management is described in Section 4.7.2 of the ROMP. | NOT APPLICABLE (pending) |
| ROMP 30 | Construct and maintain a 3m wide mineral earth firebreak around the external perimeter of the offset site fenceline. | Prior to planting commencing. | Not applicable at this stage of rehabilitation. | Fire management measures are described in Section 4.8 of the ROMP. | NOT APPLICABLE (pending) |
| ROMP 31 | Remove any overhanging trees and other vegetation impinging on the firebreak, consult with and get approval from the Blackwood District DBCA Office. | Prior to pruning/removal. | Not applicable at this stage of rehabilitation. | Fire management measures are described in Section 4.8 of the ROMP. | NOT APPLICABLE (pending) |
| ROMP 32 | Check the status of the integrity of the firebreak and implement maintenance annually. | Prior to 15 December annually. | Not applicable at this stage of rehabilitation. | Fire management measures are described in Section 4.8 of the ROMP. | NOT APPLICABLE (pending) |
| ROMP 33 | Conduct a weed survey of the rehabilitation site. | Prior to commencing weed control. | Section 2.5 of the ROMP - List of weed species observed on-site | As noted in ACR 2020 , environmental weeds include those listed as Declared Plants under the Government of Western Australia's <i>Agriculture and Related Resources Protection Act 1976</i> . In total, 41 introduced species were observed during a late September 2017 site visit conducted by Dr Dennis Brearley (Onshore Environmental), an experienced botanist. | CONFORMANT |
| ROMP 34 | Undertake chemical weed control for at least one year prior to planting. | Pre-planting | <p>Plates 1-4: Photographs of offset site July 2020</p> <p>Plates 5-8: Photographs of offset site July 2022</p> <p>Plates 9-12: Photographs of offset site March 2023</p> <p>Appendix 21: ROMP Annual Rehabilitation Report 2022-2023 (THS 2023)</p> <p>Appendix 24: THS Tax Invoices for Offset Site Weed Control</p> <p>Appendix 25: Correspondence to Capecare re Weed Management (THS 2022)</p> | <p>Weed control methods are described in Section 4.3 of the ROMP. Control measure has been extended to two years to optimise planting conditions.</p> <p>Observations made during successive annual site inspections indicates that weed control has been mainly effective.</p> <p>An inspection of the tax invoices relating to weed control onsite and paid by Capecare indicates a suitably experienced contractor has been engaged and requisite work has been implemented by THS.</p> <p>As reported in ACR 2022, THS recommended to Capecare that due to the amount of weed seed contained within the topsoil of the offset site, that one (1) more year of weed control be implemented. Capecare has agreed to fund this additional weed control.</p> | CONFORMANT |
| ROMP 35 | Undertake ongoing maintenance weed control through a combination of manual removal and spraying of herbicide. | Post-planting | Not applicable at this stage of rehabilitation. | Weed control methods are described in Section 4.3 of the ROMP. | NOT APPLICABLE (pending) |
| ROMP 36 | Undertake tubestock planting for revegetation of upland, wetland and interface zones and advise DBCA of plant species numbers. | Post-intensive weed control | Not applicable at this stage of rehabilitation. | In addition to the 2,500 Peppermint tubestock required by the Department, the DBCA has also requested that additional overstorey, mid-storey and understorey planting is carried out using plant species typically found in WRP habitat and identified in Table 5 of the ROMP. | NOT APPLICABLE (pending) |

| REFERENCE No. | MANAGEMENT MEASURE | TIMING | EVIDENCE | COMMENT | CONFORMANCE STATUS |
|----------------|--|--|--|---|---------------------------------|
| ROMP 37 | If insufficient plant stock of local provenance is available, source tubestock from nurseries that are NIASA accredited and will guarantee the quality of the plant material, including <i>Phytophthora</i> dieback free status. | Post intensive weed control | Not applicable at this stage of rehabilitation. | Sourcing plant material is described in Section 4.5.2 of the ROMP. | NOT APPLICABLE (pending) |
| ROMP 38 | Undertake broadcast seeding using local provenance seed where practicable and available, with the seed mix based on the species listed in Table 5. | Autumn prior to the main winter rainfall and following the required soil preparation and weed treatment. | Not applicable at this stage of rehabilitation. Appendix 26 Seed Collection Correspondence | Direct seeding methodology is described in Section 4.5.3 of the ROMP. Seed collection from flora both within and surrounding the offset site has been collected and stored. | NOT APPLICABLE (pending) |
| ROMP 39 | Determine seed broadcast rates by annual seed availability for individual species. Mix seeds with a suitable bulking and spreading agent (preferably vermiculite) and spread manually. | Autumn prior to the main winter rainfall and following the required soil preparation and weed treatment. | Not applicable at this stage of rehabilitation. | Direct seeding methodology is described in Section 4.5.3 of the ROMP. | NOT APPLICABLE (pending) |
| ROMP 40 | Undertake planting of suitably mature tubestock, (between 6 to 12 months to enable optimal establishment and growth) within upland areas after the season's first major rainfall event. | Winter | Not applicable at this stage of rehabilitation. | The timeframe identified is required in order to reduce the potential for seedlings suffering from lack of irrigation. | NOT APPLICABLE (pending) |
| ROMP 41 | Undertake planting of suitable mature tubestock in wetland areas when flood waters begin to recede. | Spring | Not applicable at this stage of rehabilitation. | The timeframe identified is required in order to reduce the potential for seedlings suffering from prolonged waterlogging, | NOT APPLICABLE (pending) |
| ROMP 42 | Provide a spreadsheet detailing the final species type and number of tubestock planted to the Department and the DBCA. | At the end of initial planting. | Not applicable at this stage of rehabilitation. | The spreadsheet 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. | NOT APPLICABLE (pending) |
| ROMP 43 | Undertake infill planting of tubestock on an 'as needs' basis. | Annually until completion criteria are met. | Not applicable at this stage of rehabilitation. | Methodology to ensure that the survival rate is met is described in Section 4.5.4 of the ROMP. | NOT APPLICABLE (pending) |
| ROMP 44 | Undertake hand watering of tubestock on an 'as needs' basis. | Summer for up to 2 years post-planting. | Not applicable at this stage of rehabilitation. | The requirement for when hand watering will be undertaken will be contingent on when reliable rainfall ceases. | NOT APPLICABLE (pending) |

5. RECOMMENDATIONS FOR IMPROVEMENT

It is noted that a recommendation by Capecare's offset site rehabilitation contractor (THS) to Capecare for a further year of weed management be implemented prior to planting has been accepted and will be funded by Capecare. The recommendation was made due to the aggressive nature of Arum lilies (*Zantedeschia aethiopica*) and other weeds (**Appendix 24**).

On the basis of the audit undertaken during the course of the ACR 2022-2023 reporting period, four additional recommendations have been made in **Sections 5.1 and 5.2**.

5.1 ROMP Schedule Review

Observations through working on the offset site, indicates that there are significant seasonally damp areas that are not conducive to the establishment of dryland tree species such as Peppermint (*Agonis flexuosa*). While weed control has been highly effective to present, regeneration of weed species in more saturated soils has required additional treatments. In addition, at the request of the DBCA, Capecare is funding the eradication of an extensive area of Arum lilies located outside of the rehabilitation site within the bordering wetland area of the Broadwater Reserve. The Arum Lily is a declared pest in Western Australia.⁵

1. Now that implementation of the ROMP has commenced, it is recommended that Table 6 'Schedule for Weed Control, Revegetation, Monitoring and Reporting' of the ROMP be updated to be consistent with the current implementation schedule.

5.2 Review of Condition 5b

The wet winters experienced at the rehabilitation offset site in 2021 to 2023 indicates that approximately fifty percent of the offset site is subject to seasonal flooding. While inter-seasonal variation in the extent of seasonally saturated soils is anticipated, the extent and duration of inundation within these transitional areas located on the offset site may preclude successful establishment of the required density of Peppermints (2,500 trees per Ha). The ability for the site to successfully provide for the planting of at least 2,500 Peppermint trees per hectare may need to be reviewed as Peppermint trees do not thrive in saturated soil conditions. It is recommended that:

2. The extent of more saturated soils as indicated by the extent of winter grasses suitably demarcated and georeferenced.
3. Based on the outcomes of 2., aspects of Condition 5b be reconsidered in light of the extent of more saturated soils on the site.

It is noted that consultation with the DBCA during the preparation of the ROMP, resulted in Capecare providing "additional overstorey and understorey planting across all landscape elements of the offset site planting" so that rehabilitation did not result in a monoculture of Peppermints.

To reflect typical WRP habitat, the DBCA recommended that additional overstorey species be planted including *Banksia grandis* (Bull Banksia), *Banksia attenuata* (Candlestick Banksia) and *Corymbia calophylla* (Marri).

⁵ Arum lily: declared pest | Agriculture and Food

4. In light of the DBCA requesting more diverse plantings at the site and their inclusion in Table 5 of the approved ROMP, and observations made on the extent of saturated soils, aspects of Condition 5b be reconsidered reduce the number of Peppermints required to be planted thereby enabling a broader range of overstorey and understorey species that are typically found in WRP habitat in the Dunsborough-Busselton area.

6. REFERENCES

Department of Climate Change, Energy, Environment and Water 2023, *Annual Compliance Report Guidelines. Reporting under the Environment Protection and Biodiversity Conservation Act 1999.*

EndPlan Environmental 2017, *Rehabilitation Offset Management Plan (EPBC 2006/2834) Portion Lots 217-219 Busselton Bypass, Vasse (Broadwater Nature Reserve).* Report prepared for Capecare, document RVA292_43_V6, 30 November 2017.

EndPlan Environmental 2019, *Environmental Management Plan Armstrong Reserve, Dunsborough - Urban and Commercial Development (Ministerial Statement 1094).* Report prepared for Capecare, document RVA292_78_V1 , 30 May 2019.

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STATEMENT OF LIMITATIONS:

Scope of Services

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

Reliance on Data

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

Environmental Conclusions

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

Report for Benefit of Client

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.

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