



mainroads
WESTERN AUSTRALIA

EPBC Act Compliance Report

Bussell Highway Duplication – Hutton to Sabina,
Western Australia (EPBC 2020/8800)

Reporting period: 11 August 2021 to 10 August
2022

Report Compilation & Review	Name and Position	Date	Document Revision
Author	Dolly Pett	17 August 2022	Draft v1
Reviewer	Neil McCarthy	28 October 2022	Rev 0

Contents

1	INTRODUCTION	3
1.1	Approval under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>	3
1.2	Purpose of this Report	3
1.3	Scope of the Project.....	3
1.4	Status of the Project.....	4
2	COMPLIANCE.....	6
3	APPENDICES	32
	Appendix A: EPBC 2020/8800 Approval Notice	33

1 INTRODUCTION

Bussell Highway is the main connection between the Perth metropolitan area, Bunbury, and Busselton through to Margret River in the southwest region of Western Australia. The Bussell Highway supports residential commuter travel for residents working between the above-mentioned cities. The highway is also an important transportation link for industry in relation to freight, agriculture, and tourism.

Bussell Highway between Bunbury and Busselton is 46 km in length, and it is dual carriageway in both directions, except for a section between Capel and the Sabina River (east of Busselton), which is a two-lane single carriageway with few passing lanes. The current traffic flow and road usage exceeds the capacity of the single carriageway section of the Bussell Highway, with no room to accommodate future traffic growth. Road users experience congestion and delays and there are also safety concerns regarding the capability of the single lane section due to the lack of overtaking opportunities.

Main Roads is now constructing a 12.3 km dual carriageway section that will result in a complete dual carriageway between Bunbury and Busselton (the Project). The northern end of the construction commences approximately 950 metres (m) west of Hutton Road and ties into the existing dual carriageway approximately 450 m west of the Sabina River crossing.

The Project is located approximately 200 km south of Perth and occurs in the Shire of Capel and City of Busselton. The location of the Project is shown at Figure 1.

1.1 Approval under the *Environment Protection and Biodiversity Conservation Act 1999*

The Project was formally referred to Department of Climate Change, Energy, the Environment and Water (DCCEEW, then Department of Agriculture, Water and the Environment) in October 2020 (EPBC Act referral 2020/8800) as a potential Controlled Action under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) due to impacts on Matters of National Environmental Significance (MNES). On 12 November 2020, DCCEEW provided advice to Main Roads that the Project is considered a Controlled Action and that it would be assessed under the EPBC Act.

Main Roads obtained conditional approval (EPBC2020/8800) for the Bussell Highway Duplication Project from the DCCEEW on 30 June 2021. A copy of the Approval Notice is provided in Appendix A.

Main Roads engaged with DCCEEW in December 2021 on the ability to comply with Conditions 4 and 8 of the EPBC 2020/8800 relating to reporting timeframes and, on 26 June 2022, Main Roads sought to vary the conditions to extend the submission due date from 12 months to 24 months. This request is still being considered by DCCEEW.

1.2 Purpose of this Report

This compliance report has been prepared as required by Condition 17 of EPBC 2020/8800. Table 1 of this report outlines compliance with each approval condition over the 12 month period between 11 August 2021 and 10 August 2022 (the reporting period).

1.3 Scope of the Project

The Project includes upgrading the remaining 12.3 km two-lane carriageway (southbound) section of Bussell Highway to a four-lane highway consisting of two carriageways. Once the new southbound

carriageway is constructed, the existing single carriageway will become the northbound carriageway. The new carriageway is expected to be typically 31 m wide and will accommodate:

- A fully sealed 2.5 m wide left shoulder.
- A fully sealed 1.5 m wide right shoulder.
- Two 3.5 m wide lanes.
- Three bridges over the Abba, Ludlow, and Sabina Rivers.
- Drainage and other related infrastructure.

1.4 Status of the Project

Construction works for the Project commenced in August 2021 and is scheduled for completion early 2024.

Stage One works commenced in January 2020 and consisted of constructing a five-kilometre lane from south of Spur Street to Hutton Road and was finalised in December 2021.

The first section of Stage Two, which consists of 3.3 kilometres between Hutton Road and just north of the Ludlow River, has been constructed and is open.

Earthworks are underway to prepare the remaining section of Stage Two for major construction works including three bridges over the Abba, Ludlow, and Sabina Rivers.

Once Stage 2 of the Project is completed, a complete dual carriageway link will exist between Bunbury (north) and Busselton (south).

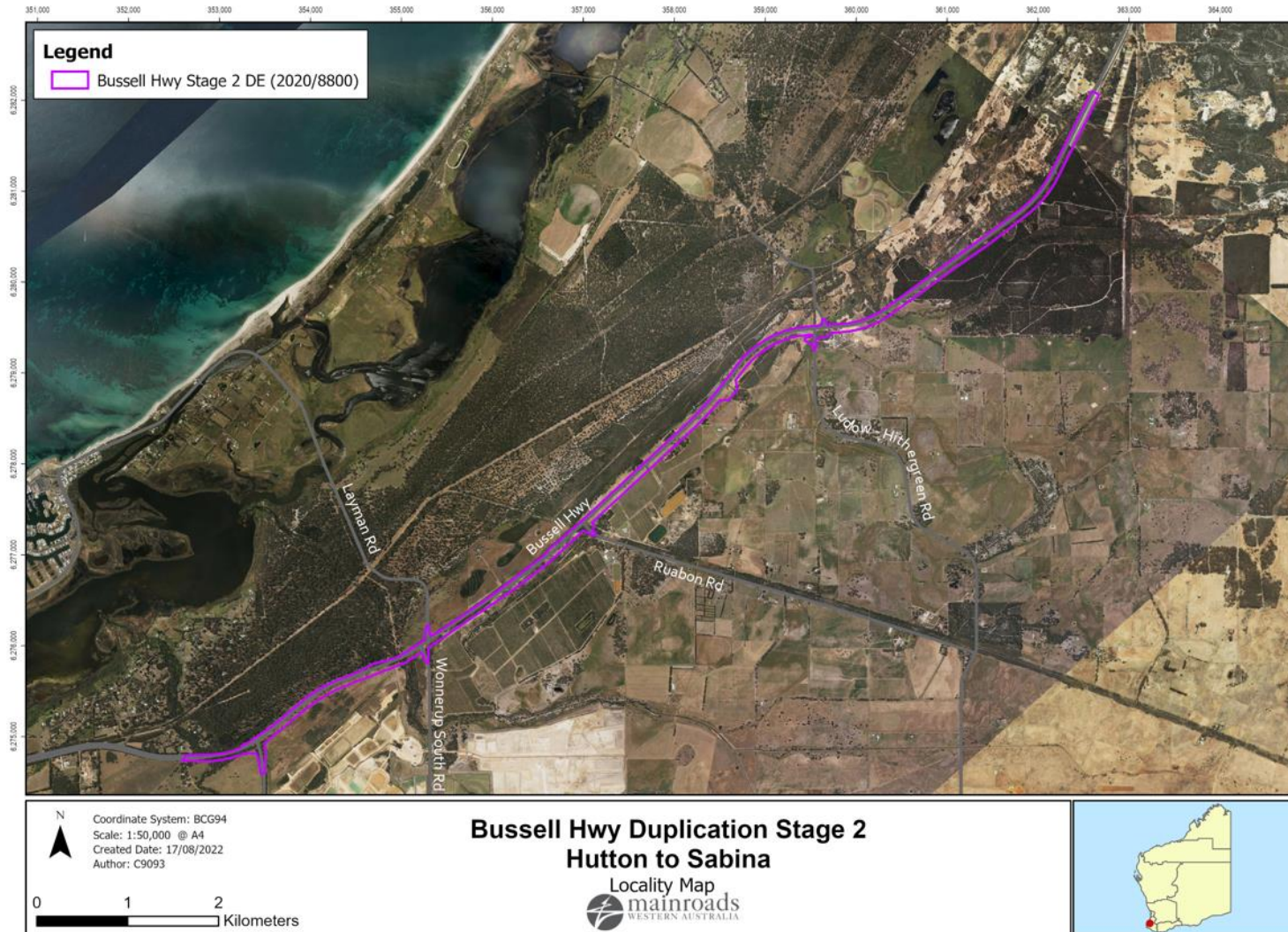


Figure 1: Location of the Project – Dual Carriageway for Bussell Highway Hutton to Sabina

2 COMPLIANCE

Table 1 details compliance with the environmental approval conditions over the period 11 August 2021 to 10 August 2022.

Table 1: Compliance with Conditions of EPBC Approval 2020/8800

Condition Number	Condition	Status	Evidence/Comments
Avoidance and mitigation			
1	<p>To avoid and mitigate impacts to listed threatened species and communities the approval holder must not:</p> <p>a. clear more than 24.0 ha of western ringtail possum habitat</p> <p>b. clear more than 20.8 ha of habitat for black cockatoos, including no more than 124 trees with a diameter at breast height of greater than 500 mm</p> <p>c. clear more than one tree containing a suitable nesting hollow</p> <p>d. clear more than 2.0 ha of tuart TEC.</p>	Compliant	<p>Main Roads has cleared:</p> <p>a. 20.57 ha of the approved 24.0 ha of Western Ringtail Possum (WRP) habitat;</p> <p>b. 17.67 ha of the approved 20.0 ha of Black Cockatoo habitat, including 108 suitable diameter at breast height (DBH) trees;</p> <p>c. a single tree with a suitable nesting hollow; and</p> <p>d. 1.996 ha of the approved 2.0 ha of Tuart TEC.</p>
2	<p>To avoid and mitigate impacts to protected matters, the approval holder must implement all avoidance, mitigation and management measures identified in tables 6-2, 6-3, 6-6, 6-7, 6-10 and 6-11 of the preliminary documentation main report. If any western ringtail possum or black cockatoos are injured or killed during clearing and/or construction, any such incidents must be reported to the department within three business days.</p> <p>Table 6-2. SMART Performance Standards for Black Cockatoos.</p>	Compliant	<p>Main Roads has cleared:</p> <ul style="list-style-type: none"> 17.67 ha of the approved 20.8 ha Black Cockatoo habitat. 108 of the identified suitable DBH trees. <p>One tree containing a suitable nesting hollow was required to be cleared due to the tree being unsafe as it was found to be hollow and rotting from the inside out.</p>
2	Table 6-3. Prior to Construction	Compliant	Hygiene preventative measures have been implemented across the Project's operations (Weed Hygiene Checklist CEMP Appendix 2 & 4,

Condition Number	Condition	Status	Evidence/Comments
	<ul style="list-style-type: none"> Apply Main Roads standard operational controls, which include hygiene management and fire management and provide for monitoring during construction. 		<p>and Plant, vehicle and Equipment Hygiene Checklists TCS LV08/RHS-FM-065 119) to prevent the spread of weeds and Dieback.</p> <p>The contractor’s CEMP outlines operational controls for fire management across the Project, including:</p> <ul style="list-style-type: none"> Activities involving hot works will have a valid hot work permit and where required a fire watch person is in place. Where required spark arrestors are fitted to vehicles and machinery. All vehicles, plant and equipment to be fitted with fire extinguishers and restricted to designated cleared areas. Water carts and a fire-fighting trailer will be available on the project. Fire watch is undertaken every 30 minutes up to 3 hours after work has ceased when there is a high risk of causing wildfire. <p>The contractors Safety Management Plan also outlines fire prevention measures for the Project operations.</p> <p>Local Government or FESA Total Fire Ban notifications are included in the contractor’s daily diary.</p>
2	<p>Table 6-3. Prior to Construction</p> <p>Contractor induction will include familiarisation with and discussion of Black Cockatoos, Phytophthora dieback management and hygiene management.</p>	Compliant	<p>The contractor’s induction training package outlines the Project operations, safety and environmental requirements: The package:</p> <ul style="list-style-type: none"> Identifies Black Cockatoos as key environmental fauna. <ul style="list-style-type: none"> Provides information for clearing restrictions for Black Cockatoo habitat to mitigate loss of their habitat and prevent injury to Black Cockatoo’s. Details what dieback is, what it does to certain species of tree roots, how its spread and mitigation measures to prevent any further dieback contamination. General hygiene management measures include: <ul style="list-style-type: none"> Vehicle and mobile plant used in infected areas must be cleaned down before and in between operations. Limiting vehicle and mobile plant movement.

Condition Number	Condition	Status	Evidence/Comments
			<ul style="list-style-type: none"> ○ Vehicle and mobile plant inspections are undertaken as required. <p>The contractor's induction also references the CEMP for further details.</p>
2	<p><u>Table 6-3.</u> Prior to Construction Prior to clearing, the final road design will be assessed against the proposed clearing area to ensure the required clearing area is no more than the approved area.</p>	Compliant	<p>The final road design was assessed against the proposed clearing for the Project to ensure that clearing of vegetation was within the approved development area; analysis of survey shape files were reviewed against adjusted road design.</p>
2	<p><u>Table 6-3.</u> Prior to Construction Habitat to be cleared within the area of the Proposal Area will be clearly demarcated in the field.</p>		<p>The contractor's work procedure outlines colour scheme for demarcation to delineate specific areas of habitat in the development envelope, these were used across the Project:</p> <ul style="list-style-type: none"> • Pink - limits of clearing. • White - vegetation to be retained. • White & Pink - vegetation pruning only. • Green – WRP. • Blue - TEC pegged no more than 15m apart. • Purple - Aboriginal Heritage zone. <p>In conjunction with the coloured demarcation "as staked" survey drawing files are also used for the set out of the different environmental areas to ensure the integrity of clearing is maintained.</p> <p>Clearing line and limits are pegged and flagged pink, with retained vegetation flagged in white.</p> <p>Compliance is monitored by the contractor's management staff and Main Roads Superintendent and documented in daily management diaries.</p>

Condition Number	Condition	Status	Evidence/Comments
2	<p><u>Table 6-3.</u> Prior to Construction</p> <p>Where the tree with suitable nest hollow for Black Cockatoos will require clearing for the Proposal, the hollow will be visually inspected where safe and practicable. Where not in use the hollow will be 'blocked' to prevent breeding.</p>	Compliant	<p>Fauna spotters completed daily clearing fauna inspections pre-construction and post clearing.</p> <p>Pre-clearing fauna searches for Black Cockatoos and Black Cockatoo hollows were undertaken and any hollows identified were inspected, where it was safe and practical to undertake an inspection.</p> <p>No hollows were blocked during the reporting period.</p>
2	<p><u>Table 6-3.</u> Prior to Construction</p> <p>Where blocking of the nest hollow cannot be undertaken (e.g., timing, access), a pre-clearing fauna assessment will be undertaken by a suitably experienced person to determine if the hollow is being used by Black Cockatoos.</p>	Compliant	<p>Pre-clearing fauna assessments were undertaken prior to clearing.</p>
2	<p><u>Table 6-3.</u> During Construction</p> <p>A suitably experienced zoologist/environmental scientist will be on-site at all times during clearing of breeding habitat for Black Cockatoos and must maintain radio communication with machinery operators.</p>	Compliant	<p>A suitably qualified, licenced and experienced zoologist was on site for all clearing activities in breeding habitat for Black Cockatoos. All relevant clearing observations were documented in daily clearing diaries.</p> <p>Radio communications were also documented in the daily clearing diaries, and they were also conducted in accordance with the contractor's Safety Management Plan. The Safety Management Plan outlines the requirement of radio communications with mobile plant operators when light vehicles and pedestrians are working within the vicinity of mobile plant.</p>
2	<p><u>Table 6-3.</u> During Construction</p> <ul style="list-style-type: none"> Where a suitable nest hollow has not been blocked and the preclearing fauna assessment has not identified any Black Cockatoo occupation of the nest hollow, prior to clearing the tree will be 'bumped gently' with a machine with the machine operator and zoologist to wait and 	Compliant	<p>A suitably qualified, licenced and experienced zoologist was on site for all clearing activities in breeding habitat for Black Cockatoos. All clearing protocols and observations were documented in daily clearing diaries.</p> <p>No Black Cockatoo breeding activity was recorded within the development envelope.</p>

Condition Number	Condition	Status	Evidence/Comments
	<p>observe the tree for a short time after. If no Black Cockatoo appears to be present following being bumped gently then the tree shall be pushed over slowly to minimise risk of injury to any undetected animal (if present).</p> <ul style="list-style-type: none"> Where a suitable nest hollow has not been blocked and the preclearing fauna assessment identifies any Black Cockatoo occupation of the nest hollow (which may include nestlings), the tree with the nest hollow will not be cleared until after the completion of the breeding season. No vegetation within 10 m of the tree would be cleared until after the completion of the breeding season. 		
2	<p>Table 6-3. During Construction Any Black Cockatoos showing signs of injury or illness will be promptly referred to an experienced wildlife veterinarian or approved wildlife rehabilitation facility.</p>	Not Applicable	No Black Cockatoo's were injured during the construction of the action.
2	<p>Table 6-3. During Construction A post-clearing survey shall be undertaken to ensure no injured Black Cockatoo individuals are present.</p>	Compliant	<p>Daily post clearing surveys were undertaken by a suitably qualified, licenced and experienced zoologist.</p> <p>No injured Black Cockatoo/s were identified.</p>
2	<p>Table 6-3. During Construction All Department of Fire and Emergency Services (DFES) and Local Government Authority (LGA) restrictions on fire and machinery movement will be strictly adhered to.</p>	Compliant	All DFES and LGA restrictions and exemption conditions on fire and machinery movement were strictly adhered to.
2	<p>Table 6-7. Prior to Construction</p>	Compliant	The Project's WRP Management Plan discusses minimising potential risk to WRP and provides for the management of any WRP encountered during the implementation of the Project.

Condition Number	Condition	Status	Evidence/Comments
	<p>Contractor induction will include familiarisation with and discussion of WRP, Phytophthora dieback management and hygiene management.</p>		<p>The contractor induction training package:</p> <ul style="list-style-type: none"> • Identifies WRP as key environmental fauna. • Provides information regarding clearing restrictions for WRP to mitigate loss of habitat and prevent injury to the possums. • Details what dieback is, what it does to certain species tree roots, how its spread and mitigation measures to prevent any further dieback contamination. • General hygiene management measures include: <ul style="list-style-type: none"> ○ Vehicle and mobile plant used in infected areas must be cleaned down before and in between operations; ○ Limiting vehicle and mobile plant movement; and ○ Vehicle and mobile plant inspections undertaken as required. ○ Mobile plant and vehicle inspections were undertaken at approved laydown locations prior to accessing the site; and ○ Only clean and compliant mobile plant and vehicles were permitted to enter site. • All staff are required to be inducted prior to commencing work on the Project and training records are maintained by the Health and Safety Department. • The contractor's induction references the CEMP for further details.
2	<p><u>Table 6-7.</u> Prior to Construction Prior to clearing, the final road design will be assessed against the proposed clearing area to ensure the required clearing area is no more than the approved area.</p>	Compliant	<p>The final road design was assessed against the proposed clearing for the Project to ensure that clearing of vegetation was within the approved area (as constructed survey data and clearing shape files)</p>
2	<p><u>Table 6-7.</u> Prior to Construction Habitat to be cleared within the Proposal Area will be clearly demarcated in the field.</p>	Compliant	<p>The contractors work procedure outlines colour scheme demarcation to delineate specific areas of habitat in the development envelope that were used across the Project:</p> <ul style="list-style-type: none"> • Pink - limits of clearing.

Condition Number	Condition	Status	Evidence/Comments
			<ul style="list-style-type: none"> • White - vegetation to be retained. • White & Pink - vegetation pruning only. • Green – WRP. • Blue - TEC pegged no more than 15m apart. • Purple - Aboriginal Heritage zone. <p>In conjunction with the coloured demarcation “as staked” survey drawing files are also used for the set out of the different environmental areas to ensure the integrity of clearing is maintained.</p>
2	<p><u>Table 6-7.</u> Prior to Construction Pre-clearing fauna assessment and spotlighting will be undertaken by a suitably qualified person over two nights within the five nights prior to clearing. Assessment is to include hollows, dreys, ground debris, dense ground-level vegetation, timber and logs.</p>	Compliant	Pre-clearing fauna assessments were undertaken by suitably qualified, licenced and experienced zoologist as required when clearing activities of the development envelope were being undertaken. Spotlighting was undertaken in accordance with this condition.
2	<p><u>Table 6-7.</u> During Construction A suitably experienced zoologist/environmental scientist will be on-site at all times during clearing of WRP habitat and must maintain radio communication with machinery operators.</p>	Compliant	<p>A suitably qualified, licenced and experienced zoologist was on site for all clearing activities in breeding habitat for WRP. All relevant clearing observations were documented in daily clearing diaries.</p> <p>Radio communications were also documented in the daily clearing diaries and conducted in accordance with the contractor’s Safety Management Plan. The Safety Management Plan outlines the requirement of positive radio communications with mobile plant operators when light vehicles and pedestrians are working within the vicinity of mobile plant.</p>
2	<p><u>Table 6-7.</u> During Construction Vacant dreys will be removed prior to clearing where they are accessible. Vacant tree hollows suitable for possums will be removed or blocked prior to clearing where they are accessible.</p>	Compliant	WRP dreys that are encountered in the development envelope whilst pre-clearing surveys are being conducted were checked and removed where they can be safely accessed.

Condition Number	Condition	Status	Evidence/Comments
2	Table 6-7. During Construction No night-time clearing of vegetation will occur.	Compliant	Construction activities were restricted to daylight hours between 6.30am to 5.30pm.
2	Table 6-7. During Construction Temporary traffic management measures including variable message boards will be implemented to alert road users to the possible presence of WRP on the roadway.	Compliant	Variable message board signage was utilised for the duration of clearing activities to alert road users of the possible presence of wildlife near the roadway. The use of variable message signage is also included in fauna spotters daily clearing diaries.
2	Table 6-7. During Construction Cleared vegetation will be chipped immediately or transported at least 100 m from WRP habitat before further processing. Movement/disturbance of clearing stockpiles will be confined to the period between one hour after sunrise and one hour prior to sunset.	Compliant	All cleared vegetation was chipped immediately or transported at least 100m from WRP habitat when required. No movement of stockpiles was undertaken within one hour of sunrise or sunset. Operational working hours were communicated to the contractor via letter correspondence.
2	Table 6-7. During Construction Habitat clearing is to commence from existing edge lines/roads and progress towards habitat that will be retained, where possible.	Compliant	During clearing activities directional clearing towards habitat was undertaken where it was possible to be achieved. The contractor's CEMP outlines the requirements of directional clearing along with approved work procedures. The clearing activities were monitored by the Fauna Spotter to ensure this requirement was complied with where practical.
2	Table 6-7. During Construction If WRPs are observed during clearing operations, the tree containing the animal shall be left for up to 48 hours to allow for the animal to vacate, while clearing continues in adjacent vegetation. If the tree continues to be occupied after 48 hours, the animal will be coerced/moved to a safe area	Compliant	Vegetation was cleared in accordance the contractor's work procedure. Fauna spotter pre-clearance inspections revealed where WRP within the clearing envelope and or occupying dreys. The animals were left in situ and the trees and or dreys were re-inspected two days later to confirm for occupancy or if the animal had vacated the drey. If possums are in the development envelope:

Condition Number	Condition	Status	Evidence/Comments
	<p>outside of the clearing footprint by the appointed zoologist/environmental scientist/fauna spotter. Trees, as noted above, that are observed to support WRP after 48 hours will be 'bumped gently' with a machine prior to felling. The operator and spotter will wait and observe the tree for a short time. If the animal remains in the tree, the tree shall be pushed over slowly onto vegetation within the clearing area that is yet to be cleared. The 'soft felling' of habitat trees will provide a 'cushion' for the vegetation being felled, minimising the risk of injury to the animal and allowing any WRP present with the opportunity to safely vacate. Felled trees with hollows will be checked immediately for WRPs after felling and prior to further processing. If it is not possible to fully inspect the hollow the tree will be left on the ground overnight to allow time for any undetected fauna to vacate.</p>		<ul style="list-style-type: none"> • They were passively shepherded, or manually relocated to adjacent bush land. • WRP were also observed moving out of the development envelope without any handling required. <p>Felled trees that contain hollows were left over night and if WRP were later identified still occupying the hollow, they were herded from the hollow to adjacent bushland.</p>
2	<p><u>Table 6-7.</u> During Construction A post-clearing survey shall be undertaken immediately following each day's clearing operations and the following morning to identify the presence of any injured animals.</p>	Compliant	Fauna spotters completed daily post clearing inspections.
2	<p><u>Table 6-7.</u> During Construction Any WRP showing signs of injury or illness will be promptly referred to an experienced wildlife veterinarian or approved wildlife rehabilitation facility.</p>	Compliant	<p>The contractor's induction training package discusses the requirements for any injured and or ill animals, that they shall be taken to local veterinarian for assessment and treatment.</p> <ul style="list-style-type: none"> • The contractor's CEMP discusses native animals that show signs of injury or illness during the clearing operations shall be taken to a local vet for assessment and treatment. Upon release from treatment, the DBCA Southwest Regional Wildlife Officer shall be contacted for advice in regard to suitable wildlife rehabilitators where the animals shall be taken to for rehabilitation. • Local veterinary practice/s have been utilised during the reporting period to assess captured fauna from the clearing development envelope prior to the fauna being relocated to registered wildlife carers.

Condition Number	Condition	Status	Evidence/Comments
			One incident relating to a western ringtail injury and subsequent mortality that occurred on 9 June 2022 was reported to DCCEEW on 9 June 2022.
2	Table 6-10. Clearing of 2.0 ha of Tuart Woodlands TEC.	Compliant	Main Roads has cleared 1.996 ha of the approved 2.0 ha of Tuart TEC.
2	Table 6-11. Prior to Construction Apply Main Roads standard operational controls, including hygiene and fire management procedures, such as machinery/vehicle clean down, weed treatments and restrictions on vehicle/machinery movements, and provide for monitoring during construction.	Compliant	<p>The hygiene management measures implemented across the Project include but are not limited to:</p> <ul style="list-style-type: none"> • Vehicle and mobile plant used in infected areas must be cleaned down before and in between operations. • Vehicle and mobile plant inspections are undertaken as required. <p>No fires have occurred as a result of the Project.</p> <p>The contractor's CEMP outlines operational controls in regard to fire management and they include but are not limited to:</p> <ul style="list-style-type: none"> • Activities involving hot works will have a valid hot work permit and where required a fire watch person is in place. • Where required spark arrestors are fitted to vehicles and machinery. • All vehicles, plant and equipment to be fitted with fire extinguishers and restricted to designated cleared areas. • Water carts and a fire-fighting trailer will be available on the project. • Fire watch is undertaken every 30 minutes up to 3 hours after work has ceased when there is a high risk of causing wildfire. • The contractors Safety Management Plan also outlines fire prevention measures for the Project operations. • Local Government and or FESA Total Fire Ban notifications are included in the contractor daily diary.
2	Table 6-11. Prior to Construction	Compliant	<p>The contractor's induction training package includes an overview of environmentally sensitive areas, priority flora, and measures to avoid impacts to this vegetation.</p> <ul style="list-style-type: none"> • The induction training package:

Condition Number	Condition	Status	Evidence/Comments
	<p>Contractor induction will include familiarisation with and discussion of TEC vegetation, Phytophthora dieback management and hygiene management.</p>		<ul style="list-style-type: none"> ○ Identifies TEC as key environmental flora; ○ Provides information regarding clearing restrictions for TEC to prevent clearing outside ground disturbance boundaries; ○ In locations where the clearing encroaches within 20m of an identified area of Priority Flora, the clearing line will need to be flagged with orange tape on pegs at intervals no further apart than 15m. <p>Details what dieback is, what it does to certain species tree roots, how its spread and mitigation measures to prevent any further dieback contamination.</p> <p>General hygiene management measures include:</p> <ul style="list-style-type: none"> • Vehicle and mobile plant used in infected areas must be cleaned down before and in between operations. • Limiting vehicle and mobile plant movement. • Vehicle and mobile plant inspections undertaken as required. <p>The induction references the contractor's CEMP for further details. Induction training records are managed by Health and Safety Department.</p>
2	<p><u>Table 6-11.</u> Prior to Construction Design refinement to minimise the area of TEC vegetation needed to be cleared for the Proposal (hold point).</p>	Compliant	<p>An iterative design process was undertaken utilising design resources under the direct management of Main Roads to refine the design and to minimise the area of TEC vegetation required to be cleared for the action.</p> <p>The clearing of Tuart TEC was less than the approved 2.0 Ha.</p>
2	<p><u>Table 6-11.</u> Prior to Construction Prior to clearing, the final road design will be assessed against the proposed clearing area to ensure the required clearing area is no more than the approved area.</p>	Compliant	<p>The final road design was assessed against the proposed clearing for the Project to ensure that clearing of vegetation was within the approved area.</p>

Condition Number	Condition	Status	Evidence/Comments
2	<p>Table 6-11. Prior to Construction Tuart Woodlands TEC vegetation to be cleared within the Proposal Area will be clearly demarcated in the field.</p>	Compliant	<p>The contractor’s work procedure outlines colour scheme for demarcation to delineate specific areas of habitat in the development envelope that was used across the Project:</p> <ul style="list-style-type: none"> • Pink - limits of clearing. • Blue - TEC pegged no more than 15m apart. <p>In conjunction with the coloured demarcation “as staked” survey drawing files are also used for the set out of the different environmental areas to ensure the integrity of clearing is maintained.</p> <p>Clearing line and limits are pegged and flagged pink, with retained vegetation flagged in white.</p> <p>Compliance with Specification 204 Environment is monitored by the contractor’s management staff and Main Roads Superintendent and documented in daily management diaries.</p>
2	<p>Table 6-11. Prior to Construction Declared Plants and WoNS within the Proposal Area will be removed or treated with herbicide.</p>	Not Applicable	<p>No Declared Plants and WoNS were observed during the activities undertaken in the reporting period.</p>
2	<p>Table 6-11. During Construction Demarcation of the active construction front of TEC vegetation areas will be maintained during the construction phase.</p>	Compliant	<p>The TEC vegetation area was demarcated with coloured flagging pegs and the demarcation was maintained throughout construction phase.</p>
2	<p>Table 6-11. During Construction Movement of machines and other vehicles will be restricted to the limits of the areas cleared within the Proposal Area or on designated tracks outside the area.</p>	Compliant	<p>Compliance with approval conditions was monitored by the contractor’s management staff and Main Roads Superintendent in daily management diaries to ensure all movement of machines and vehicles was within the limits of clearing.</p> <p>Mobile plant and other vehicles movements are restricted within the development area, and they must utilise designated tracks as directed by Health and Safety Department and traffic management protocols.</p>

Condition Number	Condition	Status	Evidence/Comments
			No incidents of disturbance outside the approved clearing envelope occurred during the reporting period.
2	Table 6-11. During Construction Infestations of Declared Plants and WoNS within the Proposal Area will be removed or treated with herbicide.	Not Applicable	No Declared Plants and WoNS were observed during the activities undertaken in the reporting period.
2	Table 6-11. During Construction No re-fuelling of equipment will be conducted within 100 m of TEC vegetation.	Compliant	Compliance with the approval conditions was monitored by the contractor's management staff and Main Roads Superintendent in daily management diaries to ensure no re-fuelling of equipment was conducted within 100 m of TEC vegetation.
2	Table 6-11. During Construction As far as practical, clearing activities will occur during the dry months to reduce the risk of spreading <i>Phytophthora dieback</i> .	Compliant	Clearing of the development envelope was undertaken during the drier months of the year from August 2021 to October 2021, January 2022, and April 2022.
2	Table 6-11. During Construction All DFES and LGA restrictions on fire and machinery movement will be strictly adhered to.	Compliant	The contractor applied for a Total Fire Ban exemption from FESA for the Project to enable the action to be undertaken. <ul style="list-style-type: none"> An exemption allows the lighting and/or use of a fire or the carrying out of an activity in the open air that may cause a fire, during a total fire ban declared by DFES. The Total Fire Ban exemption outlines water requirements that must be available whilst operating under the Total Fire Ban exemption.
2	Table 6-11. During Construction If any western ringtail possum or black cockatoos are injured or killed during clearing and/or construction, any such	Compliant	One environmental incident occurred during the reporting period on 09/06/2022. In accordance with this condition Main Roads reported this incident to the Department via email on 9/06/2022 which was within three (3) business days of the incident occurring.

Condition Number	Condition	Status	Evidence/Comments
	incidents must be reported to the department within three business days.		

Condition Number	Condition	Status	Evidence/Comments
3	<p>To avoid and mitigate impacts to the Vasse-Wonnerup Ramsar wetland, and any listed migratory species that inhabit that wetland, the approval holder must implement the Vasse-Wonnerup management plan, for the duration of this approval.</p> <p>Table 6-3. During Construction</p> <p>Erosion and/or sedimentation incidents at or near rivers recorded by construction contractor and reported to Manager Environment within 24 hours of incident occurring. Report annually to DCCEE (DAWE) as part of annual compliance reporting or in response to exceedance of an agreed trigger or threshold. Report annually to DAWE as part of annual compliance reporting or in response to exceedance of an agreed trigger or threshold.</p>	Compliant	<p>The Vasse-Wonnerup environmental management plan forms part of the Project Specific Environmental Specification and compliance is enforced through contract specifications.</p> <p>An erosion event occurred at the Abba River on 15th of July 2022 and was reported through Main Roads incident reporting process (EQSafe).</p>
3	<p>Table 6-3. During Construction</p> <p>Location of hydrocarbon storage and re-fuelling facilities</p>	Compliant	<p>Refuelling facilities and long term hydrocarbon storage is off site away from the Development Envelope. Hydrocarbons that are utilised in the short term (daily) are within a hard stand gravel laydown yard which is compliant with hydrocarbon proximity limits to water ways.</p>
3	<p>Table 6-3. During Construction</p> <p>Water quality (only required in the event of a hydrocarbon spill or erosion/sedimentation incident that directly impacts the Sabina, Abba or Ludlow Rivers) Incidents potentially impacting water quality in any of the three listed rivers recorded by construction contractor and</p>	Compliant	<p>No hydrocarbon spills that have the potential to impact on the Sabina, Abba or Ludlow Rivers were recorded.</p> <p>One hydrocarbon incident was reported through Main Roads incident reporting process (EQ Safe #27622). A minor diesel fuel leak of <0.5 L from a generator occurred at the construction office site.</p> <p>No impact to the immediate environment was observed as a result of this incident.</p>

	<p>reported to Manager Environment within 24 hours of incident occurring Report annually to DAWE as part of annual compliance reporting or in response to exceedance of an agreed trigger or threshold</p>		
3	<p>Table 6-3. During Construction Occurrences of ASS contamination recorded by construction contractor and reported to Manager Environment monthly. Report annually to DAWE as part of annual compliance reporting or in response to exceedance of an agreed trigger or threshold</p>	Compliant	<p>No acid sulphate soils contamination has occurred. Planned excavation of potential acid sulphate soils at Ludlow and Abba River are being managed under approved Acid Sulphate Management Plans for each area.</p>
3	<p>Table 6-3. During Construction Appropriate management of potential ignition sources and fire response</p>	Compliant	<p>Fire management measures of potential ignition sources is through a number of methods inclusive of:</p> <ul style="list-style-type: none"> • The issue of Hot Works Permits. • Restricted vehicle movement. • Vehicle and mobile plant pre-starts. • Total Fire Ban exemption. • Contractor Safety Management Plan. <p>The contractor's CEMP outlines operational controls in regard to fire management across the Project and they include but are not limited to:</p> <ul style="list-style-type: none"> • Activities involving hot works will have a valid hot work permit and where required a fire watch person is in place. • Where required spark arrestors are fitted to vehicles and machinery. • All vehicles, plant and equipment to be fitted with fire extinguishers and restricted to designated cleared areas. • Water carts and a fire-fighting trailer will be available on the project. • Fire watch is undertaken every 30 minutes up to 3 hours after work has ceased when there is a high risk of causing wildfire.

			<p>The contractors Safety Management Plan outlines fire prevention measures for the Project operations.</p> <p>Local Government and or FESA Total Fire Ban notifications are included in the contractor’s daily diary.</p> <p>The induction references the contractor’s CEMP for further details.</p>
	<p>Table 6-3. During Construction Bushfire incidents impacting riparian vegetation or the Vasse-Wonnerup System Ramsar site reported to Manager Environment monthly</p> <p>Report annually to DCCEEW as part of annual compliance reporting or in response to exceedance of an agreed trigger or threshold</p>	Compliant	<p>No bushfire fire incidents impacting riparian vegetation or the Vasse-Wonnerup System Ramsar have occurred during the reporting period.</p>
Offsets			
4	<p>To compensate for the residual significant impacts to western ringtail possums, black cockatoos and the tuart TEC, the approval holder must:</p> <p>a. acquire and secure for use as an offset site the entirety of Lots 200 and 201 West Boundary Road, Manjimup, Western Australia (being the areas respectively outlined red and yellow in Attachment B)</p> <p>b. acquire and secure for use as an offset site at least 8.78 ha of State Forest No. 2 near Busselton, Western Australia (of the areas outlined purple and green in Attachment C)</p> <p>c. secure the offset sites identified in conditions 4a and 4b, within 12 months of the date of this approval</p> <p>d. provide written evidence to the department that the offset sites identified in conditions 4a and 4b have been acquired and secured, within 12 months of the date of this approval; this written evidence must also identify the securing mechanism by which each offset site will be permanently protected for conservation.</p>	Compliant	<p>a. Main Roads has purchased offset Lots 200 and 201 West Boundary Road, Manjimup.</p> <p>b and c. Main Roads is negotiating with DBCA regarding Lots 200 and 201, and State Forrest No.2 to finalise the offset package for these land parcels and for the transfer of this land to DBCA and for DBCA to take over the total management of the offset responsibilities.</p> <p>d. The Certificate titles were provided by Main Roads to DCCEEW on 26/06/2022. These properties have been transferred to the ownership of the Department of Biodiversity Conservation and Attractions for management as part of the conservation estate.</p>

<p>5</p>	<p>To compensate for the residual significant impacts to western ringtail possums, black cockatoos and the tuart TEC, the approval holder must:</p> <p>a. manage 29 ha of vegetation at Lots 200 and 201, West Boundary Road, Manjimup to prevent degradation of black cockatoo habitat</p> <p>b. manage 37 ha of vegetation at Lots 200 and 201, West Boundary Road, Manjimup to prevent degradation of western ringtail possum habitat</p> <p>c. revegetate, rehabilitate and manage 7.4 ha of vegetation in State Forest No. 2 to provide habitat for western ringtail possums</p> <p>d. revegetate, rehabilitate and manage 8.78 ha of areas in State Forest No. 2 to create and maintain 8.78 ha of tuart TEC.</p> <p>e. undertake all revegetation, rehabilitation and management in accordance with the methods and reporting processes required by conditions 8, 9 and 10.</p>	<p>Compliant</p>	<p>a. a. & b. Lots 200 and 201 are currently being managed for the purposes of conservation.</p> <p>c, d and e. Main Roads has identified an area of State Forest No. 2 in consultation with DBCA for the revegetation, rehabilitation and management of land to provide habitat for WRP and Black Cockatoos. The subject land is expected to be available for the commencement of revegetation works in mid 2023.</p>
<p>Contingency Offset Plan</p>			
<p>6</p>	<p>If the approval holder fails to secure the offset sites identified in Condition 4 or fails to secure the full area (in hectares) specified in Condition 5, within 12 months of the date of this approval, then the approval holder must submit a Contingency Offset Plan to the department for approval by the Minister. The Contingency Offset Plan must include, but not be limited to:</p> <p>a. An evaluation of the compensatory value provided by each new nominated offset proposal in accordance with the EPBC Environmental Offsets Policy, with explanation and evidence to support the choice of all input values for the Offsets Assessment Guide. If evidence is not provided to support input values for the Offsets Assessment Guide, then values must be proposed on a precautionary basis that assume lower conservation gains.</p>	<p>Not Applicable</p>	<p>A Contingency Management Plan is not required as the offset sites have been secured.</p>

	<p>b. Explanation as to how the Contingency Offset Plan is consistent with the EPBC Environmental Offsets Policy and, in addition to any other offset proposals, fully compensates for the residual significant impacts of the proposed action. The Contingency Offset Plan must also explain how it is consistent with the eight requirements in the EPBC Environmental Offsets Policy, or otherwise explain how better environmental outcomes will be achieved for each relevant protected matter by deviating from these eight requirements.</p> <p>c. A contingency process that will be implemented in every situation where a proposed offset site, which has not yet been secured by the approval holder, becomes unavailable or unworkable. The contingency process must outline the steps that will be taken to secure one or more alternative offset site.</p> <p>d. Identify the securing mechanism by which the new nominated offset sites area will be permanently protected for conservation.</p> <p>e. An Offset Management Plan for each new offset site developed in accordance with the requirements of Condition 8. A single Offset Management Plan covering multiple new contingency offset sites may be provided.</p>		
7	<p>The most recent Contingency Offset Plan approved by the Minister must be implemented from the date of its approval. If the Contingency Offset Plan has not been approved by the Minister in writing within 18 months of the date of this approval, and the Minister notifies the approval holder that the submitted Contingency Offset Plan is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the Contingency Offset Plan revised by the department. The approval holder must implement the approved Contingency Offset Plan.</p>	Not Applicable	A Contingency Management Plan is not required as the offset sites have been secured.
Offset Management Plan			

<p>8</p>	<p>The approval holder must submit for the Minister’s approval, within 12 months of the date of this approval, an Offset Management Plan for each of the offset sites specified in conditions 4 and 5. Each Offset Management Plan must be consistent with the department’s Environmental Management Plan Guidelines, and must include the following. A single Offset Management Plan covering all offset sites may be provided.</p> <p>a. A summary of the residual impacts to protected matters that will be compensated for by the offsets. This summary must include the size and habitat quality of all impact sites.</p> <p>b. The environmental objectives, relevant protected matters and a reference to the EPBC Act approval conditions to which each Offset Management Plan refers.</p> <p>c. A table of commitments made in each Offset Management Plan to achieve the environmental objectives, and a reference to where the commitments are detailed in each Offset Management Plan.</p> <p>d. Reporting and review mechanisms, and documentation standards to demonstrate compliance with each Offset Management Plan.</p> <p>e. An assessment of risks to achieving environmental objectives and risk management strategies that will be applied.</p> <p>f. Impact avoidance, mitigation and/or repair measures, and their timing.</p> <p>g. A monitoring program, which must include:</p> <p>i. measurable performance indicators</p> <p>ii. the timing and frequency of monitoring to detect trigger values and changes in the performance indicators</p> <p>iii. trigger values for corrective actions</p> <p>iv. proposed corrective actions, if trigger values are reached.</p>	<p>Not Applicable</p>	<p>Main Roads requested a variation from DCCEEW to condition 8 on 26/06/2022 to extend the submission date for the Offset Management Plan from 12 months to 24 months.</p> <p>The Offset Management Plan will be submitted to the Minister prior to 10/08/2023 to satisfy this condition.</p>
----------	--	---------------------------	---

	<p>h. Links to referenced plans and applicable conditions of approval (including State approval conditions).</p> <p>Each Offset Management Plan, as approved by the Minister in writing, must be implemented when approved by the Minister.</p>		
<p>9</p>	<p>In addition to the requirements of Condition 8, each Offset Management Plan must:</p> <p>a. establish revegetation outcomes for the Ludlow State Forest No. 2 offset site to achieve the conservation targets identified in Condition 5 and that will:</p> <p>i. for the western ringtail possum, provide 7.4 ha of habitat that contains understorey and midstorey vegetation comprising Peppermint (<i>Agonis flexuosa</i>) and other native species, and must also contain connected canopy habitat formed by native species</p> <p>ii. create 8.78 ha of “Moderate” quality tuart TEC as defined in Table 2 of the tuart TEC Conservation Advice</p> <p>iii. prevent unauthorised access by erecting fencing around revegetated areas wherever possible and maintain such fencing</p> <p>iv. undertake weed control to maintain a predominance of native species in understorey, midstorey and canopy vegetation for at least 20 years</p> <p>v. minimise feral animal populations with ongoing management for at least 20 years</p> <p>b. establish management outcomes for the West Boundary Road offset site in Manjimup to achieve the conservation targets identified in Condition 5 and that will:</p> <p>i. prevent unauthorised access and site degradation by erecting fencing around managed areas wherever possible and maintain such fencing</p>	<p>Non-Applicable</p>	<p>Main Roads requested a variation from DCCEEW to condition 8 on 26/06/2022 to extend the submission date for the Offset Management Plan from 12 months to 24 months.</p>

	<ul style="list-style-type: none"> ii. undertake weed control to maintain a predominance of native species in understorey, midstorey and canopy vegetation for at least 20 years iii. minimise feral animal populations with ongoing management for at least 20 years c. include attached written agreement from DBCA to all measures in conditions 9a and 9b d. sufficiently describe the methods by which revegetation and/or rehabilitation will be undertaken at each offset site to achieve the revegetation outcomes and identify: <ul style="list-style-type: none"> i. the timeframe for the revegetation and rehabilitation activities to be undertaken ii. the funding arrangements under which the revegetation and rehabilitation actions will be undertaken iii. the name, qualifications and experience of the suitably qualified expert who will manage all revegetation and rehabilitation actions e. detail ongoing management actions to ensure that, once any revegetation or rehabilitation target, as specified in each Offset Management Plan, is reached, each such target continues to be met or exceeded for at least 20 years, including details of: <ul style="list-style-type: none"> i. the funding arrangements under which the maintenance actions will be undertaken ii. the suitably qualified expert who will manage maintenance actions f. identify any contingency actions to be implemented should revegetation, rehabilitation or management actions fail, which if agreed to by the department in writing, must be implemented g. detail monitoring, reporting and evaluation mechanisms for revegetation, rehabilitation and management actions and propose suitable reporting frameworks to the department. 		
--	--	--	--

10	If the Offset Management Plan for each of the offset sites specified has not been approved by the Minister in writing within 18 months of the date of this approval notice, and the Minister notifies the approval holder that one or more submitted Offset Management Plan is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the Offset Management Plan revised by the department. The approval holder must implement each approved Offset Management Plan for the life of the approval.	Not Applicable	This condition is not applicable as the 18 month time frame of the condition has not been exceeded.
Notification of date of commencement of the action			
11	The approval holder must notify the department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.	Compliant	Main Roads advised DCCEEW by letter correspondence on 17/08/2021 regarding the commencement date of the Project 11/08/2021.
12	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	Compliant	The commencement of 'the Action' was 11/08/2021, which is within 5 years of the date of approval (30 June 2021).
Compliance records			
13	The approval holder must maintain accurate and complete compliance records.	Compliant	Main Roads has maintained all records in accordance with this condition and legal obligations, under the State Records Act 2000 (Western Australia).
14	If the department makes a request in writing, the approval holder must provide electronic copies of compliance records to the department within the timeframe specified in the request.	Not Applicable	No request has been issued by the Department.
Submission and publication of plans			
15	The approval holder must: a. submit plans electronically to the department b. unless otherwise agreed to in writing by the Minister, publish each plan on the website within 20 business days of the date: i. of this approval, if the version of the plan to be implemented is specified in these conditions; or	Compliant	All Management Plans related to this EPBC 2020/8800 approval were electronically submitted to the Department and published on Main Roads WA's website in March 2021.

	<p>ii. that the plan is approved by the Minister; or</p> <p>iii. that a revised action management plan is submitted to the Minister or the department;</p> <p>c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and</p> <p>d. keep plans published on the website until the end date of this approval.</p>		
16	<p>The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under a plan or conditions of this approval, are prepared in accordance with the department's Guidelines for biological survey and mapped data (2018) and submitted electronically to the department in accordance with the requirements of the plan or the conditions of this approval.</p>	Compliant	<p>Environmental data related to the works of this approval has been prepared in accordance with the DCCEE's guidelines for biological survey.</p>
Annual compliance reporting			
17	<p>The approval holder must prepare a compliance report addressing each of the conditions of this approval for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:</p> <p>a. publish each compliance report on the website within 60 business days following the relevant 12-month period</p> <p>b. notify the department by email that a compliance report has been published on the website and provide the weblink for the compliance report within 5 business days of the date of publication</p> <p>c. keep all compliance reports publicly available on the website until this approval expires</p> <p>d. exclude or redact sensitive ecological data from compliance reports published on the website</p> <p>e. where any sensitive ecological data has been excluded from the version published, submit the full compliance</p>	Compliant	<p>a. The action commenced on 11 August 2020. This compliance report covers compliance for the reporting period of 11 August 2021 to 10 August 2022. This compliance report will be published on the Main Roads website by 3 November 2022.</p> <p>b. The Department will be advised by email within five business days of the date of publication of this report and provided with providing a link to the report.</p> <p>c. This compliance report will remain publicly available on the Main Roads website until the expiration date of the project approval.</p> <p>d and e. No sensitive ecological data has been excluded from this 2021-22 compliance report.</p>

	report to the department within 5 business days of publication.		
Reporting non-compliance			
18	<p>The approval holder must notify the department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than 2 business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <p>a. any condition which is or may be in breach</p> <p>b. a short description of the incident and/or non-compliance</p> <p>c. the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.</p>	Compliant	<p>One environmental incident occurred during the reporting period. In accordance with this condition Main Roads reported this incident (via email on 09/06/2022) to DCCEE within two (2) business days of the incident occurring.</p> <p>Main Roads provided the Department with an initial notification report of the incident which contained the relevant information pertaining to this condition.</p>
19	<p>The approval holder must provide to the department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <p>a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future</p> <p>b. the potential impacts of the incident or non-compliance</p> <p>c. the method and timing of any remedial action that will be undertaken by the approval holder</p> <p>d. the measures the approval holder will take to prevent a recurrence of the incident or non-compliance.</p>	Compliant	<p>Main Roads notified DCCEE via email (on 14/06/2022) providing further information regarding the incident addressing the criteria of this condition. The email notification was submitted within 10 business days.</p>
Independent audit			
20	The approval holder must ensure that independent audits of compliance with the conditions are as requested in writing by the Minister.	Not Applicable	Main Roads has not received a request from the Minister to undertake an independent audit of the Project.
21	For each independent audit, the approval holder must:	Not Applicable	Main Roads has not received a request from the Minister to undertake an independent audit of the Project.

	<p>a. provide the name and qualifications of the independent auditor and the draft audit criteria to the department</p> <p>b. only commence the independent audit once the audit criteria have been approved in writing by the department and the person or organisation that will undertake the independent audit</p> <p>c. submit an audit report to the department within the timeframe specified in the approved audit criteria.</p>		
22	The approval holder must publish the audit report on the website within 10 business days of receiving the department's approval of the audit report and keep the audit report published on the website until the end date of this approval.	Not Applicable	The Minister has not requested Main Roads to conduct an independent audit of the Project.
Revision of action management plans			
23	The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister under conditions 8, 9 and 10, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan. The RAMP must not be implemented unless approved by the Minister in writing.	Not Applicable	Main Roads has not submitted a request to the Minister for a variation of the Action Management Plan.
Completion of the action			
24	<p>Within 30 business days after whichever is the earlier of:</p> <p>a. the completion of the action, or</p> <p>b. 60 business days before the end date of the period for which this approval has effect,</p> <p>the approval holder must notify the department in writing and provide completion data.</p> <p>If the completion of the action is unlikely to occur before the end date of the period for which the approval has effect, the approval holder must submit to the department,</p>	Not Applicable	The action is still under construction and has not been completed.

	before the end date of the period for which the approval has effect, a request, in accordance with the requirements of section 145C of the EPBC Act, to extend the period of effect of the approval.		
--	--	--	--

3 APPENDICES

Appendix A: EPBC 2020/8800 Approval Notice



Australian Government
Department of Agriculture,
Water and the Environment

APPROVAL

Bussell Highway Duplication Hutton to Sabina, near Busselton, WA (EPBC 2020/8800)

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

Details

Person to whom the approval is granted (approval holder)	Main Roads
ABN of approval holder	50 860 676 021
Action	To construct a second carriageway on a 12.3 km segment of the Bussell Highway between Hutton Road to the Sabina River, near Busselton, Western Australia. [See EPBC Act referral 2020/8800, received 2 October 2020.]

Proposed Approval decision

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

Controlling Provisions

Wetlands of international importance	
Section 16	Approve
Section 17B	Approve
Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve
Listed migratory species	
Section 20	Approve
Section 20A	Approve

Period for which the approval has effect

This approval has effect until 1 August 2056.

Decision-maker

Name and position	Kylie Calhoun Assistant Secretary Environment Assessments West (WA, SA, NT) Branch
Signature	
Date of decision	30 June 2021

Conditions of approval

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

ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

Avoidance and mitigation

1. To avoid and mitigate impacts to listed threatened species and communities the approval holder must not:
 - a. clear more than 24.0 ha of western ringtail possum habitat
 - b. clear more than 20.8 ha of habitat for black cockatoos, including no more than 124 trees with a diameter at breast height of greater than 500 mm
 - c. clear more than one tree containing a suitable nesting hollow
 - d. clear more than 2.0 ha of tuart TEC.
2. To avoid and mitigate impacts to protected matters, the approval holder must implement all avoidance, mitigation and management measures identified in tables 6-2, 6-3, 6-6, 6-7, 6-10 and 6-11 of the preliminary documentation main report. If any western ringtail possum or black cockatoos are injured or killed during clearing and/or construction, any such incidents must be reported to the department within three business days.
3. To avoid and mitigate impacts to the Vasse-Wonnerup Ramsar wetland, and any listed migratory species that inhabit that wetland, the approval holder must implement the Vasse-Wonnerup management plan, for the duration of this approval.

Offsets

4. To compensate for the residual significant impacts to western ringtail possums, black cockatoos and the tuart TEC, the approval holder must:
 - a. acquire and secure for use as an offset site the entirety of Lots 200 and 201 West Boundary Road, Manjimup, Western Australia (being the areas respectively outlined red and yellow in [Attachment B](#))
 - b. acquire and secure for use as an offset site at least 8.78 ha of State Forest No. 2 near Busselton, Western Australia (of the areas outlined purple and green in [Attachment C](#))
 - c. secure the offset sites identified in conditions 4a and 4b, within 12 months of the date of this approval
 - d. provide written evidence to the department that the offset sites identified in conditions 4a and 4b have been acquired and secured, within 12 months of the date of this approval; this written evidence must also identify the securing mechanism by which each offset site will be permanently protected for conservation.
5. To compensate for the residual significant impacts to western ringtail possums, black cockatoos and the tuart TEC, the approval holder must:
 - a. manage 29 ha of vegetation at Lots 200 and 201, West Boundary Road, Manjimup to prevent degradation of black cockatoo habitat
 - b. manage 37 ha of vegetation at Lots 200 and 201, West Boundary Road, Manjimup to prevent degradation of western ringtail possum habitat
 - c. revegetate, rehabilitate and manage 7.4 ha of vegetation in State Forest No. 2 to provide habitat for western ringtail possums
 - d. revegetate, rehabilitate and manage 8.78 ha of areas in State Forest No. 2 to create and maintain 8.78 ha of tuart TEC.

- e. undertake all revegetation, rehabilitation and management in accordance with the methods and reporting processes required by conditions 8, 9 and 10.

Contingency Offset Plan

- 6. If the approval holder fails to secure the offset sites identified in Condition 4 or fails to secure the full area (in hectares) specified in Condition 5, within 12 months of the date of this approval, then the approval holder must submit a Contingency Offset Plan to the department for approval by the Minister. The Contingency Offset Plan must include, but not be limited to:
 - a. An evaluation of the compensatory value provided by each new nominated offset proposal in accordance with the EPBC Environmental Offsets Policy, with explanation and evidence to support the choice of all input values for the Offsets Assessment Guide. If evidence is not provided to support input values for the Offsets Assessment Guide, then values must be proposed on a precautionary basis that assume lower conservation gains.
 - b. Explanation as to how the Contingency Offset Plan is consistent with the EPBC Environmental Offsets Policy and, in addition to any other offset proposals, fully compensates for the residual significant impacts of the proposed action. The Contingency Offset Plan must also explain how it is consistent with the eight requirements in the EPBC Environmental Offsets Policy, or otherwise explain how better environmental outcomes will be achieved for each relevant protected matter by deviating from these eight requirements.
 - c. A contingency process that will be implemented in every situation where a proposed offset site, which has not yet been secured by the approval holder, becomes unavailable or unworkable. The contingency process must outline the steps that will be taken to secure one or more alternative offset site.
 - d. Identify the securing mechanism by which the new nominated offset sites area will be permanently protected for conservation.
 - e. An Offset Management Plan for each new offset site developed in accordance with the requirements of Condition 8. A single Offset Management Plan covering multiple new contingency offset sites may be provided.
- 7. The most recent Contingency Offset Plan approved by the Minister must be implemented from the date of its approval. If the Contingency Offset Plan has not been approved by the Minister in writing within 18 months of the date of this approval, and the Minister notifies the approval holder that the submitted Contingency Offset Plan is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the Contingency Offset Plan revised by the department. The approval holder must implement the approved Contingency Offset Plan.

Offset Management Plan

- 8. The approval holder must submit for the Minister's approval, within 12 months of the date of this approval, an Offset Management Plan for each of the offset sites specified in conditions 4 and 5. Each Offset Management Plan must be consistent with the department's Environmental Management Plan Guidelines, and must include the following. A single Offset Management Plan covering all offset sites may be provided.
 - a. A summary of the residual impacts to protected matters that will be compensated for by the offsets. This summary must include the size and habitat quality of all impact sites.
 - b. The environmental objectives, relevant protected matters and a reference to the EPBC Act approval conditions to which each Offset Management Plan refers.
 - c. A table of commitments made in each Offset Management Plan to achieve the environmental objectives, and a reference to where the commitments are detailed in each Offset Management Plan.

- d. Reporting and review mechanisms, and documentation standards to demonstrate compliance with each Offset Management Plan.
- e. An assessment of risks to achieving environmental objectives and risk management strategies that will be applied.
- f. Impact avoidance, mitigation and/or repair measures, and their timing.
- g. A monitoring program, which must include:
 - i. measurable performance indicators
 - ii. the timing and frequency of monitoring to detect trigger values and changes in the performance indicators
 - iii. trigger values for corrective actions
 - iv. proposed corrective actions, if trigger values are reached.
- h. Links to referenced plans and applicable conditions of approval (including State approval conditions).

Each Offset Management Plan, as approved by the Minister in writing, must be implemented when approved by the Minister.

9. In addition to the requirements of Condition 8, each Offset Management Plan must:
- a. establish revegetation outcomes for the Ludlow State Forest No. 2 offset site to achieve the conservation targets identified in Condition 5 and that will:
 - i. for the western ringtail possum, provide 7.4 ha of habitat that contains understorey and midstorey vegetation comprising Peppermint (*Agonis flexuosa*) and other native species, and must also contain connected canopy habitat formed by native species
 - ii. create 8.78 ha of "Moderate" quality tuart TEC as defined in Table 2 of the tuart TEC Conservation Advice
 - iii. prevent unauthorised access by erecting fencing around revegetated areas wherever possible and maintain such fencing
 - iv. undertake weed control to maintain a predominance of native species in understorey, midstorey and canopy vegetation for at least 20 years
 - v. minimise feral animal populations with ongoing management for at least 20 years
 - b. establish management outcomes for the West Boundary Road offset site in Manjimup to achieve the conservation targets identified in Condition 5 and that will:
 - i. prevent unauthorised access and site degradation by erecting fencing around managed areas wherever possible and maintain such fencing
 - ii. undertake weed control to maintain a predominance of native species in understorey, midstorey and canopy vegetation for at least 20 years
 - iii. minimise feral animal populations with ongoing management for at least 20 years
 - c. include attached written agreement from DBCA to all measures in conditions 9a and 9b
 - d. sufficiently describe the methods by which revegetation and/or rehabilitation will be undertaken at each offset site to achieve the revegetation outcomes and identify:
 - i. the timeframe for the revegetation and rehabilitation activities to be undertaken
 - ii. the funding arrangements under which the revegetation and rehabilitation actions will be undertaken
 - iii. the name, qualifications and experience of the suitably qualified expert who will manage all revegetation and rehabilitation actions

- e. detail ongoing management actions to ensure that, once any revegetation or rehabilitation target, as specified in each Offset Management Plan, is reached, each such target continues to be met or exceeded for at least 20 years, including details of:
 - i. the funding arrangements under which the maintenance actions will be undertaken
 - ii. the suitably qualified expert who will manage maintenance actions
 - f. identify any contingency actions to be implemented should revegetation, rehabilitation or management actions fail, which if agreed to by the department in writing, must be implemented
 - g. detail monitoring, reporting and evaluation mechanisms for revegetation, rehabilitation and management actions and propose suitable reporting frameworks to the department.
10. If the Offset Management Plan for each of the offset sites specified has not been approved by the Minister in writing within 18 months of the date of this approval notice, and the Minister notifies the approval holder that one or more submitted Offset Management Plan is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the Offset Management Plan revised by the department. The approval holder must implement each approved Offset Management Plan for the life of the approval.

Part B – Standard administrative conditions

Notification of date of commencement of the action

- 11. The approval holder must notify the department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.
- 12. If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.

Compliance records

- 13. The approval holder must maintain accurate and complete compliance records.
- 14. If the department makes a request in writing, the approval holder must provide electronic copies of compliance records to the department within the timeframe specified in the request.

Note: compliance records may be subject to audit by the department or an independent auditor in accordance with section 458 of the EPBC Act, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the department's website or through the general media.

Submission and publication of plans

- 15. The approval holder must:
 - a. submit plans electronically to the department
 - b. unless otherwise agreed to in writing by the Minister, publish each plan on the website within 20 business days of the date:
 - i. of this approval, if the version of the plan to be implemented is specified in these conditions; or
 - ii. that the plan is approved by the Minister; or
 - iii. that a revised action management plan is submitted to the Minister or the department;
 - c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and
 - d. keep plans published on the website until the end date of this approval.

16. The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under a plan or conditions of this approval, are prepared in accordance with the department's *Guidelines for biological survey and mapped data* (2018) and submitted electronically to the department in accordance with the requirements of the plan or the conditions of this approval.

Annual compliance reporting

17. The approval holder must prepare a compliance report addressing each of the conditions of this approval for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:
 - a. publish each compliance report on the website within 60 business days following the relevant 12-month period
 - b. notify the department by email that a compliance report has been published on the website and provide the weblink for the compliance report within 5 business days of the date of publication
 - c. keep all compliance reports publicly available on the website until this approval expires
 - d. exclude or redact sensitive ecological data from compliance reports published on the website
 - e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the department within 5 business days of publication.

Note: compliance reports may be published on the department's website.

Reporting non-compliance

18. The approval holder must notify the department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than 2 business days after becoming aware of the incident or non-compliance. The notification must specify:
 - a. any condition which is or may be in breach
 - b. a short description of the incident and/or non-compliance
 - c. the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.
19. The approval holder must provide to the department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:
 - a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future
 - b. the potential impacts of the incident or non-compliance
 - c. the method and timing of any remedial action that will be undertaken by the approval holder
 - d. the measures the approval holder will take to prevent a recurrence of the incident or non-compliance.

Independent audit

20. The approval holder must ensure that independent audits of compliance with the conditions are as requested in writing by the Minister.
21. For each independent audit, the approval holder must:

- a. provide the name and qualifications of the independent auditor and the draft audit criteria to the department
 - b. only commence the independent audit once the audit criteria have been approved in writing by the department and the person or organisation that will undertake the independent audit
 - c. submit an audit report to the department within the timeframe specified in the approved audit criteria.
22. The approval holder must publish the audit report on the website within 10 business days of receiving the department's approval of the audit report and keep the audit report published on the website until the end date of this approval.

Revision of action management plans

23. The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister under conditions 8, 9 and 10, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan. The RAMP must not be implemented unless approved by the Minister in writing.

Completion of the action

24. Within 30 business days after whichever is the earlier of:

- a. the completion of the action, or
 - b. 60 business days before the end date of the period for which this approval has effect,
- the approval holder must notify the department in writing and provide completion data.

If the completion of the action is unlikely to occur before the end date of the period for which the approval has effect, the approval holder must submit to the department, before the end date of the period for which the approval has effect, a request, in accordance with the requirements of section 145C of the EPBC Act, to extend the period of effect of the approval.

Part C - Definitions

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

Black cockatoos are the EPBC Act listed threatened species Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*), Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii naso*) and Baudin's Black Cockatoo (*Calyptorhynchus baudinii*).

Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

Clear/clearing means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the *Australian weeds strategy 2017 to 2027* for further guidance): available from <http://www.agriculture.gov.au/pests-diseases-weeds/pest-animals-and-weeds/review-aus-pest-animal-weed-strategy/aus-weeds-strategy>.

Commencement of the action/commence the action means the first instance of any specified activity associated with the action including clearing and construction. Commencement of the action does not include minor physical disturbance necessary to:

- i. undertake pre-clearance surveys or monitoring programs
- ii. install signage and /or temporary fencing to prevent unapproved use of the project area

- iii. protect environmental and property assets from fire, weeds and pests, including installation of temporary fencing, and use of existing surface access tracks
- iv. install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the protected matters

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The department's preferred spatial data format is a shapefile.

Completion of the action/complete the action means the date on which all specified activities associated with the action have permanently ceased.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.

Compliance report/s means written reports:

- i. providing accurate and complete details of compliance, incidents, and non-compliance with the conditions and the plans
- ii. consistent with the department's *Annual Compliance Report Guidelines* (2014) found at <https://www.environment.gov.au/epbc/publications/annual-compliance-report-guidelines>
- iii. include a shapefile of any clearance of any protected matters, or their habitat, undertaken within the relevant 12-month period
- iv. annexing a schedule of all plans prepared and in existence in relation to the conditions during the relevant 12-month period.

Construction means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage. Construction does not include the exceptions listed under the commencement of the action definition, above.

DBCA means the Western Australian Government agency with management authority of the Faunadale Reserve, West Boundary Road, Manjimup, WA (as shown by the green cross-hatched area in [Attachment B](#)) and the Ludlow State Forest No. 2, WA (as shown by the areas outlined in green and purple in [Attachment C](#)). This agency is currently the Department of Biodiversity, Conservation and Attractions.

Department means the Australian Government agency responsible for administering the EPBC Act.

Eight requirements mean the Offsets Requirements listed under subsections 7.1 to 7.8 on pages 17 to 24 of the EPBC Environmental Offsets Policy.

Environmental Management Plan Guidelines means Department of the Environment (2014) *Environmental Management Plan Guidelines*: available at <https://www.environment.gov.au/epbc/publications/environmental-management-plan-guidelines>.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

EPBC Environmental Offsets Policy means the Australian Government Department of Sustainability, Environment, Water and Communities (2012) *EPBC Act environmental offsets policy*:

available from <https://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy>.

Incident/s means any event which has the potential to, or does, impact on one or more protected matter/s, except as authorised under this approval.

Independent audit/s means an audit conducted by an independent and suitably qualified expert as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2019): available from <http://www.environment.gov.au/epbc/publications/independent-audit-report-guidelines>.

Listed migratory species means migratory species listed under sections 20 and 20A of Part 3 of the EPBC Act.

Listed threatened species and communities means threatened species and communities listed under sections 18 and 18A of Part 3 of the EPBC Act.

Monitoring data means the data required to be recorded under the conditions of this approval.

Minister means the Australian Government Minister administering the EPBC Act including any delegate thereof.

Offsets Assessment Guide means the Excel spreadsheet which is used to evaluate the offset provided for impacts to EPBC Act protected matters: available at <https://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy>.

Offset site/s means an area (or areas) of land that will be secured, rehabilitated and/or managed to compensate for residual significant impacts to EPBC Act protected matter/s that result from the proposed action approved by this approval.

Plan/s means any of the documents required to be prepared, approved by the Minister, implemented by the approval holder and published on the website in accordance with these conditions (includes action management plans and/or strategies).

Preliminary documentation main report means the document titled "Bussell Highway Duplication Stage 2 Hutton to Sabina Section Preliminary Documentation EPBC 2020/8800" dated February 2021 received by the department on 15 February 2021.

Project area means the area shaded yellow in [Attachment A](#).

Protected matter/s means a matter protected under a controlling provision in Part 3 of the EPBC Act for which this approval has effect.

Secure/securing a legal mechanism to permanently protect, under relevant legislation, for conservation of the protected matters and their habitat.

Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*: available from <http://www.environment.gov.au/about-us/environmental-information-data/information-policy/sensitive-ecological-data-access-and-management-policy>.

Shapefile means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

Suitable nesting hollow means any hollow that appears to be deep enough and with an opening large enough to be used by black cockatoos for nesting.

Suitably qualified expert means a person who has professional qualifications and at least three (3) years of work experience monitoring, designing and/or implementing surveys for revegetation/rehabilitation programs of native vegetation, and can give authoritative assessments

and advice on the success of such programs and the presence of the protected matters using relevant protocols, standards, methods and/or literature. If the person does not have appropriate professional qualifications, the person must have at least five (5) years of work experience monitoring, designing and/or implementing surveys for revegetation/rehabilitation programs of native vegetation in the Swan Coastal Plain and/or Manjimup areas.

Tuart TEC means the EPBC Act listed threatened community Tuart (*Eucalyptus gomphocephala*) Woodlands and Forests of the Swan Coastal Plain ecological community.

Tuart TEC Conservation Advice means the document titled 'Approved Conservation Advice (incorporating listing advice) for the Tuart (*Eucalyptus gomphocephala*) woodlands and forests of the Swan Coastal Plain ecological community' authored by the Department of the Environment and Energy and dated 2019. Available from: <http://www.environment.gov.au/biodiversity/threatened/communities/pubs/153-conservation-advice.pdf>.

Vasse-Wonnerup management plan means the document titled 'Bussell Highway Duplication Stage 2 - Hutton to Sabina EPBC 2020/8800 Vasse-Wonnerup System Environmental Management Plan' dated January 2021 and submitted to the department as part of the preliminary documentation, or a future revised version approved by the Minister in writing.

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Western ringtail possum means the EPBC Act listed threatened species *Pseudocheirus occidentalis*.