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Compliance Report: V&V Walsh Cold Stores Expansion, Western Australia (EPBC 2021/8902)

May 2023 to May 2024

Contents

Compliance Report: V&V Walsh Cold Stores Expansion, Western Australia (EPBC 2021/8902) ...	1
May 2023 to May 2024	1
1. Summary	3
2. Definitions	3
3. Description of Activities	6
4. Approval Conditions.....	6
5. New environmental risks	6
7. Declaration of accuracy	7
Appendix 1: EPBC 2021/8902 Conditions of Approval Compliance Table	8
Attachment A	14
Attachment B	15
Attachment C	16
Map D.....	18
Map E	19
Attachments.....	20

1. Summary

This annual report refers to the compliance requirements of Condition 11 for Rawling Road Pty Ltd issued by the Department of Agriculture, Water and the Environment in relation to approval EPBC 2021/8902 under sections 130(1) and 133(1) of the *Environmental Protection and Biodiversity Conservation Act 1999*. This annual report is for the period of May 2023 to May 2024.

All required conditions associated with approval EPBC 2021/8902 have been summarised in Appendix 1.

2. Definitions

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

- **Business day(s)** 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.
- **Clearing Permit** means Clearing Permit CPS 9219/1 issued by the Government of Western Australia under the *Environmental Protection Act 1986* (WA) on 25 February 2022.
- **Commencement of 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 **shapefile**.
- **Completion of the action** means the date on which all specified activities associated with the action have permanently.

- **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)
 - 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.
- **Department** means the Australian Government agency responsible for administering the **EPBC Act**.
- **EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999*(Cth).
- **Incident** means any event which has the potential to, or does, impact on one or more **protected matter(s)**.
- **Independent audit(s)** means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*(2019).
- **Minister** means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.
- **Project area** means the area shown by the red coloured line and labelled Project Area on the map at Attachment A below.
- **Protected matter** means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.
- **Plan(s)** means any of the documents required to be prepared, approved by the **Minister**, implemented by the approval holder and/or published on the **website** in accordance with these conditions (includes action management plans and/or strategies).

- **Revegetation Plan** means the *Revegetation Plan, Off set areas for cold storage development* prepared for RR Unit Trust (Rawling Road Pty Ltd ATF the RR Unit Trust), 19 November 2021.
- **Sensitive ecological data** means data as defined in the Australian Government Department of the Environment(2016)*Sensitive Ecological Data–Access and Management PolicyV1.0*.
- **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' meta data file that describes the shapefile for discovery and identification purposes.
- **Suitably qualified person** means a person who has relevant professional qualifications and at least three (3) years of work experience designing and implementing surveys for **protected matters** relevant to this approval, and can give an authoritative assessment and advice on the presence of **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 designing and implementing surveys for **protected matters** relevant to this approval.
- **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 Habitat** means habitat known to support western ringtail possums (*Pseudocheirus occidentalis*) within the known current distribution of the species, typically characterised by abundant foliage, presence of suitable nesting structures such as tree hollows, as well as high canopy cover and continuity. Known habitat includes peppermint (*Agonis flexuosa*) dominated woodlands, jarrah (*Eucalyptus marginata*) and marri (*Corymbia calophylla*) forests, riparian vegetation with a canopy of Bullich (*Eucalyptus megacarpa*) or flooded gum (*Eucalyptus rudis*), karri (*Eucalyptus diversicolor*) forests, sheoak (*Allocasuarina fraseriana*) dominated woodlands, and other stands of myrtaceous trees growing near swamps, watercourses or floodplains.

3. Description of Activities

Person to whom the approval is granted (Approval Holder) :	Rawling Road Pty Ltd
EPBC number:	EPBC 2021/8902
Project name:	VV Walsh Cold Stores Expansion, Western Australia
ACN of approval holder	073 911 118
Action approved:	To clear vegetation and construct a cold store facility on lot 5 Rawling road and Lot 1050 South Western Highway, Davenport, WA.
Location of the project:	Lot 501
Date for the reporting period of the report:	17 th May 2023 – 17 th May 2024
Date of Preparation of the report:	6/6/2024

4. Approval Conditions

Approval conditions relating to EPBC 2021/8902 have been summarised in Appendix 1. As of June 2024, no non compliances have been reported. Development on the site is complete with works revegetation works ongoing.

5. New environmental risks

No new environmental risks have been identified in the **project area** post **completion of the action**.

6. Management Plans

See attached environmental management plan for the duration of the clearing action and revegetation plan for the duration of the rehabilitation of the offset area and mitigation area shown in map C.

7. Declaration of accuracy

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

Signed



Full name (please print) Cameron Cody

Position (please print) Environmental Manager

Organisation (please print) THE TRUSTEE FOR V&V UNIT TRUST & VERNON WALSH PTY LTD
(ABN 66 258 009 281)

Date 06/06/24

Appendix 1: EPBC 2021/8902 Conditions of Approval Compliance Table

Condition Number/ Reference	Condition	Is the project compliant with the condition ? Compliant/Non-compliant/ Not Applicable	Evidence/Comments
Part A – Conditions specific to the action			
1.	The approval holder must comply with conditions 4, 5, 7, 8, 9, 10, 11a(i), 11b(i), 11c, 12 and 13 of the Clearing Permit .	Condition 4: Compliant	As per attached “Environmental Management Plan” Management action 18,19 and 20 were implemented for the duration of clearing.
		Condition 5: Compliant	As per attached “Environmental Management Plan” Management action 2 and 3 were implemented during clearing, Map E and attachment 12536132_LTR_City of Bunbury ongoing management_compiled identify the area cleared.
		Condition 7: Compliant	Designated CPS area to be cleared as per Map C was assessed and comprised of no more than 0.35ha of western ringtail possum habitat. Clearing was performed as per the area allocated in Map C
		Condition 8: Compliant	Management action 4, 8 and 9 from the Environmental Management Plan were completed to meet requirements. Clearing was only performed during daylight hours. Clearing was performed in an east to west direction to allow for fauna to move towards adjacent native vegetation.

			Clearing was performed in staged approach as per Map D.
		Condition 9: Compliant	<p>Fauna specialist was employed for the duration of clearing 17/05/2022 to 21/05/2022. Also for recommencement of clearing on the 13/06/2022.</p> <p>No western ringtail possums were identified during clearing.</p> <p>No western ringtail possums were required to be removed by the fauna specialist</p>
		Condition 10: Compliant	Evidence of conservation covenant under section 30 of the Soils and Land Conservation Act 1945 being placed over designated area was provided to the department and CEO on the 31/01/2023.
		Condition 11a(i): Compliant Condition 11b(i): Compliant Condition 11c: Compliant	Rehabilitation commenced in February 2023, with the commencement of the revegetation plan for both rehabilitation areas.
		Condition12:	Revegetation plan commenced on the 23/02/2023. Within 24 months of clearing (17/05/2022)
		Condition 13:	Records have been kept as per table 1 of condition 13. Supplied in the annual clearing report to DWER. See attached (Lot 500 Clearing Report 2023 and 2024)
2.	The approval holder must clear no more than 0.35 ha of western ringtail possum habitat within the project area .	Compliant	Requirements met as per item 7 of CPS 9219/1. Area cleared was restricted to

			area identified as per the area allocated in Map C.
3.	The approval holder must not clear outside the marked project area on Lot 1050 as shown on the map in <u>Attachment A</u> .	Compliant	Area cleared was confined to designated area, as per green overlay on Map E
4.	The approval holder must provide evidence of compliance with conditions 10(a) of Clearing Permit to the Department within 12 months of the date of this approval.	Compliant	Evidence of conservation covenant under section 30 of the Soils and Land Conservation Act 1945 being placed over designated area was provided to the department and CEO on the 31/01/2023.
5.	The approval holder must implement the Revegetation Plan as required by condition 12 of the Clearing Permit . This implementation must begin with 24 months of the date of this approval and complete these works within 10 years of the date of this approval.	Compliant	Rehabilitation commenced in February 2023, with the commencement of the revegetation plan for both rehabilitation areas.
6.	The approval holder must provide information as required by condition 9 (d) of the Clearing Permit to the Department at the same time as information is provided to the CEO under condition 9 of the Clearing Permit .	Not Applicable	No fauna was identified under condition 9(a), thus condition 9(d) was not applicable.
Part B – Standard Administrative conditions			
7.	The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action .	Compliant	The department was notified via email of commencement of the action (clearing) on the 25/05/2022. The department was notified of the recommendation of clearing on the 16/06/2022 via email on the 13/06/2022 for a 12 hour period. Fauna spotter was reengaged for this 12 hour clearing.
8.	The approval holder must maintain accurate and complete compliance records .	Compliant	Records are continued to be kept for all works relating to CPS 9219/1 and EPBC 2021/8902.
9.	If the Department makes a request in writing, the approval holder must provide electronic copies of	Not Applicable	No request has been made by the department.

	compliance records to the Department within the timeframe specified in the request		
10.	<p>Unless otherwise agreed to in writing by the Minister, the approval holder must:</p> <p>a. submit plans electronically to the Department</p> <p>b. publish each plan on the website within 20 business days of the date:</p> <p>i. of this approval decision if the version of the plan that must be implemented is specified in these conditions or in the Clearing Permit or</p> <p>ii. on which the plan is approved by the Western Australian Government or</p> <p>iii. on which a revised action management plan is approved by the Western Australian Government,</p> <p>c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public</p> <p>d. keep plans published on the website until the end date of this approval.</p>	a: Compliant	All plans relevant for clearing were sent to the Department via email on the 27/05/2022.
		b i: Compliant b ii: Compliant b iii: Compliant	All plans were uploaded to the website on the 26/05/2022.
		c: Compliant	All sensitive information was redacted from plans uploaded.
		d: Compliant	All plans remain published on the website and will remain until 25/02/2034.
11.	<p>The approval holder must prepare a compliance report 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</p>	a: Compliant	At the time of completion of this report, the report was published on the website on the 25/05/2023.
		b: Compliant	Email was sent to the Department on the 25/05/2023 with link to published report.
		c: Compliant	The report will remain published until 25/02/2034.
		d: Compliant	All sensitive data was redacted from the published report.

	<p>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 report to the Department within 5 business days of publication.</p>	e: Not applicable	Full compliance report was published to the company website on the 06/06/2024, emailed was sent to the department on the 06/06/2024, notifying them of the report's completion. No sensitive information was excluded.
12.	<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>	a: Not applicable	No incidents, non-compliance with the conditions; or non-compliance with the commitments made in plans have been identified.
		b: Not applicable	No incidents, non-compliance with the conditions; or non-compliance with the commitments made in plans have been identified.
		c: Not applicable	No incidents, non-compliance with the conditions; or non-compliance with the commitments made in plans have been identified.
13.	<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>	a: Not applicable	No incidents, non-compliance with the conditions; or non-compliance with the commitments made in plans have been identified.
		b: Not applicable	No incidents, non-compliance with the conditions; or non-compliance with the commitments made in plans have been identified.

	<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>	c: Not applicable	No incidents, non-compliance with the conditions; or non-compliance with the commitments made in plans have been identified.
14.	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister .	a: Not applicable	No request for an independent audit has been made by the Minister.
15.	<p>For each independent audit, the approval holder must:</p> <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</p> <p>c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.</p>	b: Not applicable	No request for an independent audit has been made by the Minister.
		c: Not applicable	No request for an independent audit has been made by the Minister.
16.	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	No request for an independent audit has been made by the Minister.
17.	Within 30 days after the completion of the action , the approval holder must notify the Department in writing and provide completion data .	Compliant	The department was notified on the 25/05/2022 of completion of the action. With additional notification made to the department on the 13/06/2023 for additional clearing performed. Completion data supplied via the website.

Attachment A





Attachment C



Map D



Map E



Attachments

Attachments can be found via the company website <https://vwalsh.com.au/public-information/>

- ClearedArea_GDA94MGAZ50_202206[1] - Shape File
- 12539969- REP-VVWalsh Environmental Management Plan combined R1
- 12536132_LTR_City of Bunbury ongoing management compiled