



APPROVAL

VV Walsh Cold Stores Expansion, Western Australia (EPBC 2021/8902)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (the EPBC Act). 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)	Rawling Road Pty Ltd
ACN of approval holder	073 911 118
Action	To clear vegetation and construct a cold stores facility on Lot 5 Rawling Road and Lot 1050 South Western Highway, Davenport, WA [See EPBC Act referral 2021/8902].

Approval decision

My decision on whether or not to approve the taking of the action for the purposes of the controlling provision for the action is as follows.

Controlling Provisions

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

Period for which the approval has effect

This approval has effect until 25 February 2034

Decision-maker

Julie Kennett
Acting Assistant Secretary
Environment Assessments West (WA, SA, NT) Branch

Signature

Date of decision

13 May 2022

Conditions of approval

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



ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

1. The approval holder must comply with conditions 4, 5, 7, 8, 9, 10, 11a(i), 11b(i), 11c, 12 and 13 of the **Clearing Permit**.
2. The approval holder must clear no more than 0.35 ha of **western ringtail possum habitat** within the **project area**.
3. The approval holder must not clear outside the marked **project area** on Lot 1050 as shown on the map in Attachment A.
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.
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.
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**.

Part B – Standard administrative conditions

Notification of date of commencement of the action

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**.

Compliance records

8. The approval holder must maintain accurate and complete **compliance records**.
9. 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

10. Unless otherwise agreed to in writing by the **Minister**, the approval holder must:
 - a. submit **plans** electronically to the **Department**
 - b. publish each **plan** on the **website** within 20 **business days** of the date:
 - 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
 - ii. on which the **plan** is approved by the Western Australian Government or
 - iii. on which a revised action management plan is approved by the Western Australian Government,
 - c. exclude or redact **sensitive ecological data** from **plans** published on the **website** or provided to a member of the public
 - d. keep **plans** published on the **website** until the end date of this approval.

Annual compliance reporting

11. 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:
 - 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

12. 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.
13. 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.

Independent audit

14. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.
15. 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**
 - c. submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.

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.

Completion of the action

17. Within 30 days after the **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.

Part C - Definitions

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, Offset 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 Policy V1.0*.

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' metadata 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.

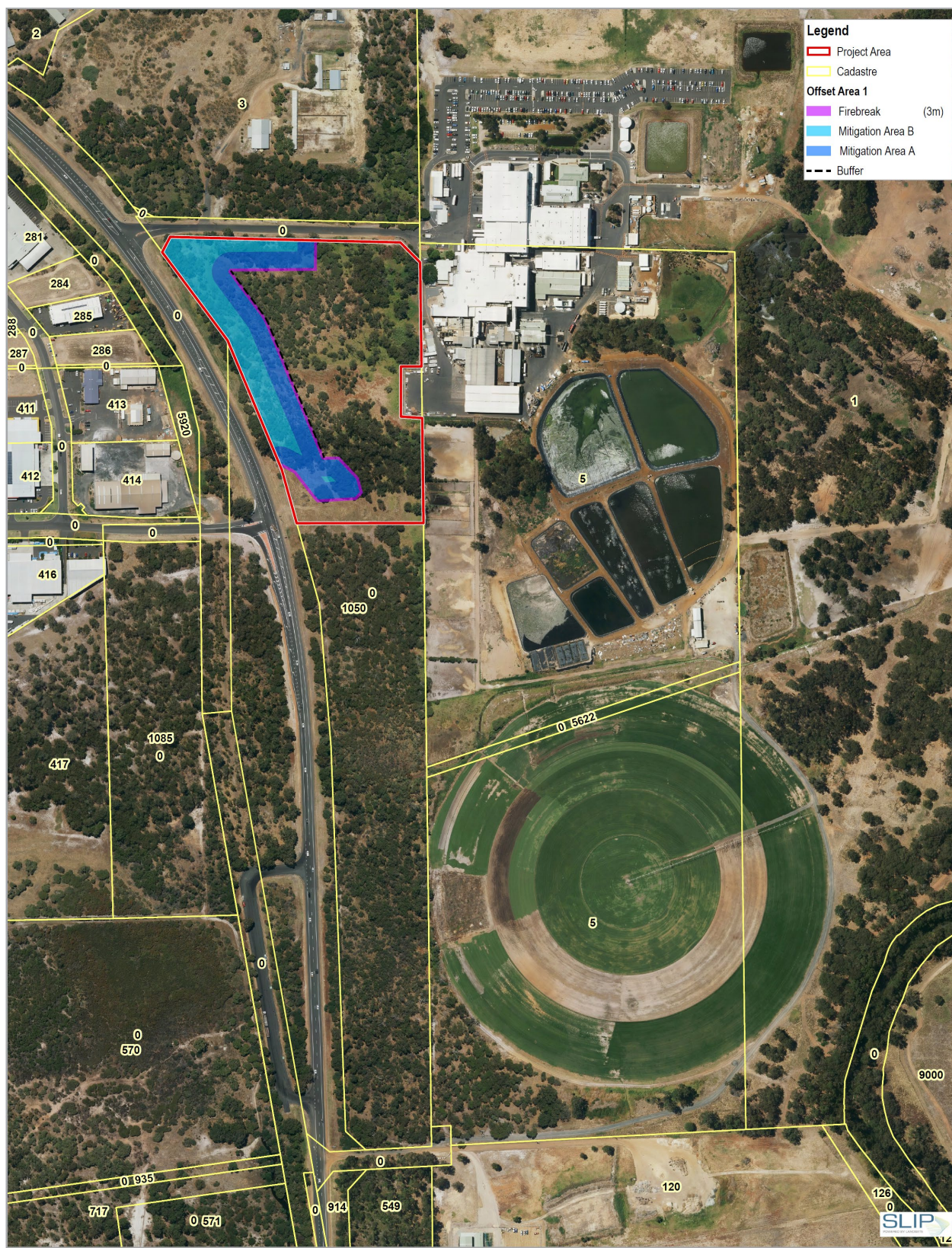
Western Ringtail Possum Habitat means habitat known to support western ringtail possums (*Pseudocheirus occidentalis*) within the known current distribution of the species, typically characterised by abundant foliage, presence of suitable nesting structures such as tree hollows, as well as high canopy 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.

Legend


- Project Area
- Cadastre

Offset Area 1

- Firebreak (3m)
- Mitigation Area B
- Mitigation Area A
- Buffer



Paper Size ISO A3
at Scale: 1:3,500



0 25 50 75 100
Meters

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 50



V & V Walsh
V & V Walsh Clearing Permit

Project No.	12539969
Revision No.	0
Date	2/12/2021

Detail Mitigation Area

FIGURE 2

Data source: Canine facial images / Lipdate / SLIP. Created by jlabonne