



**Lower Vasse River**

# **EPBC2021/9051 Annual Compliance Report 2023-2024**

**Prepared for  
City of Busselton**

**May 2024**

● people ● planet ● professional

| Document Reference | Revision       | Prepared by | Reviewed by | Admin Review | Submitted to Client |          |
|--------------------|----------------|-------------|-------------|--------------|---------------------|----------|
|                    |                |             |             |              | Copies              | Date     |
| 4513AJ_Rev0        | Internal Draft | NP          | AW          | -            | -                   | 20/01/24 |
| 4513AJ_Rev1        | Client Draft   | AW          | AW          | RH           | 1 (PDF)             | 21/05/24 |
| 4513AJ_Rev2        | Client Final   | AW          | VM          | RH           | 1 (PDF)             | 28/05/24 |

### Disclaimer

This report is issued in accordance with, and is subject to, the terms of the contract between the Client and 360 Environmental Pty Ltd, including, without limitation, the agreed scope of the report. To the extent permitted by law, 360 Environmental Pty Ltd shall not be liable in contract, tort (including, without limitation, negligence) or otherwise for any use of, or reliance on, parts of this report without taking into account the report in its entirety and all previous and subsequent reports. 360 Environmental Pty Ltd considers the contents of this report to be current as at the date it was produced. This report, including each opinion, conclusion and recommendation it contains, should be considered in the context of the report as a whole. The opinions, conclusions and recommendations in this report are limited by its agreed scope. More extensive, or different, investigation, sampling and testing may have produced different results and therefore different opinions, conclusions and recommendations. Subject to the terms of the contract between the Client and 360 Environmental Pty Ltd, copying, reproducing, disclosing or disseminating parts of this report is prohibited (except to the extent required by law) unless the report is produced in its entirety including this cover page, without the prior written consent of 360 Environmental Pty Ltd.

© Copyright 2024 360 Environmental Pty Ltd ACN 109 499 041

## Table of Contents

|          |                                       |           |
|----------|---------------------------------------|-----------|
| <b>1</b> | <b>Introduction.....</b>              | <b>1</b>  |
| 1.1      | Purpose of this Document .....        | 1         |
| 1.2      | Timing.....                           | 1         |
| <b>2</b> | <b>Declaration of Accuracy.....</b>   | <b>2</b>  |
| <b>3</b> | <b>Description of Activities.....</b> | <b>3</b>  |
| 3.1      | Management Plans .....                | 3         |
| <b>4</b> | <b>Compliance Summary .....</b>       | <b>5</b>  |
| <b>5</b> | <b>References .....</b>               | <b>12</b> |

## List of Figures

|   |    |
|---|----|
| Figure 1: LVR Stage 2 Area and Monitoring Locations ..... | 15 |
|---|----|

## List of Tables

|  |   |
|--|---|
| Table 1: Summary of Compliance with EPBC 2021/9051 ..... | 5 |
|--|---|

## List of Appendices

|                                    |  |
|------------------------------------|--|
| Appendix A EPBC 2021/9051 Approval |  |
|------------------------------------|--|

## 1 Introduction

The Lower Vasse River Sediment Removal Project (the Project) was referred to the Department of Agriculture, Water and the Environment (DAWE, now the Department of Climate Change, Energy, the Environment and Water [DCCEEW]) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) in 2021. The Project involves the removal of nutrient-rich sediment from the Lower Vasse River (LVR) in Busselton by mechanical means (dredging) and management of dredged sediments in geotextile tubes within an onshore laydown area (refer Figure 1). The primary objective is to reduce the nutrient load of the LVR to minimise the proliferation of toxic algal blooms during summer.

The Project was determined to be a 'Controlled Action' due to the potential direct (dredging) and indirect (habitat disturbance) impacts on a locally significant population of *Westralunio carteri* (Carter's Freshwater Mussel) and potential water quality impacts to the downstream Ramsar Vasse Wonnerup Wetland System.

The Project, and associated technical management plans, was formally assessed, and received approval in February 2022 (EPBC2021/9051; Attachment 1). The 'action', being the activities associated with sediment removal from the Lower Vasse River (LVR) in Busselton, Western Australia, was commenced on 4 April 2022 (refer Attachment 2) with the construction of an onshore laydown area.

### 1.1 Purpose of this Document

This annual compliance report (ACR) has been prepared in accordance with the Department of the Environment (DoE, now DCCEEW) Annual Compliance Report Guidelines (DoE 2014) to satisfy Condition 10 of EPBC2021/9051 (Attachment 1) related to Stage 2 of the Project.

### 1.2 Timing

This ACR presents a summary of the compliance items related to the action for the period 4 April 2023 to 4 April 2024. In accordance with the signed letter of commencement, this ACR is due by 3 June 2024.

## 2 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)

ANTHONY GRAHAM NOTLES

Position (please print)

CHIEF EXECUTIVE OFFICER.

Organisation (please print including ABN/ACN if applicable)

CITY OF BUSSELTON

Date

30 / 5 / 24

### 3 Description of Activities

Stage 2 of the Project consisted of targeted dredging along a 400 m stretch of the river between the Causeway Bridge and the old boat ramp adjacent Southern Drive (Figure 1). The dredging was completed using a GeoPro™ Microdredge with a horizontal auger between 2 May and 20 June 2023 with the dredge operational for a total of 30 days.

The dredged sediments were pumped into GeoPro™ desludging tubes located within an onshore lined and bunded laydown area. The laydown area was connected to a tailor-made return water channel fitted with a Phoslock dosing system to bind and hence reduce the phosphorous concentration in the return water prior to discharge, and a series of rock baffles and weirs, aimed at aiding oxidation/nitrification and hence reducing ammoniacal nitrogen concentrations prior to discharge to the LVR.

The tubes remained in-situ for several months to facilitate further dewatering and to ensure the meteorological conditions were amicable to open the tubes and transport the sediment to the treatment facility (i.e. not raining).

It was confirmed that approximately 1,400 m<sup>3</sup> of sediment was removed from the LVR during the Stage 2 dredging campaign. The dewatered sediment was mixed with sand and lime at the treatment facility, validated for ASS neutralisation, and characterised for disposal.

#### 3.1 Management Plans

##### 3.1.1 Acid Sulfate Soil and Dewatering Management Plan

The Acid Sulfate Soils and Dewatering Management Plan (ASSDMP; 360 Environmental 2023) was prepared to satisfy condition 2 of EPBC 2021/9051. The ASSDMP details the management actions and contingency measures that will be implemented for the duration of the project. Of most relevance is the water quality monitoring program undertaken for the duration of dredging and return water discharge. The water quality data was assessed during the initial stage of dredging, and it was concluded that there was no impact to the downstream Vasse Wonnerup Wetland System. While there were elevated nutrient concentrations within the LVR during the dredging activities, the impacts were localised and dissipated quickly post-dredging.

The outcomes of the initial stage of dredging are detailed in the LVR Stage 2 Closure Report (360 Environmental, now part of SLR, 2024).

##### 3.1.2 Dredge and Disposal Management Plan

The Dredge and Disposal Management Plan (DDMP; 360 Environmental 2022) was prepared to satisfy condition 3 of EPBC 2021/9051. The DDMP details the management actions and contingency measure that will be implemented for the duration of the project. The primary commitment of the DDMP is to provide appropriate management controls that would ensure no adverse impact to the water quality of the Vasse Wonnerup Wetland System. The outcome of this objective is measured by the monitoring of water quality in the LVR upstream

downstream and adjacent to the dredging and return water discharge locations. The data is compared to baseline data and derived trigger levels as per the requirements of the ASSDMP.

### 3.1.3 Carter's Freshwater Mussel Management Plan

The Environmental Management Plan for Carter's Freshwater Mussel *Westralunio carteri* (Beatty et al. 2023) was prepared to satisfy condition 1 of EPBC 2021/9051.

The primary reason for the action being a "Controlled Action" under the EPBC Act was the potential impacts of the action on a locally significant population of Carter's Freshwater Mussel (*Westralunio carteri*). Unfortunately, due to a saline intrusion event in April 2021, there were no live mussels within the area subject to the initial stages of the sediment removal (2022, 2023).

The management objectives of the plan included minimising mortality and restoring population abundance within the sediment removal site. Given that there were no mussels within the sediment removal site (dredge area), the management measures and controls detailed in the plan, including relocation, was not required to be implemented for this stage of dredging.

## 4 Compliance Summary

**Table 1: Summary of Compliance with EPBC 2021/9051**

| Condition #                                | Condition   | Compliance Status | Details   |
|--|---|-------------------|---|
| Part A – Conditions specific to the action |   |                   |   |
| 1.   | The approval holder must not undertake <b>dredging</b> outside the <b>project area</b> .  | Compliant         | Dredging was confined to the approved area.   |
| 2.   | For the protection of <b>Carter’s Freshwater Mussels</b> the approval holder must implement all avoidance, mitigation and management measures specified in the <b>Carter’s Freshwater Mussel Management Plan</b> for the <b>life of the approval</b> .                                    | Compliant         | The plan was implemented; however no specific controls or provisions were required during the first stage of dredging due to no target species being present within the dredge area.  |
| 3.   | For the protection of the <b>ecological character of the Vasse Wonnerup Wetlands</b> the approval holder must implement all avoidance, mitigation and management measures specified in the <b>Dredge and Disposal Management Plan</b> for the <b>life of the approval</b> .               | Compliant         | The Dredge and Disposal Management Plan (DDMP; 4513AA_Rev3) controls were implemented successfully during this stage of dredging. There were no incidents, nor complaints, reported.  |
| 4.   | For the protection of the <b>ecological character of the Vasse Wonnerup Wetlands</b> the approval holder must implement all avoidance, mitigation and management measures specified in the <b>Acid Sulfate Soils and Dewatering Management Plan</b> for the <b>life of the approval</b> . | Compliant         | The Acid Sulfate Soils and Dewatering Management Plan (ASSDMP; 4602AA_Rev5) was implemented successfully during this stage of dredging. The water quality monitoring indicated that although nutrient concentrations in the return water were elevated, there was no resultant impact on the downstream Vasse Wonnerup Wetland System (360 Environmental, now SLR, 2024). |

| Condition #                                 | Condition   | Compliance Status | Details  |
|---|---|-------------------|--|
| Part B – Standard administrative conditions |   |                   |  |
| 5.  | The approval holder must notify the <b>Department</b> in writing of the date of <b>commencement of the action</b> within 10 <b>business days</b> after the date of <b>commencement of the action</b> .  | Compliant         | The action commenced on 4 April 2022 and commencement was acknowledged by DAWE (now DCCEE) on 26 April 2022.   |
| 6.  | The approval holder must maintain accurate and complete <b>compliance records</b> .   | Compliant         | Internal compliance record management system.  |
| 7.  | If the <b>Department</b> makes a request in writing, the approval holder must provide electronic copies of <b>compliance records</b> to the <b>Department</b> within the timeframe specified in the request   | Not Applicable    | No such requests were received.  |
| 8.  | The approval holder must:<br>a. submit <b>plans</b> electronically to the <b>Department</b><br>b. unless otherwise agreed to in writing by the Minister, publish each <b>plan</b> on the website within 20 <b>business days</b> of:<br>i. if the version of the <b>plan</b> to be implemented is specified in these conditions, the date of this approval decision; or<br>ii. the date a revised <b>plan</b> is approved by the Minister; or<br>iii. the date a revised action management plan is submitted to the <b>Minister</b> or the <b>Department</b> in accordance with conditions 17 and 18<br>c. exclude or redact <b>sensitive ecological data</b> from <b>plans</b> published on the <b>website</b> or provided to a member of the public<br>d. keep <b>plans</b> published on the <b>website</b> until the end date of this approval. | Compliant         | All plans were submitted electronically to the Department and posted to the City of Busselton website upon receipt of notification of approval by the Department.<br><br>The City received confirmation by email from DCCEE on 5 April 2023 that the revised CFMP and ASSDMP could be implemented in place of the previously approved plans. The revised plans were posted to the website and subsequently implemented during Stage 2. |

| Condition # | Condition   | Compliance Status | Details  |
|-------------|---|-------------------|--|
| 9.          | The approval holder must ensure that any <b>monitoring data</b> (including <b>sensitive ecological data</b> ), surveys, maps, and other spatial and metadata required under a <b>plan</b> , is prepared in accordance with the <b>Department's</b> Guidelines for biological survey and mapped data (2018) and submitted electronically to the <b>Department</b> in accordance with the requirements of the <b>plan</b> .   | Compliant         | No monitoring data is required to be submitted directly to the Department under the approved plans.<br><br>The LVR Stage 2 Closure Report, which presents an overview and the data from the second stage of dredging, has been issued separately to the Department.  |
| 10.         | The approval holder must prepare a <b>compliance report</b> for each 12 month period following the date of <b>commencement of the action</b> , or as otherwise agreed in writing by the Minister. The approval holder must:<br>a. publish each <b>compliance report</b> on the <b>website</b> within 60 <b>business days</b> following the relevant 12 month period<br>b. notify the <b>Department</b> by email that a <b>compliance report</b> has been published on the <b>website</b> and provide the weblink for the <b>compliance report</b> within 5 <b>business days</b> of the date of publication<br>c. keep all <b>compliance reports</b> publicly available on the <b>website</b> until this approval expires<br>d. exclude or redact <b>sensitive ecological data</b> from <b>compliance reports</b> published on the <b>website</b><br>e. where any <b>sensitive ecological data</b> has been excluded from the version published, submit the full <b>compliance report</b> to the Department within 5 business days of publication. | Compliant         | This document covers the requirements of Condition 10 and will be published on the website prior to the due date stipulated on the letter of commencement (Appendix B) being 3 June 2024.<br><br>Notification and a weblink will be provided to DCCEEW following the posting of this EPBC compliance report. |

| Condition # | Condition   | Compliance Status | Details  |
|-------------|---|-------------------|--|
| 11.         | <p>The approval holder must notify the <b>Department</b> in writing of any: <b>incident</b>; non-compliance with the conditions; or non-compliance with the commitments made in <b>plans</b>. The notification must be given as soon as practicable, and no later than <b>2 business days</b> after becoming aware of the <b>incident</b> or non-compliance. The notification must specify:</p> <ul style="list-style-type: none"> <li>a. any condition which is or may be in breach</li> <li>b. a short description of the <b>incident</b> and/or non-compliance</li> <li>c. the location (including co-ordinates), date, and time of the <b>incident</b> and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.</li> </ul> | Not Applicable    | There were no reportable non-compliances during this reporting period. |
| 12.         | <p>The approval holder must provide to the <b>Department</b> the details of any <b>incident</b> or non-compliance with the conditions or commitments made in <b>plans</b> as soon as practicable and no later than <b>10 business days</b> after becoming aware of the <b>incident</b> or non-compliance, specifying:</p> <ul style="list-style-type: none"> <li>a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future</li> <li>b. the potential impacts of the <b>incident</b> or non-compliance</li> <li>c. the method and timing of any remedial action that will be undertaken by the approval holder.</li> </ul>  | Not Applicable    | There were no reportable non-compliances during this reporting period. |
| 13.         | The approval holder must ensure that <b>independent audits</b> of compliance with the conditions are conducted as requested in writing by the <b>Minister</b> .   | Not Applicable    | No independent audit was requested by the Minister.                    |

| Condition # | Condition   | Compliance Status | Details  |
|-------------|---|-------------------|--|
| 14.         | For each <b>independent audit</b> , the approval holder must:<br>a. provide the name and qualifications of the independent auditor and the draft audit criteria to the <b>Department</b><br>b. only commence the <b>independent audit</b> once the audit criteria have been approved in writing by the <b>Department</b><br>c. submit an audit report to the <b>Department</b> within the timeframe specified in the approved audit criteria.   | Not Applicable    | No independent audit was requested by the Minister.                    |
| 15.         | The approval holder must publish the audit report on the <b>website</b> within 10 <b>business days</b> of receiving the <b>Department's</b> approval of the audit report and keep the audit report published on the <b>website</b> until the end date of this approval.   | Not Applicable    | No independent audit was requested by the Minister.                    |
| 16.         | The approval holder may, at any time, apply to the <b>Minister</b> for a variation to an action management plan approved by the <b>Minister</b> , or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the <b>EPBC Act</b> . If the <b>Minister</b> 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. | Not Applicable    | No RAMPs were provided to the Department during this reporting period. |
| 17.         | The approval holder may choose to revise an action management plan approved by the <b>Minister</b> , or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the <b>EPBC Act</b> , if the taking of the action in accordance with the RAMP would not be likely to have a <b>new or increased impact</b> .  | Not Applicable    | No RAMPs were provided to the Department during this reporting period. |

| Condition # | Condition  | Compliance Status | Details  |
|-------------|--|-------------------|--|
| 18.         | <p>If the approval holder makes the choice under condition 17 to revise an action management plan without submitting it for approval, the approval holder must:</p> <ul style="list-style-type: none"> <li>a. notify the <b>Department</b> in writing that the approved action management plan has been revised and provide the <b>Department</b> with:               <ul style="list-style-type: none"> <li>i. an electronic copy of the RAMP</li> <li>ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP</li> <li>iii. an explanation of the differences between the approved action management plan and the RAMP</li> <li>iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a <b>new or increased impact</b></li> <li>v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department.</li> </ul> </li> <li>b. subject to condition 20, implement the RAMP from the RAMP implementation date.</li> </ul> | Not Applicable    | No RAMPs were provided to the Department during this reporting period. |
| 19.         | <p>The approval holder may revoke their choice to implement a RAMP under condition 17 at any time by giving written notice to the <b>Department</b>. If the approval holder revokes the choice under condition 21, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 21.</p>   | Not Applicable    | The previous period RAMPs were implemented during this stage of works. |

| Condition # | Condition  | Compliance Status | Details  |
|-------------|--|-------------------|--|
| 20.         | If the <b>Minister</b> gives a notice to the approval holder that the <b>Minister</b> is satisfied that the taking of the action in accordance with the RAMP would be likely to have a <b>new or increased impact</b> , then:<br>a. condition 17 does not apply, or ceases to apply, in relation to the RAMP<br>b. the approval holder must implement the action management plan specified by the <b>Minister</b> in the notice. | Not Applicable    | The Department accepted the RAMPs submitted during the previous period under Condition 17 on 5 April 2023. |
| 21.         | At the time of giving the notice under condition 20, the <b>Minister</b> may also notify that for a specified period of time, condition 17 does not apply for one or more specified action management plans.   | Not Applicable    | The Department accepted the RAMPs under Condition 17.  |
| 22.         | Within 30 days after the <b>completion of the action</b> , the approval holder must notify the <b>Department</b> in writing and provide <b>completion data</b> .   | Not Applicable    | Action is in progress.   |

## 5 References

360 Environmental 2022, Dredge and Disposal Management Plan (4513AA\_Rev3), prepared for the City of Busselton, January 2022.

360 Environmental 2023, Acid Sulfate Soils and Dewatering Management Plan (4602AF\_Rev5), prepared for the City of Busselton, February 2023.

360 Environmental, part of SLR, 2024, 4602AE Stage 2 LVR Sediment Removal Closure Report.

Beatty S, Cottingham A, Lymbery A, and Paice R, 2023, Environmental Management Plan for Carter's Freshwater Mussel *Westralunio carteri*, prepared for City of Busselton, January 2023.

Commonwealth of Australia: Department of Environment (DoE) 2014, Annual Compliance Report Guidelines.

Commonwealth of Australia: Department of the Environment and Energy (DoEE) 2018, Guidelines for biological survey and mapped data.

## Figures



## Legend

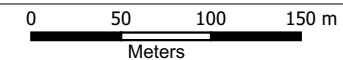
- Stage 2 Dredge Area
- Laydown Area and Return Water Channel

## Sampling Locations

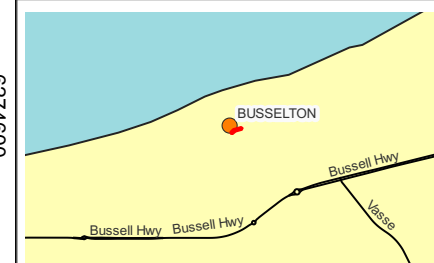
- Water Sampling Locations

- CADASTRAL BOUNDARY SOURCED FROM LANDGATE 2024  
- AERIAL PHOTOGRAPHY SOURCED FROM NEARMAPS 2024  
- NOTE THAT POSITION ERRORS CAN BE >5M IN SOME AREAS

**360** environmental  
Part of **SLR**  
a Level 1, 500 Hay Street  
Subiaco WA 6008  
t (+618) 9388 8360  
w www.slrconsulting.com



## LOCALITY MAP



|                    |                    |                |
|--------------------|--------------------|----------------|
| PROJECT NO<br>4602 | DATE<br>21/05/2024 | REVISION<br>0  |
| CREATED<br>VM      | CHECKED<br>AW      | APPROVED<br>AW |

City of Busselton, Lower Vasse River

Annual Compliance Report

## Figure 1

Sampling Locations

# **Appendix A**

## **EPBC 2021/9051 Approval**



## APPROVAL

### Lower Vasse River Sediment Removal, Busselton, Western Australia (EPBC 2021/9051)

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

|   |   |
|---|---|
| <b>Person to whom the approval is granted (approval holder)</b> | City of Busselton   |
| <b>ABN of approval holder</b>                                   | 87 285 608 991  |
| <b>Action</b>   | To remove sediment from the Lower Vasse River between the Bussell Highway Bypass and the Butter Factory Museum, in Busselton, Western Australia [See EPBC Act referral 2021/9051] |

#### 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 |

#### Period for which the approval has effect

This approval has effect until 1 January 2032

#### Decision-maker

|                          |   |
|--------------------------|---|
| <b>Name and position</b> | Tanya Stacpoole<br>Acting Assistant Secretary<br>Environment Assessments West (WA, SA, NT) Branch |
| <b>Signature</b>         |                |
| <b>Date of decision</b>  | 16 February 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 not undertake **dredging** outside the **project area**.
2. For the protection of **Carter’s Freshwater Mussels** the approval holder must implement all avoidance, mitigation and management measures specified in the **Carter’s Freshwater Mussel Management Plan** for the **life of the approval**.
3. For the protection of the **ecological character of the Vasse Wonnerup Wetlands** the approval holder must implement all avoidance, mitigation and management measures specified in the **Dredge and Disposal Management Plan** for the **life of the approval**.
4. For the protection of the **ecological character of the Vasse Wonnerup Wetlands** the approval holder must implement all avoidance, mitigation and management measures specified in the **Acid Sulfate Soils and Dewatering Management Plan** for the **life of the approval**.

---

### Part B – Standard administrative conditions

---

#### Notification of date of commencement of the action

5. 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

6. The approval holder must maintain accurate and complete **compliance records**.
7. 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

8. 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:
    - i. if the version of the **plan** to be implemented is specified in these conditions, the date of this approval decision; or
    - ii. the date a revised **plan** is approved by the **Minister**; or
    - iii. the date a revised action management plan is submitted to the **Minister** or the **Department** in accordance with conditions 17 and 18
  - 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.
9. The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under a **plan**, is 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**.

### **Annual compliance reporting**

10. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or as otherwise agreed 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**

11. 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.
12. 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**

13. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.
14. 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.
15. 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**

16. The approval holder may, at any time, apply to the **Minister** for a variation to an action management plan approved by the **Minister**, 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.
17. The approval holder may choose to revise an action management plan approved by the **Minister**, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the action in accordance with the RAMP would not be likely to have a **new or increased impact**.
18. If the approval holder makes the choice under condition 17 to revise an action management plan without submitting it for approval, the approval holder must:
- a. notify the **Department** in writing that the approved action management plan has been revised and provide the **Department** with:
    - i. an electronic copy of the RAMP
    - ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP
    - iii. an explanation of the differences between the approved action management plan and the RAMP
    - iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a **new or increased impact**
    - v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 **business days** after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the **Department**.
  - b. subject to condition 20, implement the RAMP from the RAMP implementation date.
19. The approval holder may revoke their choice to implement a RAMP under condition 17 at any time by giving written notice to the **Department**. If the approval holder revokes the choice under condition 21, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 21.
20. If the **Minister** gives a notice to the approval holder that the **Minister** is satisfied that the taking of the action in accordance with the RAMP would be likely to have a **new or increased impact**, then:
- a. condition 17 does not apply, or ceases to apply, in relation to the RAMP
  - b. the approval holder must implement the action management plan specified by the **Minister** in the notice.
21. At the time of giving the notice under condition 20, the **Minister** may also notify that for a specified period of time, condition 17 does not apply for one or more specified action management plans.

**Note:** conditions 17, 18, 19, and 20 are not intended to limit the operation of section 143A of the **EPBC Act** which allows the approval holder to submit a revised action management plan, at any time, to the **Minister** for approval.

## Completion of the action

22. 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:

**Acid Sulfate Soils and Dewatering Management Plan** means the *Lower Vasse River, Busselton Acid Sulfate Soil and Dewatering Management Plan*, dated February 2022, prepared for the City of Busselton, prepared by 360 Environmental, submitted to the **Department** on 10 February 2022 or a revised version of this plan approved by the **Minister**, in writing, or revised in accordance with conditions 17 to 21 of this approval.

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

**Carter's Freshwater Mussel** means the **EPBC Act** listed threatened species *Westralunio carteri*.

**Carter's Freshwater Mussel Management Plan** means *Sediment removal in the lower Vasse River: Environmental Management Plan for Carter's Freshwater Mussel Westralunio carteri*, dated August 2021, prepared for City of Busselton, prepared by the Centre for Sustainable Aquatic Ecosystems, Harry Butler Institute, Murdoch University, Ottelia Ecology, submitted with the referral documentation or a revised version of this plan approved by the **Minister**, in writing, or revised in accordance with conditions 17 to 21 of this approval.

**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).

**Commencement of the action** means the first instance of any specified activity associated with the action including **dredging**, **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 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 reports** 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 *Annual Compliance Report Guidelines*, Commonwealth of Australia, 2014, available from: <https://www.awe.gov.au/sites/default/files/documents/annual-compliance-report-guidelines-revised.pdf>
- 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**.

**Dredge and Disposal Management Plan** means the *Lower Vasse River Dredge and Disposal Management Plan*, dated January 2022, prepared for the City of Busselton, prepared by 360 Environmental, submitted to the **Department** on 20 January 2022 or a revised version of this plan approved by the **Minister**, in writing, or revised in accordance with conditions 17 to 21 of this approval.

**Dredging** means activities related to or involving the removal of sediment from the channel of the Lower Vasse River.

**Ecological character of the Vasse-Wonnerup Wetlands** means the *Ecological Character Description for the Vasse-Wonnerup Wetlands Ramsar Site South-west Western Australia*, prepared on behalf of Department of Environment and Conservation and Geographe Catchment Council Inc. (GeoCatch), prepared by Wetland Research & Management, dated September 2007, available from the Australian Wetlands Database for Ramsar wetlands [available from: [https://www.dpaw.wa.gov.au/images/documents/conservation-management/wetlands/ramsar/ECD\\_Vasse\\_Wonnerup.pdf](https://www.dpaw.wa.gov.au/images/documents/conservation-management/wetlands/ramsar/ECD_Vasse_Wonnerup.pdf) ]

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

**Incident(s)** means any event which has the potential to, or does, impact on one or more **protected matter(s)**, other than as authorised by this approval.

**Independent audit** 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*, Commonwealth of Australia, 2019, available from <https://www.awe.gov.au/sites/default/files/documents/independent-audit-report-guidelines-2019.pdf>

**Life of the approval** means the period for which this approval has effect.

**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.

**New or increased impact** means a new or increased environmental impact or risk relating to any **protected matter**, when compared to the likely impact of implementing the action management plan that has been approved by the **Minister** under conditions 2,3 and 4, including any subsequent revisions approved by the **Minister**, as outlined in the *Guidance on 'New or Increased Impact' relating to changes to approved management plans under EPBC Act environmental approvals*, Commonwealth of Australia, 2017, available from: <https://www.awe.gov.au/sites/default/files/documents/new-increased-impact-guidance.pdf>

**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).

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

**Project area** means the area represented on the map in Attachment A by the zone enclosed by the yellow line and labelled as “*Proposed Dredge Area*”

**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, Commonwealth of Australia, 2016* available from:

<https://www.awe.gov.au/sites/default/files/documents/sensitive-ecological-data-access-mgt-policy.pdf>

**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 professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

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

Attachment A – Map of the Project Area

