

Proponent: Shellbay Holdings Pty Ltd.

EPBC Referral Number reference: EPBC 2011/6121.

EPBC Approval Conditions Compliance Table 2024.

Project: All weather access track road, Doggerup Road, Windy Harbour.

Table 1. EPBC 2011/6121 Approval Conditions Compliance Table 2024.

Condition number/reference	Condition	Project compliant with the condition (Compliant or Non-Compliant or Not applicable)	Comments	Evidence or reference
1.	The person taking the action must not clear more than 3.25ha of Potential Foraging and breeding habitat for black cockatoos.	Compliant	A total of 2.5ha was cleared in Foraging and Breeding habitat. Shapefiles have been provided of clearing area. Avoidance and minimisation strategies were undertaken for this project. This information was provided to DCCEEW on 7/02/2025.	LAND001_2025_EPBC_Mapv108.mxd Letter DCCEEW [EPBC2011.6121]_07022025
2.	To mitigate the potential impacts to black cockatoos, the person taking the action must undertake revegetation of a minimum of 1.5ha of black cockatoo foraging habitat of degraded areas caused by construction activities. The revegetation must be undertaken in accordance with the Environmental Management Plan required under the <i>WA Environmental Protection Act 1986</i> approved for the all weather access track road or otherwise agreed to in writing by the Department.	Compliant	A total of 1.18ha was rehabilitated and revegetated. Revegetation was undertaken in accordance with the approved Environmental Management Plan; photographs of revegetation areas are provided in 'Annual Performance & Compliance Reports - Ministerial Statement 936' 2014 - 2019 that were provided to WA Office of the Environmental Protection Agency (OEPA) and provided to DCCEEW on 7 February 2025. A total of 46% revegetation of the total cleared area was undertaken, which was based on the original conditions and percentage calculations for the 1.5ha. Due to avoidance and minimisation	2014 Annual Performance & Compliance Report – Ministerial Statement 936 2015 Annual Performance & Compliance Report – Ministerial Statement 936 2016 Annual Performance & Compliance Report – Ministerial Statement 936 2017 Annual Performance & Compliance Report – Ministerial Statement 936 2019 Annual Performance & Compliance Report – Ministerial Statement 936

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			strategies being implemented and the smaller overall clearing footprint, the revegetation and rehabilitation area was smaller while still achieving the original percentage requirements. This information was provided to DCCEEW on 7/02/2025.	Letter DCCEEW [EPBC2011.6121]_07022025
3.	To prevent the occurrence of Dieback (<i>Phytophthora cinnamomi</i>) and to mitigate potential impacts to black cockatoos, the person taking the action must ensure that prior to entering the all weather access track road, all vehicles engaged in the construction and revegetation activities must be brushed down or high pressure hosed in accordance with WA DEC Best Practice Guidelines for the Management of <i>Phytophthora cinnamomi</i> .	Compliant	Strict hygiene practices were in place and enforced during construction. These were outlined in the Environmental Management Plan for construction activities that was in place and followed up via site inspections and briefings. Site inspection logs and email correspondence also demonstrates these protocols were enforced when non-conformances were identified. The project also operated under EPA Ministerial Statement 936. This statement included conditions related Phytophthora management under Condition 5, 5-1,5-2, 5-3, and 5-4. Specifically, condition 5-3 and stated; <i>5-3 Prior to construction the proponent shall submit to the CEO dieback hygiene protocols to apply to vehicles, machines and personal, during construction and ongoing maintenance, consistent with, and any future revisions of, Managing Phytophthora Dieback Guidelines for Local</i>	Phytophthora Dieback Assessment Report – Doggerup Road March 2019 Environmental Management Plan: Approved EMP MS936 05-02-2014 Site Inspection Logs Photographs of site signage (SAM_2888 & SAM_2890) EPA Condition 5-3 approval letter dated 11 February 2014 Letter DCCEEW [EPBC2011.6121]_07022025

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			government (Dieback Working Group 2000), for approval. A Phytophthora Dieback Assessment report was prepared in 2019. This report concluded that it did not appear that road works have contributed to any expansion of disease boundaries. This information was provided to DCCEEW on 7/02/2025.	
4.	To avoid potential impacts to the listed vulnerable Balston's Pygmy Perch (<i>Nannathermia balstoni</i>), the person taking the action must implement drainage measures so that where the all weather access track road traverses creeks and areas of inundation, the natural surface water flows and flooding regime of the area are not altered.	Compliant	The project also operated under EPA Ministerial Statement 936. This statement included conditions related hydrological processes under Condition 6, 6-1 and 6-2. Specifically, this stated; 6-1 The proponent shall aim to ensure that the implementation of the proposal does not adversely alter the natural surface flows and flooding regime where the road traverses creeks and areas of inundation; and 6-2 Prior to construction the proponent shall submit a plan for the approval of the CEO which details the locations, spacings and sizes of drainage infrastructure, and height of the road, based on the recommendations in the MPM Development Consultants Engineering Assessment, Doggerup road, Windy Harbour, MPM Development Consultants, 2010, onsite monitoring and cross	EPA Condition 6-2 approval letter dated 14 February 2014 2014 Annual Performance & Compliance Report – Ministerial Statement 936 2015 Annual Performance & Compliance Report – Ministerial Statement 936 2016 Annual Performance & Compliance Report – Ministerial Statement 936 2017 Annual Performance & Compliance Report – Ministerial Statement 936 2019 Annual Performance & Compliance Report – Ministerial Statement 936 Letter DCCEEW [EPBC2011.6121]_07022025

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			sectional profiles in Figure 2 of Schedule 1, in order to meet the requirements of condition 6-1. This approval was granted in February 2014. Annual reporting was then undertaken against EPA Ministerial conditions in 2014, 2015, 2016, 2017, 2019 via 'Annual Performance and Compliance Reports – Ministerial Statement 936'. This information was provided to DCCEEW on 7/02/2025.	
5.	Within 30 days after the Commencement of the action, the person taking the action must advise the Department in writing of the actual date of Commencement.	Compliant	The dates the works commenced were; Phase 1: 17 February 2014 to 10 March 2014. Phase 1 works included; ▯ Clearing of native vegetation along a approx. 10m corridor within Doggerup Road reserve; ▯ Installation of drainage structures; ▯ Forming and shaping of the track; ▯ Rehabilitation along road reserve. Phase 2: 5 January 2015 to 20 April 2015. Phase 2 works included; ▯ Limestone formation and final grading of track;	Letter DCCEEW [EPBC2011.6121]_07022025

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			- Rock pitching of culverts; - Final contouring and grading of track. While this information was not provided directly to DCCEEW at the time of commencement, this information was provided to State Government Agencies and the WA Office of the Environmental Protection Agency (OEPA) via 'Annual Performance and Compliance Reports - Ministerial Statement 936' for 2014 and 2015. DCCEEW was informed in writing on 7 February 2025 as part of show cause and request for further information correspondence between the Department and Shellbay Holdings Pty Ltd.	
6.	Within three months of every 12 months anniversary of the Commencement of the action, the person taking action must publish a report on their website addressing the compliance with each of the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published.	Compliant	This information was provided to State Government Agencies via 'Annual Performance and Compliance Reports - Ministerial Statement 936' and the Shire of Manjimup was fully informed of the status of the project, including having Shire Officers attending site on numerous occasions during construction. The Shire of Manjimup did publish information regarding the project on their website and in the Bridgetown Manjimup Times on the 11/7/2012. DCCEEW was informed in writing on 7 February 2025 as part of show cause and request for further information correspondence between the	2014 Annual Performance & Compliance Report – Ministerial Statement 936 2015 Annual Performance & Compliance Report – Ministerial Statement 936 2016 Annual Performance & Compliance Report – Ministerial Statement 936 2017 Annual Performance & Compliance Report – Ministerial Statement 936 2019 Annual Performance & Compliance Report – Ministerial Statement 936

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			Department and Shellbay Holdings Pty Ltd that this condition had previously been non-compliant. This report forms the annual compliance reporting for this condition for the 2024/2025 reporting year and is available publicly at: https://www.biodiversesolutions.com.au/projects/ Completion of the 2025/2026 reporting period is due by 17 May 2026.	Letter DCCEEW [EPBC2011.6121]_07022025
7.	Upon direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed by the Minister and the audit report must address the criteria to the satisfaction of the Minister.	Not applicable	The Minister has not directed an independent audit.	Not applicable
8.	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, and make them available upon request to the Department. Such records may be subjected to audit by the Department or an independent auditor in accordance	Compliant	Records have been kept and maintained. The Evidence column lists evidence validating the compliance assessment detail in this report.	Not applicable

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	with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Departments website. The results of audits may also be publicised through the general media.			
9.	If, at any time after 5 years from the date of this approval, the person taking action has not substantially Commenced the action, then the person taking the action must not substantially Commence the action without written agreement of the Minister.	Not applicable	The approval was dated 24 June 2013. The action was substantially commenced in 2014 and completed in 2015. This information was confirmed with DCCEEW on 7/02/2025.	Letter DCCEEW [EPBC2011.6121]_07022025

Statement of Compliance

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):

Bradley William Russell

Position (please print):

Director

Organisation (please print including ABN/ACN if applicable): Shellbay Holdings Pty Ltd ACN 06 99 68 476

Date

20 / 5 / 2025