



**EPBC 2010/5649
Millar Road Clearing Vegetation to Allow Quarrying**

**Annual Compliance Report
2024/2025**

Introduction

On the 14 February 2022 transfer of EPBC Approval 2010/5649 from WA Limestone Group of Companies (WAL) to City of Rockingham was approved by the Department of Agriculture, Water and Environment. Following approval of the transfer, the City gained responsibility for the ongoing implementation of the conditions of the EPBC approval, including the implementation of the Tamworth Hill Swamp Reserve Revegetation Plan (THSRRP) as per Condition 2.

During the preparation of the City's Tamworth Hill Swamp Management Plan in 2019, City's Officers identified that the revegetation works undertaken in accordance with the THSRRP had not met the EPBC approval requirements. The non-compliance was reported to the Department of Environment and Energy (DEE) in 2018. To assist in addressing the non-compliance of the EPBC approval requirements, a revised THSRRP was prepared by the City and subsequently approved by DEE in 2019. The THSRRP Addendum outlines additional planting requirements under an implementation schedule from 2020 to 2024.

Following the transfer of EPBC Approval 2010/5649 from WAL to the City, The City will now be wholly responsible for implementing all conditions on the approval. It is noted a number of the conditions have been previously completed and are no longer applicable. Table 1 summarises the 12 conditions detailed in the EPBC approval report.

Table 1: Compliance Audit of EPBC Approval 2010/5649 Conditions 2023/2024

Condition	Details	Status	Comment
1	<p>The person taking the action must ensure that the vegetation clearing does not exceed 22 hectares and is contained within the area specified in the map at Figure 1 of Appendix A: project area.</p>	Completed	<p>Clearing was completed within the approved area prior to this reporting period as detailed by WA Limestone's EPBC 2010/5649 Millar Road Annual Compliance Report 2021 EPBC-2010-5649-Millar-Road-Annual-Compliance-Report-2021.pdf walimestone.com</p>
2	<p>To mitigate potential impacts to Black Cockatoos, within six (6) months of the commencement of construction, the person taking the action must prepare and submit a Tamworth Hill Swamp Reserve Revegetation Plan (THSRRP) for the Minister's approval that identifies the measures to minimise the impacts of the action on Black Cockatoos. The THSRRP must detail the following:</p> <ol style="list-style-type: none"> i. measures to establish the equivalent of at least 12ha of habitat known to be primary feeding plants for Black Cockatoos within the Tamworth Hill Swamp Reserve (THSR), through landscape planting; ii. the revegetation methods to be undertaken within revegetation zones defined in Appendix A Figure 2; iii. measures to ensure that seedlings being planted are free of Dieback, (<i>Phytophthora cinnamomi</i>); iv. timeframes and survival targets proposed for plantings; v. feral animal and weed controls measures to be implemented; vi. fencing to be undertaken; vii. contingency measures if targets are not met; viii. the monitoring and survey measures to be utilised, including timing schedules and reporting requirements; ix. roles and responsibilities of contractors, staff and the person taking the action, prior to, during and following any rehabilitation and revegetation works undertaken within the THSR area, and; x. how the WA DEC, CoR, or other conservation organisation(s), have been consulted in the preparation of the THSRRP. <p>If the Minister approves the THSRRP then the THSRRP must be implemented.</p>	Completed	<p>Tamworth Hill Swamp Reserve Revegetation Plan – Addendum 1 was submitted to the Minister for approval in September 2019.</p> <p>Compliance with the approved Plan can be seen in Attachment 1 – Tamworth Hill Swamp Revegetation Report 2022/2023</p>

3	Prior to commencement of construction the person taking the action must provide the department with written agreement from the CoR that the Tamworth Hill Swamp Reserve (THSR) revegetation areas shown at Appendix A Figure 2 will be retained in perpetuity under its existing conservation reserve status	Completed	No further update since WA Limestone's EPBC 2010/5649 Millar Road Annual Compliance Report 2021 EPBC-2010-5649-Millar-Road-Annual-Compliance-Report-2021.pdf (walimestone.com)
4	To offset the loss of 22ha of Black Cockatoo foraging habitat and the loss of 93 potential breeding trees, the person taking the action must within 12 months of the commencement of construction, provide funding of \$65,000 to WA DEC for the acquisition, and to assist in the ongoing maintenance of, a 65ha area of freehold land in the Gingin area (offset area). The land being ceded to WA DEC, under irrevocable long term protection must contain Banksia woodland that is in equivalent or better condition than the Banksia woodland that is in 'average' condition within the project area. Within 4 weeks of the funding being provided to WA DEC, the person taking the action must provide written evidence to the department of the payment.	Completed by WA Limestone	No further update since WA Limestone's EPBC 2010/5649 Millar Road Annual Compliance Report 2021 EPBC-2010-5649-Millar-Road-Annual-Compliance-Report-2021.pdf (walimestone.com)
5	Within 12 months of the commencement of construction, the person taking the action must provide to the department a description and map clearly defining the location and boundaries of the offset area, as specified in Condition 4, which must be accompanied with the offset attributes.	Completed by WA Limestone	No further update since WA Limestone's EPBC 2010/5649 Millar Road Annual Compliance Report 2021 EPBC-2010-5649-Millar-Road-Annual-Compliance-Report-2021.pdf (walimestone.com) As per letter dated 17 May 2024 from Vaughn Cox at the department, it was stated the department is satisfied the requirements of Condition 5 have been met, as per the information provided by the City and DBCA.
6	To mitigate potential impacts to Black Cockatoo habitat adjacent to the Project Area, the person taking the action must ensure that the following measures is carried out to limit the occurrence of Dieback (<i>Phytophthora cinnamomi</i>) on site. i. All vehicles being used during construction of the quarry that have come from a Dieback affected area must be washed down prior to entering the project area in accordance with WA DEC management of Dieback in extractive industries guidelines.	Completed by WA Limestone	No further update since WA Limestone's EPBC 2010/5649 Millar Road Annual Compliance Report 2021 EPBC-2010-5649-Millar-Road-Annual-Compliance-Report-2021.pdf (walimestone.com)

7	<p>Within 30 days after the commencement of construction, the person taking the action must advise the department in writing of the actual date of commencement.</p>	<p>Completed by WA Limestone</p>	<p>No further update since WA Limestone's EPBC 2010/5649 Millar Road Annual Compliance Report 2021 EPBC-2010-5649-Millar-Road-Annual-Compliance-Report-2021.pdf (walimestone.com)</p>
8	<p>Within three months of every 12 month anniversary of the commencement of construction, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. The reports must remain on the website for at least five (5) years. 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.</p>	<p>Completed</p>	<p>This Annual Compliance Report can be found of the City of Rockingham website</p>
9	<p>If the person taking the action wishes to carry out any activity otherwise than in accordance with the Tamworth Hill Swamp Reserve Revegetation Plan (THSRRP) as specified in the conditions, the person taking the action must submit to the department for the Minister's written approval a revised version of that THSRRP. The varied activity shall not commence until the Minister has approved the varied THSRRP in writing. The Minister will not approve a varied THSRRP unless the revised THSRRP would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised THSRRP that THSRRP must be implemented in place of the THSRRP originally approved.</p>	<p>Not Applicable</p>	<p>Not Applicable</p>
10	<p>If the Minister believes that it is necessary or convenient for the better protection of Listed Threatened Species and Communities to do so, the Minister may request that the person taking the action make specified revisions to the Tamworth Hill Swamp Reserve Revegetation Plan (THSRRP) specified in the conditions and submit the revised THSRRP for the Ministers written approval. The person taking the action must comply with any such request. The revised approved THSRRP must be implemented. Unless the Minister has approved the revised THSRRP then the person taking the action must continue to implement the THSRRP originally approved, as specified in the conditions.</p>	<p>Not Applicable</p>	<p>Not Applicable</p>

11	If, at any time after five years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.	Completed by WA Limestone	No further update since WA Limestone's EPBC 2010/5649 Millar Road Annual Compliance Report 2021 EPBC-2010-5649-Millar-Road-Annual-Compliance-Report-2021.pdf (walimestone.com)
12	Unless otherwise agreed to in writing by the Minister, the person taking the action must publish the Tamworth Hill Swamp Reserve Revegetation Plan (THSRRP) referred to in these conditions of approval on their website. The THSRRP must be published on the website within 1 month of being approved.	Completed	The Tamworth Hill Swamp Reserve Revegetation Plan has been uploaded to the City of Rockingham's website

Appendix 1

Tamworth Hill Swamp Revegetation Project Report 2024/2025

Background

Revegetation strategies for this project are directed by the approved Tamworth Hill Swamp Reserve Revegetation Plan (THSRRP), developed by Coterra Environment in 2013, and Addendum 1 (2019). THSRRP identified the following performance targets for the revegetation program to establish 12 ha of habitat known to be primary feeding plants for Black Cockatoos within Tamworth Hill Swamp.

Characteristic	Minimum Target / KPI
Plant density	1 plant / m ²
Species composition	75% of revegetation species list
Weed cover	<20%

The following sections detail the measures that have been taken to address the management requirements as outlined in the THSRRP.

Revegetation Works

The focus of the revegetation strategy is to protect and enhance areas of existing native vegetation and to rehabilitate 12 ha of degraded areas around Tamworth Hill Swamp (areas marked “Part of EPBC Act offset” in Figure 1). Revegetation works have been carried out at the reserve since 2015 in quantities shown below in Table 1. Species used in revegetation are plants known to be primary feeding plants for Black Cockatoos or recommended in the THSRRP and Emerge Associates’ Tamworth Hill Swamp Environmental Assessment (2018).

The THSRRP Addendum includes a revised implementation schedule for infill planting from 2020 to 2024. Most recently, infill planting of 4,660 tubestock seedlings was undertaken in winter 2023 to address the shortfall in plant density and diversity across the site. Further reveg was planned to be implemented in winter of 2024 following the 2023 spring survey. However, due to staffing changes late 2023 and the survey report being received late, the nursery order for Tamworth Swamp was not placed in time and no project was undertaken in 2024.

Planting was intended to resume in winter of 2025, however, after further review of the spring 2023 and autumn 2024 flora surveys, as well as ground truthing the site, it was assessed that the 1 plant / m² requirement is likely no longer achievable given the growth expansion of existing vegetation within the quadrats limiting the available space. Therefore, the City will look to suspend any further reveg planning until after the spring 2025 flora survey, where the quadrats can be reassessed and a revised average plant density be determined based on the available space. This will then inform a new performance target/s that the City will then present to DCCEEW for discussion.

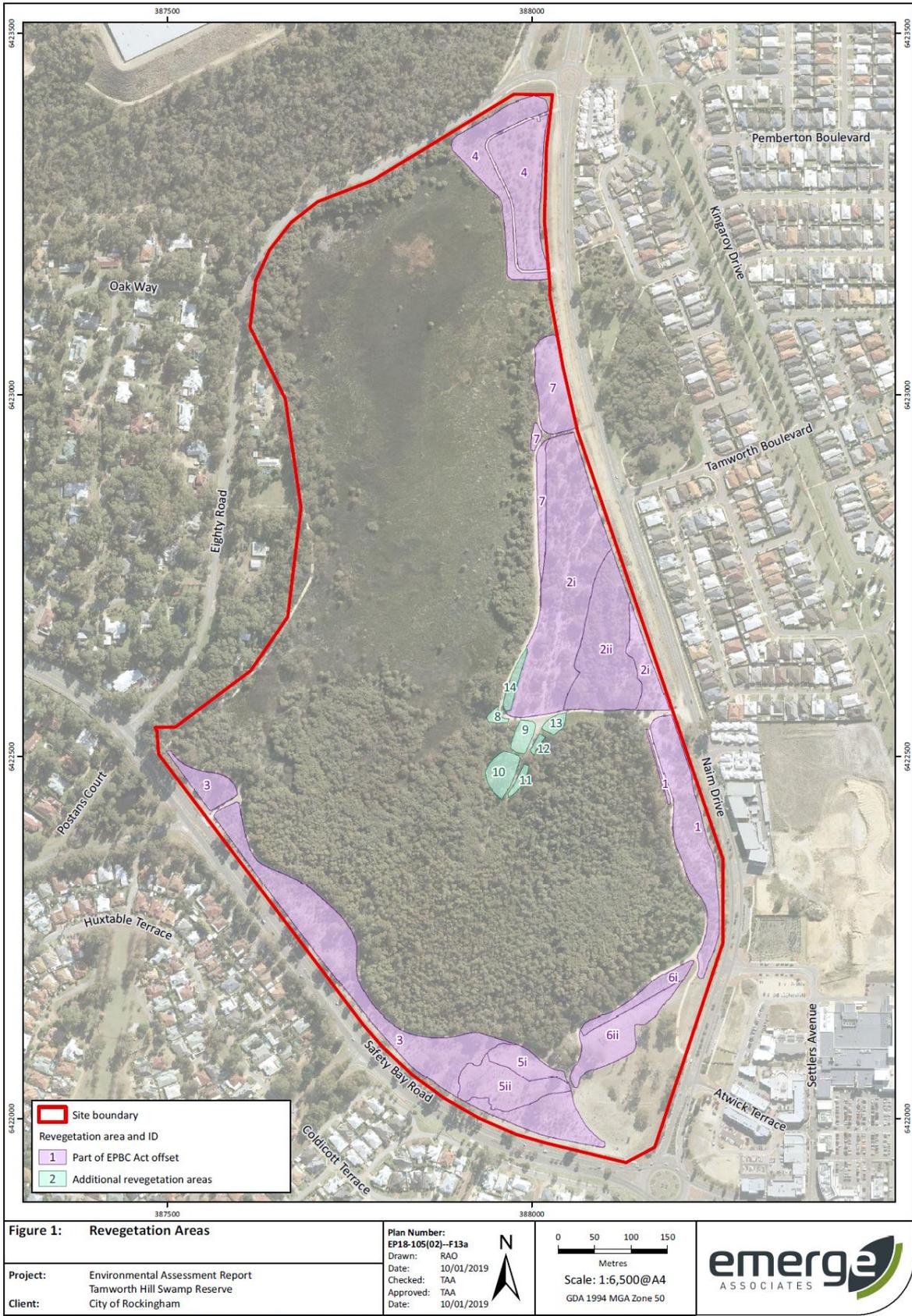


Figure 1: Revegetation areas at Tamworth Hill Swamp, numbered in relation to the order in which they were planted.

Table 1 – Yearly quantity of seedlings planted per revegetation area at the reserve

Area	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	Total
RA1	8103				434		7130	1876			15667
RA2	20000				788	9636	5090	625			35514
RA3		22000					12590	3010			34590
RA4		4720					5050	1450	980		12200
RA5			5000		560		3950	1255	3680		14445
RA6			5000				1910	680			6910
RA7			4960				2850	940			7810
RA8			100		60						160
RA9			100		60						160
RA10			100		60						160
RA11					118						118
RA12					100						100
RA13					100						100
Additional randomised planting throughout								2000			2000
Total	28103	26720	15260	0	2280	9636	38570	11836	4660	0	137065

Dieback Hygiene

Dieback hygiene protocols are in place for cleaning machinery and footwear with a methylated spirits or bleach solution. Seedlings used in the revegetation program are sourced from Nursery Industry Accreditation Scheme Australia (NIASA) accredited nurseries to ensure they are certified dieback free. No additional soil has been imported into the reserve.

Feral animal control

The City's feral animal control program continued this reporting period. The program is focused on the integrated control of feral rabbits, cats and foxes, in accordance with control measures recommended for use in urban environments by the Department of Agriculture and Food and the Department of Biodiversity, Conservation and Attractions. The program is coordinated by the City of Rockingham and is undertaken by a licenced feral animal control contractor.

An assessment for fox activity was carried out throughout the reserve prior to the control program in 2024. It was estimated that no foxes were active in the reserve, and the trapping program in February and June yielded no captures. No signs of cats or rabbits were observed.

Weed control

Monthly maintenance is undertaken at the reserve which predominantly comprises weed control (chemical, manual and mechanical) to maintain the weed density below the 20% maximum allowance, however for the majority of the site, actual density is significantly lower. Results from the assessment of weed coverage at the reserve in spring 2024 can be seen in Table 2, and detailed further in the full consultant's report attached with this document.

Fencing

Fences with pedestrian gates are maintained to rationalise access and recreation within the reserve. Clear pathways are designated to assist in avoiding trampling of vegetation. The perimeter fences also assists in preventing unauthorised vehicle access.

The perimeter fence is inspected during routine weekly maintenance of the reserve by environmental maintenance contractors. Any damage to the fence is repaired upon discovery or arranged through specialist fencing contractors.

The original THSRRP recommended temporary fencing to be constructed around revegetation areas. Kangaroo exclusion fencing was constructed around RA2 in 2015, and removed in 2017 after plant establishment. Since that time no further fencing has been installed around other revegetation zones. The Addendum to the THSRRP recommends use of compostable tree guards as the minimum treatment with fencing as the alternative measure to be considered. Compostable tree guards have been used to exclude predation by both rabbits and kangaroos with good success.

Monitoring

Results of the monitoring are included Table 2 below and in the attached Flora Survey Report 2024

Monitoring quadrats have been established across the revegetation areas and marked by GPS. Locations of 21 quadrats were nominated at random by Emerge Associates in their 2018 assessment on a 10m x 10m overlay grid across the reserve (Figure 2). Each revegetation zone contains three quadrats marked at their northwest corner by a steel fence picket.



Figure 2: Location of monitoring quadrats installed by Emerge Associates in 2018

Quadrats were resurveyed by Natural Area Holdings (NAH) consultants in spring 2024 for native species stem density, native coverage and weed coverage. A summary of the survey results against the THSRRP performance targets is shown in Table 2 below. The full report is attached as a separate document to this report.

The 2024 survey found the mean native species density across the Site was 0.28 stems per m². This is a decrease of 36.36% on the mean native density of 0.44 stems per m² recorded during the spring 2023 survey. Quadrat R1b was the densest at 0.51 stems per m² and R4b the least dense at 0.12 stems per m².

The spring 2024 survey recommended, on average, that the installation of 72 tubestock per quadrat is required to meet the performance target, which as stated previously may now be impractical to achieve. A survey is being undertaken in spring 2025 to review any further changes within the quadrats, as well as determine available space for future planting.

Table 2 – Summary of revegetation performance targets

Quadrat	Minimum 1 native plant / m2		Minimum 75% of revegetation species list represented		Maximum 20% weed coverage	
		Target met		Target met		Target met
Revegetation area (all quadrats)	0.28	✘	57.32%	✘	12.34%	✓
R1a	0.36	✘			0.5	✓
R1b	0.51	✘			1	✓
R1c	0.26	✘			2	✓
R2a	0.23	✘			25	✘
R2b	0.45	✘			0.1	✓
R2c	0.50	✘			1.5	✓
R3a	0.28	✘			6	✓
R3b	0.19	✘			15	✓
R3c	0.32	✘			2	✓
R4a	0.25	✘			20	✓
R4b	0.12	✘			60	✘
R4c	0.27	✘			30	✘
R5a	0.25	✘			3	✓
R5b	0.18	✘			1	✓
R5c	0.13	✘			10	✓
R6a	0.18	✘			10	✓
R6b	0.38	✘			1	✓
R6c	0.24	✘			35	✘
R7a	0.3	✘			25	✘
R7b	0.18	✘			10	✓
R7c	0.24	✘			1	✓