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**mainroads**  
WESTERN AUSTRALIA

# Annual Compliance Report

## Albany Ring Road Stages 2 and 3B

### EPBC 2020/8769

*We're working for  
Western Australia.*

**Reporting period: 21 February 2023 to 20 February 2024**

# Document Control


Report Compilation & Review	Position	Document Revision	Date
Author:	Senior Environment Officer	Draft vA	16/04/2024
Reviewer:	Principal Environment Officer	Draft vA	6/05/2024
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## 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:  \_\_\_\_\_ (approval holder)

Full name (please print): Alastair Cowan

Position (please print): Project Director

Organisation (ABN): 50 860 676 021

Date: 17 / 05 / 2024

# 1 Introduction

## 1.1 Project Background, Location and Status

Main Roads is currently constructing the Albany Ring Road (ARR) to provide for the long-term transport needs of Western Australia's Great Southern Region. The ARR will be a dedicated freight route around the City of Albany that will enable the effective movement of freight to and from the Port of Albany. The ARR will cater for the travel demands associated with growth in grain, woodchip and other agricultural industries, increased mining production, increased population growth, urban expansion and the expected increase in tourists.

Stages 2 and 3b of the ARR (the Project) was assessed and approved under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Project included the following components:

- Approximately 7 km of new dual carriage road
- Grade separated interchanges at South Coast Highway and Frenchman Bay Road
- Bridges and culverts
- Water retention basins and other drainage structures
- Landscaping and revegetation works
- Modifications to local roads
- Realignment to the Albany-Wagin railway line between George Street and the Hanrahan/Frenchman Bay Interchange
- Other road infrastructure including, but not limited to: lighting, noise barriers, fencing, road safety barriers, a fauna underpass and a rope bridge, and signs.

The construction of the Project commenced on 21 February 2022 and is due to be completed in mid-2024.

## 1.2 Approval under the *Environment Protection and Biodiversity Conservation Act 1999*

The Project was referred to the Department of Climate Change, Energy, the Environment and Water (the Department) (then Department of Agriculture, Water and the Environment (DAWE)) in August 2020 for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Project was determined to be a Controlled Action on 1 October 2020 due to its potential impacts on listed threatened species and communities. On 17 June 2021, Main Roads submitted a variation request under section 156A of the EPBC Act to satisfy Parts 5.07 and 5.08 of the EPBC Regulations. Subsequently, on 27 July 2021, the Department accepted the variation to the proposal and issued a notice recording this decision. The Department granted conditional approval for the Project on 22 November 2021 (EPBC 2020/8769).

## 1.3 Purpose of this Report

This compliance report has been produced to satisfy Condition 14 of approval EPBC 2020/8769.

## 2 Summary of Compliance

Table 1 of this report details the Project's compliance status for each approval condition over the 12 month reporting period: 21 February 2023 to 20 February 2024.

The Project was found to be non-compliant with Condition 3 of EPBC 2020/8769 as Main Roads did not submit an Offset Strategy for approval within 12 months of the commencement of action.

### 2.1 Corrective measures

Non-compliance findings will be managed through the following corrective measures.

- Main Roads sought approval to extend the condition to extend the approval timeframe.
- Main Roads is actively seeking alternative offsets to meet the requirements of Condition 3 of the approval.

### 2.2 New Environmental Risks

No new environmental risks for the Project have become apparent during the reporting period.

Table 1: Compliance with Conditions of EPBC Approval 2020/8769

Condition Number	Condition	Status	Evidence/Comments
1	<p>For the protection of black cockatoos and Western Ringtail Possum, the approval holder must not clear outside the development footprint and must not clear:</p> <ul style="list-style-type: none"> <li>a. more than 37.89 ha of black cockatoo foraging and breeding habitat</li> <li>b. more than 37.75 ha of black cockatoo roosting habitat which may comprise part or all of the 37.89 ha of black cockatoo foraging and breeding habitat specified in 1.a.</li> <li>c. more than 236 breeding trees</li> <li>d. more than 10 trees containing suitable nesting hollows</li> <li>e. more than 14 suitable nesting hollows</li> <li>f. more than 19.18 ha of Western Ringtail Possum habitat</li> <li>g. more than 20.20 ha of Western Ringtail Possum linkage habitat</li> </ul>	Compliant	<p>No clearing of vegetation occurred during this reporting period.</p> <p>A subsequent review of the clearing area identified minor additional clearing had occurred over and above what was reported in 2023. The review identified the following clearing amounts should have been reported in 2023, with the amounts within parentheses being what was actually reported:</p> <ul style="list-style-type: none"> <li>a. 3.1 ha of Black Cockatoo foraging and breeding habitat was cleared within the Development footprint (previously 2.9 ha)</li> <li>b. 24.1 ha of Black Cockatoo roosting habitat was cleared within the Development footprint (previously 22.5 ha)</li> <li>c. 120 Black Cockatoo breeding trees were cleared within the Development footprint (previously 117)</li> <li>d. 8 of Black Cockatoo trees with suitable nest hollows was cleared within the Development footprint (previously 5)</li> <li>e. 9 suitable nest hollows were cleared within the Development footprint (previously 6)</li> <li>f. 13 ha of Western Ringtail possum habitat was cleared within the Development footprint (previously 12.4 ha)</li> <li>g. 8.5ha of Western Ringtail possum linkage habitat was cleared within the Development footprint (previously 7.7 ha)</li> </ul> <p>Extent of clearing shown in Appendix A.</p>
2	To avoid and mitigate impacts on black cockatoos and Western Ringtail Possum the approval holder must implement the Conservation Significant Fauna	Compliant	An independent audit of the implementation of the Conservation Significant Fauna Environmental Management Plan (CSFEMP) was undertaken in October 2023. Although no clearing was undertaken during the reporting period, it was determined that

Condition Number	Condition	Status	Evidence/Comments
	Environmental Management Plan for the duration of this approval		<p>the processes put in place through the Contractor's Environmental Management Plan have due regard to the mitigation strategies noted in the CSFEMP.</p> <p>A copy of the independent audit compliance audit can be provided upon request.</p>
3	<p>To compensate for the residual significant impacts on black cockatoos and Western Ringtail Possum, the approval holder must submit an Offset Strategy for approval by the Minister within 12 months of the commencement of the action. The Offset Strategy must:</p> <ol style="list-style-type: none"> <li>Identify a suitable environmental offset for the impacts on black cockatoos and Western Ringtail Possum, that satisfies the requirements of the Environmental Offsets Policy</li> <li>Include summary information on the impacted areas and detailed baseline information (presence of/use by protected matters and quality and condition of habitat) on the proposed offset site(s) and achievable goals for the proposed habitat condition and quality scores demonstrating how the proposed offset site(s) will meet the requirements of the Environmental Offsets Policy</li> <li>Specify milestones and approximate timeframes for achieving the proposed final condition and quality of habitat at the proposed offset site(s)</li> <li>Specify how and at what frequency management and monitoring results will be reported to the Department and the public</li> </ol>	Non-Compliant	<p>As the commencement of the action occurred on 21 February 2022, the Offset Strategy was due on 21 February 2023.</p> <p>An Offset Strategy has not been submitted to date.</p> <p>Since offsets began being a key component of a project approval, Main Roads has worked closely with the WA Department of Biodiversity, Conservation and Attractions to locate and purchase properties that contain values, such as habitat for Black Cockatoos and the Western Ringtail Possum, and a substantial "bank" has been created. Three properties containing high quality habitat had been identified as potential offset sites for the Project.</p> <p>Unfortunately, with the approach taken within the Nature Positive Plan to discontinue accepting high quality properties as offsets, these three sites are now considered unlikely as suitable offset sites.</p> <p>Accordingly, the focus of the Offset Strategy has now shifted to Main Roads acquiring properties to restore habitat values, rather than sites to be managed by DBCA, noting DBCA is only interested in high quality properties. This new approach will</p>



Condition Number	Condition	Status	Evidence/Comments
	e. Include details of how the offset site(s) will be protected in perpetuity		<p>target properties that have opportunities for revegetation/restoration. Substantial work needs to be undertaken to identify (and ultimately purchase) suitable properties as offsets for the Project, noting that offset input data will be required to allow the Offset Strategy to be developed.</p> <p>On 19 December 2022, Main Roads submitted a request to vary Condition 3 under section 143 of the EPBC Act, to extend the submission by 12 months, given the offset shift from protection to restoration.</p> <p>Main Roads is expected to submit the Offset Strategy prior to 21 February 2025, once it has completed the baseline studies for all potential sites.</p>
4	The approval holder must not continue to clear black cockatoo foraging and breeding habitat, black cockatoo roosting habitat, breeding trees, suitable nesting hollows, Western Ringtail Possum habitat and Western Ringtail Possum linkage habitat, after 18 months of commencement of the action unless the Offset Strategy has been approved by the Minister in writing. Clearing may recommence following approval of the Offset Strategy by the Minister. The approval holder must implement the Offset Strategy commencing when the Minister approves it in writing and continuing for the period of effect of this approval.	Compliant	No clearing has occurred since 21 February 2023. (i.e. within 18 months of commencement of the action).
5	The approval holder must submit for the Minister's approval, within 18 months of the date of approval of the Offset Strategy, an Offset Management Plan for each of	Not Applicable	An Offset Management Plan will be submitted following approval of the Offset Strategy.

Condition Number	Condition	Status	Evidence/Comments
	<p>the offset sites specified in the approved Offset Strategy. Each Offset Management Plan must be consistent with the Department's Environmental Management Plan Guidelines, and must include the following:</p> <ol style="list-style-type: none"> <li>a. a summary of the residual impacts to protected matters that will be compensated for by the offset site. This summary must include the area(s) of habitat for protected matters and its condition and quality at all impact sites which the particular offset site is to address;</li> <li>b. the relevant protected matters and a reference to the EPBC Act approval conditions to which the particular Offset Management Plan refers;</li> <li>c. a table of commitments made in the Offset Management Plan to achieve the ecological benefits for relevant protected matters, and a reference to where the commitments are detailed in the Offset Management Plan;</li> <li>d. the relevant protected matters and a reference to the EPBC Act approval conditions to which the particular Offset Management Plan refers; reporting and review mechanisms, and documentation standards to inform others annually regarding compliance with management and environmental commitments, and attainment and maintenance of ecological benefits, as specified in the Offset Management Plan;</li> <li>e. an assessment of risks to achieving the ecological benefit(s) and what risk management strategies will be applied to address these;</li> </ol>		

Condition Number	Condition	Status	Evidence/Comments
	<p>f. a monitoring program, which must include:</p> <ul style="list-style-type: none"> <li>i. gathering evidence that effectively determines progress towards, attainment of and maintenance of the ecological benefits for the protected matters;</li> <li>ii. measurable performance indicators to monitor attainment of the ecological benefits for the protected matters;</li> <li>iii. trigger values for corrective actions; and</li> <li>iv. the timing and frequency of monitoring to detect trigger values and changes in the performance indicators.</li> </ul> <p>g. proposed corrective actions to ensure ecological benefits for the protected matters are attained or maintained, if trigger values are reached or performance indicators not attained; and</p> <p>h. links to referenced plans and applicable conditions of approval (including State approval conditions), if any.</p>		
6	The approval holder must implement each approved Offset Management Plan commencing when the Minister approves it in writing and continuing for the period of effect of this approval.	Not Applicable	An Offset Management Plan is yet to be submitted.
7	If the Offset Management Plan for each of the offset sites specified in the approved Offset Strategy has not been approved by the Minister in writing within 24 months of the approval of the Offset Strategy, and the Minister notifies the approval holder that one or more submitted Offset Management Plans is/are not suitable for approval,	Not Applicable	An Offset Management Plan is yet to be submitted. An Offset Management Plan will be submitted following approval of the Offset Strategy.

Condition Number	Condition	Status	Evidence/Comments
	the Minister may, at least two months after so notifying the approval holder, approve a version of the Offset Management Plan revised by the Department. The approval holder must implement each approved Offset Management Plan for the remainder of the period for which the approval has effect.		
8	The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.	Compliant	Completed.
9	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	Not Applicable	
10	The approval holder must maintain accurate and complete compliance records.	Compliant	Main Roads has maintained accurate records in accordance with this condition and their legal obligations, under the <i>State Records Act 2000</i> (Western Australia).
11	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.	Not Applicable	No request has been received from the Department requesting electronic copies of compliance records.
12	The approval holder must: <ul style="list-style-type: none"> <li>a. submit plans electronically to the Department for approval by the Minister</li> <li>b. publish each plan on the website within 20 business days of the date the plan is approved by the Minister or of the date a revised action management plan is submitted to the Minister or</li> </ul>		No plans have been approved since the Project was approved in 2021.  The CSFEMP that is required to be implemented (Condition 2) is located on the Main Roads website at <a href="https://www.mainroads.wa.gov.au/globalassets/community-environment/environment/construction-reports/albany-ring-">https://www.mainroads.wa.gov.au/globalassets/community-environment/environment/construction-reports/albany-ring-</a>

Condition Number	Condition	Status	Evidence/Comments
	<p>the Department, unless otherwise agreed to in writing by the Minister</p> <p>c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public</p> <p>d. keep plans published on the website until the end date of this approval.</p>		<p><a href="https://www.mainroads.wa.gov.au/road/albany-ring-road-conservation-significant-fauna-environmental-management-plan.pdf?v=4a382c">road/albany-ring-road-conservation-significant-fauna-environmental-management-plan.pdf?v=4a382c</a></p> <p>Main Roads will continue to maintain a copy of the CSFEMP on the Main Roads website until the end date of this approval.</p>
13	<p>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 <i>Guidelines for biological survey and mapped data</i> (2018) and submitted electronically to the Department in accordance with the requirements of the plan.</p>	Not Applicable	<p>To date, no biological survey data has been required to be submitted under the conditions of this approval.</p>
14	<p>The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:</p> <p>a. publish each compliance report on the website within 60 business days following the relevant 12 month period</p> <p>b. notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within 5 business days of the date of publication</p> <p>c. keep all compliance reports publicly available on the website until this approval expires</p>	Compliant	<p>This report (2023-2024) has been prepared to cover the 12 month period from 21 February 2023 to 20 February 2024.</p> <p>This report shall be published on the Main Roads website on or before 19 May 2024, at <a href="https://www.mainroads.wa.gov.au/community-environment/environment/construction-project-reports/">https://www.mainroads.wa.gov.au/community-environment/environment/construction-project-reports/</a></p> <p>The Department will be notified that the report has been published on the website within 5 business days of the date of publication.</p> <p>The 2022-2023 compliance report is located on the Main Roads website at the following location:</p>

Condition Number	Condition	Status	Evidence/Comments
	<p>d. exclude or redact sensitive ecological data from compliance reports published on the website</p> <p>e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.</p>		<p><a href="https://www.mainroads.wa.gov.au/community-environment/environment/construction-project-reports/">https://www.mainroads.wa.gov.au/community-environment/environment/construction-project-reports/</a></p> <p>There is no sensitive data which needs to be redacted from the compliance reports.</p> <p>Main Roads will continue to keep all compliance reports on the Main Roads website until the approval expires.</p>
15	<p>The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than 5 business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <ol style="list-style-type: none"> <li>any condition which is or may be in breach</li> <li>a short description of the incident and/or non-compliance</li> <li>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.</li> </ol>	Compliant	Main Roads notified DCCEEW via email within 5 business days of becoming aware of the non-compliance with Condition 3 of the approval.
16	<p>The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 15 business days after becoming aware of the incident or non-compliance, specifying:</p>	Compliant	Main Roads provided DCCEEW with the details of the incident and its commitments regarding the non-compliance as part of the notification that was provided within five business days of becoming aware of the non-compliance.

Condition Number	Condition	Status	Evidence/Comments
	<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 incident or non-compliance</li> <li>c. the method and timing of any remedial action that will be undertaken by the approval holder.</li> </ul>		
17	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	Not Applicable	No direction to undertake an audit by the Minister was received during the reporting period.
18	<p>For each independent audit, the approval holder must:</p> <ul style="list-style-type: none"> <li>a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department</li> <li>b. only commence the independent audit once the audit criteria have been approved in writing by the Department</li> <li>c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.</li> </ul>	Not Applicable	No direction to undertake an audit by the Minister was received during the reporting period.
19	The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.	Not Applicable	No direction to undertake an audit by the Minister was received during the reporting period.
20	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	Not Applicable	No request was submitted to vary an action management plan.

Condition Number	Condition	Status	Evidence/Comments
	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.		
21	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.	Not Applicable	No amendment was made to an action management plan.
22	<p>If the approval holder makes the choice under condition 21 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 Department in writing that the approved action management plan has been revised and provide the Department 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</li> </ul> </li> </ul>	Not Applicable	No amendment was made to an action management plan.



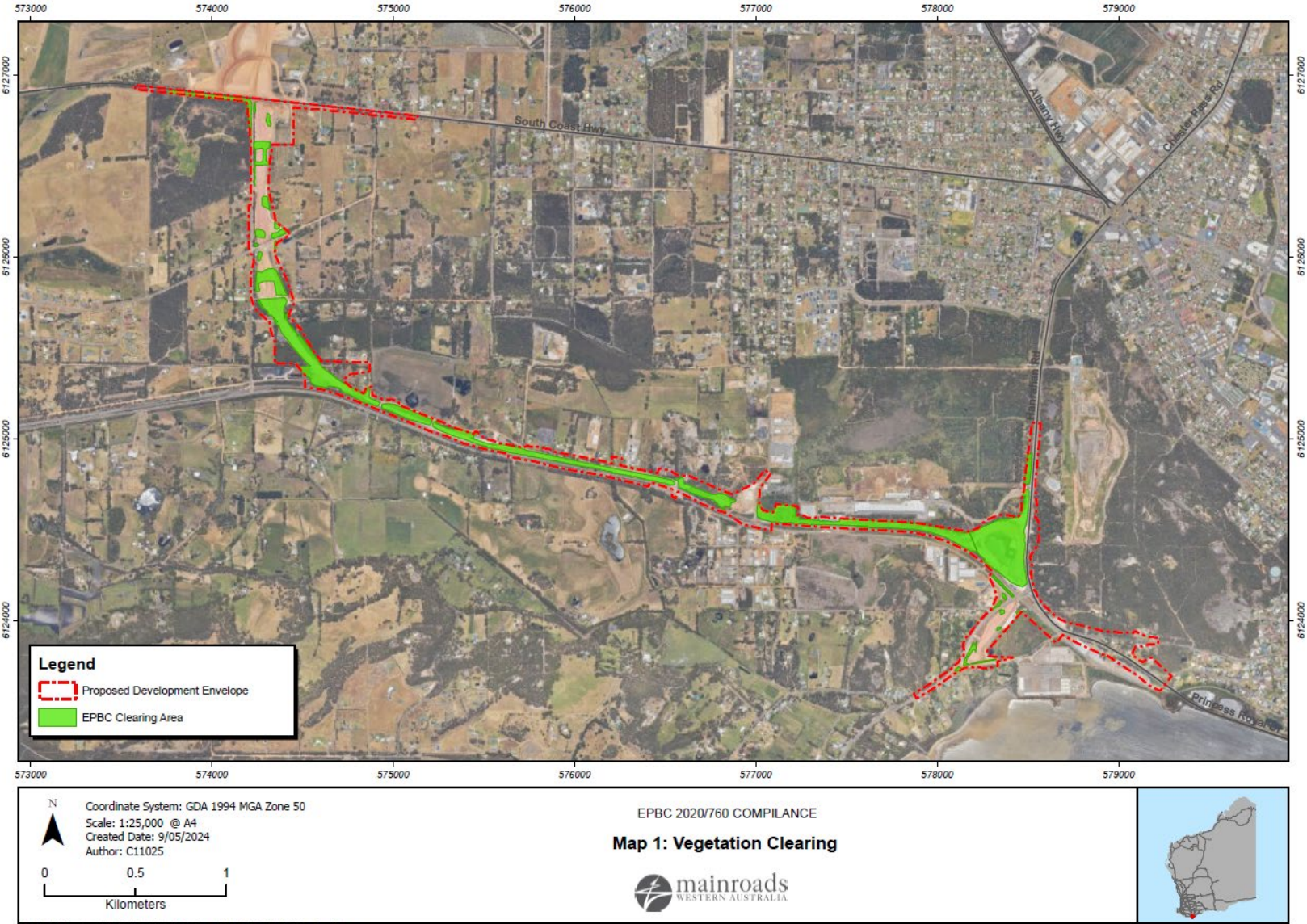
Condition Number	Condition	Status	Evidence/Comments
	<p>accordance with the RAMP would not be likely to have a new or increased impact.</p> <p>v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department.</p> <p>b. subject to condition 25 implement the RAMP from the RAMP implementation date.</p>		
23	<p>The approval holder may revoke its choice to implement a RAMP under condition 22 at any time by giving written notice to the Department. If the approval holder revokes the choice under condition 22, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 22.</p>	Not Applicable	<p>No request to revoke implementation of the action management plan was submitted.</p>
24	<p>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:</p> <p>a. condition 22 does not apply, or ceases to apply, in relation to the RAMP</p> <p>b. the approval holder must implement the action management plan specified by the Minister in the notice.</p>	Not Applicable	<p>No request to amend or revoke and action plan was submitted.</p>
25	<p>At the time of giving the notice under condition 24, the Minister may also notify that for a specified period of</p>	Not Applicable	<p>No request to amend or revoke and action plan was submitted.</p>

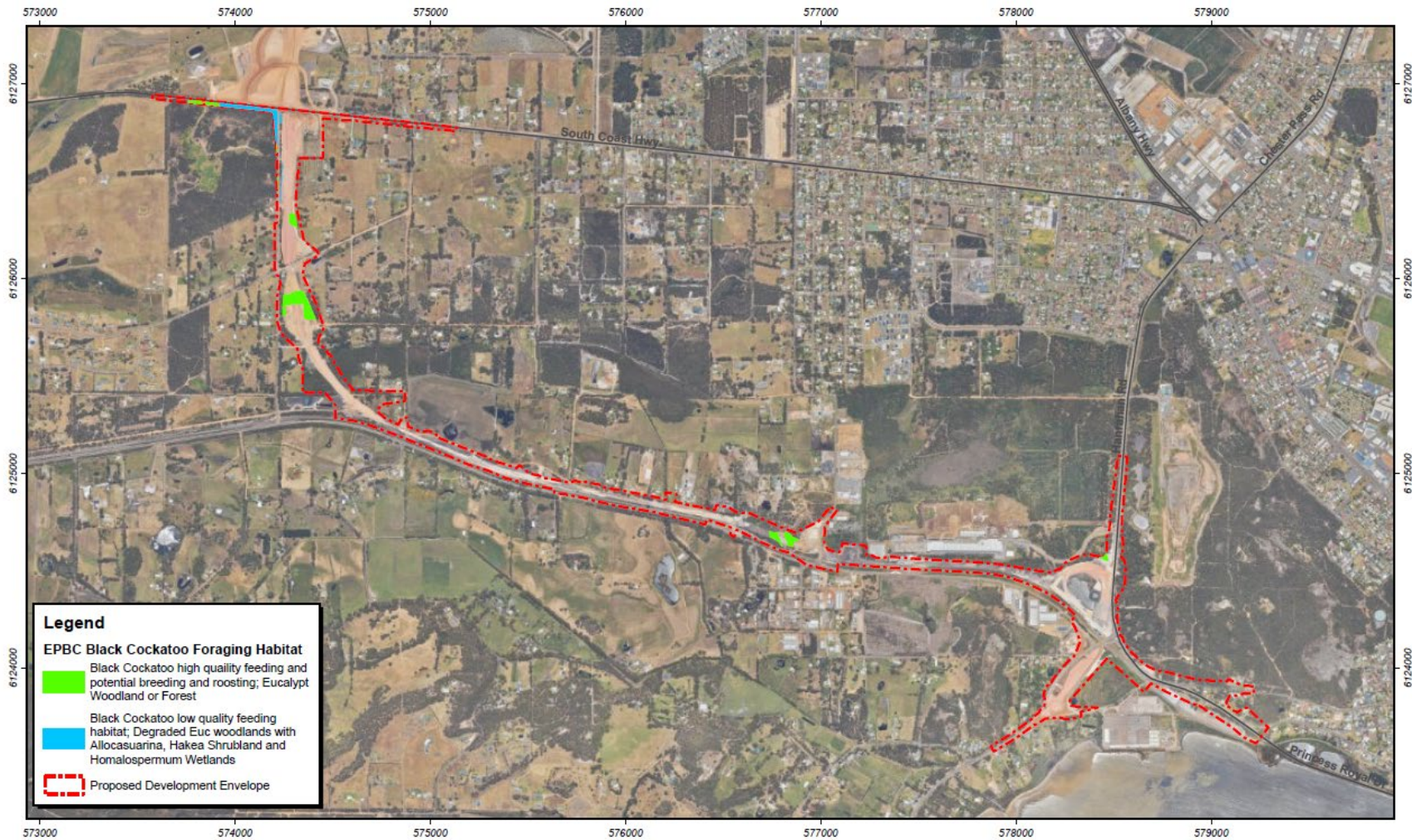
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Condition Number	Condition	Status	Evidence/Comments
	time, condition 22 does not apply for one or more specified action management plans		
26	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	Not Applicable	The Project is still under construction.

### 3 Appendices

Appendix A: Figures





**Legend**

**EPBC Black Cockatoo Foraging Habitat**

- Black Cockatoo high quality feeding and potential breeding and roosting; Eucalypt Woodland or Forest
- Black Cockatoo low quality feeding habitat; Degraded Euc woodlands with Allocasuarina, Hakea Shrubland and Homalospermum Wetlands
- Proposed Development Envelope

N Coordinate System: GDA 1994 MGA Zone 50  
 Scale: 1:25,000 @ A4  
 Created Date: 9/05/2024  
 Author: C11025

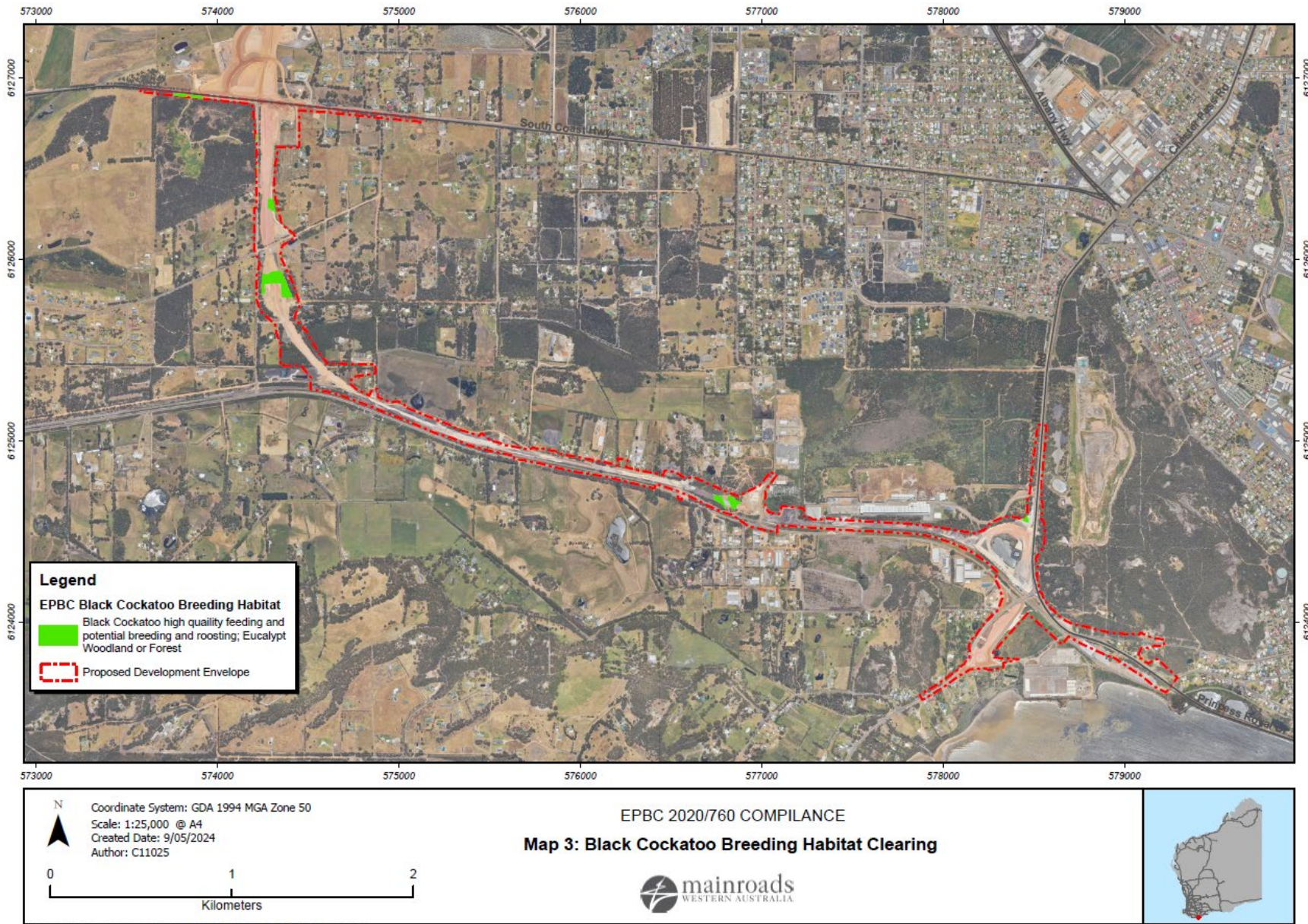
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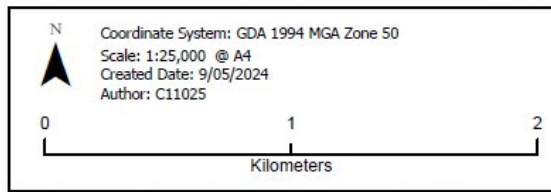
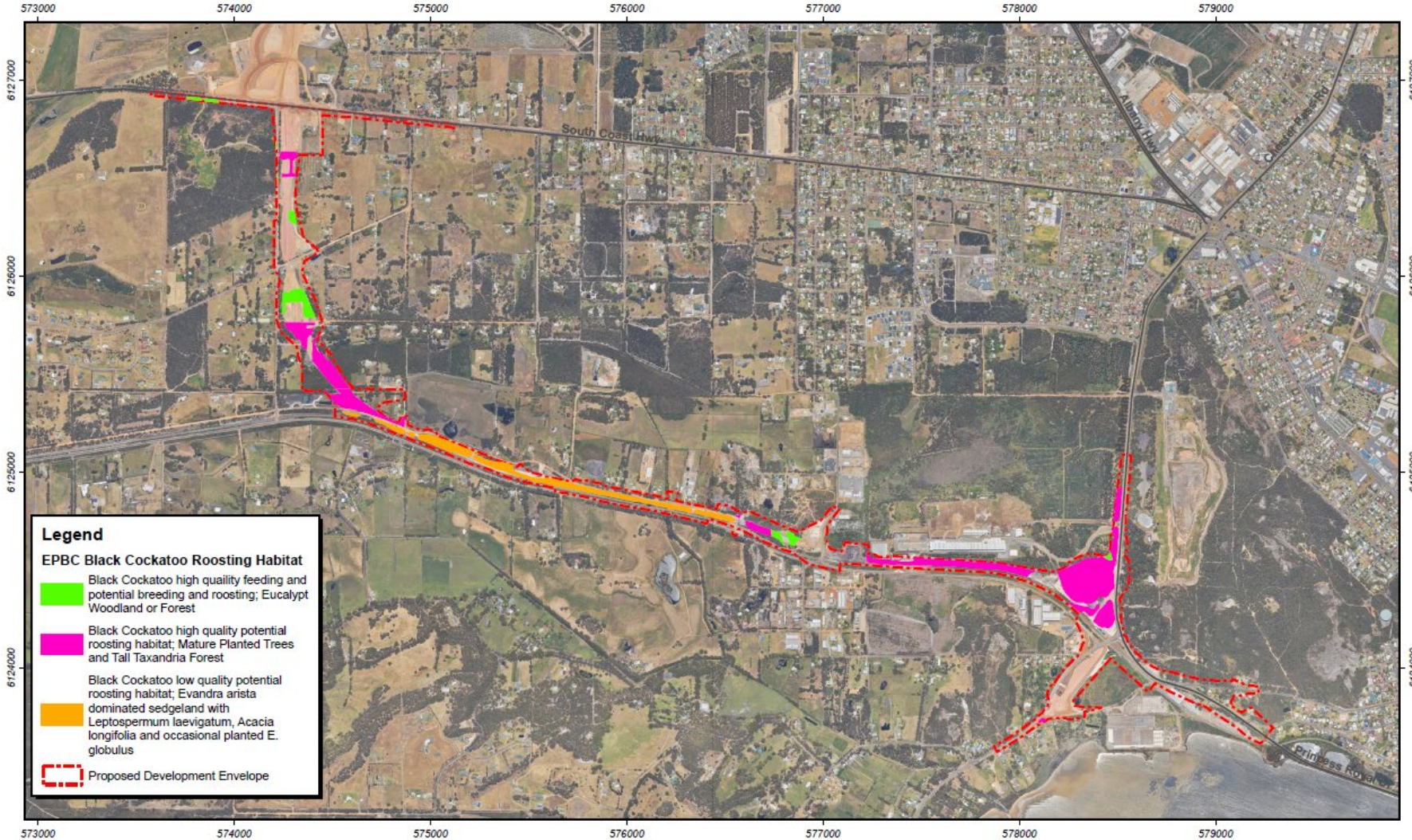
EPBC 2020/760 COMPLIANCE

**Map 2: Black Cockatoo Foraging Habitat Clearing**



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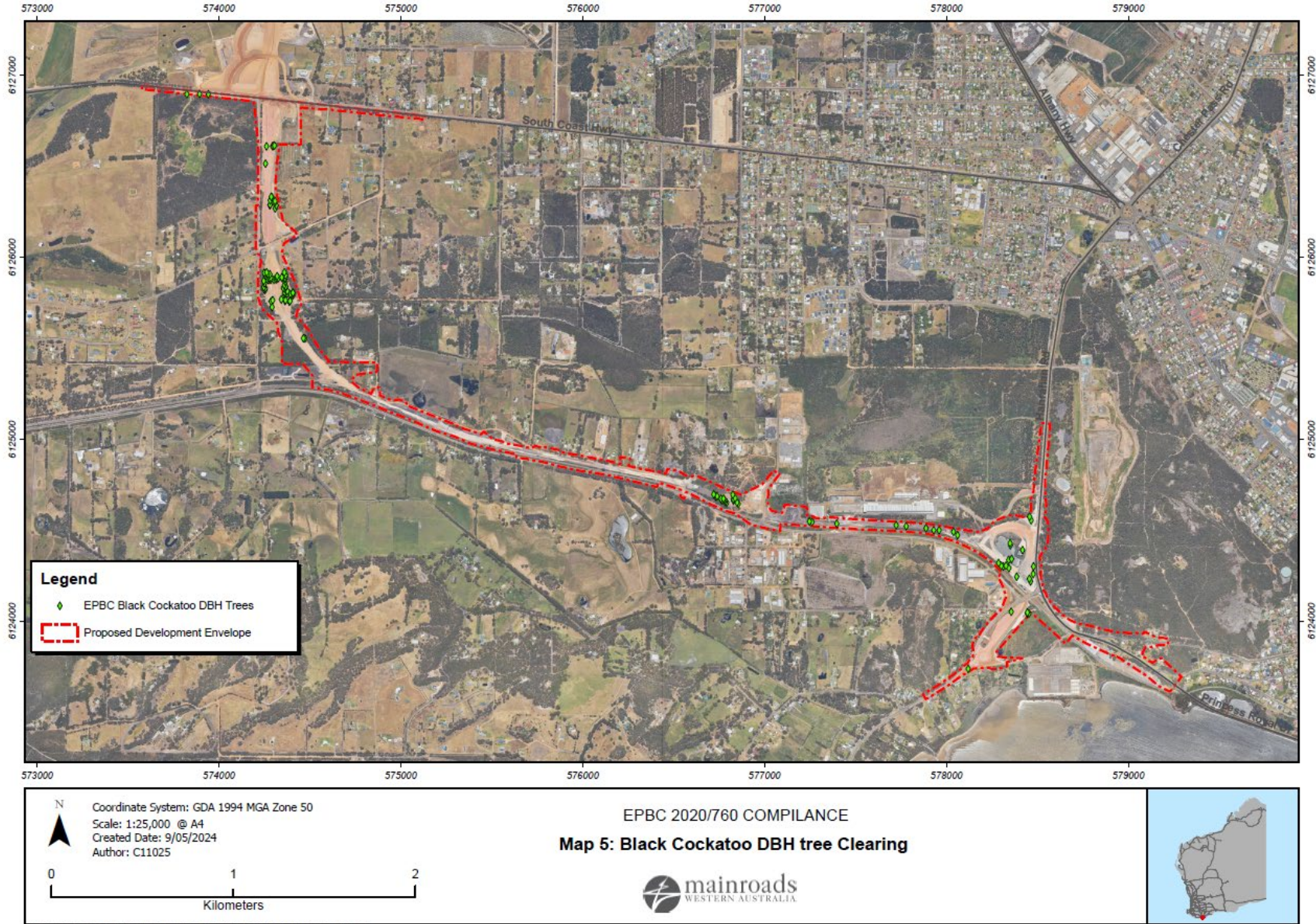




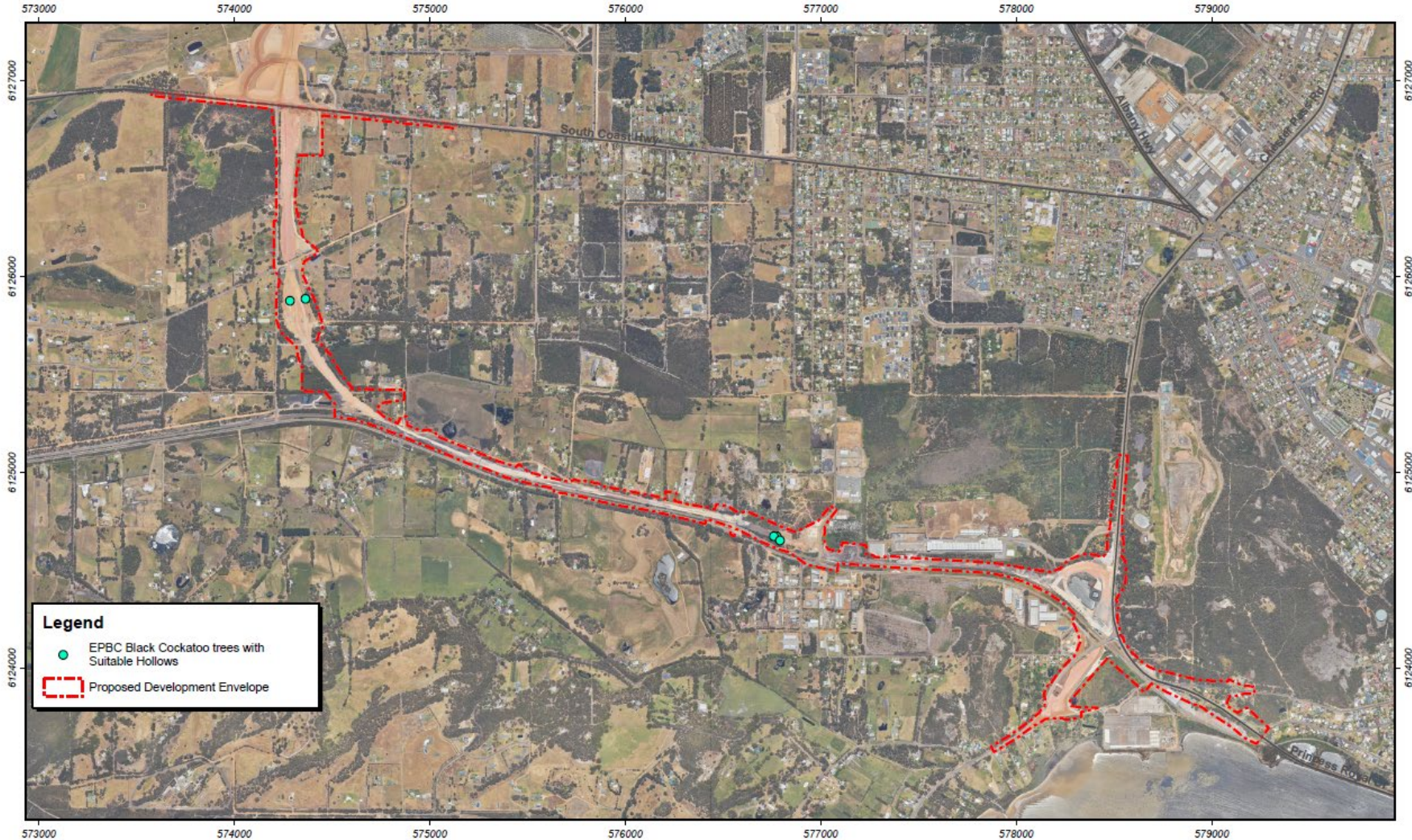
EPBC 2020/760 COMPLIANCE  
**Map 4: Black Cockatoo Roosting Habitat Clearing**



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**Legend**

- EPBC Black Cockatoo trees with Suitable Hollows
- ▭ Proposed Development Envelope

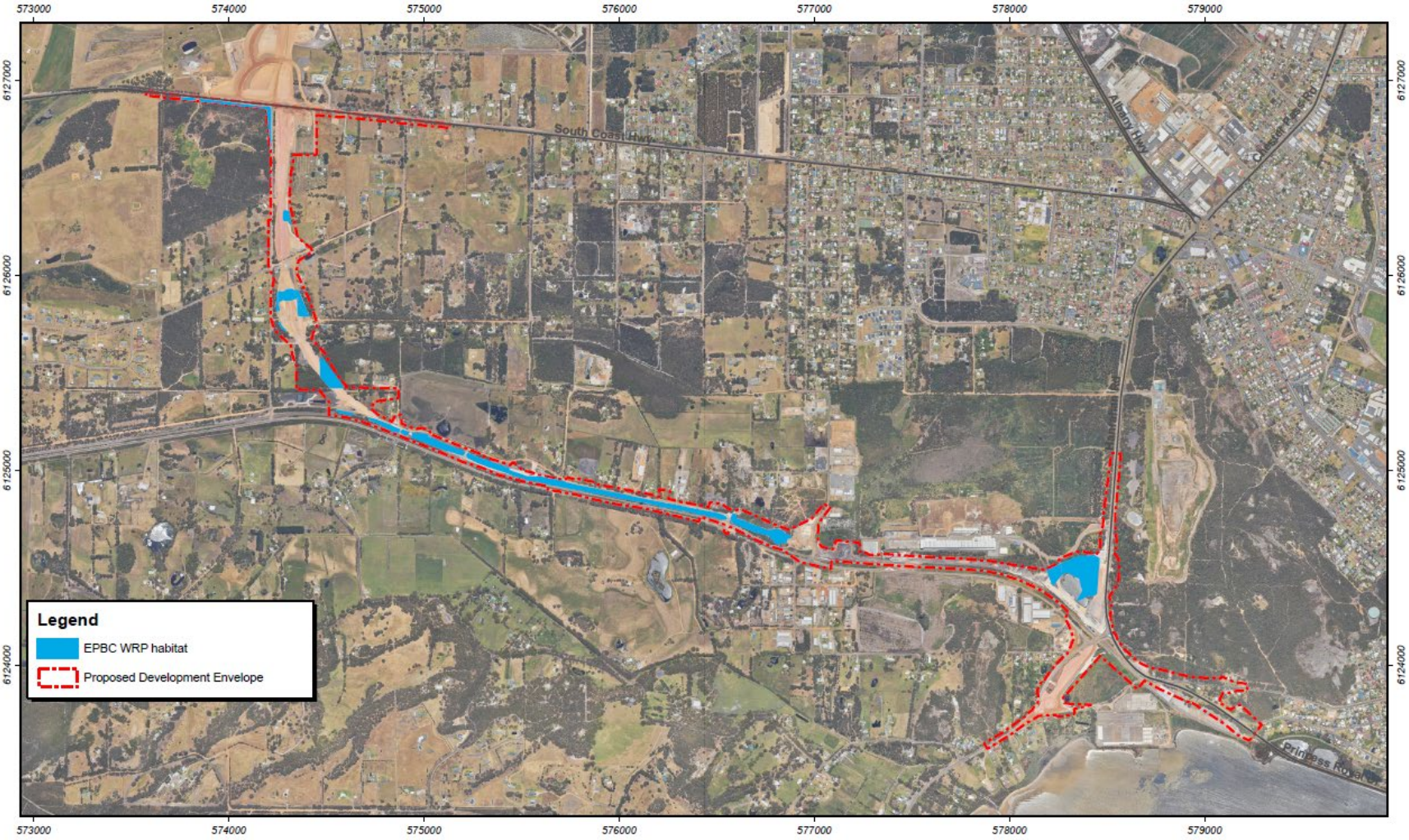
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Coordinate System: GDA 1994 MGA Zone 50  
Scale: 1:25,000 @ A4  
Created Date: 9/05/2024  
Author: C11025

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EPBC 2020/760 COMPLIANCE  
**Map 6: Black Cockatoo trees with Suitable Hollows**



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**Legend**

- EPBC WRP habitat
- Proposed Development Envelope

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 Coordinate System: GDA 1994 MGA Zone 50  
 Scale: 1:25,000 @ A4  
 Created Date: 9/05/2024  
 Author: C11025

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Kilometers

EPBC 2020/760 COMPLIANCE  
**Map 7: Western Ringtail Possum Habitat**



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