



mainroads
WESTERN AUSTRALIA

EPBC Act Compliance Report

Bowelling Curves Realignment – Collie Lake King
Road 64.76-69.84 SLK, Western Australia
(EPBC 2016/7757)

Reporting period: 8 November 2019 to
7 November 2020

Report Compilation & Review	Name and Position	Date	Document Revision
Author	Lyn Van Gorp (Senior Environment Officer)	5 February 2021	Draft v1
Reviewer	Gaynor Owen (Senior Environment Officer)	5 February 2020	Rev 0

Contents

1	INTRODUCTION	3
1.1	Approval under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>	3
1.2	Purpose of this Report	3
1.3	Status of the Project.....	3
2	COMPLIANCE.....	4
3	APPENDICES	11
	Appendix A: Evidence of Compliance with CPS 7499/2 Conditions 7-9 during the Reporting Period.....	12

1 INTRODUCTION

Main Roads Western Australia (Main Roads) has completed the realignment of Collie Lake King Road in the Shire of West Arthur, between 64.76 Straight Line Kilometre (SLK) and 69.85 SLK (the Project). The realignment was intended to address substandard horizontal curves present in the historic section of this road, which had become more concerning due to the significant increases in freight traffic along this route in recent times.

1.1 Approval under the *Environment Protection and Biodiversity Conservation Act 1999*

The Project was referred to the former Department of the Environment and Energy (now the Department of Agriculture, Water and the Environment (the Department)) for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and was determined to be a controlled action on 30 September 2016 due to its potential impacts on listed threatened species. The Department granted approval for the Project on 25 October 2018 (EPBC 2016/7757), which included a number of conditions that Main Roads is required to fulfil.

1.2 Purpose of this Report

This compliance report has been produced to satisfy Condition 8 of approval EPBC 2016/7757. Table 1 of this report outlines project compliance against each approval condition over the 12 month period between 8 November 2019 and 7 November 2020.

1.3 Status of the Project

Clearing for this Project commenced in 2018. No clearing for the Project was undertaken during the reporting period. Construction activities continued during the reporting period including earthworks, pavement works and road sealing. Construction works were finalised and the project commenced operation during the reporting period.

2 COMPLIANCE

Table 1: Compliance with Conditions of EPBC Approval 2016/7757

Condition Number	Condition	Status	Evidence/Comments
1	<p>For the protection of EPBC Act listed species and communities, the approval holder must:</p> <ul style="list-style-type: none"> a) clear no more than 17.06 hectares (ha) of native vegetation within the project area, as shown at Attachment A b) comply with Conditions 7-9 of Clearing Permit CPS 7499/2 or as varied from time to time c) notify the Department in writing of any variations to the conditions of Clearing Permit CPS 7499/2 to which sub-condition 2(b) applies within two weeks of a change being approved by the State Government. 	Compliant	<ul style="list-style-type: none"> a) No vegetation clearing occurred during the reporting period. As a result, a total of 13.75 ha of clearing has been undertaken for this project. b) Works undertaken to date have been conducted in accordance with Conditions 7-9 of CPS 7499/2. A summary of project compliance with the requirements of these conditions is provided in Appendix A. c) To date, no variations have been approved to the conditions of Clearing Permit CPS 7499/2.

Condition Number	Condition	Status	Evidence/Comments
2	<p>For the protection of the EPBC Act listed Clay Pans TEC, the approval holder must:</p> <ul style="list-style-type: none"> a) install a gross pollutant trap, in the form of rock protection, at the inflow point of the 'proposed 2 x 450 pipe culverts', as shown at Attachment B. b) the gross pollutant trap must be cleaned of debris biannually c) replicate the existing drainage pathways by installing extended culverts under the 'proposed road' in the same location as the 'existing 2 x 450 pipe culverts' under the 'existing rail trail', as shown at Attachment B. 	Compliant	<ul style="list-style-type: none"> a) Project construction has now been completed. Drainage scour protection including a gross pollutant trap in the form of rock protection was installed at the inflow point of the culverts that drain into the TEC. Photographic evidence of this was provided in the 2020 Compliance Report submitted to the Department on 6 February 2020. b) Main Roads undertakes a recurrent drainage maintenance program across its road network. To ensure ongoing compliance with this condition, the requirement to clean these specific gross pollutant traps of debris biannually is being added as a separate work item into Main Roads' corporate maintenance management systems such as Main Roads' Maintenance Management System (MMIS) and/or the Wheatbelt Region's <i>10 year Network Development Plan</i> (TYNDP). c) Existing drainage pathways have been replicated. Photographic evidence of this was provided in the 2020 Compliance Report submitted to the Department on 6 February 2020.

Condition Number	Condition	Status	Evidence/Comments
3	For the protection of EPBC Act listed Black Cockatoos, the approval holder must clear no more than 280 potential breeding trees, including two trees with suitable nest hollows, for Black Cockatoos within the project area.	Compliant	No vegetation clearing occurred during the reporting period. As such, the project has resulted in the removal of a total of 226 potential breeding trees for Black Cockatoos, including two trees with suitable nest hollows for the species.

Condition Number	Condition	Status	Evidence/Comments
4	<p>To offset residual significant impacts to Black Cockatoos, the approval holder must either:</p> <p>a) Make a financial contribution to an Offsets Fund to fully fund the purchase of an offset site/s containing a minimum of 120 ha of Black Cockatoo foraging habitat and a minimum of six trees with suitable nest hollows within the Shire of West Arthur, Western Australia. The approval holder must provide the Department with written evidence that the financial contribution has been made to the Offsets Fund within six months of commencement of the action.</p> <p>OR</p> <p>b) Purchase an offset site/s containing a minimum of 120 ha of Black Cockatoo foraging habitat and a minimum of six trees with suitable nest hollows within the Shire of West Arthur, Western Australia. Within 12 months of commencement of the action, the approval holder must provide the Department with written evidence of the purchase of the offset site/s and that a protection mechanism has been applied to the offset site/s.</p> <p>Surveys to confirm the presence of Black Cockatoo foraging habitat and suitable nest hollows at the offset site/s must be commissioned by the approval holder and undertaken prior to the purchase of the offset site/s.</p>	Compliant	<p>A financial contribution was made to the Western Australian Department of Water and Environmental Regulation (DWER) Offsets Fund on 7 November 2018 to fully fund the purchase of an offset site/s for the Project.</p> <p>Written confirmation of this financial contribution was previously provided to the Department via email on 14 November 2018 as well as in the 2020 Compliance Report submitted to the Department on 6 February 2020.</p> <p>Several surveys have been commissioned by Main Roads to confirm suitability of potential offset sites(s) for the Project (details provided in 2020 Compliance Report). The Project offset site(s) is yet to be confirmed (refer to the discussion provided below to address compliance with Condition 5).</p>

Condition Number	Condition	Status	Evidence/Comments
5	Within 12 months of commencement of the action (or otherwise agreed by the Department), the approval holder must provide the Department with the offset attributes.	Partially non-compliant	<p>Although Main Roads has met the requirements of condition 4a, the offset attributes were not able to be provided to the Department within 12 months of commencement of the action as the DWER is yet to purchase the offset property.</p> <p>As a result, Main Roads has actively continued to seek alternative offset options for the Project since its commencement in 2018, in consultation with the Department. Investigation into a variety of offset opportunities for the project¹, as well as associated consultation with the Department and the Western Australian Department of Biodiversity, Conservation and Attractions continued during the reporting period, and is ongoing.</p>
6	Within 30 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.	Compliant	The action was commenced on 8 November 2018. Main Roads notified the Department of commencement of the action in writing on 14 November 2018.

¹ Potential offset properties put forward to DAWE and/or investigated for suitability during the reporting period include: Lots 7411 and 7413 Wansbrough Road, West, Cranbrook; Lot 7376 Chester Pass Road, Albany; Lot 7432 Kordabup Road, Denmark, Lot 797 Sandalwood Road, Wellstead, Lot 12825 Toolibin Lake, Toolibin.

Condition Number	Condition	Status	Evidence/Comments
7	The approval holder 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 subject to audit by the Department or an independent auditor in accordance 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 Department's website. The results of audits may also be publicised through the general media.	Compliant	Main Roads has maintained records in accordance with this condition and their legal obligations, under the <i>State Records Act 2000</i> (Western Australia).
8	Within three months of every 12 month anniversary of the commencement of the action, the approval holder 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. 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	The action commenced on 8 November 2018. This compliance report covers compliance for the reporting period 8 November 2019 to 7 November 2020. This 2021 compliance report will be published on the Main Roads website by 8 February 2021 and documentary evidence of the date of publication will be sent to the Department. The 2020 Compliance Report (for the reporting period 8 November 2018 to 7 November 2019) was published on the Main Roads website as required under this condition.
9	Upon the direction of the Minister, the approval holder 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 to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.	Not applicable	To date, no direction has been received from the Minister to undertake an independent audit of compliance with the conditions of approval EPBC 2016/7757.

Condition Number	Condition	Status	Evidence/Comments
10	If, at any time after two years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister.	Not applicable	The Project was approved on 25 October 2018 and the action was commenced on 8 November 2018.

3 APPENDICES

Appendix A: Evidence of Compliance with CPS 7499/2 Conditions 7-9 during the Reporting Period

Condition Number	Condition Requirements	Status	Evidence/Comments
7	<p>Condition 7: Weed control <i>When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of weeds:</i></p> <p>(a) <i>Clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;</i></p> <p>(b) <i>Ensure that no weed-affected soil, mulch, fill or other material is brought into the area to be cleared; and</i></p> <p>(c) <i>Restrict the movement of machines and other vehicles to the limits of the areas to be cleared.</i></p>	Compliant	<p>(a) Vehicle hygiene inspection checklists were utilised to manage potential weed spread. An example checklist used on site to manage weed spread was provide in the 2020 Compliance Report.</p> <p>A wash down bay was constructed on site in accordance with Department of Biodiversity, Conservation and Attractions advice to ensure that all runoff from cleaning of machinery was captured on site. Photographic evidence of this was provided in the 2020 Compliance Report.</p> <p>(b) Fill material has been sourced from nearby farmer's paddocks to avoid the need for clearing of native vegetation for this purpose. Topsoil and weed cover is first removed and only underlying gravel material is then brought into the clearing area. Topsoil and mulch has been re-used on site so none has been imported into the clearing area.</p> <p>(c) The clearing line was demarcated on site prior to the commencement of clearing to ensure that machinery was restricted to the limits of the areas to be cleared. Photographic evidence of this was provided in the 2020 Compliance Report.</p>

Condition Number	Condition Requirements	Status	Evidence/Comments
8	<p>Condition 8: Dieback Control <i>When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of dieback:</i></p> <ul style="list-style-type: none"> <i>(a) Clean vehicles, machines and equipment of soil and vegetation prior to entering and leaving the area to be cleared;</i> <i>(b) Ensure that no known dieback-affected soil, mulch, fill or other material is brought into the area to be cleared;</i> <i>(c) Restrict the movement of machines and other vehicles to the limits of the areas to be cleared; and</i> <i>(d) Soil disturbance is to be carried out under dry soil conditions where possible.</i> 	Compliant	<p>(a) Vehicle hygiene inspection checklists were utilised to manage potential dieback spread. An example checklist used on site to manage weed spread was provide in the 2020 Compliance Report.</p> <p>A wash down bay was constructed on site in accordance with Department of Biodiversity, Conservation and Attractions advice to ensure that all runoff from cleaning of machinery was captured on site. Photographic evidence of this was provided in the 2020 Compliance Report</p> <p>(b) Fill material has been sourced from nearby farmer's paddocks. No known dieback-affected fill material was brought into the clearing area. Topsoil and mulch has been re-used on site so none has been imported into the clearing area.</p> <p>(c) The clearing line was demarcated on site prior to the commencement of clearing to ensure that machinery was restricted to the limits of the areas to be cleared. Photographic evidence of this was provided in the 2020 Compliance Report</p> <p>(d) Clearing and the majority of construction activities were undertaken during the Wheatbelt's dry summer construction period, with works being conducted from November 2018 to May 2019, and October 2019 to February 2020.</p>

Condition Number	Condition Requirements	Status	Evidence/Comments
9	<p>Condition 9: Fauna management</p> <p>(a) <i>Prior to undertaking any clearing of habitat trees, containing hollows suitable to be utilised for nesting by Carnaby's cockatoo (Calyptorhynchus latirostris), Baudin's cockatoo (Calyptorhynchus baudinii) and forest red-tailed black cockatoo (Calyptorhynchus banksia subsp. naso) (black cockatoos), as identified within the Ecoedge's Level 1 Fauna Survey along Collie Lake King Road at Bowelling (SLK 64.5 – 71.0), a fauna specialist shall inspect such trees for the presence of black cockatoos utilising the hollow/s.</i></p> <p>(b) <i>Where black cockatoos are identified under condition 9(a) of this Permit, the Permit Holder shall ensure that no clearing of, or within 10 metres of, the identified habitat tree(s) occurs until a fauna specialist has verified that the hollow/s are no longer being utilised by black cockatoos.</i></p>	Compliant	No vegetation clearing occurred during the reporting period. As such, no habitat trees containing hollows suitable to be utilised for nesting by black cockatoos were cleared during the reporting period.