



mainroads
WESTERN AUSTRALIA

EPBC 2018/8367

**Mitchell Freeway
Extension Hester Ave
to Romeo Rd**

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Western Australia.*

EPBC 2018/8367 Annual
Compliance Report 2022/23

June 2023

D23#532950
June 2023

Contents

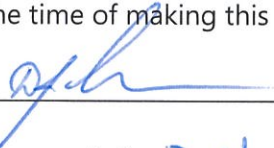
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Brief Amendments

| Report Compilation & Review | Name and Position | Document Revision | Date |
|-----------------------------|---|-------------------|-----------|
| Author: | Clare Collett Senior Environment Officer | Draft v1 | June 2023 |
| Reviewer: | John Braid Principal Environment Officer | Draft v1 | June 2023 |
| Author: | Clare Collett Senior Environment Officer | Rev 1 | June 2023 |

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) David John Clarkson

Position (please print) PROJECT DIRECTOR

Organisation (please print including ABN/ACN if applicable) Main Roads Western Australia

Date 22/6/2023

1 INTRODUCTION

Mitchell Freeway is the main arterial road that connects the northern suburban areas with Perth's central business district. The Mitchell Freeway Extension (the "Action") to which this compliance report relates, is located within the City of Wanneroo and consists of the extension of the freeway from its current terminus at Hester Avenue to Romeo Road. The Action also includes duplication of a section of Wanneroo Road.

The Mitchell Freeway extension works include:

- Constructing a new 5.6 km four lane freeway (two lanes in each direction)
- Completion of northbound on ramp and southbound off ramp at Hester Avenue interchange
- Grade separated interchange at Lukin Drive
- Rail tunnel for the existing rail to exit the freeway median to Butler train station
- Terminate freeway at Romeo Road with a grade separated interchange
- Principal Shared Path on the western side of the freeway
- Romeo Road constructed as dual carriageway with 2 lanes east to Wanneroo Road
- Footpaths/shared paths proposed for Romeo Road
- New/upgraded at-grade intersections at Romeo Road/Wanneroo Road.

The Wanneroo Road upgrade works include:

- Constructing a 5.5 km dual carriageway from Dunstan Road to Trian Road. Existing carriageway to be used where possible
- Intersection improvement to Wanneroo Road and Nowergup Road
- Improvements to the old Wanneroo Road alignment currently acting as a service road
- Modifications to formalise the service road providing safe access and egress to adjoining properties.

Construction works are largely complete and the road is expected to open to traffic in July 2023.

1.1 EPBC 2018/8367 Approval Background

The Action was referred to the then Department of the Environment and Energy (now Department of Climate Change, Energy, the Environment and Water; DCCEEW) for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) as the Action was considered to impact matters of national environmental significance (MNES) that include Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community (BWSCP TEC), Carnaby's Cockatoo (*Calyptorhynchus latirostris*) habitat and Forest Red-tailed Black Cockatoo (FRTBC, *Calyptorhynchus banksii naso*) habitat.

The Action was determined to be a 'Controlled Action' under the EPBC Act and was assessed through Preliminary Documentation. Conditional approval of the Action was received on 10 July 2020 (EPBC 2018/8367) and included a number of conditions that Main Roads Western Australia (Main Roads) is required to fulfil.

1.2 Purpose


The Action commenced on 12 April 2021. This compliance report has been produced as required by Condition 11 of EPBC approval 2018/8367. Table 1 of this report outlines the compliance with each approval condition over the past 12 month period, 13 April 2022 to 12 April 2023.

2 COMPLIANCE

Table 1. 2022/2023 Compliance with EPBC 2018/8367

| Condition Number | Condition Description | Status |
|------------------|--|---|
| 1 | <p>To minimise impacts to EPBC Act listed species and ecological communities, the approval holder must not clear more than 165 hectares of vegetation within the development envelope. Within the development envelope, the approval holder must not clear more than:</p> <ul style="list-style-type: none"> a) 50.07 ha of Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community b) 132.07 ha of foraging habitat for the Carnaby's Black Cockatoo; c) 104.25 ha of foraging habitat for the Forest Red-Tailed Black Cockatoo; and d) 328 potential breeding trees for the Carnaby's Black Cockatoo | <p>Compliant.</p> <p>Clearing to date has comprised 87.47 ha of vegetation within the Development Envelope, including:</p> <ul style="list-style-type: none"> • 22.86 ha of Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community • 72.64 ha of foraging habitat for the Carnaby's Black Cockatoo; • 55.49 ha of foraging habitat for the Forest Red-Tailed Black Cockatoo; and • 95 potential breeding trees for the Carnaby's Black Cockatoo <p>The extent of the clearing is shown in Figures 1 to 4.</p> |
| 2 | <p>To avoid and mitigate the impacts of fragmentation and Dieback on the Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community, the approval holder must install and maintain a fence along the entire boundary of the development envelope with the Neerabup National Park. The fence must be at least 1.8 metres high, capable of excluding uncontrolled access, completed within twelve months of the commencement of the action and maintained for the life of the approval.</p> | <p>Compliant.</p> <p>On 21 April 2022 while collecting information for the 2021 annual compliance report it was identified that Main Roads was not fully compliant with condition 2 of EPBC 2018/8367. The fence along the eastern boundary of the Mitchell Freeway had been installed. There was also a fence installed along Romeo Rd, and along Wanneroo Road to approximately 300 m south of the Romeo Rd and Wanneroo Rd intersection. However, there was an approximately 4.8km section along the development envelope adjacent to Wanneroo Road where a fence had not been installed.</p> <p>In accordance with condition 12 of EPBC 2018/8367 this non-compliance was reported to the Department on the 22 April 2022 and details of the non-compliance were reported in accordance with condition 13 of the approval on 5 May 2022 (Appendix 1). The 2021/22 annual compliance report stated that the fence would be installed no later than 31 December 2022.</p> <p>The non-compliance has been rectified with the 1.8m fence being installed along the entire boundary of the development envelope where it borders the Neerabup National Park, including the 4.8km section along Wanneroo Road. A fence that meets the requirements of condition 2 was installed prior to 31 December 2022.</p> <p>The fence is constructed to a minimum of 1.8 m and is capable of preventing uncontrolled access to the National Park. Examples of the fencing installed along the boundary are provided in the photos below.</p> |

| Condition Number | Condition Description | Status |
|------------------|-----------------------|---|
| | |  <p>The top photograph shows a chain-link fence running along a dirt path. The path is on the left, and the fence is on the right. The background features sparse vegetation and a clear blue sky. The bottom photograph shows a similar scene from a different angle, with the dirt path and fence leading into a wooded area with more trees and a sky with scattered clouds.</p> |

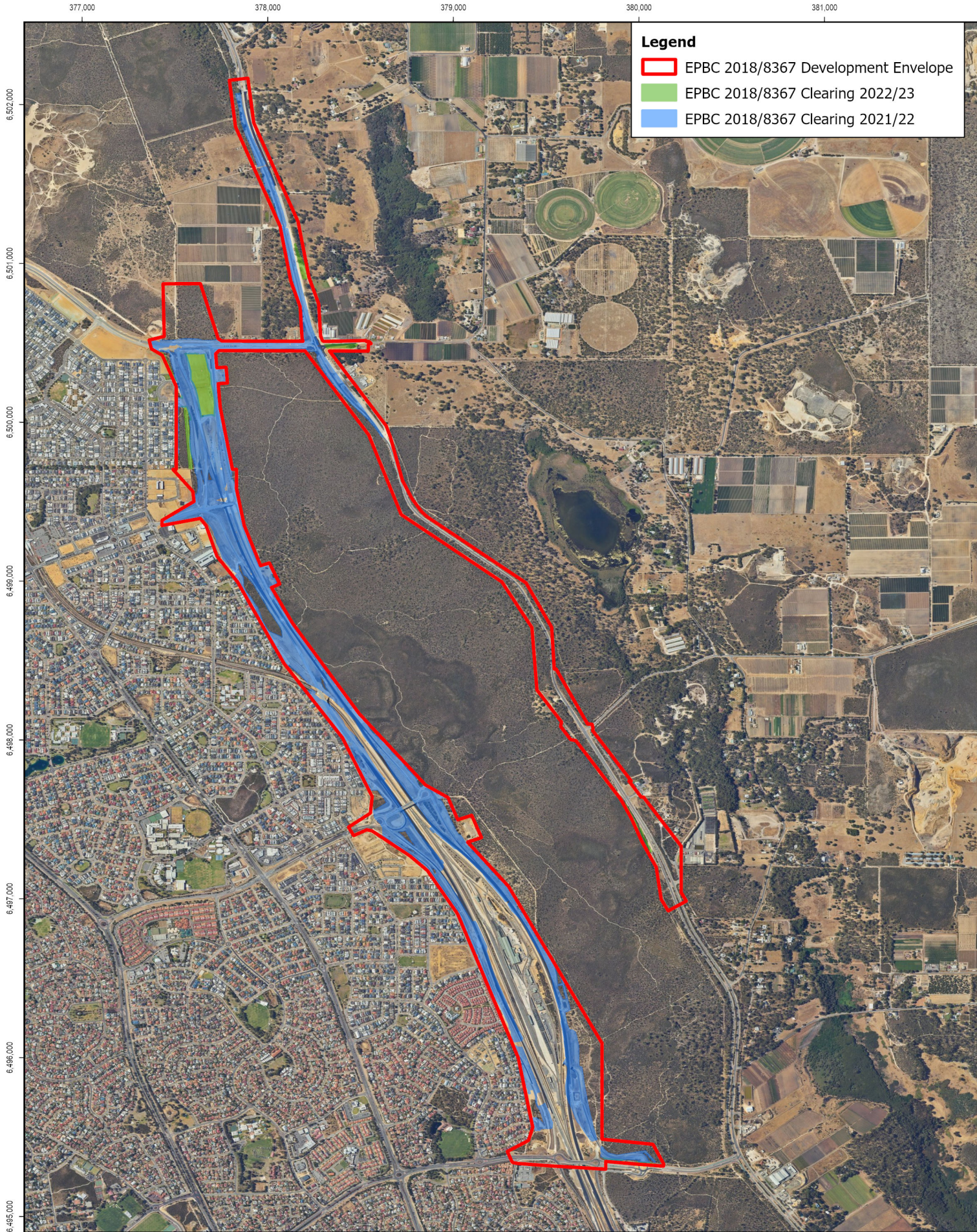
| Condition Number | Condition Description | Status |
|------------------|--|--|
| | |  |
| 3 | <p>In order to avoid and mitigate the impacts of Dieback, weeds, fire and nutrient cycling on the Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community, the approval holder must implement the Construction Environmental Management Plan from the commencement of the action for the life of the approval.</p> | <p>Compliant.</p> <p>Construction has been conducted in accordance with the Construction Environmental Management Plan. An environmental compliance audit was conducted on 7th October 2022. The audit included an assessment of compliance against EPBC 2018/8367 conditions as well as other approvals. The audit confirmed the Main Roads was compliant against obligations in its permits, including compliance with this condition. The audit report and associated assessment against to EPBC 2018/8367 conditions is attached as Appendix 1.</p> |
| 4 | <p>To avoid and mitigate the impacts of contamination from surface water runoff on EPBC Act listed species and ecological communities, the approval holder must:</p> <ol style="list-style-type: none"> Locate all infiltration basins inside of the development envelope; Ensure that all infiltration basins are designed and constructed so as to be able to capture and infiltrate surface water runoff from a 1 year minimum Average Recurrence Period rainfall event; Prevent surface water runoff in areas adjacent to the Banksia Woodlands of the Swan Coastal Woodland Threatened Ecological Community; and Submit the design(s) for all stormwater drainage works adjacent to the Neerabup National Park for review by the Western Australian Department of Biodiversity, Conservation and Attractions. The approval holder must not commence construction of stormwater drainage works until the Western Australian Department of Biodiversity, Conservation and Attractions has confirmed in writing that the design(s) will effectively manage stormwater drainage. The approval holder must provide the confirmation to the Department in writing prior to the commencement of the stormwater drainage works. | <p>Compliant.</p> <p>Main Roads has been in close contact with the Western Australian Department of Biodiversity, Conservation and Attractions (DBCA) throughout the stormwater drainage design process. Designs were provided to DBCA at various stages of development e.g. 15%, 85%, 100% etc. DBCA have confirmed in writing that they are satisfied with the 100% design. This confirmation was provided with the 2022 Compliance Report.</p> <p>This condition required Main Roads to submit designs for stormwater drainage works adjacent to the Neerabup National Park to DBCA for review and provide confirmation to the Department in writing prior to the commencement of the stormwater drainage works. This confirmation was provided to DAWE on 5 November 2021, prior to commencement of drainage works.</p> |

| Condition Number | Condition Description | Status |
|------------------|---|--|
| 5 | <p>To compensate for the residual significant impact on EPBC Act listed species and ecological communities, the approval holder must submit an Offsets Strategy for approval by the Minister within twenty-four months from the commencement of the action. The Offsets Strategy must:</p> <ul style="list-style-type: none"> a) Identify a suitable environmental offset(s) for the Banksia Woodlands of the Swan Coastal Plain, Carnaby's Black Cockatoo and Forest Red-Tailed Black Cockatoo that satisfies the requirements of the Department's EPBC Act Environmental Offsets Policy; b) Includes detailed baseline information and achievable goals for habitat quality improvement demonstrating how the proposed offset(s) meet the requirements of the Department's EPBC Act Environmental Offsets Policy; c) Specify the management and monitoring activities to be undertaken, including any management and monitoring targets to be met, at the offset site(s); d) Specify goal/s, timeframes and budget for implementation of management and monitoring activities; e) Specify how management and monitoring results will be reported to the Department and the public; f) Specify management and monitoring triggers and corrective actions that will be implemented in the event that targets are not met; g) Details of how the offset(s) will be protected in perpetuity. <p>The approval holder must not continue to clear habitat for EPBC Act listed species and ecological communities after thirty months from the commencement of the action unless the Offset Strategy has been approved in writing by the Minister. The approved Offset Strategy must be implemented for the remainder of the life of the approval.</p> | <p>Non - Compliant.</p> <p>In accordance with Condition 5 of EPBC 2018/8357 Main Roads was required to submit an offset strategy for approval by the Minister within twenty-four months from the commencement of the action. The action commenced on the 12 April 2021, with the offset strategy due for submission on the 12 April 2023.</p> <p>On the 4 April 2023 Main Roads notified DCCEEW that it was not able to submit an offset strategy for the project that would meet the Departments requirements.</p> <p>Main Roads had developed an offset strategy for the project and has secured a number of properties as potential offset sites. In accordance with the Department's past interpretation of the EPBC Offset Policy and previously approved offset strategies Main Roads considered that it had sufficient suitable offset properties for the project. However, due to recent changes to the Department's offset assessment approach, which has resulted in a significant increase in the quantum of offsets required, Main Roads considered the offset strategy was insufficient to meet Department's current expectations.</p> <p>In accordance with condition 12 of EPBC 2018/8357, Main Roads notified the Department that it was non-compliant with Condition 5 of the approval on the 13 April 2023, as the Offset Strategy had not been submitted by the required date. The details of the non-compliance were reported in accordance with condition 13 on the 26 April 2023 (Appendix 2).</p> <p>On the 5 May 2023 Main Road requested a variation under Section 143 (B). The variation seeks an extension of the timeframe for submission of the offset strategy from 24 to 36 months from the commencement of the action (ie until 12 April 2024).</p> <p>Main Roads is continuing to develop the offset strategy in line with the Department's current offset interpretation and will submit an Offset Strategy prior to the 12 April 2024.</p> |
| 6 | <p>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.</p> | <p>Compliant.</p> <p>Commencement of the action was on 12 April 2021 and Main Roads notified the Department in writing on 15 April 2021, advising of the commencement (evidence of this has been previously supplied to the Department).</p> |
| 7 | <p>The approval holder must maintain accurate and complete compliance records.</p> | <p>Compliant.</p> <p>Main Roads has maintained records in accordance with this condition and their legal obligations under the <i>State Records Act 2000</i> (Western Australia).</p> |
| 8 | <p>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.</p> | <p>Compliant.</p> <p>To date, no request for compliance records has been received.</p> |
| 9 | <p>The approval holder must:</p> <ul style="list-style-type: none"> a) submit plans electronically to the Department; b) publish each plan on the website within 20 business days of the date of this approval decision, or the date that the plan is approved by the Minister, unless otherwise agreed to in writing by the Minister; c) exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and | <p>Compliant.</p> <p>No plans submitted for approval post-approval. The Construction Environmental Management Plan included in the Preliminary Documentation for EPBC 2018/8367 was published on Main Roads website at https://www.mainroads.wa.gov.au/projects-initiatives/all-projects/metropolitan/Mitchell-freeway-extension/.</p> |

| Condition Number | Condition Description | Status |
|------------------|--|--|
| | d) keep plans published on the website until the end date of this approval. | |
| 10 | The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under conditions of this approval, 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. | <p>Compliant.</p> <p>No monitoring data collection required to date. All monitoring data will be prepared in accordance with the Department's Guidelines for biological survey and mapped data (2018) and submitted electronically to the Department.</p> |
| 11 | <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> <ul style="list-style-type: none"> 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 five 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; and 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>Compliant.</p> <p>This compliance report has been prepared and submitted to meet this condition. The compliance report has been published on the Main Roads website at https://www.mainroads.wa.gov.au/community-environment/environment/construction-project-reports/ (under "Mitchell Freeway .Extension – Hester Avenue to Romeo Road")</p> |
| 12 | <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 two business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <ul style="list-style-type: none"> a) any condition which is or may be in breach; b) a short description of the incident and/or non-compliance; and c) 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. | <p>Compliant.</p> <p>One non-compliance was recorded during the reporting period as outlined against Condition 5. In accordance with condition 12 of EPBC 2018/8367 this non-compliance was reported to DCCEEW on 13 April 2023 and details of the non-compliance were reported in accordance with condition 13 of the approval on 26 April 2023 (Appendix 2).</p> |
| 13 | <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 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <ul style="list-style-type: none"> 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; and c) c. the method and timing of any remedial action that will be undertaken by the approval holder. | <p>Compliant.</p> <p>One non-compliance was recorded during the reporting period as outlined against Condition 5. In accordance with condition 12 of EPBC 2018/8367 this non-compliance was reported to DCCEEW on 13 April 2023 and details of the non-compliance were reported in accordance with condition 13 of the approval on 26 April 2023 (Appendix 2).</p> |

| Condition Number | Condition Description | Status |
|------------------|--|--|
| 14 | The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister. | <p>Compliant.</p> <p>To date, no request for compliance audits has been received.</p> |
| 15 | <p>For each independent audit, the approval holder must:</p> <ul style="list-style-type: none"> 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; and c) c. submit an audit report to the Department within the timeframe specified in the approved audit criteria. | <p>Compliant.</p> <p>To date, no request for compliance audits has been received.</p> |
| 16 | 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. | <p>Compliant.</p> <p>To date, no request for compliance audits has been received.</p> |
| 17 | Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data. | <p>Compliant.</p> <p>The action is currently being implemented. The Department will be notified within 30 days of completion.</p> |

Figure 1 Total Clearing



N

Coordinate System: GCS GDA 1994

Scale: 1:30,918 @ A4

Created Date: 6/06/2023

Author: e200010

EPBC 2018/8367 Compliance

Figure 1 - Vegetation Clearing April 2021-
April 2023



Figure 2 Banksia Woodlands TEC Clearing

Legend

- EPBC 2018/8367 Development Envelope
- Banksia Woodland TEC Cleared 2022/2023
- Banksia Woodland TEC Cleared 2021/2022



N
 Coordinate System: GCS GDA 1994
 Scale: 1:30,779 @ A4
 Created Date: 6/06/2023
 Author: e200010

EPBC 2018/8367 Compliance

Figure 2 - Banksia Woodland Clearing April 2021-April 2023

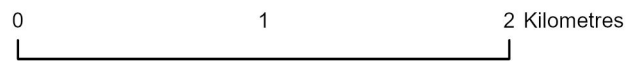


Figure 3 Carnaby's Cockatoo Habitat Clearing

Legend

- EPBC 2018/8367 Development Envelope
- Carnaby's Foraging Habitat Cleared 2022/23
- Carnaby's Foraging Habitat Cleared 2021/22
- Carnaby's Cockatoo PBT Cleared 2022/2023
- Carnaby's Cockatoo PBT Cleared 2021/2022



N
 Coordinate System: GCS GDA 1994
 Scale: 1:30,779 @ A4
 Created Date: 6/06/2023
 Author: e200010

EPBC 2018/8367 Compliance

Figure 3 - Carnaby's Cockatoo Habitat Clearing April 2021-April 2023

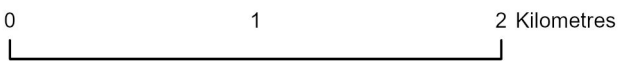


Figure 4 FRTBC Habitat Clearing

377,000 378,000 379,000 380,000 381,000

Legend

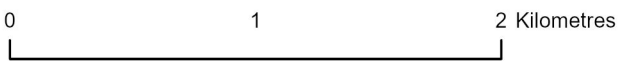
- EPBC 2018/8367 Development Envelope
- FRTBC Foraging Habitat Cleared 2022/23
- FRTBC Foraging Habitat Cleared 2021 22



N
 Coordinate System: GCS GDA 1994
 Scale: 1:30,779 @ A4
 Created Date: 6/06/2023
 Author: e200010

EPBC 2018/8367 Compliance

Figure 4 - Forest Red-Tailed Black Cockatoo Clearing April 2021-April 2023



**Appendix 1 Audit Report Environmental Management Compliance of Contract 13/19
Mitchell Freeway Extension (Hester Ave to Romeo Rd)**



Audit Report

Environmental Management Compliance of Contract 13/19 Mitchell Freeway Extension (Hester Ave to Romeo Rd)

Report No.: LFT-2211-REP-AUD-0005.1

Date: 30th October 2022

LOOK
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1 Executive Summary

Matthew Jewell (Auditor) was engaged by Main Roads WA (MRWA) through the Contract No. 26/20 Audit Panel to conduct an Environmental Management Compliance audit of the Mitchell Freeway Extension (Hester Ave to Romeo Rd) project under MRWA Project & Task No: 21112799 / 13.06.

The audit assessed the compliance of both MRWA, as the permit holder, and Mitchell Extension JV (MEJV), as the Contractor, against their obligations.

The audit was to assess compliance with the conditions placed upon the project by the various following applicable permits:

- Ministerial Statement 629
- EPBC Approval 2018-8367
- CPS 8753/1
- CPS 8826/1
- CPS 8861/2

The permit holder for the above permits is MRWA, who have a number of reporting obligations under these permits.

MRWA have discharged the 'on-site' obligations of the permits to the Contractor, Mitchell Extension JV) via the following:

- Scope of Works and Technical Criteria.

The Auditor found both the Permit Holder and the Contractor to be compliant against the obligations placed upon it by the permits and the Scope of Works and Technical Criteria.

The Auditor raised two observations in regards to hydrocarbon management and two opportunities for improvement.

2 Audit information

| Auditor | | Matthew Jewell | | |
|-------------------------------|--------------------------|---|-----------------|-----------------|
| Project | | Mitchell Freeway Extension (Hester Ave to Romeo Rd) | | |
| Audit Reference | | LFT-2211-AGN-AUD-0005 | | |
| Auditor | | Matthew Jewell | | |
| Date | | Friday 7 th October 2022 | | |
| Opening meeting | | 9:00am | | |
| Closing meeting | | 4:10pm | | |
| Attendee | Role | Organisation | Opening Meeting | Closing Meeting |
| Matthew Jewell | Auditor | Lofoto | ✓ | ✓ |
| Cliff Bennison | Environmental Officer | MRWA | ✓ | ✓ |
| Yossarian Taylor | Environmental Manager | MEJV | ✓ | ✓ |
| Ben Sims | Project Manager | MRWA | ✓ | ✓ |
| Chris Carson | Project Quality Engineer | MRWA | ✓ | ✓ |
| Musa Jaber | Graduate Engineer | MRWA | ✓ | ✓ |
| Graeme Peffers | Construction Manager | MEJV | | ✓ |
| Noncompliances | | 0 | | |
| Observations | | 2 | | |
| Opportunities for improvement | | 2 | | |

The record of attendance at the opening and closing meeting is recorded on LFT-2113-REC-ATT-0004.

3 Scope of the Audit

The audit followed the Audit Agenda (LFT-2211-AGN-AUD-0002) with the following changes:

1. Fauna management was incidentally observed and assessed to be compliant following a site visit by a 1.5m long dugite.

It should be noted that the audit only provides a snapshot of the operations being conducted during the day of the audit.

4 Status of the project

The Environmental Management Plan is currently at Revision 6. The latest revision considered findings from a previous compliance audit.

The project is due for completion in February 2023. Clearing is estimated at 98% complete, with only a few small areas anticipated to be cleared once designs of final tie-ins are complete. Landscaping is estimated at 50% complete.

The project is currently focussing on prime, seal and asphaltting operations, electrical services and the final deck pour for the bridges.

5 Audit findings

5.1 Site Inspection

The site is in good condition, with some parts almost complete, save for the last layer of asphalt. The layout of the final road is clearly defined and easy to follow.

The visit commenced on Romeo Rd where construction is crossing over from subbase to basecourse for the road. All the drainage is complete on Romeo Rd. A gap was witnessed in the temporary site boundary fencing, where the southern side of the Romeo Rd site boundary adjoins Neerabup National Park. This was addressed at the time of inspection. Opportunity for improvement No. 1 was raised to inspect all the temporary fencing adjoining Neerabup National Park and close any gaps that are found.

At Wanneroo Rd, we witnessed the extent of the fence which was subject to an NCR against EPBC 2018/8367, Condition No. 2. The corrective action, which is the installation of the fence, must be completed by 31st December 2022. There is no concern that this will not be achieved.

As we drove along the main line of the Mitchell Freeway extension, we visited the compound at Romeo Rd and inspected the storage of materials and hydrocarbons. It was found that the hydrocarbons are correctly stored, with a spill kit adjacent. The hydrocarbon waste bin was easily accessible and, from a quick look inside, was being used correctly for items such as grease tubes, oil containers etc.

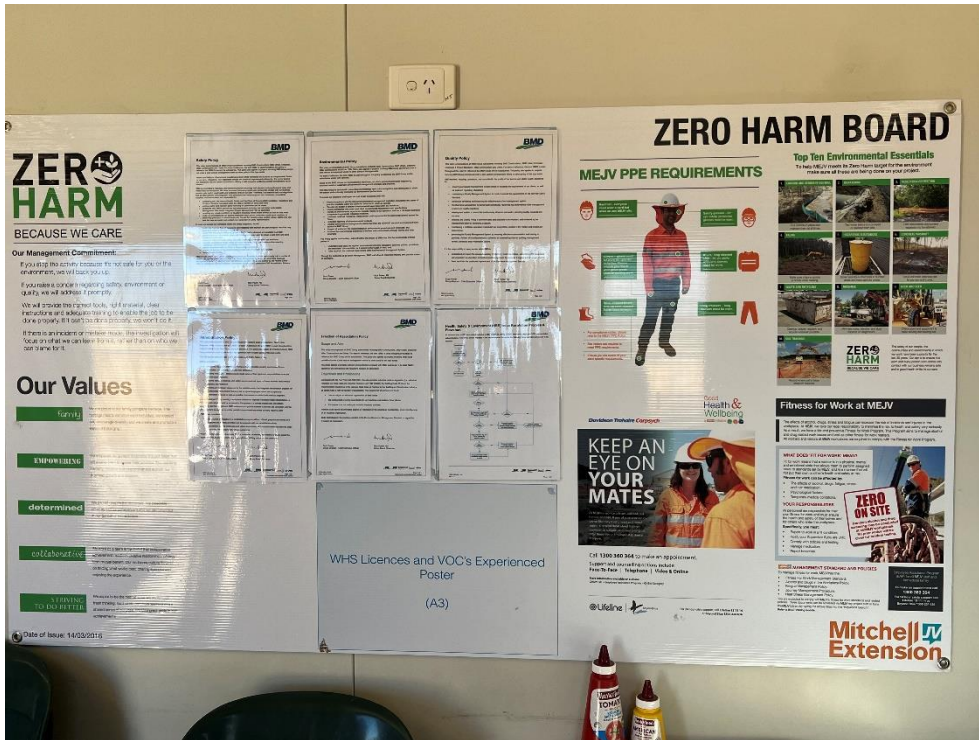


Hydrocarbons stored in a suitable cabinet at Romeo Rd compound. Spill kit adjacent.

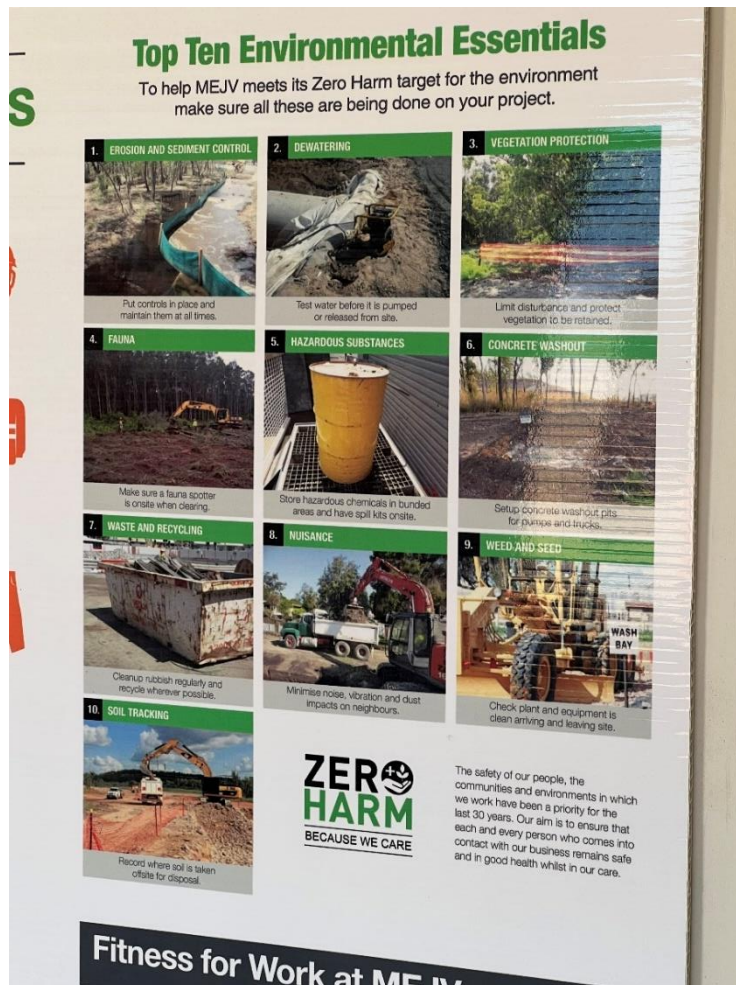


Hydrocarbon waste bin at Romeo Rd compound.

Also within the Romeo Rd compound, we witnessed the notice board in the crib hut which included the Environmental Policy and information on environmental focus areas.



Notice board includes policies and "Top ten Environmental Essentials"



"Top Ten Environmental Essentials" poster

We continued along south along the main line of Mitchell Freeway and witnessed areas that had been landscaped and planted. The pavement was at least up to seal level along the main line. There were a few areas of scour adjacent to the pavement from recent rain events. These scour do not present a short-term risk to the project, but do prevent the project achieving practical completion.



Scour observed from recent rain events

We spoke with the landscaping team who were in the process of planting an infiltration basin. Their activities were well executed and the Supervisor was very knowledgeable on the planting mix and the context in which it was being used.

We also visited the Lukin Dr compound. It was observed that the overflow sump was full of rainwater and represented a risk should there be a fuel spill. This has been noted as **Observation No. 1** on the SWTC tab of the Audit Review Record. It is recommended that this sump be drained and disposed of off-site by a licensed carrier.

There was concern raised at the Lukin Dr compound about the method of containing spills from the shuttering oil storage. Whilst no spillage had occurred, it was felt that only a minor incidence, e.g. someone stepping in the wrong place, would be sufficient to cause a spill. This has been recorded as **Observation No. 2** on the SWTC tab of the Audit Review Record.

Opportunity for improvement No. 2 was raised for the shuttering oil bund as it was felt that there is an opportunity to provide a better solution to the capture of spills.

Towards the southern end of the project around Hester Ave. there were no concerns raised with the operations taking place.



Observation No. 1 – bund at refuelling station full of rainwater



Observation No. 2 – bund for shuttering oil

5.2 Approvals and Notifications

With regards to the Statutory Approvals and Permits, the Auditor has undertaken a post-audit review of the evidence supplied by the permit Holder. Areas of focus have been:

- Reporting requirements of the EPBC 2018/8367
- Reporting requirement of clearing permits
- Excision Strategy of MS629
- Black Cockatoo breeding hollow replacement

From a post-audit review of the evidence provided by the Permit Holder, the Permit Holder is compliant with the conditions of all the permits that have been assessed during the audit.

Specific details of the evidence reviewed, and assessment of compliance can be found on the accompanying Document No.: LFT-2211-REC-AUD-0006.

5.3 Noncompliances and incident reports

One non-compliance has been raised against Condition No. 2 of EPBC Referral Approval 2018-8367, which states, "To avoid and mitigate the impacts of fragmentation and Dieback on the Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community, the approval holder must install and maintain a fence along the entire boundary of the development envelope with the Neerabup National Park. The fence must be at least 1.8 metres high, capable of excluding uncontrolled access, completed within twelve months of the commencement of the action and maintained for the life of the approval." As the Client had not taken up Optional Works which included the duplication of Wanneroo Rd, the project team misinterpreted the required fencing as the extent of the project, not the extent of the permit. This non-compliance was notified to DWER on 22nd April 2022 with a corrective action to install the fencing by 31st December 2022. It was witnessed that the fencing is well underway, with anticipated completion in early November 2022.

5.4 Hygiene/Mulch/Topsoil Management

As the project approaches the latter stages, there was a focus from the Auditor on the management of the topsoil and mulch in relation to dieback requirements. It was witnessed that stockpiles had been blended to become topsoil/mulch combined stockpiles, before spreading on the batters prior to landscaping.

These stockpiles have also been treated for weeds as witnessed by an email from Gambará, the landscaping consultants.

The topsoil/mulch is sprayed once more when the topsoil/mulch is spread on the batters. The Auditor witnessed the daily herbicide spraying records for 15th November 2021, which details the location, area and quantity of herbicide used to treat the area in question. This record showed that 7.2l of glyphosate and 36.0g of metsulfuron were used on this day.



Batter along Mitchell Freeway that has been topsoiled/mulched and planted



Topsoil spread at Butler Blvd

The area under CPS 8861-2 was cleared on 8th and 9th September 2022. The register which records the dates and areas cleared was witnessed.

The Auditor also witnessed the Dieback/Weed & Seed checklists that were complete for the clearing operations necessary to make way for the permanent fence required between Wanneroo Rd and the extent of EPBC 2018-8367. Clearing works took place on 20th, 23rd and 27th September.

5.5 Dust Management

During the site visit, it was witnessed that dust was being well managed, particularly as we exit the wetter months and start entering periods of prolonged dry weather. All the site boundaries adjacent to properties have either a solid fence or netted temporary fencing. This was dependant on whether the property owner wished to keep their fence, or have their fence removed and the new noise wall act as their new boundary fence.



Dust netting erected on boundary between the project and residential neighbours

Water carts were witnessed traversing the site and either spraying large areas of un-landscaped batters, i.e. those batters that were still showing sand, or using their dribble bars to damp down the main access routes used by vehicles.

A dust monitor is currently located in Zone 3.1 of the project. The data collected from the monitor was witnessed through the online application. It was discussed that the data from the dust monitors is compared to the Air Quality Index published by the Dept. Water and Environmental Regulations to benchmark any trigger warnings in case the trigger was caused by general poor air quality.

[Air quality index - Department of Water and Environmental Regulation \(der.wa.gov.au\)](http://der.wa.gov.au)



Water cart spraying general areas/batters



Main access route through Lukin Dr compound damped down with a dribble bar

5.6 Hydrocarbon Management

In general, hydrocarbons are well-managed. Bins for disposal of hydrocarbon containers are easily accessible and being correctly used. Spill kits are also readily accessible.

The findings from the site visit in regards to hydrocarbon management are minor and can be rectified or improved quite easily.

As noted in Section 5.1 of this report, there were three findings raised against hydrocarbon management, but for the size and sensitivity of the project, these are relatively minor findings that are easily addressed.

6 Summary

Based on the findings of this audit, the Auditor deems the project to be compliant with its obligations under the permits.

Also, the Contractor is following the processes laid out in their Environmental Management Plan which has been assessed as compliant against the requirements of the SWTC.

7 Attachments

The following attachments accompany this report:

- LFT-2211-AGN-AUD-0002.1 Audit agenda
- LFT-2211-REC-ATT-0004 Audit Attendance Record
- LFT-2211-REC-AUD-0006 Audit Review Record

8 Acknowledgements

The Auditor would like to thank Cliff Bennison (Environmental Officer, MRWA) and Yossarian Taylor (Environmental Manager, Mitchell Extension JV) for their cooperation in this audit and the open and honest responses given.

AUDIT REVIEW RECORD

| Item | Criteria | Question | Evidence provided | Finding | Comments or further actions |
|------|--|--|---|-----------|--|
| 1 | To minimise impacts to EPBC Act listed species and ecological communities, the approval holder must not clear more than 165 hectares of vegetation within the development envelope. Within the development envelope, the approval holder must not clear more than: <ul style="list-style-type: none"> a. 50.07 ha of Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community (location of this community is mapped in Attachment B); b. 132.07 ha of foraging habitat for the Carnaby's Black Cockatoo; c. 104.25 ha of foraging habitat for the Forest Red-Tailed Black Cockatoo; and d. 328 potential breeding trees for the Carnaby's Black Cockatoo (location of these trees is mapped in Attachment E). | Please can you show that your clearing approval process ensures that the maximum clearing limits set by the EPBC Act Approval (EPBC Act Referral 2018/8367) are not exceeded? | The site visit demonstrated that the Contractor had minimised clearing by: <ol style="list-style-type: none"> 1. Only clearing to the limits of earthworks, not the limits of the development envelope. 2. Leaving pockets of vegetation that was outside of the earthworks even it is remained in the main body of the project development envelope. | Compliant | The areas noted in the approval were the areas measured within the development envelope. As less than the development envelope has been cleared, the areas approved will not be exceeded. |
| 2 | To avoid and mitigate the impacts of fragmentation and Dieback on the Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community, the approval holder must install and maintain a fence along the entire boundary of the development envelope with the Neerabup National Park. The fence must be at least 1.8 metres high, capable of excluding uncontrolled access, completed within twelve months of the commencement of the action and maintained for the life of the approval. | Is the fence constructed? If not, what controls are in place to prevent/manage access from the site to the Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community? | The fence was largely constructed. The fence corridor was cleared, then the clearing followed to allow fauna to escape back into the National Park, then the fence was erected close behind the clearing. | Compliant | A NCR was raised as it was misinterpreted that a fence was required beyond the work area. The Auditor witnessed the installation of the fence on the eastern side of Neerabup NP which will be completed within one month. |
| 3 | In order to avoid and mitigate the impacts of Dieback, weeds, fire and nutrient cycling on the Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community, the approval holder must implement the Construction Environmental Management Plan from the commencement of the action for the life of the approval. | Please provide the dates of clearing commencement and approval of the Contractor's Environmental Management Plan | Notification of 'start of action' presented by Main Roads. Document ref: 16/4295 D21#374839 sent on the 15 April 2021 | Compliant | |
| 4 | To avoid and mitigate the impacts of contamination from surface water runoff on EPBC Act listed species and ecological communities, the approval holder must: | | | | |
| 4a | Locate all infiltration basins inside of the development envelope; | | | Compliant | |
| 4b | Ensure that all infiltration basins are designed and constructed so as to be able to capture and infiltrate surface water runoff from a 1 year minimum Average Recurrence Period rainfall event; | Please show that the drainage design has considered the location, volume, storage capacity, and long term silting of the basins to meet this criteria. | | Compliant | Design considers this and DBCA have commented on the design. |
| 4c | Prevent surface water runoff in areas adjacent to the Banksia Woodlands of the Swan Coastal Woodland Threatened Ecological Community; and | What controls do you have in place for the management of stormwater run-off? | The ground was shaped away from the Banksia Woodlands. Where this was not possible, a bund was formed on the clearing boundary to prevent water escaping the clearing footprint. | Compliant | |
| 4d | Submit the design(s) for all stormwater drainage works adjacent to the Neerabup National Park for review by the Western Australian Department of Biodiversity, Conservation and Attractions. The approval holder must not commence construction of stormwater drainage works until the Western Australian Department of Biodiversity, Conservation and Attractions has confirmed in writing that the design(s) will effectively manage stormwater drainage. The approval holder must provide the confirmation to the Department in writing prior to the commencement of the stormwater drainage works. | Please demonstrate that the stormwater drainage design has been approved by Dept DBCA. | This was not assessed as the drainage design is not complete, although evidence of correspondence with DBCA was shown that demonstrated that the lines of communication around drainage design are open. | Compliant | Witnessed email from Michael Roberts (A/Planning Officer, DBCA) confirming that DBCA had no further comments on the 100% drainage design. |

| | | | | | |
|----|--|--|--|--------------|--|
| 5 | Offset strategy for approval by the Minister within 24 months | Has the offset strategy been approved? | Main Roads are currently developing their offset strategy. | Not assessed | Due 24 months after commencement of action. Due to be delivered by next April 2023. |
| 6 | 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. | Please provide evidence that the Department has been notified of the commencement of clearing. | Letter ref: 16/4295 D21#374879 dated 15 April 2021 from Cliff Bennison was presented. | Compliant | |
| 7 | The approval holder must maintain accurate and complete compliance records. | | The Contractor's Monthly Reports for was witnessed which include a number of environmental metrics including amount and type of clearing. | Compliant | Witnessed the Contractor's Monthly Reports for May 2021 and September 2022. This includes metrics for waste, complaints, clearing, fuel use etc. |
| 8 | 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. | | | N/A | No request has been made. It is recommended that this is re-assessed in 12 months. |
| 9 | The approval holder must: a. submit plans electronically to the Department; b. publish each plan on the website within 20 business days of the date of this approval decision, or the date that the plan is approved by the Minister, unless otherwise agreed to in writing by the Minister; c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and d. keep plans published on the website until the end date of this approval | | The Auditor witnessed plans and approvals under the Environment tab of the project information page on Main Roads WA's website https://www.mainroads.wa.gov.au/projects-initiatives/all-projects/metropolitan/Mitchell-freeway-extension/ | Compliant | |
| 10 | The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under conditions of this approval, 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. | | | N/A | There is no requirement to submit monitoring data under this permit. |
| 11 | 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: 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 five 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; and 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. | | Witnessed Document No: D22#673891 - EPBC 2018/8367 Annual Compliance Report 2021/22 dated June 2022 The report is published at https://www.mainroads.wa.gov.au/globalassets/community-environment/environment/construction-reports/mitchell-freeway-extension-hester-avenue-to-romeo-road-compliance-report-2022.pdf?v=49f3bf | Compliant | |

| | | | | | |
|----|--|--|---|--------------|---|
| 12 | 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 two 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; and 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 | | 1 non-compliance raised for fencing. | Compliant | MRWA raised a non-compliance for the extent of fencing around the Neerabup NP. The corrective action, which is to install the required fencing is to be completed by 31st December 2022. |
| 13 | 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; and c. the method and timing of any remedial action that will be undertaken by the approval holder. | | See above | Compliant | |
| 14 | The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister | | This audit was not requested by the Minister. | N/A | Regular audits are conducted as good practice. |
| 15 | 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; and c. submit an audit report to the Department within the timeframe specified in the approved audit criteria | | | N/A | Audit not requested by the Minister |
| 16 | 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. | | | N/A | Audit not requested by the Minister |
| 17 | Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data. | | The clearing is ongoing. | Not assessed | It is noted that the Optional Works for Wanneroo Duplication falls under this permit. Until those works are complete, the action will not be completed. The permit is valid until 30th June 2041. |

Appendix 2 Non-compliance reports for EPBC 2018/8367 Condition 5

Clare Collett

From: Clare Collett
Sent: Thursday, 13 April 2023 7:27 AM
To: Post Approval
Cc: John Braid
Subject: EPBC 2018/8367 Mitchell Freeway Extension and Wanneroo Road Upgrade -Notification of Non Compliance

To whom it may concern,

Main Roads Western Australia as the proponent for EPBC 2018/8367 Mitchell Freeway Extension and Wanneroo Road Upgrade, Western Australia, is notifying the Department of a non compliance with the condition 5 of EPBC 2018/8367 identified on 12 April 2023.

Condition 12 states:

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 two 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 noncompliance. In the event the exact information cannot be provided, provide the best information available.

Any condition which may be in breach:

Condition 5 - To compensate for the residual significant impact on **EPBC Act listed species and ecological communities**, the approval holder must submit an **Offsets Strategy** for approval by the **Minister** within twenty-four months from the **commencement of the action**.

Description of Non Compliance:

As per Condition 5 of EPBC 2018/8367, Main Roads was required to submit the Offset Strategy by 12 April 2023. Main Roads is non-compliant with the condition as Main Roads has not submitted the Offset Strategy required under condition 5.

On the 4 April 2023, Main Roads notified the Department that Main Roads had developed an offset strategy for the Mitchell Freeway Extension and Wanneroo Road Upgrades and has secured a number of properties as potential offset sites, but recent changes to the Department's offset assessment approach has resulted in a significant increase in the quantum of offsets required.

Based on recent feedback on the Bunbury Outer Ring Road Southern Section (EPBC 2019/8543) and the Roe Highway and Great Eastern Highway Bypass Grade Separation Interchange (EPBC 2020/8784) projects, the strategy Main Roads has developed for the Mitchell Freeway Extension and Wanneroo Road Upgrades will be considered insufficient to meet the Department's expectations.

As Main Roads is not able to comply with condition 5 by the specified timeframe, Main Roads indicated its intention to submit a notice of non-compliance with condition 5 of EPBC 2018/8367 and a request for a variation to condition 5 under section 143 of the EPBC Act. The variation will seek an extension of the timeframe for submission of the offset strategy from 24 to 36 months from the commencement of the action (i.e. until 12 April 2024).

Location

Not relevant as no impact on the site.

Condition 13

Main Roads will provide a response in accordance with the requirements of Condition 13 regarding the non-compliance by Friday 28 April to the Department, 10 business days following the incident.

Please provide confirmation of receipt of this notification

Regards,

Clare Collett

Senior Environmental Officer

Office of Major Transport Infrastructure Delivery (OMTID)

Available Mon and Tues 8am-4pm & Wed and Thurs 9.30am-2.30pm

Please note I do not work Fridays

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w: www.mainroads.wa.gov.au

Clare Collett

From: Clare Collett
Sent: Wednesday, 26 April 2023 12:33 PM
To: EPBC Monitoring
Cc: John Braid
Subject: EPBC 2018/8367 Reporting under Condition 13

To whom it may concern,

Main Roads Western Australia as the proponent for EPBC 2018/8367 Mitchell Freeway Extension and Wanneroo Road Upgrade, reported a non-compliance under condition 12 of that approval on 13 April 2023. The non-compliance related to Condition 5 which requires the submission of the Offset Strategy within 24 months of commencement of action.

This email is to provide the Department with the details of the incident in accordance with the requirements of condition 13 of EPBC 2018/8367, within 10 days of becoming aware of the incident.

Condition 13 states:

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; and
- c. the method and timing of any remedial action that will be undertaken by the approval holder.

Any condition which may be in breach:

Condition 5 - To compensate for the residual significant impact on **EPBC Act listed species and ecological communities**, the approval holder must submit an **Offsets Strategy** for approval by the **Minister** within twenty-four months from the **commencement of the action**.

Description of Non Compliance:

As per Condition 5 of EPBC 2018/8367, Main Roads was required to submit the Offset Strategy by 12 April 2023. Main Roads is non-compliant with the condition as Main Roads has not submitted the Offset Strategy required under condition 5.

On the 4 April 2023, Main Roads notified the Department that Main Roads had developed an offset strategy for the Mitchell Freeway Extension and Wanneroo Road Upgrades and has secured a number of properties as potential offset sites, but recent changes to the Department's offset assessment approach has resulted in a significant increase in the quantum of offsets required.

Based on recent feedback on the Bunbury Outer Ring Road Southern Section (EPBC 2019/8543) and the Roe Highway and Great Eastern Highway Bypass Grade Separation Interchange (EPBC 2020/8784) projects, the strategy Main Roads has developed for the Mitchell Freeway Extension and Wanneroo Road Upgrades will be considered insufficient to meet the Department's expectations.

On the 13 April 2023, Main Roads notified the Department that it was non-compliant with Condition 5 of EPBC 2018/8357 as the Offset Strategy had not been submitted as required. That notice also indicated the intention to request a variation to condition 5 under section 143 of the EPBC Act. The variation will seek an extension of the timeframe for submission of the offset strategy from 24 to 36 months from the commencement of the action (i.e. until 12 April 2024). Main Roads is currently preparing this request.

Corrective action or investigation which the approval holder has already taken or intends to take in the immediate future

- Main Roads will continue to liaise with the Department to seek a variation to Condition 5 to extend the condition by 12 months
- Main Roads will continue to seek to obtain suitable offsets to meet the condition

Potential impacts of the incident or non-compliance

- There will be a delay between the project clearing and offset implementation
- The offset calculations will be developed to reflect the delay between the impact and ecological benefit

Method and timing of any remedial action that will be undertaken

- Main Roads has ceased clearing of Banksia Woodland TEC and Carnaby's and Forest Red-tailed Black cockatoo habitat and will not resume until the offset strategy is submitted to the Department or the proposed amendment to Condition 5 has been approved
- Main Roads will continue develop the offset strategy

Main Roads has been actively seeking to offset the impacts of the proposal. This includes but is not limited to:

- Main Roads has funded the acquisition of the following properties
 - Lot 1 Banovich Road, Hill River. This property contains foraging and breeding habitat for the Carnaby's Black Cockatoo;
 - Lots 87 & 88 Duringen Road, Cowalla. This property contains Banksia Woodland TEC and foraging habitat for the Carnaby's Black Cockatoo;
 - Lots 921 and 2342, Ashworth Road, Moondah. This property contains banksia woodland TEC and foraging and potential breeding habitat for the Carnaby's and Forest Red-tailed Black Cockatoos;
 - Lot 1981 Keating Road, Moondyne. This property contains foraging habitat and suitable breeding habitat for the Carnaby's and Forest Red-tailed Black Cockatoos.
- Main Roads is undertaking revegetation of 7.76 ha along Nowergup Lake and 9.47 ha in the Neerabup National Park. The revegetation and rehabilitation actions include improved fencing, weed control and revegetation of cleared areas within existing conservation land. This revegetation will provide foraging habitat for the Carnaby's and Forest Red-tailed Black Cockatoos, with the Neerabup site including Banksia Woodland TEC
- Main Roads continues to work with DBCA to identify additional properties for acquisition with a focus on properties that contain banksia woodland TEC and foraging and breeding habitat for the Carnaby's and Forest Red-tailed Black Cockatoos

Please provide confirmation of receipt of this notification

Regards,

Clare Collett

Senior Environmental Officer

Office of Major Transport Infrastructure Delivery (OMTID)

Available Mon and Tues 8am-4pm & Wed and Thurs 9.30am-2.30pm

Please note I do not work Fridays

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