



**mainroads**  
WESTERN AUSTRALIA

# EPBC 2016/7761 Annual Compliance Report

Great Northern Highway Upgrade Stage 2:  
Muchea to Wubin

June 2019

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June 2019

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# 1 INTRODUCTION

Great Northern Highway forms part of the National Highway Network and provides a strategic freight link between Perth and the State's north as well as Darwin and the Northern Territory. Between 2000 and 2009, Stage One of the Great Northern Highway Muchea to Wubin Upgrade project was completed, which saw 76 km of the highway upgraded.

In 2014 a comprehensive planning review was undertaken of the full Muchea to Wubin link along the highway. A series of construction packages were prioritised following the review, which include town bypasses, wider roads, more passing lanes, flattening crests and easing curves, safer roadsides, more rest stops and additional facilities for heavy vehicles.

Jointly funded by the Australian and Western Australian Governments, the \$347.8 million project will improve road safety, increase freight efficiency and reduce traffic delays, improve travel times and access, improve roadside amenities, and enhance the environmental value of roadsides.

The key objectives for the project include:

- Improved safety
- Increased freight efficiency and reduced traffic delays
- Improved network reliability - improving travel times and enhancing network access
- Enhanced travel wellbeing - improvements in roadside amenities for rest and driver information
- Contribution to sustainable and viable communities - by balancing community concerns, economic, community safety and network access issues
- Enhancement of the environment - by undertaking practices to retain and improve the environmental value of roadsides.

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

Proposed construction of the Walebing, Miling Bypass, Pithara and Dalwallinu to Wubin packages were referred to the Department of the Environment and Energy (DoEE; 'the Department') for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) as these works were deemed to potentially impact significantly on the listed threatened species Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*) and the Eucalypt Woodlands of the Western Australian Wheatbelt Threatened Ecological Community (Eucalypt Woodlands TEC). The referred works were determined by the Department to be a Controlled Action and were assessed through Preliminary Documentation. The Department issued conditioned approval for these works to proceed on 19 February 2018 (EPBC 2016/7761).

### 1.1.1 Purpose of this Report

Construction of the Controlled Action commenced on 29 May 2018. This compliance report has been produced as required by Condition 10 of EPBC approval 2016/7761. Table 1 of this report outlines the compliance with each approval condition over the 12-month period between 29 May 2018 and 28 May 2019.

The construction of the Controlled Action has not yet been completed, hence reporting will continue annually under Condition 10 of EPBC 2016/7761.

## 2 COMPLIANCE

Condition No.	Condition	Status
1	The approval holder must not clear more than 30 hectares of Carnaby's Black Cockatoo habitat and 15 hectares of Eucalypt Woodlands TEC within the project area shown as Attachment 1.	Compliant.  12.5 ha of Carnaby's Black Cockatoo habitat and 0.6 ha of Eucalypt Woodlands TEC was cleared within the project area (Attachment 1).
2	The approval holder must not clear any suitable nesting hollow or known nesting hollow for the Carnaby's Black Cockatoo.	Compliant.  No suitable nesting hollows or known nesting hollows for Carnaby's Black Cockatoo have been cleared.
3	<p>Within 7 days prior to clearing of any area of Carnaby's Black Cockatoo habitat, the approval holder must investigate all potential nesting trees within the area to be cleared to determine if there are any hollows additional to those identified in Condition 2 that are being utilised, or are capable of being utilised, by the Carnaby's Black Cockatoos for nesting. The investigation must be undertaken by a suitably qualified person.</p> <p>a. If any Carnaby's Black Cockatoo(s) is detected utilising any hollow in any tree, the approval holder must:</p> <ol style="list-style-type: none"> <li>i. clearly identify and mark the newly identified nesting tree; and</li> <li>ii. only clear the newly identified nesting tree, or vegetation within a 10 metre radius of the tree, if a suitably qualified person has verified that the hollows in the tree are no longer being used by Carnaby's Black Cockatoos.</li> </ol> <p>b. For each cleared hollow that is being utilised, or capable of being utilised by Carnaby's Black Cockatoo, that is additional to the nesting hollows identified in Condition 2, the proponent must install at least three (3) artificial nesting hollows, where the artificial nesting hollows must be:</p> <ol style="list-style-type: none"> <li>i. installed within a 12 km radius of the cleared nesting tree(s);</li> <li>ii. constructed, positioned, erected and maintained in accordance with</li> </ol>	<p>Compliant.</p> <p>All potential nesting trees within the approved area to be cleared were investigated no more than 7 days prior to each clearing event (Attachment 2).</p> <p>Survey and clearing commencement dates are summarised as follows:</p> <ul style="list-style-type: none"> <li>• Miling Bypass: <ul style="list-style-type: none"> <li>○ Inspection on 24 May 2018</li> <li>○ Clearing on 29 May 2018</li> </ul> </li> <li>• Pithara: <ul style="list-style-type: none"> <li>○ Inspection on 28 May 2018</li> <li>○ Clearing on 4 June 2018</li> <li>○ Inspection on 8 June 2018</li> <li>○ Clearing on 11 June 2018</li> </ul> </li> </ul>

Condition No.	Condition	Status
	<p>relevant artificial hollow guidance, to maximise the likelihood that the artificial nesting hollows are utilised by the Carnaby's Black Cockatoo;</p> <ul style="list-style-type: none"> <li>iii. installed before the commencement of the following breeding season for the Carnaby's Black Cockatoo; and</li> <li>iv. inspected and maintained at least annually to check for condition and evidence of Carnaby's Black Cockatoo usage.</li> </ul>	
4	<p>To mitigate impacts to the Carnaby's Black Cockatoo and the Eucalypt Woodlands TEC, the approval holder must prepare and submit a Construction Environmental Management Plan (CEMP) for the approval of the Minister. The approval holder must not commence the action unless the Minister has approved the CEMP.</p> <p>The CEMP must be prepared in accordance with the Department's Environmental Management Plan Guidelines and include, but not be limited to:</p> <ul style="list-style-type: none"> <li>a. design principles and practices to minimise clearing of Carnaby's Black Cockatoo habitat and the Eucalypt Woodlands TEC – for example, road micro-alignment, traffic management alternatives to side roads;</li> <li>b. measures to prevent impacts to Carnaby's Black Cockatoo habitat and the Eucalypt Woodlands TEC during construction, including to: <ul style="list-style-type: none"> <li>i. prevent and/or control site access, weeds, <i>Phytophthora</i> dieback, erosion, dust and fire;</li> <li>ii. minimise the impacts of excavation activities to the lateral root system of the Eucalypt Woodlands TEC; and</li> <li>iii. delineate vegetation to be retained through, for example, the erection of temporary fencing or signage to avoid accidental clearing or disturbance outside of the impact area.</li> </ul> </li> <li>c. management measures, including in relation to fencing and access controls, to permanently restrict human and stock access to adjacent road reserves;</li> <li>d. objectives, targets and completion criteria for post construction rehabilitation measures such as site clean-up and weed management, including information on the mapping, monitoring and removal of noxious weeds;</li> <li>e. objectives, targets and completion criteria for landscaping and revegetation</li> </ul>	<p>Compliant.</p> <p>The Minister approved the CEMP on 11 May 2018 (Attachment 3) and the action commenced on 29 May 2019 (see Condition 8). Main Roads has implemented the approved CEMP.</p>

Condition No.	Condition	Status
	<p>works on cleared areas of land and redundant sections of carriageway, with flora species to be planted that are identified as known foraging and breeding habitat for the Carnaby's Black Cockatoo (this should include detail on site preparation works, seedling planting programs, success rates, ongoing management post establishment and details of replanting requirements if success rates are not achieved):</p> <ul style="list-style-type: none"> <li>i. flora species identified as known foraging and breeding habitat for the Carnaby's Black Cockatoo must not be planted within 10 metres of the road carriageway to reduce the risk of vehicle strike.</li> <li>f. clear objectives and performance indicators for all management actions, mitigation measures and practices prescribed by the CEMP including details of the monitoring to be undertaken to demonstrate the effectiveness of the measures;</li> <li>g. corrective actions for circumstances where an action, mitigation measure or practice prescribed by the CEMP fails to meet, or is unlikely to meet, its prescribed objective, and trigger action points at which these corrective actions will be implemented; and</li> <li>h. timeframes for implementing the above measures.</li> </ul> <p>If the Minister approved the CEMP, then the approved CEMP must be implemented.</p>	
5	<p>To mitigate impacts to habitat for the <i>Eremophila pinnatifida</i> the approval holder must implement condition 8 of Clearing Permit CPS 7231/1.</p>	<p>Not applicable.</p> <p>Works triggering the implementation of Condition 8 of Clearing Permit CPS 7231/3 have not yet commenced.</p>
6	<p>To compensate for the loss of up to 30 hectares of Carnaby's Black Cockatoo habitat, the approval holder must, within one (1) year after the commencement of the action, provide the Department with the offset attributes, shapefiles and textual descriptions and maps to clearly define the location and boundaries of the offset area identified in Attachment 3, that the approval holder has transferred to the DBCA.</p>	<p>Compliant.</p> <p>Main Roads allocated 159 ha of the previously acquired Lot 1, 1395 Banovich Road, Hill River to meet the requirements of this offset. The property has been added to the</p>

Condition No.	Condition	Status
		conservation estate and is being managed by the DBCA. The details of this site as required under this condition, including offset attributes, shapefiles and a textual description, were provided to the Department by email (Post Approvals) on 8 November 2018 (Attachment 4).
7	<p>To compensate for the loss of up to 15 hectares of Eucalypt Woodlands TEC, the approval holder must, within one (1) year of the commencement of the action, or as otherwise agreed to by the Minister:</p> <ul style="list-style-type: none"> <li>a. submit to the Minister for approval the details of an offset site(s) that: <ul style="list-style-type: none"> <li>i. is to be acquired and managed for conservation;</li> <li>ii. includes a minimum of 155 hectares of Eucalypt Woodlands TEC; and</li> <li>iii. meets the requirements of the EPBC Environmental Offsets Policy.</li> </ul> </li> <li>b. make a financial contribution to an approved conservation fund to fully fund the purchase and management for conservation of the approved offset site(s);</li> <li>c. provide written evidence to the Department that the financial contribution: <ul style="list-style-type: none"> <li>i. has been made to the approved conservation fund; and</li> <li>ii. has fully funded the purchase and management of the offset site(s).</li> </ul> </li> <li>d. provide the Department with the offset attributes, shapefiles and textual descriptions and maps to clearly define the location and boundaries of the offset site(s).</li> </ul>	<p>Compliant.</p> <p>Main Roads is finalising the acquisition of Lot 500, Yenyening Lakes Road, Brookton, on which 134.1 ha of Eucalypt Woodlands TEC occur. The details of this site as required under this condition, including offset attributes, shapefiles and a textual description, were provided to the Department by email (Vaughn Cox) on 24 May 2019 (Attachment 5).</p> <p>Although Main Roads has been unable to fulfil the 155 ha requirement within the first year following commencement of the action, a one-year extension to the completion of this condition was requested by email from the Department (Vaughn Cox) on 24 May 2019 (Attachment 5).</p>
8	<p>Within 30 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.</p>	<p>Compliant.</p> <p>The action commenced on 29 May 2018, with written notification provided to the Department by email on 31 May 2018 (Attachment 6).</p>
9	<p>The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken</p>	<p>Compliant.</p>

Condition No.	Condition	Status
	<p>to implement the plan required by this approval (Condition 4), and make them available upon request to the Department. Such records may be subject to audit by the Department of an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of this approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.</p>	<p>Main Roads has maintained records in accordance with this condition and their legal obligations under the <i>WA State Records Act 2000</i>.</p>
10	<p>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. Reports must remain on the website for the life of this approval. The approval holder must continue to comply with this condition until such time as agreed to in writing by the Minister.</p>	<p>Compliant.</p> <p>This 2018/2019 Compliance Assessment Report will be published on the Main Roads website at the same time as the provision of this report to the Department.</p>
11	<p>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.</p>	<p>Not applicable.</p> <p>The Minister has not yet directed Main Roads to conduct an independent audit of compliance with EPBC 2016/7761's conditions of approval.</p>
12	<p>The approval holder may choose to revise a management plan approved by the Minister under condition 4 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact. If the approval holder makes this choice they must notify the Department in writing that the approved plan has been revised and provide the Department, at least four weeks before implementing the revised plan, with:</p> <ul style="list-style-type: none"> <li>a. an electronic copy of the revised plan;</li> <li>b. an explanation of the differences between the revised plan and the approved plan; and</li> </ul>	<p>Not applicable.</p> <p>The approved CEMP has not been revised to date.</p>



Condition No.	Condition	Status
	<p>c. the reasons the approval holder considers that taking the action in accordance with the revised plan would not be likely to have a new or increased impact.</p>	
13	<p>The approval holder may revoke their choice under condition 12 at any time by notice to the Department. If the approval holder revokes the choice to implement a revised plan, without approval under section 143A of the Act, the plan approved by the Minister must be implemented.</p>	<p>Not applicable. Main Roads has not elected to revoke their choice under Condition 12.</p>
14	<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 revised plan would be likely to have a new or increased impact, then:</p> <p>a. Condition 12 does not apply, or ceases to apply, in relation to the revised plan; and b. The approval holder must implement the plan approved by the Minister.</p> <p>To avoid any doubt, this condition does not affect any operation of conditions 12 and 13 in the period before the day the notice is given.</p>	<p>Not applicable. The approved CEMP has not been revised to date.</p>
15	<p>Conditions 12, 13 and 14 are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised plan to the Minister for approval.</p>	<p>Not applicable. The approved CEMP has not been revised to date.</p>
16	<p>Unless otherwise agreed to in writing by the Minister, the approval holder must publish all management plans referred to in these conditions of approval on their website for the duration of this approval. Each management plan must be published on the website within 1 month of being approved by the Minister or being submitted under condition 12 and must remain on the website for the life of this approval.</p>	<p>Compliant. The approved CEMP was first published on Main Roads' website on 25 May 2018. <a href="#">The plan is available here.</a></p>

### 3 ATTACHMENTS

Attachment	Title
<b>Attachment 1</b>	Carnaby's Black Cockatoo habitat and Eucalypt Woodlands TEC clearing
<b>Attachment 2</b>	Reports for inspection of potential Carnaby's Black Cockatoo nesting trees before clearing
<b>Attachment 3</b>	Ministerial approval of the CEMP
<b>Attachment 4</b>	Notification to the Department of offset property: Carnaby's Black Cockatoo habitat
<b>Attachment 5</b>	Notification to the Department of offset property: Eucalypt Woodlands TEC
<b>Attachment 6</b>	Notification of commencement of action

## **Attachment 1: Carnaby's Black Cockatoo habitat and Eucalypt Woodlands TEC clearing**







## **Attachment 2: Reports for inspection of potential Carnaby's Black Cockatoo nesting trees before clearing**





































## **Attachment 3: Ministerial approval of the CEMP**





**Attachment 4: Notification to the Department of offset property: Carnaby's Black Cockatoo habitat**





**Attachment 5: Notification to the Department of offset property: Eucalypt Woodlands TEC**











## **Attachment 6: Notification of commencement of action**