



Australian Government



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WESTERN AUSTRALIA

BUILDING OUR FUTURE



Compliance Assessment Report

High Street Upgrade
Ministerial Statement 1096
23 May 2022 – 22 May 2023

Contents

| | |
|---|----|
| 1. Introduction..... | 3 |
| 1.1. Proposal Background..... | 3 |
| 1.2. Proposal Approvals..... | 3 |
| 2. Summary of Implementation Status..... | 4 |
| 2.1. Works to date..... | 4 |
| 2.2. Planned Activities..... | 4 |
| 3. Statement of Compliance..... | 5 |
| 3.1. Proposal and Proponent Details..... | 5 |
| 3.2. Statement of Compliance Details..... | 5 |
| 3.3. Details of Non-compliance(s) and/or Potential Non-compliance(s)..... | 6 |
| 3.4. Proponent Declaration..... | 7 |
| 3.5. Submission of Statement of Compliance..... | 7 |
| 3.6. Contact Information..... | 7 |
| 3.7. Post Assessment Guidelines and Forms..... | 8 |
| 4. Details of Declared Compliance Status..... | 9 |
| 5. Supporting/verifying information/documentation..... | 10 |
| 6. Other Information..... | 11 |
| Appendix A: Compliance status of key characteristics..... | 12 |
| Appendix B: Audit Table..... | 14 |

1. Introduction

Main Roads Western Australia (Main Roads) has completed the High Street Upgrade Proposal (the Proposal) in accordance with Ministerial Statement 1096 (MS 1096). Implementation of the Proposal commenced in October 2019 with construction commencing on 16 March 2020 and was completed in February 2022.

This is the fourth Compliance Assessment Report (CAR) for MS 1096 and covers the period of 23 May 2022 to 22 May 2023.

1.1. Proposal Background

The Proposal includes the construction of a roundabout at the Stirling Highway and High Street intersection in Fremantle, a new westbound carriageway of High Street between Carrington Street and Stirling Highway, realignment of approaches to Stirling Highway and High Street, pedestrian crossing points, a new service road for residents north of High Street and local road realignments. The Proposal also includes the installation of noise walls, drainage, lighting, electricals, utilities and associated road infrastructure.

1.2. Proposal Approvals

The Proposal was formally assessed under Part IV of the *Environmental Protection Act 1986* and approved under MS 1096 on 23 May 2019.

In March 2020, Main Roads submitted a request to amend the Proposal under Section 45C (s45C) of the *Environmental Protection Act 1986*. The amended Proposal was approved by the Chairman of the Environmental Protection Authority on 22 April 2020.

Main Roads submitted a second request to amend the Proposal under s45C on 26 August 2020 and the EPA Chair approved the amendments on 3 February 2021.

No amendments to the Proposal were requested in the reporting period.

2. Summary of Implementation Status

Construction works for the Proposal, including the installation of noise walls, were completed in February 2022.

2.1. Works to date

Pre-construction activities commenced in October 2019 with the demolition of Main Roads owned houses at the intersection of Stirling Highway and High Street.

As reported within the 2021 CAR, the clearing of native and non-native vegetation commenced on 16 March 2020, with 92 trees cleared.

No clearing of vegetation was undertaken between 23 May 2022 and 22 May 2023.

Clearing has been staged for construction purposes. Prior to each stage of clearing a qualified terrestrial native fauna spotter inspected the development envelope for Black Cockatoo breeding activity, in particular nesting. No breeding activity was observed when clearing was undertaken during the previous reporting periods.

Non-compliance incidents were not observed between 23 May 2022 and 22 May 2023.

The landscaping design was implemented during the spring of 2022. The landscaping design complies with condition 6-2 (2) of MS 1096. The following activities were undertaken during the reporting period 23 May 2022 and 22 May 2023:

- Grass seeding in June 2022 within the local government areas;
- Mature tree planting in early August 2022 across the Proposal site, including the roundabout, with ongoing weekly watering until May 2023;
- Planting of Stage 1 was completed in August 2022, which consisted of tube stock species focusing on higher profile areas that impacted the local community;
- Regular landscape maintenance of planting and non-planted areas, including herbicide application when required;
- Irrigation installed and commissioned in the roundabout and splitter islands in November 2023; and
- Installation of additional acrylic panels on noise walls (increase the height) over Forrest Street underpass (west and eastern sides) in December 2022.

2.2. Planned Activities

Stage 2 planting of the remaining areas is planned for winter/spring of 2023. Infill planting will also be undertaken in the areas that were planted during winter/spring 2022. Other planned activities include:

- Landscape maintenance of all planted areas; and
- Ongoing mature tree watering during spring-autumn, as required.

Each page (including Attachment 2) must be initialled by the person who signs Section 3.4 of this Statement of Compliance. INITIALS: MS

3. Statement of Compliance

3.1. Proposal and Proponent Details

| | |
|---|------------------------------|
| Proposal Title | High Street Upgrade |
| Statement Number | 1096 |
| Proponent Name | Main Roads Western Australia |
| Proponent's Australian Company Number (where relevant) | 50 860 676 021 |

3.2. Statement of Compliance Details

| | |
|------------------|----------------------|
| Reporting Period | 23/05/22 to 22/05/23 |
|------------------|----------------------|

| Implementation phase(s) during reporting period (please tick ✓ relevant phase(s)) | | | | | | | |
|---|--------------------------|--------------|--------------------------|-----------|-------------------------------------|-----------------|--------------------------|
| Pre-construction | <input type="checkbox"/> | Construction | <input type="checkbox"/> | Operation | <input checked="" type="checkbox"/> | Decommissioning | <input type="checkbox"/> |

| | |
|--|------------|
| Audit Table for Statement addressed in this Statement of Compliance is provided at Attachment: | Appendix B |
| <p>An audit table for the Statement addressed in this Statement of Compliance must be provided as an attachment to this Statement of Compliance. The audit table must be prepared and maintained in accordance with the Department of Water and Environmental Regulation (DWER) <i>Post Assessment Guideline for Preparing an Audit Table</i>, as amended from time to time. The 'Status Column' of the audit table must accurately describe the compliance status of each implementation condition and/or procedure for the reporting period of this Statement of Compliance. The terms that may be used by the proponent in the 'Status Column' of the audit table are limited to the Compliance Status Terms listed and defined in Table A.1 of Appendix A.</p> | |

| Were all implementation conditions and/or procedures of the Statement complied with within the reporting period? (please tick ✓ the appropriate box) | | | |
|--|--------------------------|-----------------------------------|-------------------------------------|
| No (please proceed to Section 3) | <input type="checkbox"/> | Yes (please proceed to Section 4) | <input checked="" type="checkbox"/> |

3.3. Details of Non-compliance(s) and/or Potential Non-compliance(s)

The information required Section 3 must be provided for each non-compliance or potential non-compliance identified during the reporting period covered by this Statement of Compliance.

No non-compliances or potential non-compliance was identified during the reporting period 23 May 2022 and 22 May 2023.

Non-compliance/potential non-compliance 4-1

| | |
|--|-----------------------------|
| Which implementation condition or procedure was non-compliant or potentially non-compliant? | |
| | |
| Was the implementation condition or procedure non-compliant or potentially non-compliant? | |
| | |
| On what date(s) did the non-compliance or potential non-compliance occur (if applicable)? | |
| | |
| Was this non-compliance or potential non-compliance reported to the Chief Executive Officer, DWER? | |
| <input type="checkbox"/> Yes <input type="checkbox"/> Reported to DWER verbally Date _____ <input type="checkbox"/> Reported to DWER in writing Date _____ | <input type="checkbox"/> No |
| What are the details of the non-compliance or potential non-compliance and where relevant, the extent of and impacts associated with the non-compliance or potential non-compliance? | |
| | |
| What is the precise location where the non-compliance or potential non-compliance occurred (if applicable)? (please provide this information as a map or GIS co-ordinates) | |
| | |
| What was the cause(s) of the non-compliance or potential non-compliance? | |
| | |
| What remedial and/or corrective action(s), if any, were taken or are proposed to be taken in response to the non-compliance or potential non-compliance? | |
| | |
| What measures, if any, were in place to prevent the non-compliance or potential non-compliance before it occurred? What, if any, amendments have been made to those measures to prevent re-occurrence? | |
| | |
| Please provide information/documentation collected and recorded in relation to this implementation condition or procedure: | |
| <ul style="list-style-type: none"> • in the reporting period addressed in this Statement of Compliance; and • as outlined in the approved Compliance Assessment Plan for the Statement addressed in this Statement of Compliance. (the above information may be provided as an attachment to this Statement of Compliance) | |
| | |

For additional non-compliance or potential non-compliance, please duplicate this page as required.

Each page (including Attachment 2) must be initialled by the person who signs Section 3.4 of this Statement of Compliance. INITIALS: MS

3.4. Proponent Declaration

I, Martine Scheltema (Manager Environment) (full name and position title) declare that I am authorised on behalf of Main Roads Western Australia (being the person responsible for the proposal) to submit this form and that the information contained in this form is true and not misleading.

Signature: Martine Scheltema Date: 21/8/23

Please note that:

- it is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give or cause to be given information that to his knowledge is false or misleading in a material particular; and
- the Chief Executive Officer of the DWER has powers under section 47(2) of the *Environmental Protection Act 1986* to require reports and information about implementation of the proposal to which the statement relates and compliance with the implementation conditions.

3.5. Submission of Statement of Compliance

One hard copy and one electronic copy (preferably PDF on CD or thumb drive) of the Statement of Compliance are required to be submitted to the Chief Executive Officer, DWER, marked to the attention of Manager, Compliance (Ministerial Statements).

Please note, the DWER has adopted a procedure of providing written acknowledgment of receipt of all Statements of Compliance submitted by the proponent, however, the DWER does not approve Statements of Compliance.

3.6. Contact Information

Queries regarding Statements of Compliance, or other issues of compliance relevant to a Statement may be directed to Compliance (Ministerial Statements), DWER:

Manager, Compliance (Ministerial Statements)

Department of Water and Environmental Regulation

Postal Address: Locked Bag 10
Joondalup DC
WA 6919

Phone: (08) 6364 7000

Email: compliance@dwer.wa.gov.au

3.7. Post Assessment Guidelines and Forms

Post assessment documents can be found at www.epa.wa.gov.au

ATTACHMENT 1

Table 2. Compliance Status Terms

| Compliance Status Terms | Abbrev | Definition | Notes |
|----------------------------|--------|---|---|
| Compliant | C | Implementation of the proposal has been carried out in accordance with the requirements of the audit element. | This term applies to audit elements with: <ul style="list-style-type: none"> ongoing requirements that have been met during the reporting period; and requirements with a finite period of application that have been met during the reporting period, but whose status has not yet been classified as 'completed'. |
| Completed | CLD | A requirement with a finite period of application has been satisfactorily completed. | This term may only be used where: <ul style="list-style-type: none"> audit elements have a finite period of application (e.g. construction activities, development of a document); the action has been satisfactorily completed; and the DWER has provided written acceptance of 'completed' status for the audit element. |
| Not required at this stage | NR | The requirements of the audit element were not triggered during the reporting period. | This should be consistent with the 'Phase' column of the audit table. |
| Potentially Non-compliant | PNC | Possible or likely failure to meet the requirements of the audit element. | This term may apply where during the reporting period the proponent has identified a potential non-compliance and has not yet finalized its investigations to determine whether non-compliance has occurred. |
| Non-compliant | NC | Implementation of the proposal has not been carried out in accordance with the requirements of the audit element. | This term applies where the requirements of the audit element are not "complete" have not been met during the reporting period. |
| In Process | IP | Where an audit element requires a management or monitoring plan be submitted to the DWER or another government agency for approval, that submission has been made and no further information or changes have been requested by the DWER or the other government agency and assessment by the DWER or other government agency for approval is still pending. | The term 'In Process' may not be used for any purpose other than that stated in the Definition Column. The term 'In Process' may not be used to describe the compliance status of an implementation condition and/or procedure that requires implementation throughout the life of the project (e.g. implementation of a management plan). |

Each page (including Attachment 2) must be initialled by the person who signs Section 3.4 of this Statement of Compliance. INITIALS: MS

4. Details of Declared Compliance Status

Main Roads is currently compliant with the conditions of MS 1096.

Evidence of compliance with the conditions of MS 1096 have been described in the audit table at Appendix B.

5. Supporting/verifying information/documentation

No supporting/verifying information was used to prepare this CAR.

6. Other Information

There is no other information to provide as part of this CAR.


No changes to the approved Compliance Assessment Plan are proposed.

Appendix A: Compliance status of key characteristics

Table A.1: Compliance Status of Key Characteristics during Reporting Period

| Audit Code | Subject | Requirement | Status | Further Information | |
|-------------------|-------------------------|--|--|---|---|
| 1096:M1.1 | Proposal Implementation | When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the EP Act | Compliant | The proposal has been implemented in accordance with all elements outlined in the Authorised Extent of Table 2 of Schedule 1. | |
| | | Key Characteristic | Description | | |
| | | Clearing of native vegetation | Up to 0.63 ha | Compliant | No native vegetation clearing was undertaken in the reporting period. |
| | | Retain specified trees with DBH >500mm | As shown in Figures 1.1 to 1.3 of Schedule 1 | Compliant | No native vegetation clearing was undertaken in the reporting period. |
| | | Construction of Noise Walls | Heights and extents as shown in Figures 1.1 to 1.3 of Schedule 1 | Compliant | No construction occurred during the reporting period. |
| | | Construction of Noise Walls | Within 18 months of commencement of construction | Compliant | Construction of the noise walls commenced in December 2020 was completed in Q4 2021 . |

Each page of Appendix A & B must be initialised by the person who signs Section 4 of the Statement of Compliance.

INITIALS: 

Appendix B: Audit Table

Each page of Appendix A & B must be initialled by the person who signs Section 4 of the Statement of Compliance.

INITIALS: MS

AUDIT TABLE

PROPOSAL: High Street Upgrade

STATEMENT: 1096

Note:

- Phases that apply in this table = Pre-Construction, Construction, Operation, Decommissioning, Overall (several phases).
- This audit table is a summary and timetable of conditions and commitments applying to this project. Refer to the Minister's Statement for full detail/precise wording of individual elements.
- Code prefixes: M = Minister's condition, P = Proponent's commitment.
- Acronyms list: CEO = Chief Executive Officer of OEPA; DEC = Department of Environment Regulation; DPAW = Department of Parks and Wildlife; DIA = Department of Indigenous Affairs; DMP = Department of Mining and Petroleum; DWER = Department of Water and Environmental Regulation; EPA = Environmental Protection Authority; DoH = Department of Health; DoW = Department of Water, Minister for Env = Minister for the Environment; OEPA = Office of the Environmental Protection Authority.
- Compliance Status: C = Compliant, CLD = Completed, NA = Not Audited, NC = Non – compliant, NR = Not Required at this stage. Please note the terms VR = Verification Required and IP = In Process are only for DWER use.

| Audit Code | Subject | Requirement | How | Evidence | Phase | Timeframe | Status | Further Information |
|------------|--|--|--|---|---------|---|--------|---|
| 1096:M1.1 | Proposal Implementation | When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the EP Act | Implement project pursuant to Table 2 in Schedule 1 of Ministerial Statement No. 1096. | CAR. | Overall | Life of proposal. | C | |
| 1096:M2.1 | Contact Details | The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State. | Notify the CEO in writing of any change to proponent details. | Copy of written notification to CEO of any change in proponent details. | Overall | Within twenty-eight (28) days of any change of name, physical address or postal address. | NR | |
| 1096:M3.1 | Time Limit for Proposal Implementation | The proponent shall not commence implementation of the proposal after five (5) years from the date on this Statement, and any commencement, prior to this date, must be substantial. | Provide evidence to the CEO in writing to demonstrate the proposal has substantially commenced. | CAR. | Overall | Substantially commence proposal by 23 May 2024. | CLD | Construction of the proposal has been completed. |
| 1096:M3.2 | Time Limit for Proposal Implementation | Any commencement of implementation of the proposal, on or before five (5) years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five (5) years from the date of this Statement. | Provide evidence to the CEO in writing to demonstrate that the proposal has substantially commenced. | Copy of written notification to CEO of substantial commencement. This may be in the form of the first CAR following commencement of construction. | Overall | Provide written evidence by 23 May 2024. | CLD | The first CAR was formal notification of substantial commencement within 5 years. |
| 1096:M4.1 | Compliance Reporting | The proponent shall prepare, and maintain a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation of the proposal, whichever is sooner. | Submit a Compliance Assessment Plan (CAP). | CAP and written evidence of submission. 2020 CAR. | Overall | Submit CAP by 23 February 2020 or prior to implementation of the proposal, whichever is sooner. | CLD | CAP was approved by DWER on 26 June 2019. |

| Audit Code | Subject | Requirement | How | Evidence | Phase | Timeframe | Status | Further Information |
|------------|-----------------------------|--|--|--|---------|--|--------|--|
| 1096:M4.2 | Compliance Reporting | The Compliance Assessment Plan shall indicate: (1) the frequency of compliance reporting; (2) the approach and timing of compliance assessments; (3) the retention of compliance assessments; (4) the method of reporting of potential non-compliances and corrective actions taken; (5) the table of contents of Compliance Assessment Reports; and (6) public availability of Compliance Assessment Reports. | Submit CAP. | CAP – 2020 CAR | Overall | Submit CAP by 23 February 2020 or prior to implementation of the proposal, whichever is sooner. | C | CAP was approved by DWER on 26 June 2019. |
| 1096:M4.3 | Compliance Reporting | After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 4-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 4-1. | Once approval is received from the CEO, commence compliance assessment in accordance with the CAP. | CEO letter approving the CAP – 2020 CAR. | Overall | After receiving notice in writing from the CEO that CAP satisfies the requirements of condition 4-2. | C | CAP was approved by DWER on 26 June 2019. |
| 1096:M4.4 | Compliance Reporting | The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 4-1 and shall make those reports available when requested by the CEO. | Retain CAR's and make available when requested by the CEO. | CAR. | Overall | When requested by the CEO. | C | 2022 CAR available on Main Roads website at high-street-upgrade-compliance-assessment-report-2022.pdf (mainroads.wa.gov.au). |
| 1096:M4.5 | Compliance Reporting | The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known. | Notify the CEO of potential non-compliances in writing and/or verbally. Any verbal notification must be followed by written notification. | CAR. | Overall | Within seven (7) days of a non-compliance being known. | NR | No potential non-compliance were recorded during the reporting period. |
| 1096:M4.6 | Compliance Reporting | The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the CEO. The Compliance Assessment Report shall: (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer's behalf; (2) include a statement as to whether the proponent has complied with the conditions; (3) identify all potential non-compliances and describe corrective and preventative actions taken; (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 4-1. | Submit a CAR within required timeframe reporting on the previous 12 months. | CAR. | Overall | Submit first Compliance Assessment Report by 23 August 2020 then annually thereafter. | C | First CAR submitted prior to 23 August 2020. 2020, 2021 and 2022 CARs available on Main Roads website at Construction Project Reports Main Roads Western Australia . |
| 1096:M5.1 | Public Availability of Data | Subject to condition 5-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)), management plans and | All environmental plans and reports required by MS1096 will be made publicly available by publishing them on Main Roads website for the duration of the project and for six months following the completion of construction. Requests for information after this time will be addressed in | CAR. | Overall | Within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder | C | Main Roads has published the previous CARs and the environmental review document on its website. |

| Audit Code | Subject | Requirement | How | Evidence | Phase | Timeframe | Status | Further Information |
|------------|-----------------------------|--|--|---|---------|------------------------------|--------|---|
| | | reports relevant to the assessment of this proposal and implementation of this Statement. | accordance with DWER guidelines for making information publicly available. | | | of the life of the proposal. | | |
| 1096:M5.2 | Public Availability of Data | If any data referred to in condition 5-1 contains particulars of: (1) a secret formula or process; or (2) confidential commercially sensitive information; the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available. | Submit a request for approval from the CEO to not make sensitive information publicly available. | Copy of written request to CEO. CEO approval. | Overall | Life of proposal. | NR | No request submitted from Main Roads. |
| 1096:M6.1 | Terrestrial Fauna | The proponent shall ensure that the proposal is undertaken in a manner that avoids, where possible, and minimises direct and indirect impacts as far as practicable to Black Cockatoos. | Comply with condition 6-2 and condition 1. | CAR. | Overall | Life of proposal. | C | |
| 1096:M6.2 | Terrestrial Fauna | In order to meet the objectives of condition 6-1, the proponent shall: (1) ensure that if clearing is to be undertaken, a qualified terrestrial native fauna spotter shall thoroughly inspect the development envelope for Black Cockatoo breeding activity, in particular nesting, and if the area within the development envelope is found to be in use, clearing in the area shall be postponed until such time as determined suitable by the CEO, on the advice of the Department of Biodiversity, Conservation and Attractions. (2) ensure that no Black Cockatoo foraging habitat are included within 10 m of the constructed roads in the landscaping design and planting for the proposal. | No potential Black Cockatoo foraging species are to be planted within 10m of the road carriageway. | CAR – No clearing undertaken during the reporting period Landscaping design drawings provided in previous CAR. | Overall | Life of proposal. | C | No clearing was undertaken during the reporting period. Landscaping of project area will continue in winter 2023. No foraging habitat is to be planted within 10 m of the constructed roads. |