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EPBC 2013/7091 Annual Compliance Report

Mitchell Freeway Extension
Burns Beach Road to Hester Avenue
August 2020

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1. Introduction

The Mitchell Freeway provides the primary road access route from the Perth north-west corridor towards the City of Perth. The freeway previously terminated at Burns Beach Road and was constructed in several stages since the 1960's, with further extensions and widening works planned for the near future.

The Mitchell Freeway Extension (the 'Project') to which this compliance report relates, is located within the City of Wanneroo and the City of Joondalup and consists of the extension of the freeway from Burns Beach Road to Hester Avenue. The Project included the following works:

- Associated interchanges at Burns Beach Road, Neerabup Road and Hester Avenue;
- The duplication of Hester Avenue from Hidden Valley Retreat to Wanneroo Road;
- The duplication of Wanneroo Road from Flynn Drive to Hall Road;
- Upgrade of Neerabup Road from Connolly Drive to Wanneroo Road; and
- Associated underpasses and pathways.

1.1 Approval under the Environment Protection and Biodiversity Conservation Act 1999

The Project was referred to the then Department of the Environment and Energy (now Department of Agriculture, Water and Environment; DAWE) for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) as the Project was deemed to potentially impact significantly on the listed threatened species, Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*). The Project was determined by DAWE to be a 'Controlled Action' and was assessed through Preliminary Documentation. The DAWE issued approval of the Project on 2 September 2014 (EPBC 2013/7091) and included a number of conditions that Main Roads Western Australia (Main Roads) is required to fulfil.

1.2 Purpose of this Report

Construction of the Project commenced on 27 May 2015. This compliance report has been produced as required by Condition 7 of EPBC approval 2013/7091. Main Roads did not submit the 2019 Annual Compliance Report for approval 2013/7091 (refer to non-compliance at Item 7 in Table 1) and as such, Table 1 of this report outlines the compliance with each approval condition over the past 24 month period, 27 May 2018 to 27 May 2020.

The Project reached practical completion and subsequently opened to the public in August 2017.

2. Compliance

Table 1: 2018 – 2020 compliance with EPBC Approval 2013/7091

Condition Number	Condition Description	Status
1	The approval holder must not clear more than 89 hectares of Black Cockatoo habitat from the Project area.	Compliant. 50.25 hectares of Black Cockatoo habitat was cleared in total from the project area (Figure 1). No additional clearing has been undertaken since the submission of the 2016 annual compliance report.
2	<p>To mitigate impacts to Black Cockatoos, at least 3 months prior to the commencement of the Stage 1 component of the action, the approval holder must prepare and submit a Black Cockatoo Avoidance and Mitigation Plan (BCAMP) for the Minister’s approval. The BCAMP must include, but not be limited to:</p> <ul style="list-style-type: none"> - Milestones and objectives of the BCAMP - Avoidance and mitigation measures to reduce the impacts to Black Cockatoos and measures to avoid the spread of dieback - Timeframes for the implementation and completion of the avoidance and mitigation measures - Details of monitoring, reporting and contingency measures if performance indicators are not met - Roles and responsibilities of personnel associated with implementation of each of the avoidance and mitigation measures. <p>The approval holder must not undertake any clearing of Black Cockatoo habitat within the Stage 1 component of the project area</p>	Compliant. The Minister approved the BCAMP on 26 October 2014 (Attachment 1) and commencement of the action was 27 May 2015. A compliance audit of the BCAMP was undertaken in May 2017 (WSP, 2017). Audit results confirmed no non-compliances with the BCAMP (Attachment 2).

	unless the BCAMP has been approved by the Minister. If the Minister approves the BCAMP, then the approved BCAMP must be implemented.	
3	<p>To offset the loss of Black Cockatoo habitat, the approval holder must within 12 months from the date of this approval, provide the Department with written evidence that the offset property has been transferred to the Western Australian Department of Parks and Wildlife to be reserved for conservation in perpetuity.</p> <p>The written evidence must include a textual description and map clearly defining the location and boundaries of the offset property and be accompanied with the offset attributes and shapefile. The approval holder must also inform the Department how much of this offset property remains unattributed to this action for the purpose of supplying offsets for potential future projects.</p>	<p>Compliant.</p> <p>A variation to Condition 3 of approval EPBC 2013/7091 was approved by the Department on 4 August 2015, granting an extension of 12 months (amended date 2 September 2016) to find a suitable offset property (Attachment 3).</p> <p>Main Roads emailed the Department (Vaughan Cox) 2 May 2017 proposing a 710.43 ha alternative offset property at Lot 1395 Banovich Road, Hill River, Western Australia. This written evidence included textual description and map accompanied with offset attributes and shapefile. This notification also included information regarding how much of the offset property remains unattributed to this action. 1283 ha of Lot 1395 Banovich Road, Hill River, Western Australia may be used for the purpose of supplying offsets for potential future projects (Attachment 4).</p> <p>The Department forwarded correspondence to Main Roads June 1 2017 confirming an area of no less than 710 ha of Lot 1395 Banovich Road, Hill River, Western Australia had been agreed to by the Department Attachment 5).</p>
4	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>Compliant.</p> <p>Commencement of the action was on 27 May 2015 and Main Roads notified the Department in writing on 11 June 2015, advising of the commencement (Attachment 6).</p>
5	If any time are five years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without written agreement of the Minister.	<p>Compliant.</p> <p>The action was approved 2 September 2014 and commenced 27 May 2015 (Attachment 6).</p>

6	<p>The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of the approval, including measures taken to implement the BCAMP required by this approval, and make them available upon the request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with Section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. The results of audits may also be publicised through the general media.</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>
7	<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 over the previous 12 months, including implementation of the BCAMP as specified in the conditions.</p> <p>Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published. The compliance reports must remain on the approval holder's website for a minimum of 12 months (beginning on the date of publication). Potential or actual contraventions of the conditions of the approval must be reported to the Department in writing within 2 business days of the approval holder becoming aware of the actual or potential contravention. All contraventions must also be included in the compliance reports.</p>	<p>Non-compliant.</p> <p>Main Roads did not submit the EPBC 2013/7091 2019 compliance report for the period 27 May 2018 – 27 August 2019.</p> <p>In accordance with this condition, Main Roads notified the Department within 2 business days of becoming aware of this contravention, which was by email from the Department (Attachment 7).</p> <p>This 2018-2020 Compliance Report will be published on the Main Roads website for a minimum of 12 months. Documentary evidence of this publication will be sent to the Department at the same time as publication.</p>
8	<p>If the approval holder wishes to carry out any activity otherwise than in accordance with the BCAMP as specified in the conditions, the approval holder must submit to the Department for the Minister's written approval a revised version of that BCAMP. The varied activity shall not commence until the Minister has approved the varied BCAMP in writing. The Minister will not approve a varied BCAMP unless the revised BCAMP would result in an equivalent or improved environmental outcome over time. If the Minister approves the</p>	<p>Not applicable.</p> <p>To date, no request has been received by the Minister to make specified revisions to the BCAMP.</p>

	<p>revised BCAMP, that BCAMP must be implemented in place of the BCAMP originally approved.</p> <p>The approval holder may revise a management plan to correct a minor error in or make an administrative change to the document. Where the approval holder revises a management plan, the approval holder must provide to the Department within 14 days of revising the document:</p> <ul style="list-style-type: none"> - A copy of the management plan, marked up to show the revisions, in both hard copy and electronic copy - A clear summary of all the revisions that have been made to the management plan, and the reasons for these revisions. 	
9	<p>If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, the Minister may request that the approval holder make specified revisions to the BCAMP specified in the conditions and submit the revised BCAMP for the Minister's written approval. The approval holder must comply with any such request. The revised approved BCAMP must be implemented. Unless the Minister has approved the revised BCAMP, then the approval holder must continue to implement the BCAMP originally approved, as specified in the conditions.</p>	<p>Not applicable.</p> <p>To date, no request has been received by the Minister to make specified revisions to the BCAMP.</p>
10	<p>Unless otherwise agreed in writing by the Minister, the approval holder must publish the BCAMP referred to in these conditions of approval on their website. The BCAMP must be published on the website within 1 month of being approved and must remain on the website for the period this approval has effect.</p>	<p>Compliant.</p> <p>The approved BCAMP referred to in these conditions of approval, is currently published on the Main Roads website: https://www.mainroads.wa.gov.au/community-environment/environment/construction-project-reports/</p> <p>The BCAMP will remain on the website for the period this approval has effect.</p>

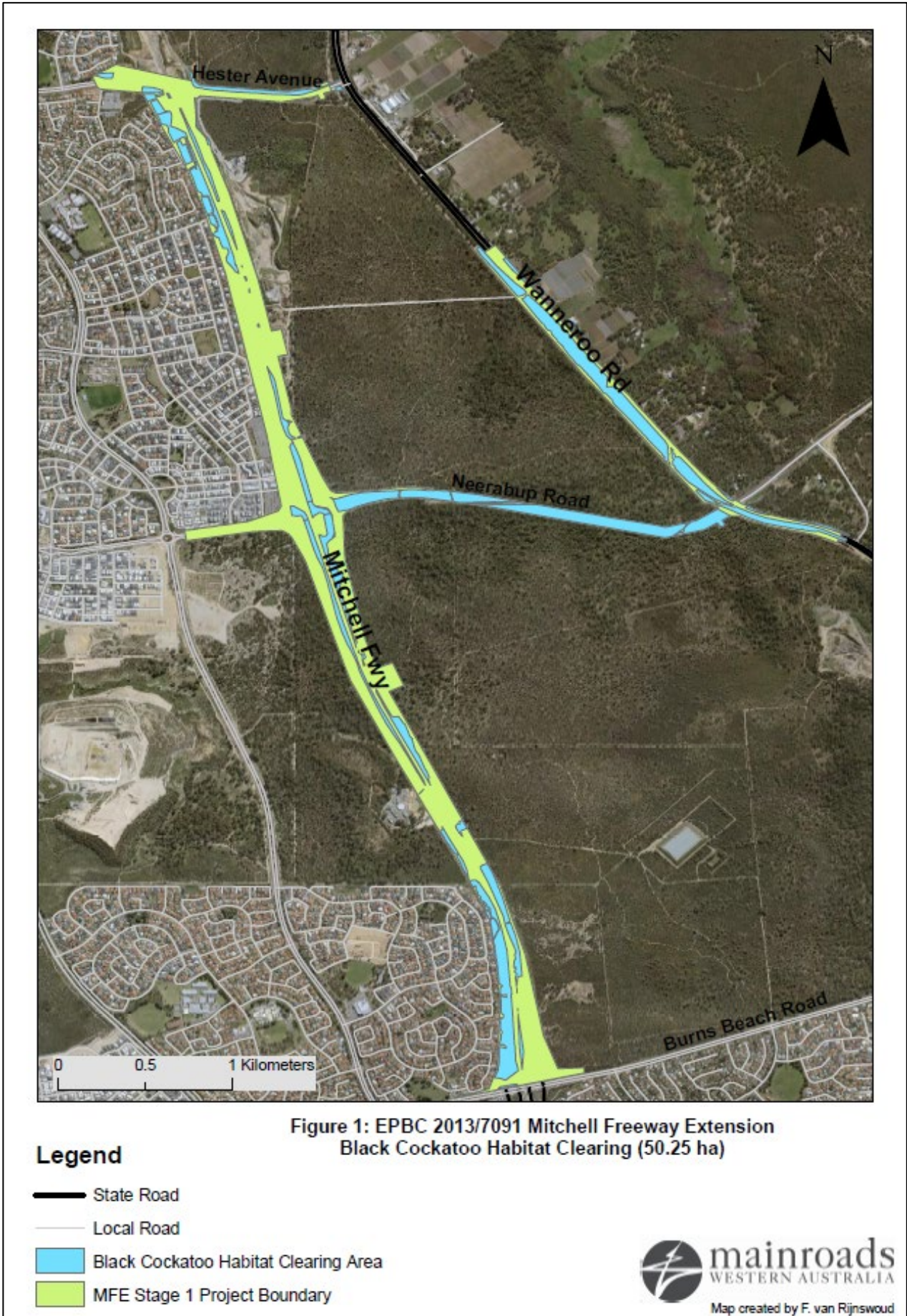


Figure 1 Total Clearing of Black Cockatoo Habitat from Project Area

3. Attachments

Attachment	Title
Attachment 1	Black Cockatoo Avoidance and Mitigation Plan – Minister Approval
Attachment 2	Black Cockatoo Avoidance and Mitigation Plan Compliance Audit
Attachment 3	Variation to Condition 3 of EPBC 2013/7091 Approval
Attachment 4	Notification of Offset Property to the Department
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Attachment 1: Black Cockatoo Avoidance and Mitigation Plan – Minister Approval



Our reference: EPBC 2013/7091

Mr Kugan Kuganathan
Project Manager
Main Roads Western Australia
PO Box 6202
EAST PERTH WA 6892

Dear Mr Kuganathan

**Approval of Black Cockatoo Avoidance and Mitigation Plan
Mitchell Freeway Extension between Burns Beach Rd and Hester Av, Neerabup, WA
(EPBC 2013/7091)**

I refer to your letter dated 14 October 2014 from you, to Nikki Ward of this department, which enclosed a copy of the Black Cockatoo and Avoidance Mitigation Plan – Mitchell Freeway Extension, as required under condition 2 of the approval decision dated 2 September 2014.

The Black Cockatoo and Avoidance Mitigation Plan – Mitchell Freeway Extension has been reviewed by officers of the department and has been found to meet the requirements of the condition. On this basis, and as delegate of the Minister for the Environment, I have decided to approve the Plan.

In accordance with condition 2 of EPBC 2013/7091 each approved plan must be implemented. Under condition 8, if the approval holder wants to act other than in accordance with the approved plans, the approval holder must submit a revised plan for approval. Until the Minister (or his delegate) has approved the revised plan, the approval holder must continue to implement the original plan.

As your project is now in the post-approval phase, the Approvals Monitoring South Section will be the point of contact for further communication with the department. To avoid any potential delays in responding to future requests of the department relating to the above project please refer all future correspondence to:

Approvals Monitoring South Section
Compliance and Enforcement Branch
Environment Assessment and Compliance Division
Department of the Environment
GPO Box 787
CANBERRA ACT 2601
Email: post.approvals@environment.gov.au

The Department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. As part of this program we will be undertaking a review of our records to ascertain the present status of this project in relation to its conditions of approval. We will contact you again if we require further information.

Please ensure that you maintain accurate records of all activities associated with, or relevant to the conditions of approval, so that they can be made available to the Department on request. Such documents may be subject to audit and used to verify compliance.


Summaries of results of audits may be published by the Department. Information about the monitoring and audit program can be found on the Department's website at www.environment.gov.au/epbc/compliance/auditing.html.

We would appreciate if you could advise us of any changes to the project e.g. contact officer, company address, commencement date etc.

You should note that any transfer of this approval to another person must have the consent of the Minister under section 145B of the EPBC Act.

If you have any enquiries please contact the Approvals Monitoring South Section or the assessment officer, Nikki Ward, on 02 6274 2082 or nikki.ward@environment.gov.au and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



Dr Simon Banks
Assistant Secretary
West Assessment Branch
Environment Assessment and Compliance Division

26 October 2014

Note: Under s 491 of the *Environment Protection and Biodiversity Conservation Act 1999* it is an offence to knowingly provide false and/or misleading information to a departmental officer.

Attachment 2: Black Cockatoo Avoidance and Mitigation Plan Compliance Audit

MAIN ROADS WA

MITCHELL FREEWAY EXTENSION PROJECT - BURNS BEACH ROAD TO HESTER AVENUE

BLACK COCKATOO AVOIDANCE AND MITIGATION PLAN COMPLIANCE AUDIT

MAY 2017

CONFIDENTIAL





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1 AUDIT CERTIFICATE

This is to certify:

- 1 WSP has prepared this 'Mitchell Freeway Extension Project - Burns Beach Road to Hester Avenue – Black Cockatoo Avoidance and Mitigation Plan Compliance Audit' (the report), as required by RFS No. 81/15-008, as at 7/4/2017 from certain information provided by Main Roads Western Australia (Main Roads) at the request of and exclusively for the use and benefit of the client (Main Roads) and Auditee (CPB Contractors).
- 2 This report has been prepared in accordance with the scope of work/services set out in a contract, or as otherwise agreed, between the Auditor and Main Roads. In preparing this report, the Auditor has relied upon data, surveys, analyses, designs, plans and other information provided by Main Roads and the Auditee, most of which are referred to in the report (the data). Except as otherwise stated in the report, the Auditor has not verified the accuracy or completeness of the data. To the extent that the statements, opinions, facts, information, conclusions and/or recommendations in this report (conclusions) are based in whole or part on the data, those conclusions are contingent upon the accuracy and completeness of the data. The Auditor will not be liable in relation to incorrect conclusions should any data, information or condition be incorrect or have been concealed, withheld, misrepresented or otherwise not fully disclosed to the Auditor.
- 3 This report has been prepared for the exclusive benefit of the client and no other party. The Auditor assumes no responsibility and will not be liable to any other person or organisation for, or in relation to any matter dealt with in this report, or for any loss or damage suffered by any other person or organisation arising from matters dealt with or conclusions expressed in this report (including, without limitation, matters arising from any negligent act or omission of the Auditor or for any loss or damage suffered by any other party relying upon the matters dealt with or conclusions expressed in this report). Other parties should not rely upon the report or the accuracy or completeness of any conclusions and should make their own inquiries and obtain independent advice in relation to such matters.
- 4 The Audit has examined the Auditee's implementation of the Black Cockatoo Avoidance and Mitigation Plan (BCAMP) during construction activities, in order to determine whether Main Roads has complied with the requirements of Condition 2 of EPBC 2013/7091. The Auditor has relied on information provided by Main Roads and the Auditee. The Auditor expresses no opinion as to the accuracy, truth, sufficiency or legality of the information provided by Main Roads and the Auditee in respect of the Auditee's compliance standards.
- 5 This Report has been prepared in accordance with generally accepted practices (including the standards set out in *ISO AS/NZS 19011:2011 Guidelines for auditing management systems*) using standards of care and diligence normally practiced by recognised consulting firms performing services of a similar nature.
- 6 The Auditor (Katherine Fox) is a certified Auditor in the Environmental Scheme by Exemplar Global (Certificate No: 121494).
- 7 To the best of the Auditor's knowledge, the facts and matters described in this report reasonably represent the conditions at the time of the audit. However, the passage of time, the manifestation of latent conditions or the impact of future events (including a change in applicable law) may have resulted in a variation to the conditions. The Auditor will not be liable to update or revise the report to take into account any events or emergent circumstances or facts occurring or becoming apparent after the date of the report.
- 8 This Report is issued with the understanding that it is the responsibility of the Client to ensure that the information contained herein is brought to the attention of the appropriate regulatory agencies, where required by law.
- 9 Neither the Auditor nor any member, associate or employee of WSP undertakes any responsibility for any injury, loss or damage claimed by the Auditee arising out of a claim by any third party against the Auditee in connection with this Report.

- Reconfiguration of Flynn Drive/ Wanneroo Road / Neerabup Road intersection
- Widening of Wanneroo Road from Flynn Drive to Hall Road
- Upgrading of Joondalup / Wanneroo Road intersection
- Noise mitigation, where required.

In 2013 the Project was referred to the Department of Environment and Energy (DoEE) for assessment under the *Environmental Protection and Biodiversity Conservation Act, 1999* (EPBC Act) due to a potentially significant impact on Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*), a listed threatened species. DoEE determined the Project to be a 'controlled action' and was assessed through Preliminary Documentation. Approval of the Project was issued by DoEE on 2 September 2014 (EPBC 2013/7091) and includes a number of conditions that Main Roads is required to achieve.

RATING	DESCRIPTION	COMMENTS
Non-compliant (NC)	<p>Black Cockatoo management actions have been assessed as not complying with a requirement that has been assessed by the Lead Auditor as:</p> <ul style="list-style-type: none"> — Having the potential to cause adverse environmental impact on land outside project affected land. — Being directly linked to a requirement of the BCAMP or contract conditions. — Being directly linked to a legislative requirement. 	<p>It is important to note that for purposes of this audit a non-compliant finding relates to a failure to address or make adequate provision for a requirement or specification of an approval or related document in the BCAMP.</p> <p>Examples of situations where a noncompliant finding may be given:</p> <ul style="list-style-type: none"> — Failure to address pre-clearing fauna inspection and relocation requirements in the BCAMP. — Failure to specify vehicle hygiene requirements in the BCAMP.
Not assessed (NAs)	It is not possible for practical reasons, as explained in the finding, to assess compliance with the condition.	
Not applicable (NA)	The Lead Auditor has deemed that the requirement is not applicable to the audit.	<p>CPB Contractors is required to adequately justify why a requirement is not applicable.</p> <p>Examples of not applicable requirements include:</p> <ul style="list-style-type: none"> — Timeframes of reporting requirements outside an audit period.

3.3 AUDIT PLAN

3.3.1 OPENING MEETING

An opening meeting was held on 4 May 2017 at CPB Contractors site office, Hall Road, Neerabup. The participants at this meeting and their roles are listed in Table 3.2.

Table 3.2 Opening meeting attendees

STAFF	ORGANISATION	TITLE
David McLean	CPB Contractors Pty Ltd	SHEQ Manager
Katherine Fox	WSP	Environmental Auditor

The purpose of the opening meeting was to discuss the scope of the audit and the audit process. The methods to be used by the auditor to conduct the audit were explained. It was stated that the auditor would be interviewing personnel, reviewing site management plans, examining records and conducting a site inspection in order to address specific compliance requirements.

3.3.2 AUDIT INTERVIEWS

Audit interviews were conducted by the auditor on 4 May 2017 with David McLean of CPB Contractors. The interview with Marni Baetge, the Main Roads representative occurred by phone on 26 April 2017 with subsequent information provided by email. Table 3.3 lists staff who were interviewed during the audit.

4 AUDIT FINDINGS

4.1 SUMMARY OF KEY FINDINGS

Table 4.1 provides a summary of audit findings against the scope described in Section 3. A full checklist of compliance against each requirement relevant to the BCAMP is provided in Appendix B.

Table 4.1 Summary of audit findings

RATING	NUMBER OF FINDINGS
Compliant (C)	41
Observation (Obs)	3
Non-compliant (NC)	0
Not assessed (NAs)	5
Not Applicable (NA)	43

4.2 SUMMARY OF AUDIT OBSERVATIONS

A number of observations were made during the audit. These observations were determined not to materially affect the Auditee's compliance with the conditions of the BCAMP (refer to Section 3), however, recommendations have been provided where it was observed that site processes could be improved (i.e. process of continual improvement).

Table 4.2 provides a summary of observations made during the audit.

Table 4.2 Summary of audit observations

AUDIT REQUIREMENT	DOCUMENT REFERENCE	FINDING
8 The approval holder must maintain accurate records of all measures taken to implement the BCAMP and other conditions of approval	EPBC 2013/7091 Condition 6	All records requested during the audit in relation to EPBC2013/7091 and implementation of the BCAMP were available when requested. It is noted that the records relating to the implementation of the BCAMP were held by CPB and available to Main Roads via incite. Recommendation At the completion of the audit, all records relating to the implementation of the BCAMP should be transferred to Main Roads.
44 & 85 The environmental coordinator shall perform photo monitoring adjacent to sensitive bushland areas on a quarterly basis	BCAMP 5.2 Table 6 CEMP 5.4.4	Incite records for 2017 (January, April), 2016 (January, April, July, October) and 2015 (October) viewed during the audit. It was noted during the audit that upload dates were significantly delayed for some quarters i.e. January 2017 photos were uploaded on 5 May 2017. Recommendation Ensure timely upload of photos



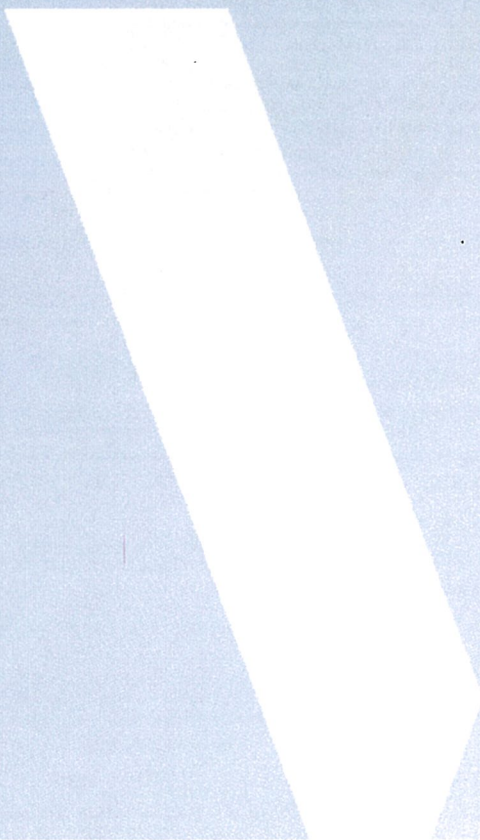
Photo A.1 Location of erosion and sediment control incident, occurred 31/1/2017



Photo A.2 Sedimentation into National Park following incident, occurred 31/1/2017

APPENDIX B

COMPLIANCE AUDIT TABLE/CHECKLIST



#	CONDITION / REQUIREMENT	SOURCE DOCUMENT	DOC. REF.	ASPECT / TOPIC	FINDING	EVIDENCE	RECOMMENDATION
8	The approval holder must maintain accurate records of all measures taken to implement the BCAMP and other conditions of approval	EPBC 2013/7091	6	Black Cockatoo	Obs	All records requested during the audit in relation to EPBC2013/7091 and implementation of the BCAMP were available when requested. It is noted that the records relating to the implementation of the BCAMP were held by CPB and available to Main Roads via incite.	At the completion of the audit, ensure that all records relating to the implementation of the BCAMP are transferred to Main Roads.
9	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 over the previous 12 months, including implementation of the BCAMP as specified in the conditions	EPBC 2013/7091	7	Black Cockatoo	C	At the time of the audit the EPBC2013/7091 compliance report 2016 (dated 1 August 2016) was available on the Main Roads website. The BCAMP conditions have been incorporated into the Contractor's CEMP which was audited by WSP in 2015 and 2016. Evidence that the 2015/16 report was available on Main Roads website on 7/7/2016 was sighted. The 2017 report is due to be published 27 August 2017. https://www.mainroads.wa.gov.au/BuildingRoads/Projects/UrbanProjects/mfe/Pages/Mitchell-Freeway-Ext.aspx	NA
10	If the approval holder wishes to carry out any activity other than in accordance with the BCAMP, the approval holder must submit to the Department for the Minister's written approval a revised version of the BCAMP. The revised activity shall not commence until the Minister has approved the varied BCAMP in writing.	EPBC 2013/7091	8	Black Cockatoo	NA	Main Roads advised that at the time of the audit, no revisions to the BCAMP had been made.	NA
11	If the Minister believes it necessary, the Minister may request that the approval holder make specified revisions to the BCAMP specified in the conditions and submit the revised BCAMP for the Minister's approval.	EPBC 2013/7091	9	Black Cockatoo	NA	Main Roads advised that at the time of the audit, no request had been received by the Minister to make specified revisions to the BCAMP.	NA

#	CONDITION / REQUIREMENT	SOURCE DOCUMENT	DOC. REF.	ASPECT / TOPIC	FINDING	EVIDENCE	RECOMMENDATION
17	— Ground Protection within the TPZ where necessary;	BCAMP	4.1, Table 3	Black Cockatoo	NA	No trees identified on Figure 4 to be retained	NA
18	— Maintaining the TPZ (i.e. mulching, watering, weed control); and	BCAMP	4.1, Table 3	Black Cockatoo	NA	No trees identified on Figure 4 to be retained	NA
19	— Monitoring of construction activities to ensure compliance with TPZ.	BCAMP	4.1, Table 3	Black Cockatoo	NA	No trees identified on Figure 4 to be retained	NA
20	The approval holder must provide GPS co-ordinates of areas approved to be cleared and those required to be retained to the Main Roads WA to ensure no unapproved clearing is undertaken	BCAMP	4.1, Table 3	Black Cockatoo	C	Interview with David McLean during the audit found that GPS coordinates for clearing areas are provided to Main Roads in August each year. Main Roads confirmed no incidents of unapproved clearing have been reported.	NA
21	The approval holder must peg out limits of clearing. Line will be inspected by the Environmental Coordinator and Main Roads WA Environmental Reference Group to determine what trees and vegetation on the limits of clearing can be retained	BCAMP	4.1, Table 3	Black Cockatoo	C	CP005 sighted during the audit shows that pre-works (clearing area pegged onsite by a surveyor) was undertaken. Local newspaper article sighted (dated 16/10/2015), that mentions the community group walking the alignment to identify if trees could be retained. Email dated 10/9/2015 from David McLean to Renata Selina sighted during the audit. Email included photos of trees that have been able to be retained due to fencing adjustments made by the CPB. Process control plan: Clear, Grub & Topsoil Strip includes reference to clearing area being inspected by Environment Representative.	NA
22	If clearing during Black Cockatoo breeding season (July-November), nesting hollows in potential breeding trees will be checked prior to clearing	BCAMP	4.1, Table 3	Black Cockatoo	NA	No clearing of Black Cockatoo breeding trees were cleared during the July - November breeding season. Review of CP005 identified clearing of significant black cockatoo trees occurred 17-30 June 2015.	NA

#	CONDITION / REQUIREMENT	SOURCE DOCUMENT	DOC. REF.	ASPECT / TOPIC	FINDING	EVIDENCE	RECOMMENDATION
29	Strictly avoid the movement of soils and plant material into the uninfected and un-mappable areas within the Project Area (Dieback)	BCAMP	4.1, Table 3	Flora / Vegetation	C	In accordance with the Topsoil and Mulch management plan (2015) there was no movement of soil across the alignment. For west side of the alignment (mappable areas) only soil from those locations where used in those locations there was no soil movement across alignment. An organic soil conditioner (OSC) assessment report was prepared by CPB for the import and use of OSC in the project area. This report identifies that OSC is heat treated to 80°C which destroys Phytophthora pathogens.	NA
30	Reduce vehicle and plant movement into and within the Project Area as much as possible particularly during wet conditions (Dieback)	BCAMP	4.1, Table 3	Flora / Vegetation	NAs	Assessed compliant during the 2015 audit	NA
31	Restrict access to public into the Project Area (Dieback)	BCAMP	4.1, Table 3	Flora / Vegetation	C	Permanent fencing has been installed around the project area. Patrols are in place.	NA
32	Dieback hygiene procedure to be prepared for use by Contractors including the provision of training to all vehicle, plant and machinery operators on site in the effective use of clean down stations and the environmental implications of the spread of the pathogen	BCAMP	4.1, Table 3	Training	C	Included in the induction.	NA

#	CONDITION / REQUIREMENT	SOURCE DOCUMENT	DOC. REF.	ASPECT / TOPIC	FINDING	EVIDENCE	RECOMMENDATION
36	In the event that a Black Cockatoo is identified during construction all work should be stopped in the immediate vicinity of the Black Cockatoo and the Construction Manager and Environmental Coordinator should be notified. If the Black Cockatoo does not leave the site voluntarily, the location of the Black Cockatoo should be recorded and provided to a suitable qualified fauna specialist (see Appendix C for list of potential contacts). The suitably qualified fauna specialist should then be engaged to attend the site and remove or relocate the Black Cockatoo. Works must only recommence once the Black Cockatoo has been successfully removed or relocated. The fauna encounter will be reported to the Department of Parks and Wildlife (DPaW).	BCAMP	4.1, Table 4	Black Cockatoo	C	Interview with David McLean found that Black Cockatoos have been sighted from the project area during construction but none have been in distress with regular sightings where parrot bushes occur in the national park (on the south east project boundary). Interview with David McLean found that the fauna handling procedure has not been implemented for Black Cockatoos. On the occasions when Black Cockatoo have been sighted (at the site compound), work in the immediate area (within 30-40m) stopped until the bird left the site voluntarily. It is noted that the site compound is located outside the project boundary on private land. These encounters have not been reported to DPaW because the fauna handling procedure has not been implemented and the encounter has been adjacent the site.	NA
37	In the event of an uninjured black cockatoo: The Black Cockatoo should be removed by a suitably qualified fauna specialist and relocated to a suitable area with a similar habitat as close as possible to where it was found.	BCAMP	4.1, Table 4	Black Cockatoo	NA	There have been no Black Cockatoo encounters that have required a fauna specialist to relocate the animal.	NA

#	CONDITION / REQUIREMENT	SOURCE DOCUMENT	DOC. REF.	ASPECT / TOPIC	FINDING	EVIDENCE	RECOMMENDATION
43	The environmental coordinator, construction manager and area manger shall inspect the project area for signs of significant erosion and water potentially leaving the site into sensitive bushland areas after significant rainfall events and as required.	BCAMP	5.2, Table 6	Monitoring	C	Signs of significant run-off and/or erosion are included on the weekly Environmental Coordinator checklist. Two separate erosion incidents have been recorded from construction areas to areas outside the project boundary (Photo A1 and A2). Both incidents occurred on northern side of Neerabup Road and both were reported to DPaW, the sediment removed, and monitoring will occur in Spring. A NCR was raised for the incident in June.	NA
44	The environmental coordinator shall perform photo monitoring adjacent to sensitive bushland areas on a quarterly basis	BCAMP	5.2, Table 6	Monitoring	Obs	Incite records for 2017 (January, April), 2016 (January, April, July, October) and 2015 (October) viewed during the audit. It was noted during the audit that uploads dates were significantly delayed for some quarters i.e. the January 2017 photos were uploaded on 5 May 2017.	Ensure timely upload of photos
45	Where the management measures contained in the BCAMP are unsuccessful:	BCAMP	5.2, Table 7	EMS	-	-	-
46	— Identify the cause of non-compliance.	BCAMP	5.2, Table 7	EMS	NA	No cases reported	NA
47	— Review management measures and amend/ improve where appropriate.	BCAMP	5.2, Table 7	EMS	NA	No cases reported	NA
48	— Increase training and awareness for all personnel involved in the Project.	BCAMP	5.2, Table 7	EMS	NA	No cases reported	NA
49	— Monitor the success of corrective actions.	BCAMP	5.2, Table 7	EMS	NA	No cases reported	NA
50	— Maintain records of non-compliance to inform future improvement.	BCAMP	5.2, Table 7	EMS	NA	No cases reported	NA

#	CONDITION / REQUIREMENT	SOURCE DOCUMENT	DOC. REF.	ASPECT / TOPIC	FINDING	EVIDENCE	RECOMMENDATION
63	— Maintain records of non-compliance to inform future improvement.	BCAMP	5.2, Table 7	Flora / Vegetation	NA	No cases observed	NA
64	If a black cockatoo nest is identified in the project area: Leave tree and nest undisturbed until fledglings have left nest. If a tree containing a nest and chick must be cleared then the location of the tree should be reported to a suitably qualified fauna specialist and left undisturbed until the fauna specialist arrives. The tree should only be cleared once the chick has been removed by the fauna specialist and taken to an adequate native fauna care facility.	BCAMP	5.2, Table 7	Black Cockatoo	NA	No Black Cockatoo nests have been identified in the project area.	NA
65	If a black cockatoo is identified in the project area: Stop work, notify Construction Manager and follow Black Cockatoo Handling and Rescue Procedure.	BCAMP	5.2, Table 7	Black Cockatoo	C	Black Cockatoos have been sighted from the project area during construction but none have been in distress. Interview with David McLean found that the fauna handling procedure has not been implemented for Black Cockatoos. In event that a Black Cockatoo has been sighted, work in the immediate area has stopped until the bird left the site voluntarily.	NA
CEMP							
66	Using the information from previous studies (GHD 2013b) all trees that have been identified as having hollows suitable for Black Cockatoo breeding will be checked to remove any birds in the hollows prior to clearing.	CEMP	5.1.3	Flora / Vegetation	C	Trees to be retained where marked with white flagging tape and sprayed following inspection of any hollows.	NA
67	Trees of significance and Priority flora species will be retained where possible and clearly marked on site (within 50m of clearing).	CEMP	5.1.3	Flora / Vegetation	C	Trees to be retained where marked with white flagging tape and sprayed following inspection of any hollows (Photo A3-A4)	NA

#	CONDITION / REQUIREMENT	SOURCE DOCUMENT	DOC. REF.	ASPECT / TOPIC	FINDING	EVIDENCE	RECOMMENDATION
74	Strictly avoid the movement of [known contaminated] soils and plant material into the uninfested and un-mappable areas within the Project Area	CEMP	5.4.3.	Dieback	NAs	Refer to item 29	NA
75	Reduce vehicle and plant movement into and within the site as much as possible - particularly during wet conditions	CEMP	5.4.3.	Dieback	NAs	Refer to item 30	NA
76	Restrict access to public into the Project Area	CEMP	5.4.3.	Dieback	C	Permanent fencing has been installed around the project area. Patrols are in place.	NA
77	Clearly demarcate the areas of the site that are Infested and Uninfested. The boundaries between the management zones will be clearly marked in the field prior to earthworks commencing	CEMP	5.4.3.	Dieback	NA	No infested areas in the stage 1 project area.	NA
78	All site personnel and contractors should be educated with regard to Dieback and their obligations to follow this management plan and the Project Dieback Management Plan.	CEMP	5.4.3	Dieback	C	Included in the induction	NA
79	Dieback hygiene procedure to be prepared for use by contractors including the provision of training to all vehicle operators on site in the effective use of clean down stations and the environmental implications of the spread of the pathogen.	CEMP	5.4.3	Dieback	C	Refer to Item 32	NA

#	CONDITION / REQUIREMENT	SOURCE DOCUMENT	DOC. REF.	ASPECT / TOPIC	FINDING	EVIDENCE	RECOMMENDATION
88	— Entrance to Neerabup National Park from Wanneroo Road. Primary consideration COE Point placement to be traffic safety.	CEMP	5.4.6.	Dieback	NA	Clean on entry points were not in place at the time of the audit due to clearing of all main work areas have been completed and no infested areas in the project area.	NA
89	— Entrance to Neerabup National Park from Burns Beach Road. COE Point to be placed (with permission) at entrance of DPAW gated track, and the track to be utilised for internal access.	CEMP	5.4.6.	Dieback	NA	Clean on entry points were not in place at the time of the audit due to clearing of all main work areas have been completed and no infested areas in the project area.	NA
90	— Entrance to Neerabup National Park from Wanneroo Road. Primary consideration COE Point placement to be traffic safety and only to be used if required. (Hall Rd)	CEMP	5.4.6.	Dieback	NA	Clean on entry points were not in place at the time of the audit due to clearing of all main work areas have been completed and no infested areas in the project area.	NA
91	— Entrance to Neerabup National Park south from Hester Road. Primary consideration COE Point placement to be traffic safety.	CEMP	5.4.6.	Dieback	NA	Clean on entry points were not in place at the time of the audit due to clearing of all main work areas have been completed and no infested areas in the project area.	NA
92	— Entrance to Neerabup National Park north from Hester Road. Primary consideration CoE Point placement to be traffic safety.	CEMP	5.4.6.	Dieback	NA	Clean on entry points were not in place at the time of the audit due to clearing of all main work areas have been completed and no infested areas in the project area.	NA
93	The following tools and procedures shall be employed at the CoE points:	CEMP	5.4.6.	Dieback	-	-	-
94	— Weed and Dieback Management Procedure.	CEMP	5.4.6.	Dieback	NA	Clean on entry points were not in place at the time of the audit.	NA
95	— Clean on entry, Equipment Clean down Checklist.	CEMP	5.4.6.	Dieback	NA	Clean on entry points were not in place at the time of the audit.	NA

Attachment 3: Variation to Condition 3 of EPBC 2013/7091 Approval



Our reference: EPBC 2013/7091

Mr Kugan Kuganathan
Acting Project Director (Mitchell Freeway Extension)
Main Roads Western Australia
PO Box 6202
EAST PERTH WA 6892

EPBC 2013/7091 Mitchell Freeway Extension Burns Beach Road to Hester Avenue, WA – Variation to Condition 3

Dear Mr Kuganathan

Thank you for your correspondence of 25 June 2015 to the Department, requesting a variation to condition 3 of EPBC Approval 2013/7091 dated 2 September 2014.

Officers of this Department have reviewed the variation request for condition 3. As delegate of the Minister, I have varied condition 3 of EPBC Approval 2013/7091 in accordance with section 143(1)(c) of the *Environment Protection and Biodiversity Conservation Act 1999*.

Condition 3 must now be undertaken in accordance with the varied condition specified in the variation notification, which I have attached for your information.

As you are aware, the Department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the Department on request.

Should you require any further information please contact Rochelle Tomkins, Assistant Director, Post Approvals Section, on 02 6275 9455.

Yours sincerely

Kynan Gowland
Acting Assistant Secretary
Compliance & Enforcement Branch
Environmental Standards Division

4 August 2015





VARIATION TO CONDITIONS ATTACHED TO APPROVAL

**Mitchell Freeway Extension between Burns Beach Road and Hester Avenue,
Neerabup, Western Australia (EPBC 2013/7091)**

This decision to vary a condition of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

Person to whom the approval is granted Main Roads Western Australia
ABN: 50 860 676 021

Approved action Extension of the Mitchell Freeway from Burns Beach Road to Hester Avenue, including associated interchanges, pathways and underpasses; duplication of Hester Avenue from Hidden Valley Retreat to Wanneroo Road, duplication of Wanneroo Road from Flynn Drive to Hall Road; upgrading of Neerabup Road from Connolly Drive to Wanneroo Road; and preparatory geotechnical work along a trace line extending the Mitchell Freeway from Lukin Drive to Romeo Road and along Romeo Road from the proposed Mitchell Freeway to Marmion Avenue, within Neerabup and Nowergup, Western Australia [See EPBC Act referral 2013/7091].

Variation

Variation of conditions of approval The variation is:

Delete condition 3 attached to the approval dated 2 September 2014 and substitute with the condition specified below.

Date of effect This variation has effect on the date the instrument is signed

Person authorised to make decision

name and position Kynan Gowland
Acting Assistant Secretary
Compliance & Enforcement Branch

Signature

Date of decision  4/8/ 2015

Condition attached to the approval

3. To offset the loss of **Black Cockatoo habitat**, the **approval holder** on or before 2 September 2016 must provide the **Department** with written evidence that the **offset property** has been transferred to the **Western Australian Department of Parks and Wildlife** to be reserved for conservation in perpetuity.

The written evidence must include a textual description and map clearly defining the location and boundaries of the **offset property** and be accompanied with the **offset attributes** and **shapefile**. The **approval holder** must also inform the **Department** how much of this **offset property** remains unattributed to this action for the purpose of supplying offsets for potential future projects.

Attachment 4: Notification of Offset Property to the Department

VAN RIJNSWOUD Fiona (EO)

From: BRAID John (PEO) <john.braid@mainroads.wa.gov.au>
Sent: Tuesday, 2 May 2017 10:08 AM
To: Cox, Vaughn
Cc: BAETGE Marni (SEO/A)
Subject: EPBC 2013/7091 Request for change of offset property
Attachments: MRWA Payment voucher to DPaW for Jurien Offset Property.pdf; Reimbursement invoice from DPaW for Jurien Offset Property.pdf; CT 2709-953.pdf; EPBC_2013-7091 Offset Area 710.43ha.jpg; EPBC 2013 7091 Offset Attributes Table May17.XLSX; EPBC_Offset_MFE_Stage_1 May17.zip

Hi Vaughn,

Reference our recent discussions regarding an alternative offset property for EPBC 2013/7091 Mitchell Freeway Extension between Burns Beach Road and Hester Avenue, Neerabup Western Australia.

Please find attached the information required under condition 3 of EPBC 2013/7091 for your assessment and approval of the alternative offset of 710 ha of Lot 1395 Banovich Road, Hill River, Western Australia:

- Written evidence that the offset property has been transferred to the Department of Parks and Wildlife (DPAW):
 - DPAW acquired the entire 1993 ha property, at Main Roads direction, and has been subsequently reimbursed. The land is currently held in freehold title by the State of WA and managed by DPAW.
 - Documentary evidence provided:
 - Certificate of Title for the property CT 2709-953.pdf
 - Reimbursement invoice from DPaW for Jurien Offset Property.pdf
 - MRWA Payment voucher to DPaW for Jurien Offset Property.pdf
- Textual description and map clearly defining the boundary of the offset property (EPBC_2013-7091 Offset Area 710.43ha.jpg)
- Offset attributes (EPBC 2013 7091 Offset Attributes Table May17.xls)
- Shapefile (contained within EPBC_Offset_MFE_Stage_1 May17.zip)
- 1283 ha of Lot 1395 Banovich Road, Hill River, Western Australia remains unattributed to this action and may be used for the purpose of suppling offsets for potential future projects

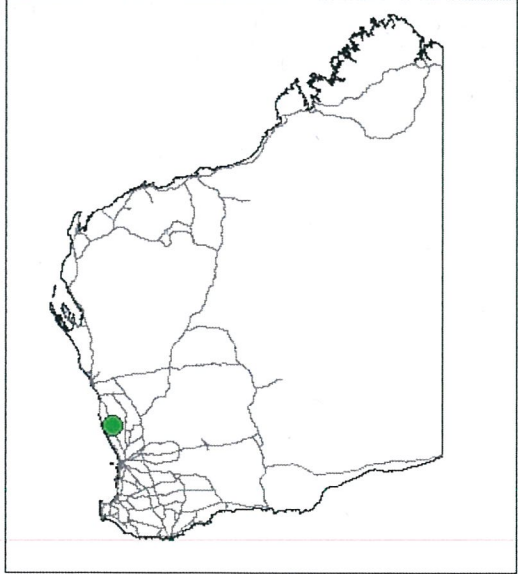
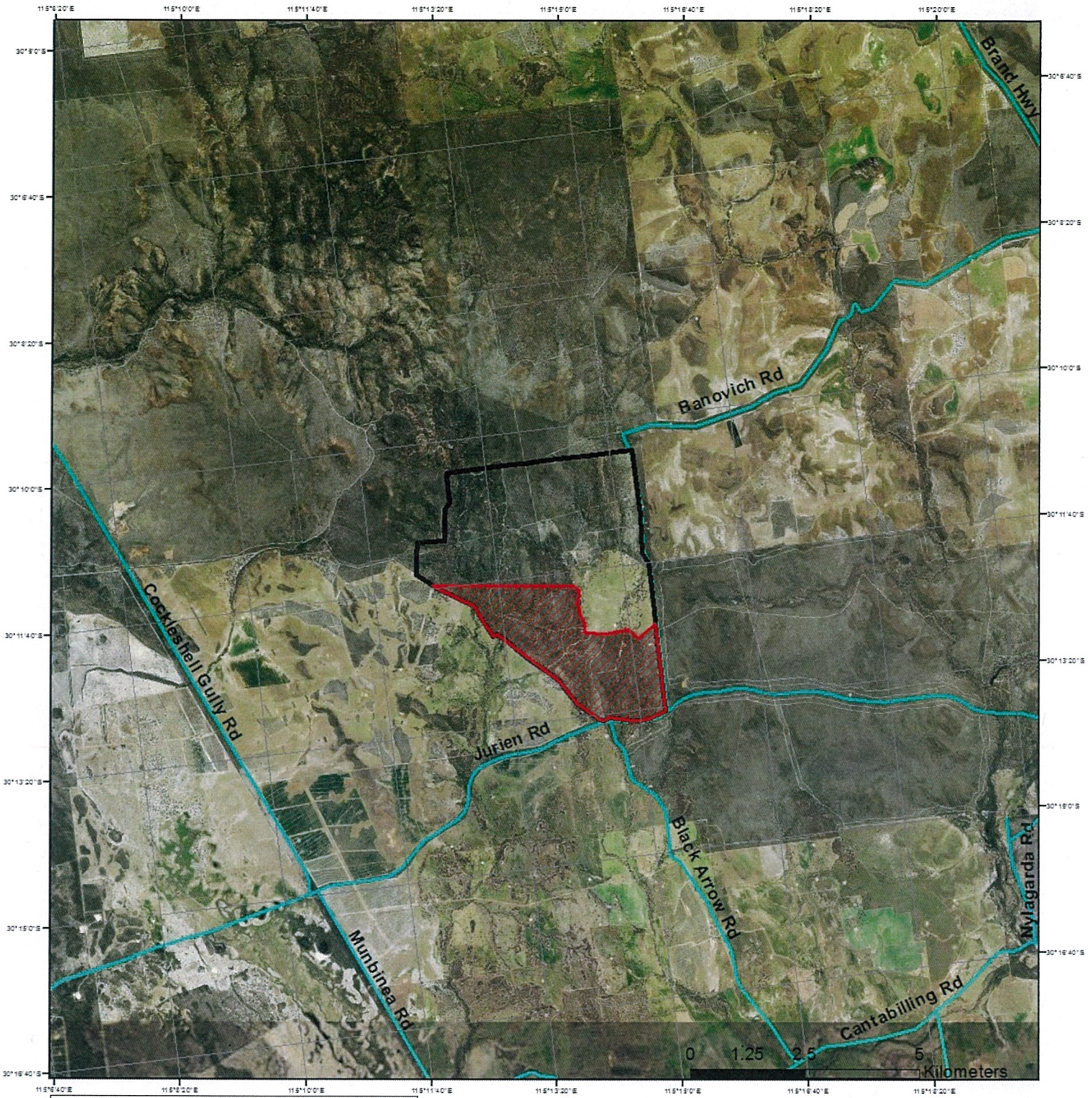
If you require further information, or believe the included information is not adequate, please contact me directly.

Regards

John Braid



Principal Environment Officer
Infrastructure Delivery Directorate
p: 9323 6183 | **m:** 0407080035
w: www.mainroads.wa.gov.au





EPBC 2013/7091 Offset Property

Legend

-  EPBC_2013/7091 Offset_710.43 ha
-  Lot 1395 Banovich Road, Hill River

1:80,000



EPBC 2013/7091 - "Offset Attributes"

EPBC Act Reference Number	1395 Banovich Road, Hill River Western Australia, 6521
EPBC 2013/7091	

Offset Size (ha)	Coordinates of offset boundary (Decimal Degrees)	EPBC Act Protected Matters compensated for	Additional EPBC Act Protected Matters that may benefit	Total Property Size (ha)	Unattributed area available for offset for future projects (ha)
710.43	-30.20631 -30.20715 -30.20677 -30.20714 -30.20835 -30.20853 -30.20646 -30.22310 -30.22322 -30.22433 -30.22442 -30.22429 -30.22322 -30.22349 -30.22331 -30.22329 -30.21958 -30.21514 -30.21514 -30.20466 -30.20491 -30.20114 -30.19879 -30.19461 -30.19380 -30.19728 -30.19742 -30.19789 -30.19830 -30.19853 -30.20080 -30.20222 -30.20242 -30.20258 -30.20326 -30.20380 -30.20488	<i>Calyptorhynchus latirostris</i> (Carnaby's Black Cockatoo)	<i>Dryandra serratulooides</i> subsp. <i>Perfissa</i> (Northern Serrate Dryandra) <i>Paracaleana dixonii</i> Hopper & A.P Brown (Sandplain Duck Orchid) <i>Eucalyptus johnsoniana</i> (Johnson's Mallee) <i>Hakea megalosperma</i> (Leseur hakea) <i>Eucalyptus lateritica</i> (Laterite Mallee) <i>Eleocharis keigheryi</i> (Keighery's eleocharis) <i>Acacia forrestiana</i> (Forest's Wattle) <i>Eucalyptus suberea</i> (Cork Mallee or Mt Leseur Mallee) <i>Thelymitra stellata</i> (Star-sun Orchid)	1993	1283

WESTERN



AUSTRALIA

REGISTER NUMBER 1/DP62729	
DUPLICATE EDITION 1	DATE DUPLICATE ISSUED 31/5/2016

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME
2709FOLIO
953

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

REGISTRAR OF TITLES

**LAND DESCRIPTION:**

LOT 1 ON DEPOSITED PLAN 62729

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

STATE OF WESTERN AUSTRALIA

(T N338139) REGISTERED 26 MAY 2016

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.

* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.

Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP62729.
PREVIOUS TITLE: 2186-202.
PROPERTY STREET ADDRESS: 1395 BANOVIK RD, HILL RIVER.
LOCAL GOVERNMENT AREA: SHIRE OF DANDARAGAN.

NOTE 1: K974583 THIS LOT/TITLE CREATED AFTER PORTION OF THE LAND TAKEN FROM THE FORMER LOT WITHOUT PRODUCTION OF THE DUPLICATE TITLE BY TAKING ORDER K971995. CURRENT DUPLICATE FOR THE WITHIN LAND IS STILL VOL. 2186 FOL. 202 EDITION 2.

Attachment 5: Department Approval of Offset Property



Mr Kugan Kuganathan
Project Manager
Mitchell Freeway Extension
PO Box 6202
EAST PERTH WA 6892

EPBC 2013/7091: Mitchell Freeway Extension – Offset Property

Dear Mr Kuganathan,

Thank you for your letter of 10 August 2016, proposing an alternative offset property in accordance with Condition 3 of *Environment Protection & Biodiversity Conservation Act 1999* (EPBC Act) approval for the above project.

I note that Condition 3 of EPBC Act approval for EPBC 2013/7091 provides for agreement by the Minister to an alternative offset property to the property referred to in the conditions of approval: Lot 776 Wannamal Road South, Callala, Western Australia.

As the delegate for the Minister for the Environment and Energy, I have decided to agree to an area of no less than 710 hectares of Lot 1395 Banovich Road, Hill River, Western Australia, as an alternative suitable property for the purpose of an offset property required under Condition 3 of the EPBC Act approval. I have made this decision in accordance with Condition 3 of EPBC Act approval for EPBC 2013/7091.

The offset property and the portion of the property to which this decision applies, being the southern and south-eastern 710 hectares of wooded native vegetation on the property, is shown on the attached map hatched red.

I am satisfied that Main Roads Western Australia's failure to secure the Minister's agreement to an alternate offset property prior to 2 September 2016 (Condition 3) is a contravention of Section 142 of the EPBC Act. However, taking into account:

- Main Roads engagement with the Department since August 2016 to first propose and more recently seek agreement to an offset to meet the obligations outlined in EPBC Act approval;
- that the intent of the condition has now been met to a satisfactory standard;
- options available under the Department's EPBC Act Compliance & Enforcement Policy¹;

I consider an appropriate response is for the Department to take no further action at this time. Please note that the Department may take into account an approval holder's environmental history in considering any future matters.

¹ The policy is available at <http://www.environment.gov.au/resource/compliance-and-enforcement-policy-environment-protection-and-biodiversity-conservation-act>

Should you require any further information please contact Vaughn Cox on (02) 6274 2005 or by email: post.approval@environment.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Monica', with a stylized flourish at the end.

Monica Collins
Assistant Secretary
Compliance & Enforcement Branch
Environment Standards Division

| June 2017

Attachment: EPBC Act 2013/7091 Offset Property.



EPBC 2013/7091 Offset Property

Legend

-  EPBC_2013/7091 Offset_710.43 ha
-  Lot 1395 Banovich Road, Hill River

1:80,000



Attachment 6: Notification of Commencement of Action



Our Ref: 12/8307
Your Ref: EPBC 2013/7091

11 June 2015

Nikki Ward
South West Section
Environmental Assessment Branch
Department of the Environment
GPO Box 787
Canberra ACT 2601

Dear Ms Ward

**Mitchell Freeway Extension Project (Burns Beach Road to Hester Avenue), WA
EPBC Referral 2013/7091 – Notification of commencement of action**

I refer to the decision made by your Department regarding the referral of the Mitchell Freeway Extension Project (Burns Beach Road to Hester Avenue) WA, under the *Environment Protection and Biodiversity Conservation Act 1999* (2013/7091).

Approval was granted on 2 September 2014 provided the proposal is undertaken in accordance with the conditions specified in the approval document.

In accordance with condition 4 of the approval, we wish to inform the Department that the proposed actions in which the above mentioned referral relate to commenced on 27 May 2015.

If you require any further information please do not hesitate to contact me on 9323 4121 or at kugan.kugananthan@mainroads.wa.gov.au.

Yours sincerely

Kugan Kugananthan
Project Manager
Mitchell Freeway Extension

Attachment 7: Notification of non-compliance to the Department

From: [BRAID John \(PEO\)](#)
To: [EPBC Monitoring](#); [VAN RIJNSWOUD Fiona \(EO\)](#); [EPBC Monitoring](#)
Cc: [KUGANANTHAN Kugan \(MC/A\)](#); [SCHELTEMA Martine \(ME\)](#)
Subject: RE: EPBC 2013/7091 Condition 7 - Mitchell Freeway Extension Burns Beach Road to Hester Avenue WA Annual Compliance Report [SEC=OFFICIAL]
Date: Wednesday, 10 June 2020 1:47:44 PM
Attachments: [image006.png](#)
[image018.png](#)
[image019.png](#)
[image020.png](#)
[image021.png](#)
[image022.png](#)
[image009.png](#)
[image011.png](#)
[image013.png](#)
[image015.png](#)
[image017.png](#)

Hi Kranti,

Main Roads has not submitted the 2019 Annual Compliance Report for approval 2013/7091. My apologies for this oversight.

In accordance with condition 7 of EPBC 2013/7091, Main Roads (as the approval holder) is notifying the Department of a contravention of condition 7, in not submitting the 2019 Annual Compliance Report by 27 August 2019. This notification is being made within 2 business days of becoming aware of the contravention of the condition, which was the receipt of your email yesterday. This contravention of condition 7 will also be included in the 2020 Annual Compliance Report.

Given that the 2020 reporting period is now complete, I propose that the 2020 Annual Compliance Report will report on both the 2019 and 2020 reporting periods. This Compliance Report will be prepared and submitted by 27 August 2020.

Please note that the Mitchell Freeway extension between Burns Beach Road and Hester Avenue has been open to traffic since 2017. There has been no clearing of vegetation or other activities that may have impacted on matters of national environmental significance since then, and certainly not in the 2019 reporting period.

Again I apologise for this oversight. If you have any concerns about compliance, or the proposal to include two reporting years in the 2020 Annual Compliance Report, please let me know.

Regards

John Braid
Principal Environment Officer
Infrastructure Delivery Directorate
p: +61 9323 6183 | **m:** +61 0407 080 035
w: www.mainroads.wa.gov.au





From: EPBC Monitoring <EPBCMonitoring@awe.gov.au>
Sent: Tuesday, 9 June 2020 9:12 AM
To: VAN RIJNSWOUD Fiona (EO) <fiona.vanrijnswoud@mainroads.wa.gov.au>; EPBC Monitoring <EPBCMonitoring@environment.gov.au>
Cc: BRAID John (PEO) <john.braid@mainroads.wa.gov.au>; KUGANANTHAN Kugan (MC/A) <kugan.kuganathan@mainroads.wa.gov.au>
Subject: RE: EPBC 2013/7091 Condition 7 - Mitchell Freeway Extension Burns Beach Road to Hester Avenue WA Annual Compliance Report [SEC=OFFICIAL]

Dear Fiona,

Our records indicate that you may not have received an acknowledgement of receipt from us for the submission of 2018 Annual Compliance Report for EPBC approval 2013/7091. Please accept our apology for this oversight.

We note that the Department have not received 2019 Annual Compliance report due by 27 August 2019, please advise if you have submitted 2019 Annual Compliance Report?

Please note that your next Annual Compliance Report is due by 27 August 2020.

Kind regards

Kranti Kulkarni
Compliance Monitoring Team
Environment Compliance Branch
Compliance Division
Department of Agriculture, Water and the Environment
GPO Box 787, CANBERRA ACT 2601

From: VAN RIJNSWOUD Fiona (EO) <fiona.vanrijnswoud@mainroads.wa.gov.au>
Sent: Thursday, 23 August 2018 1:33 PM
To: EPBC Monitoring <EPBCMonitoring@environment.gov.au>
Cc: BRAID John (PEO) <john.braid@mainroads.wa.gov.au>; KUGANANTHAN Kugan (PM) <kugan.kuganathan@mainroads.wa.gov.au>
Subject: EPBC 2013/7091 Condition 7 - Mitchell Freeway Extension Burns Beach Road to Hester Avenue WA Annual Compliance Report

Good morning,

RE: Mitchell Freeway Extension Burns Beach Road to Hester Avenue WA (EPBC 2013/7091) - Notification of Compliance Reporting under Condition 7

EPBC 2013/7091 Condition 7 requires a compliance report to be published on the Main Roads external website within three months of every 12 month anniversary of the commencement of

the action (date of commencement of action 27 May 2015). The compliance report must remain on the Main Roads external website for a minimum of 12 months from date of publication.

Condition 7 requires that documentary evidence providing proof of the date of publication be provided to the Department of the Environment and Energy (the Department) at the same time as the compliance report is published on the Main Roads external website.

In accordance with EPBC 2013/7091 Condition 7, this email and below link to the compliance report, is provided as documentary evidence the 2017/2018 compliance report was today published on the Main Roads external website

<https://www.mainroads.wa.gov.au/OurRoads/Environment/Pages/reports.aspx>

The 2017/2018 compliance report will remain on the Main Roads external website for a minimum of 12 months from the date of publication (23 August 2018). A hard copy of the report has also been submitted to the Department today via the post.

Feel free to contact me if you have any concerns or queries.

Kind regards,
Fiona.

Fiona van Rijnswood

Environment Officer

Infrastructure Delivery Directorate

p: 9323 4584

w: www.mainroads.wa.gov.au

(Please note I work part time Wednesday – Friday)

