



mainroads
WESTERN AUSTRALIA

EPBC Act Compliance Report

Northam Pithara Road Widening and Sealing,
Western Australia (EPBC 2015/7454)

Reporting period: 4 June 2018 to 3 June 2019

| Report Compilation & Review | Name and Position | Date | Document Revision |
|-----------------------------------|--|------------------|----------------------|
| Author | Lyn Van Gorp (Environment Officer) | 3 September 2019 | Draft v1 |
| Reviewer | Paul West (Senior Environment Officer) | 3 September 2019 | Rev 0 |

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1 INTRODUCTION

Main Roads Western Australia (Main Roads) is proposing to widen the seal and road formation along Northam Pithara Road between 129.12 Straight Line Kilometre (SLK) and 152.25 SLK to comply with safety requirements. The works will include realignment of the road in the following two sections that contain substandard curves:

- SLK 136.82 to 139.57 (Realignment 1)
- SLK 140.27 to 141.33 (Realignment 2).

During the reporting period, clearing and road widening activities were undertaken in two relatively small sections of the project extent: between approximately 130.9 SLK to 131.9 SLK, and 150.85 SLK to 152.2 SLK.

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

The Project was referred to the former Department of the Environment (now the Department of the Environment and Energy (the Department)) for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) due to its potential impacts on the listed threatened species Carnaby's Cockatoo (*Calyptorhynchus latirostris*). The Department granted approval of the Project on 17 June 2016 (EPBC 2015/7454), which included a number of conditions that Main Roads is required to fulfil.

1.2 Purpose of this Report

Clearing for the Project commenced on 4 June, 2018. This compliance report has been produced to satisfy Condition 6 of approval EPBC 2015/7454. Table 1 of this report outlines project compliance against each approval condition over the 12 month period 4 June 2018 to 3 June 2019.

2 COMPLIANCE

Table 1: Compliance with Conditions of EPBC Approval 2015/7454

| Condition Number | Condition | Status | Evidence/Comments |
|------------------|---|-----------|---|
| 1 | For the protection of the EPBC Act listed Carnaby's Cockatoos (<i>Calyptorhynchus latirostris</i>) the person taking the action must not clear more than 13.56 ha of Carnaby's Cockatoo foraging habitat and 56 potential breeding trees. | Compliant | <p>A total of 2.12 ha has been cleared for the project during the reporting period. This clearing represents the total clearing undertaken to date for this project (refer to Figures 1a-1b in Appendix A).</p> <p>Of the 2.12 ha of vegetation cleared during the reporting period, 1.84 ha of Carnaby's Cockatoo foraging habitat was cleared. The clearing also included removal of one (1) potential breeding tree. This represents the total clearing undertaken to date for this project.</p> |

| Condition Number | Condition | Status | Evidence/Comments |
|------------------|--|-----------|--|
| 2 | For the protection of the EPBC Act listed Carnaby's Cockatoos (<i>Calyptorhynchus latirostris</i>) and the Silky Frankenia (<i>Frankenia conferta</i>) the person taking the action must comply with conditions 7 and 10 of clearing permit (CPS 6670/1) | Compliant | <p>Works undertaken to date have been undertaken in accordance with Condition 7 of CPS 6670/1: Weed Control. An example of Weed and Seed Inspection Certificates used on site to manage potential weed spread is provided in Appendix B.</p> <p>Works undertaken to date have been undertaken in accordance with Condition 10 of CPS 6670/1: Environmental Management Plan. Appendix C provides evidence of how the requirements of the Environmental Management Plan have been met.</p> |

| Condition Number | Condition | Status | Evidence/Comments |
|------------------|---|---------------|---|
| 3 | <p>To offset the loss of Carnaby's Cockatoo foraging habitat and 56 potential breeding trees, prior to the commencement of the action, the person taking the action must:</p> <ul style="list-style-type: none"> a) Make a financial contribution to the WA DER Offsets Fund to fully fund the purchase of an offset site containing a minimum of 47 ha of Carnaby's Cockatoo foraging habitat and potential breeding trees, and b) Provide the Department with written evidence that the financial contribution has been made to the WA DER Offsets Fund. <p>Within 12 months of the commencement of the action (or otherwise agreed by the Department in writing), the person taking the action must provide the Department with the offset attributes and a shapefile.</p> | Non-compliant | <p>A financial contribution was made to the WA DER Offsets Fund prior to the commencement of the action.</p> <p>Written confirmation of this financial contribution was previously provided to the Department via email on 16 August 2016. Refer to Appendix D for a copy of the receipt for the offset payment.</p> <p>Although Main Roads has met conditions 3a and 3b, the offset attributes and shapefile were not able to be provided to the Department within 12 months of commencement of the action as the Department of Water and Environmental Regulation is yet to purchase the offset property. As a result, Main Roads is not fully compliant with Condition 3.</p> <p>Main Roads has been liaising regularly with the post-approvals section of the Department since 15 April 2019 to reach agreement on an alternative solution to ensure full compliance with this condition. A request to vary this condition is currently being considered by the Department.</p> |

| Condition Number | Condition | Status | Evidence/Comments |
|------------------|---|-----------|--|
| 4 | Within 30 days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement. | Compliant | The action was commenced on 4 June 2018. Main Roads notified the Department of commencement of the action in writing on 18 June 2018. Refer to Appendix E for copy of notification. |
| 5 | The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media. | Compliant | Main Roads has maintained records in accordance with this condition and their legal obligations, under the <i>State Records Act 2000</i> (Western Australia). |

| Condition Number | Condition | Status | Evidence/Comments |
|------------------|---|----------------|---|
| 6 | <p>Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval. 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. Unless otherwise agreed to in writing by the Minister, each report must remain on the website for the life of the approval. The person taking the action must continue to comply with this condition until such time as agreed to in writing by the Minister.</p> | Compliant | <p>The action commenced on 4 June 2018. This 2019 compliance report covers compliance for the reporting period 4 June 2018 to 3 June 2019.</p> <p>This 2019 compliance report will be published on the Main Roads website on 3 September 2019 and documentary evidence of the date of publication will be sent to the Department.</p> |
| 7 | <p>Upon the direction of the Minister, the person taking the action 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> | Not applicable | <p>To date, no direction has been received from the Minister to undertake an independent audit of compliance with the conditions of approval EPBC 2015/7454</p> |
| 8 | <p>If, at any time after 5 years from the date of this approval, the person taking the action has not commenced the action, then the person taking the action must not commence the action without the written agreement of the Minister.</p> | Not applicable | <p>The project was approved on 17 June 2016 and the action was commenced on 4 June 2018.</p> |

3 APPENDICES

Appendix A: Figures showing clearing undertaken during reporting period

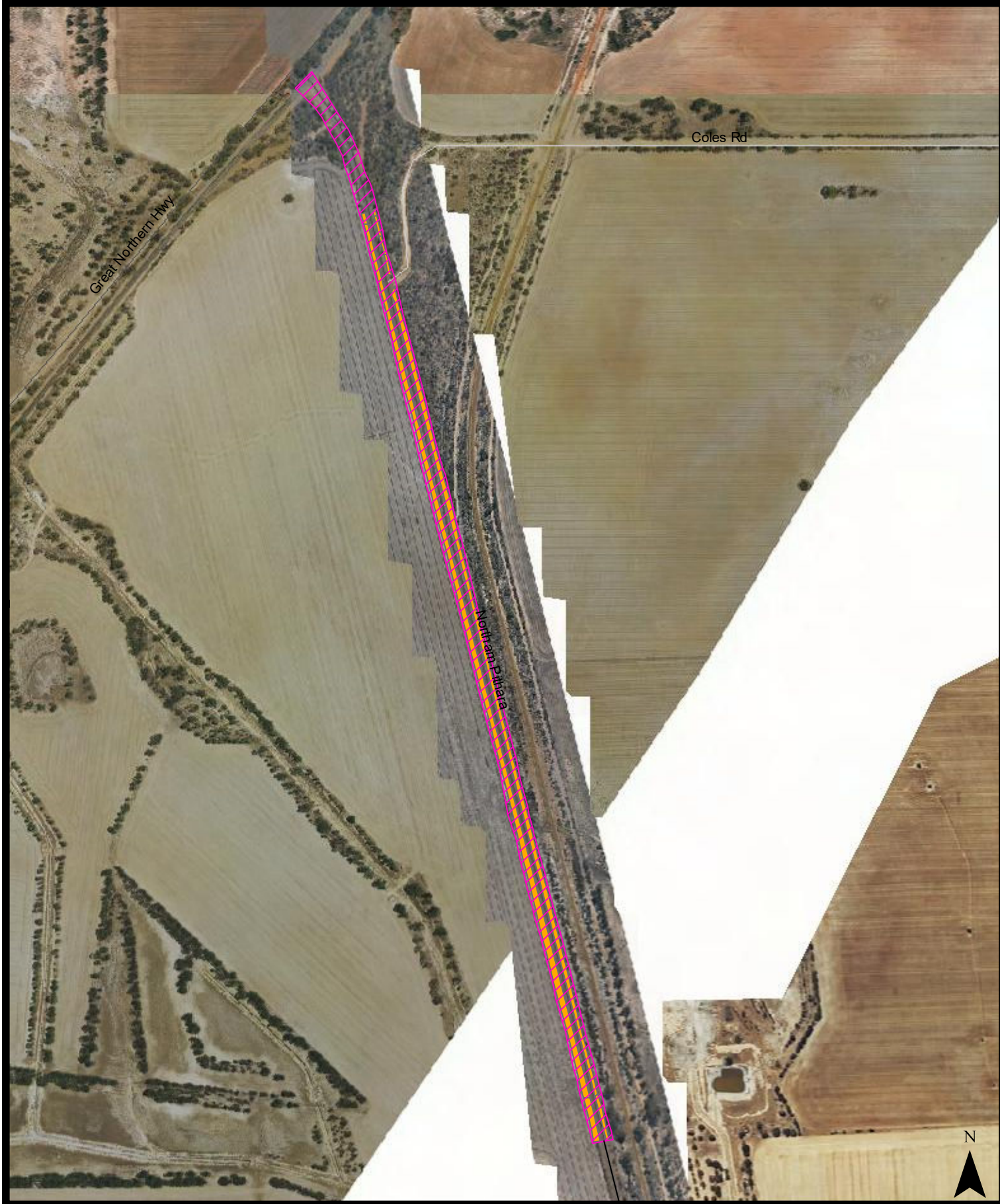
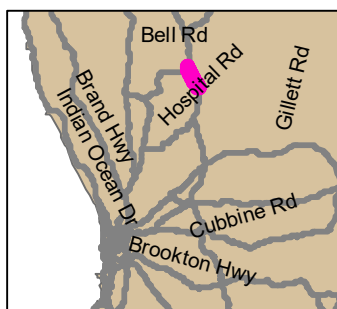


Figure 1a - Northam Pithara Rd clearing undertaken during reporting period



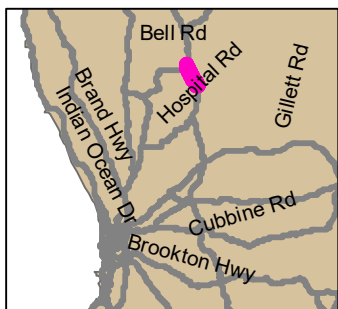
Legend

- Potential breeding trees removed during reporting period
- Northam Pithara Approval Envelope
- Northam Pithara Clearing undertaken during reporting period
- State Road
- Local Road

0 0.05 0.1 0.2 Kilometers



Figure 1b - Northam Pithara Rd clearing undertaken during reporting period



Legend

- Potential breeding trees removed during reporting period
- Northam Pithara Approval Envelope
- Northam Pithara Clearing undertaken during reporting period
- State Road



Appendix C: Evidence of Compliance with CPS 6670/1: Environmental Management Plan

| Project Component/Requirements from EMP | Evidence |
|---|--|
| Record Keeping and Inductions | <ul style="list-style-type: none"> • Evidence of construction staff induction containing relevant environmental issues provided below in Plates 1-5. • Other records maintained as per below evidence. |
| Vegetation | <ul style="list-style-type: none"> • Clearing area was pegged prior to clearing to prevent impacts to adjacent Threatened and Priority flora that are outside the limitations of clearing (Refer to photographs 1 and 2 below). • Clearing was maintained within the limits of clearing (refer to Appendix A of this compliance report). • Refer to Revegetation actions below for management of <i>Dampiera glabrescens</i>. |
| Fauna | <ul style="list-style-type: none"> • Evidence of site fauna management communicated through site induction material (refer to Plate 5). |
| Dieback and weed management | <ul style="list-style-type: none"> • Earth moving machinery was cleaned of soil and vegetation prior to entry and exit of project area (example Weed and Seed Inspection Certificate provided in Appendix B of this compliance report). |
| Aboriginal Heritage Sites | <ul style="list-style-type: none"> • Induction material contained information about location of nearby Aboriginal sites (refer to Plate 3). • No human skeletal material or artefacts were discovered during works so management actions were not applicable. |
| Dust | <ul style="list-style-type: none"> • Water carts used for dust suppression during works. • Inclusion of dust suppression requirements communicated through induction material (refer to Plate 1). |
| Pollution and Litter | <ul style="list-style-type: none"> • Water carts used for dust suppression during works. • Inclusion of rubbish management requirements communicated through induction material (refer to Plate 5). |
| Water | <ul style="list-style-type: none"> • Onsite storage of hazardous materials and spill management measures as per induction material (refer to Plate 2). • Vegetation removal and soil disturbance contained to area cleared and within limits of approved clearing (refer to Appendix A of this compliance report). • Based on the very minor nature and area of works constructed during the reporting period, the remaining management requirements were not applicable at this stage. |
| Fire | <ul style="list-style-type: none"> • No fires were lit during clearing or construction activities. • Requirements for fire fighting equipment to be kept on site communicated through induction (refer to Plate 6) |

| Project Component/Requirements from EMP | Evidence |
|---|--|
| Revegetation of <i>Dampiera glabrescens</i> offset site | <ul style="list-style-type: none"> • One area (309 m²) of known <i>Dampiera glabrescens</i> occurred within the area cleared during the reporting period. A 50 m buffer around this area was demarcated prior to clearing. Topsoil from this area was removed and transferred to the revegetation offset site on 4 June 2018 over an area of 441 m² at a depth of approximately 5 cm. Refer to photographs 1 to 4 below. • Site preparation was undertaken using a hand auger in July 2018, prior to planting. • Due to low weed loads in the revegetation site, no weed control was undertaken. • Due to the presence of native shrubs resulting from natural regeneration and low weed cover, topsoil was only spread on completely cleared areas and infill planting was undertaken. A total of 1450 native seedlings were planted within the offset site during August 2018. • <i>Dampiera glabrescens</i> cuttings were propagated. • Fencing was installed around the revegetation offset site in September 2018. One entry gate was installed, locked with a padlock. |



Environmental...

Dust Management

Highway Construction is committed to minimising dust associated with its construction activities.

Water Carts are used throughout the project.

Personnel are encouraged to drive to conditions and where excessive dust is produced, to contact the water cart to provide dust suppression.

Noise Management

The project has the following requirements implemented to ensure noise is minimised:

- Restriction of Work Hours:
 - Project working hours between 7am to 7pm
 - Where works outside these hours are undertaken, it is to be approved prior and stakeholders notified
- Use of directional reverse croakers preferred



Substances...

Material Safety Data Sheet

All substances on site (regardless of classification) must have a MSDS and be recorded in the sites chemical register.

Any new substances brought on to site must be accompanied by an MSDS and approval of that product needs to be obtained prior to any substance being entered into the Chemical Register.

All MSDS will be available at the site office.

Storage

Bulk amounts of chemicals & hydrocarbons must be stored on bunding in the yellow hydrocarbon/chemical container

All flammable substances must be stored in the sites flammable goods cabinet.

Spill Kits

Spill Kit is stored with the mobile fuel trailer and in all Highway Construction Supervisor vehicles.



Plate 1: Induction material - Dust and noise management

Plate 2: Induction material – hazardous substances storage and spill kits



Aboriginal Sites...



The locations of known sites of Aboriginal significance are as follows:

| Location of Site | Description of Site | Comments |
|--|---------------------|-------------------|
| DAA Site 4527 (500m south of Moller Rd Intersection) | Quartz Artefacts | Outside work area |
| DAA Site 4528 (40m West of GNH centerline at Northam – Pithara Rd Intersection) | Quartz Artefacts | Outside work area |

DO NOT ENTER/DISTURB THESE AREAS.

Extreme care must be taken around these sites other potential sites may be located in other locations and could consist of large or unusual shaped rocks buried within the clearing limits.

If you happen to find yourself in the presence of a site of possible Aboriginal significance, all work must be ceased immediately and you are to alert the on-site supervisor and/or Project Manager immediately who will in turn notify the Superintendent and the Department of Indigenous Affairs.

Plate 3: Induction material – Aboriginal heritage



Flora and Fauna Management...



All personnel shall remain within the clearing area affected by the roadworks to prevent accidental disturbance of surrounding flora.

Known locations of threatened flora have been identified as follows:

| Location | Type (Flora/Fauna) | Species | Requirements/Comments |
|--------------------|--------------------|-------------------------------|---|
| Northam Pithara Rd | Flora | Dampiera Glabrescens | To be transplanted |
| Multiple locations | Flora | Threatened Ecological Species | No-Go area Red/White Flagging |
| Throughout Project | Fauna Habitat | Carnaby's Cockatoo | Initially No-Go area (Red/White Flagging) Once permit received Inspection of tree hollows to determine presence of Cockatoo. (1 week prior to clearing) |

Plate 4: Induction material – Flora management



Environmental...

Pest Control

Highway Construction is committed to minimising feral pests throughout its projects.

Ways you can assist us to meeting this commitment is through the following:

- Ensuring you do not feed wild/feral animals
- Ensuring all bins outside of buildings have lids securely placed on them
- Keeping site free from litter (take your rubbish back to the provided bins)
- Should you observe a dead animal on site, remove it.



Plate 5: Induction material – Fauna and rubbish management



Fire Equipment...



Highway Construction ensures that all fire equipment attached to buildings are serviced, charged and inspected at regular intervals.

It is the responsibility of each sub-contractor and their employees to ensure that their vehicles are fitted with appropriate fire suppression equipment.

It is a mandatory site requirement that all vehicles are fitted with fire equipment (minimum of 1 fire extinguisher of an acceptable size) and it must be inspected as part of the vehicle pre-start.

Light Vehicles – 1 kg
Vehicles under 20t – 4.5kg
Vehicles over 20t – 9kg

Fire Fighting Equipment must never be used or removed unless for maintenance, inspection or to fight a fire.

Only competent and authorised personnel are permitted to maintain fire equipment.

Plate 6: Induction material and summary of on site fire fighting requirements

Photographs of topsoil stripping and respread



Photograph 1: Demarcation and topsoil stripping in location of *Dampiera glabrescens* prior to clearing



Photograph 2: Demarcation and topsoil stripping in location of *Dampiera glabrescens* prior to clearing



Photograph 3: Transfer of topsoil and cleared vegetative material to revegetation offset site



Photograph 4: Respread of topsoil to 5 cm thickness in cleared area of revegetation offset site

Appendix D: Copy of Receipt for Offset Payment

| Item | Description | Qty Ordered | Unit Price | Amount |
|------|---|-------------|------------|------------|
| 1 | OFFSET FOR NATIVE VEGETATION CLEARING PERMIT CPS 6670/1 - NORTHAM PITHARA ROAD WIDENING PROJECT | 1 | 188,000.00 | 188,000.00 |

PAID
28/06/16

| | | | |
|--|------------------------|-----------------------------|---------------------|
| DEPARTMENT OF ENVIRONMENT REGULATION | | RECEIPT NO | |
| OFFICIAL RECEIPT AND TAX INVOICE | | NAT0051377 | |
| ABN 98 954 078 362 | | | |
| District: <u>ATRIUM</u> | Date: <u>28-Jun-16</u> | | |
| RECEIVED from: <u>067445 MAIN ROADS WA 2029308</u> | | | |
| on account of: <u>MAIN ROADS WA</u> | | | |
| DESCRIPTION | COPY | INVOICE or SHORTCODE | AMOUNT |
| INV 9514 Offset CPS 6670/1 | | 9514 | \$188,000.00 |
| Collector: <u>-A.Chen-</u> | | GST (10%) | \$0.00 |
| | | TOTAL inc. GST | \$188,000.00 |

Appendix E: Email notification to the Department of Commencement of the Action (Please note: for confidentiality purposes, personal details have been redacted)


Mon 18/06/2018 4:20 PM

■ WEST Paul (Con) <Paul.West@mainroads.wa.gov.au>

Northam Pithara Rd Widening (EPBC 2015/7454; CPS 6670/1): Notification of commencement of the action

To Vaughn.cox@environment.gov.au

Cc Adrian Wiley; ■ SCHELTEMA Martine (ME); ■ VAN GORP Lyn (Con); 'info@dwer.wa.gov.au'

 Follow up.



Main Roads letter notification of commencement of action Northam Pithara Rd widening. (EPBC 20157454)..PDF
684 KB

Hi Vaughn,

Please find attached correspondence confirming that Main Roads has commenced the Northam Pithara Road widening project (EPBC 2015/7454).

Regards

Paul

Paul West

SNR ENVIRONMENTAL OFFICER (Contractor/Consultant)

Environment Branch

Planning and Technical Services Directorate

p: [REDACTED]

w: www.mainroads.wa.gov.au



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