



**mainroads**  
WESTERN AUSTRALIA

# EPBC Act Compliance Report

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

Reporting period: 4 June 2019 to 3 June 2020

<b>Report Compilation &amp; Review</b>	<b>Name and Position</b>	<b>Date</b>	<b>Document Revision</b>
Author	Lyn Van Gorp (Senior Environment Officer)	10 September 2020	Draft v1
Reviewer	Paul West (Senior Environment Officer)	11 September 2020	Rev 0

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# 1 INTRODUCTION

Main Roads Western Australia (Main Roads) is widening 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 between 129.14 and 148.8 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

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 2019 to 3 June 2020.



## 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 10.40 ha of Carnaby's Cockatoo foraging habitat was cleared for the project during the reporting period (illustrated in Appendix A). The clearing also included removal of 27 potential breeding trees.</p> <p>Combined with previous clearing undertaken for the project, a total of 12.24 ha of Carnaby's Cockatoo foraging habitat and 28 potential breeding trees has been cleared for the project to date.</p>
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	Works undertaken to date have been undertaken in accordance with Condition 7: Weed Control and Condition 10 of CPS 6670/1: Environmental Management Plan. Appendix B summarises evidence of compliance with these conditions that relates to potential impacts on Matters of National Environmental Significance.

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"> <li>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 black cockatoo foraging habitat and potential breeding trees, and</li> <li>b) Provide the Department with written evidence that the financial contribution has been made to the WA DER Offsets Fund.</li> </ul> <p>Within 2 months of being advised of the purchase of the offset property required under condition 3.a (or as otherwise agreed by the Department in writing) the person taking the action must ensure that the Department is provided with the offset attributes and a shapefile.</p>	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 as well as in the previous Compliance Report.</p> <p>Main Roads has not yet been notified that the offset property has been purchased.</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.
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).

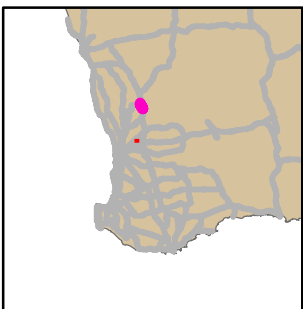
Condition Number	Condition	Status	Evidence/Comments
6	<p>Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval. Documentary evidence providing 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>	Partially non-compliant	<p>The action commenced on 4 June 2018. This 2020 Compliance Report covers compliance for the reporting period 4 June 2019 to 3 June 2020. This 2020 Compliance Report will be published on the Main Roads website by 11 September 2020 and documentary evidence of the date of publication will be sent to the Department.</p> <p>The 2019 compliance report (for the reporting period 4 June 2018 to 3 June 2019) was published on the Main Roads website on 3 September 2019 and documentary evidence of the date of publication was sent to the Department on that date (refer to Appendix C). This report is still published on the website and evidence of this is available at <a href="https://www.mainroads.wa.gov.au/community-environment/environment/construction-project-reports/">https://www.mainroads.wa.gov.au/community-environment/environment/construction-project-reports/</a></p>

Condition Number	Condition	Status	Evidence/Comments
7	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.	Not applicable	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
8	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.	Not applicable	The project was approved on 17 June 2016 and the action was commenced on 4 June 2018.

### **3 APPENDICES**

**Appendix A: Figures showing clearing of Carnaby's Cockatoo habitat undertaken during reporting period**





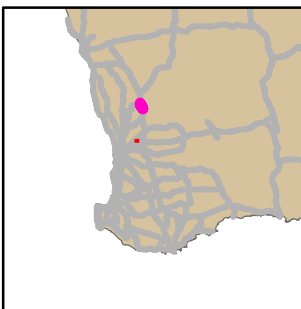
**Legend**

- Potential breeding trees removed during reporting period
- Project\_envelope
- Carnaby's Cockatoo foraging habitat cleared during reporting period

0 0.225 0.45 0.9 Kilometers





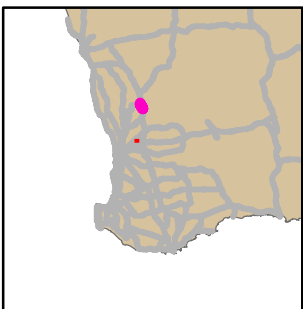


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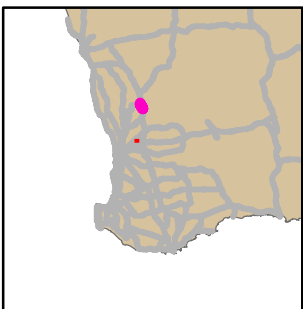


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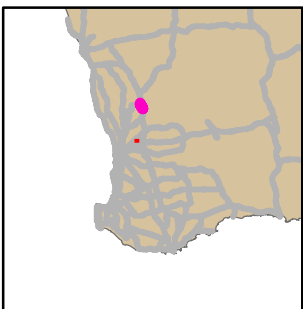


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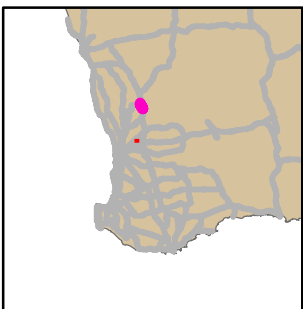


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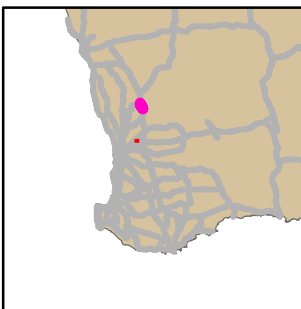


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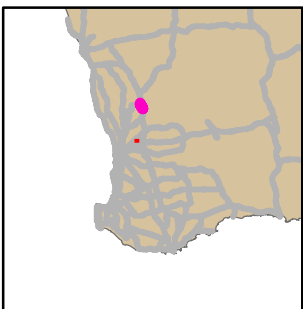
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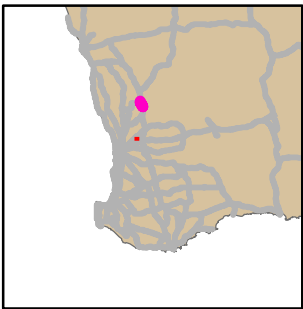


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## Appendix B: Evidence of Compliance with CPS 6670/1: Environmental Management with Environmental Management Plan relevant to Matters of National Environmental Significance

Project Component/Requirements from EMP	Examples of Evidence
Record Keeping and Inductions	<ul style="list-style-type: none"> <li>All site personnel undertook a site induction that included project environmental management requirements.</li> <li>Records maintained as described below, including clearing data.</li> </ul>
Vegetation	<ul style="list-style-type: none"> <li>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 Photograph 1 below).</li> <li>Significant No-Go zones adjacent to or nearby the project works (including a Priority 1 orchid and <i>Frankenia conferta</i>) were demarcated using flagging (refer to Photograph 2 below).</li> <li>Refer to Revegetation actions below for management of <i>Dampiera glabrescens</i>.</li> </ul>
Fauna	<ul style="list-style-type: none"> <li>Fauna were not fed or intentionally harmed or killed. No fauna strike incidents occurred during the reporting period.</li> </ul>
Dieback and weed management	<ul style="list-style-type: none"> <li>Earth moving machinery was cleaned of soil and vegetation prior to entry and exit of project area</li> </ul>
Water	<ul style="list-style-type: none"> <li>Vegetation removal and soil disturbance contained to area cleared.</li> <li>Existing drainage was maintained with culverts being extended in their existing locations.</li> <li>Works were undertaken during the dry summer season so as to avoid impacts on surface water flows.</li> </ul>
Fire	<ul style="list-style-type: none"> <li>No fires were lit during clearing or construction activities.</li> </ul>

## Photographs



Photograph 1: Example showing pegged demarcation of clearing line on site prior to clearing



Photograph 2: Demarcation of No-go Zones (i.e. *Frankenia conferta* location)

## Appendix C: Email notification to the Department of uploading of 2019 Compliance Report onto Main Roads' website



Tue 3/09/2019 4:26 PM

Clearing Permit <clearingpermit@mainroads.wa.gov.au>

Northam Pithara Rd widening and sealing - Annual Compliance Report (EPBC 2015/7454)

To  epbcmonitoring@environment.gov.au

Cc  VAN GORP Lyn (C);  Clearing Permit;  SCHELTEMA Martine (ME);  HOLLYOCK Ben (PEO)

Follow up.



Northam Pithara widening project EPBC Act compliance report (EPBC 20157454) September 2019.PDF  
4 MB

Hello,

Please find attached the annual compliance report prepared as a requirement of Condition 6 of the Northam Pithara Road EPBC Act approval (EPBC 2015/7454). The report covers the reporting period 4 June 2018 to 3 June 2019.

This report is also available on the Main Roads website at the following link:

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

Regards

Paul

**Paul West**

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Planning and Technical Services Directorate

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w: [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au)



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