



**mainroads**  
WESTERN AUSTRALIA

# EPBC Act Compliance Report

Perth-Darwin National Highway (Swan Valley  
Section), Western Australia (EPBC 2013/7042)

# Contents

<b>1</b>	<b>INTRODUCTION .....</b>	<b>3</b>
1.1	Approval under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .....	3
1.2	Purpose of this Report .....	3
<b>2</b>	<b>COMPLIANCE.....</b>	<b>5</b>
<b>3</b>	<b>APPENDICES .....</b>	<b>9</b>
	APPENDIX 1: Compliance Assessment Report, Perth-Darwin National Highway, Swan Valley Section (December 2020) .....	10
	APPENDIX 2: Publishing of 2020 compliance report and notification to the Department.....	11
	APPENDIX 3: Confirmation email from Main Roads WA regarding no Black Cockatoo foraging species planted within road reserve .....	12

Report Compilation & Review	Name and Position	Date	Document Revision
Author	Fiona van Rijnsoud (Environment Officer)	04/06/2021	Rev1
Reviewer			
Author			

# 1 INTRODUCTION

Main Roads Western Australia (Main Roads WA) recently completed the construction of a new alignment for the Perth-Darwin National Highway (PDNH) between the Tonkin Highway and Reid Highway junction in the south and the Brand Highway and Great Northern Highway at Muchea in the north, north-east of Perth (the Project). The Project included the construction of a dual carriageway highway and includes grade separated interchanges at connecting roads and the reservation for a potential future rail (Figure 1).

The objectives of the Project were to:

- Improve freight capacity, efficiency and productivity;
- Reduce urban congestion now and into the future;
- Reduce pressure on the Great Northern Highway through the Swan Valley (existing major northern route) by shifting majority of heavy vehicles to the PDNH;
- Improve road safety in line with the State's 'Towards Zero' policy; and
- Improve amenity in the Swan Valley for residents and tourists.

Key construction works of the Project included:

- Major interchanges at Reid Highway and Tonkin Highway intersection;
- Other interchanges at Stock Road, Neaves Road, Brand Highway, Hepburn avenue and Gnangara Road;
- Flyovers at Marshall Road, Muchea South Road, railways and Ellen Brook;
- A deviation at Brand Highway; and
- New cycling and pedestrian facilities including a four metre wide shared path to Ellenbrook.

The entire Project to Muchea Road was completed and opened to the public on 23 April 2020.

## 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 (DotEE; the 'Department'), now the Department of Agriculture, Water and the Environment (DAWE) for assessment under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). Referral of the Project was required as it was deemed likely to have a significant impact on a number of Matters of National Environmental Significance including threatened flora and fauna species, ecological communities and migratory species.

The Department issued approval of the Project on 2 December 2016 (EPBC 2013/7042) and included a number of conditions that Main Roads WA is required to fulfil.

## 1.2 Purpose of this Report

Construction of the Project commenced 31 March 2017. This compliance report has been produced as required by Condition 7 of approval EPBC 2013/7042. Table 1 of this report outlines compliance with each approval condition over the 12 month period 31 March 2020 to 31 March 2021.

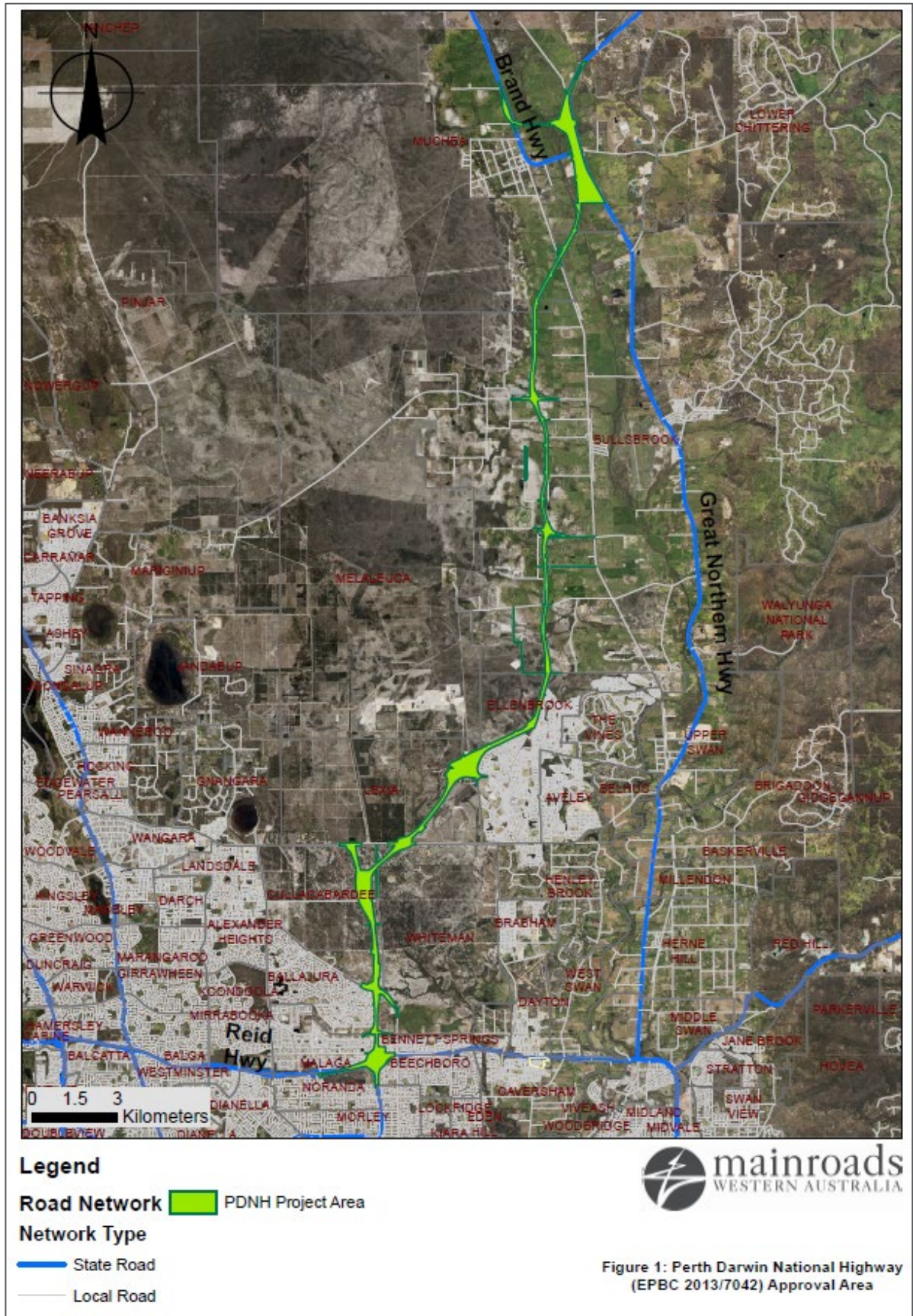


Figure 1: Perth Darwin National Highway - EPBC 2013/7042 approval area

## 2 COMPLIANCE

Table 1: Compliance with EPBC 2013/7042 Approval

Condition Number	Condition	Status
1	<p>To minimise the impacts of the action on protected matters, the person taking the action must:</p> <ul style="list-style-type: none"> <li>a) Comply with condition 1 of the <b>WA approval</b> regarding the extent of the proposal</li> <li>b) Implement conditions 6, 7, 8, 9, 10, 11, 12, 13, 14 and 16 of the <b>WA approval</b> as in force or existing from time to time where they related to monitoring, managing, mitigating, avoiding, offsetting, recording or reporting on, impacts to <b>protected matters</b>.</li> <li>c) Notify the <b>Department</b> in writing of any proposed change to the conditions of the <b>WA approval</b> for which sub-condition 1(a) applies, no later than 2 weeks after formally proposing a change or becoming aware of the state environmental regulator proposing a change.</li> <li>d) Notify the Department in writing of any change to the <b>WA approval</b> for which sub-condition 1(a) applies within 2 weeks of a change being finalised.</li> </ul>	<p><b>Compliant.</b></p> <ul style="list-style-type: none"> <li>a) A Compliance Assessment Report (CAR) was undertaken for the WA approval and was completed in December 2020. The CAR demonstrates Main Roads compliance with Condition 1 of WA approval see Appendix 1.</li> <li>b) A Compliance Assessment Report (CAR) undertaken for the WA approval was completed in December 2020. All findings relating to conditions 6, 7, 8, 9, 10, 11, 12, 13, 14 and 16 were either recorded as completed, compliant, closed, in process or not required at this stage with the exception of Condition 11-6 which was recorded as Potentially Non-compliant. The details of this finding is below:</li> </ul> <p><u>Condition 11-6 (potentially non-compliant) – Flora and Vegetation – Progressive Rehabilitation Condition Environmental Management Plan</u></p> <p>The Proponent shall not plant known species of foraging habitat for Black Cockatoos, including but not limited to, <i>Banksia</i> spp., <i>Hakea</i> spp., <i>Grevillea</i> spp., and <i>Eucalyptus</i> spp. within 10 m of the constructed road carriageway.</p>

Condition Number	Condition	Status
		<p>The findings in the 2020 CAR for Condition 11-6 state:</p> <p><i>'Beechboro Road North rehabilitation is greater than 10 m from the road alignment. Rehabilitation at Beechboro Road North has commenced. For planting within the road reserve, landscape drawings for the Northern section, indicate that planting occurs within 10 m of the carriageway. Landscape drawings within 10 m of the carriageway show foraging plant species e.g. Banksia, Grevillea, Hakea within 10 m of the carriageway. This PNC was reported to DWER on 26 November 2020 in accordance with the specific timeframes of condition 4-5.'</i></p> <p>It has since been confirmed by the Proponent that no Black Cockatoo foraging species were planted within 10 m of the road (refer to attached email at Appendix 3 and are therefore compliant with Condition 11-6 of the State Approval.</p> <p>c) There were no changes proposed to the WA conditions. d) There were no changes to the WA conditions.</p>
2	<p>The person taking the action must provide to the <b>Department</b> the Ippolo Road Site Land Acquisition and Management Plan (the plan) required under condition 16-2 of the <b>WA approval</b>. The plan must be provided to the <b>Department</b> within 1 month of approval of the plan by the WA government. In providing the Ippolo Road Site Land Acquisition and Management Plan to the <b>Department</b>, the person taking the action must also include shapefiles for the boundary of the Ippolo Road offset site.</p>	<p><b>Compliant.</b></p> <p>Closed out in the 2018 compliance report. Main Roads WA provided the Department with the Ippolo Road Site Land Acquisition and Management Plan required under condition 16-2 of the WA approval, on 9 February 2017. Shapefiles were also included as part of this notification. The Plan was approved by the WA government on 8 February 2017.</p>
3	<p>The person taking the action must provide the <b>Department</b> with the state approved Land Acquisition and Rehabilitation Offsets</p>	<p><b>Compliant.</b></p>

Condition Number	Condition	Status
	Strategy (the Strategy) required to be prepared under condition 16-8 of the <b>WA approval</b> . The Strategy must be provided to the <b>Department</b> within 1 month of the approval of the Strategy by the WA government. In providing the Strategy to the <b>Department</b> the proponent must include shapefiles of the offset boundary as they relate to the Strategy.	The Land Acquisition and Rehabilitation Offsets Strategy (LAROS), required to be prepared under condition 16-8 of the WA approval, was approved by the WA government on 7 January 2019. The LAROS was provided to the Department on 8 January 2019. This was closed out in the EPBC Approval 2019 Compliance Report.
4	Within 10 days after the <b>commencement</b> of the action, the person taking the action must advise the <b>Department</b> in writing of the actual date of <b>commencement</b> .	<b>Compliant.</b>  Commencement of the action was on 31 March 2017 with Main Roads WA notifying the Department in writing on 5 April 2017.
5	The person taking the action must retain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plan, offset strategy and reporting requirements outlined by this approval, and make them available upon request to the <b>Department</b> . Such records may be subject to audit by the <b>Department</b> or an independent auditor in accordance with section 458 of the <b>EPBC Act</b> , or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the <b>Department's</b> website. The results of audits may also be publicised through the general media.	<b>Compliant.</b>  Main Roads WA has maintained all records in accordance with this condition and their legal obligations, under the <i>State Records Act 2000</i> (Western Australia).
6	Any potential or actual contravention of the conditions of this approval (including contravention of a commitment made in a management plan or strategy) must be reported to the <b>Department</b> by email (to <a href="mailto:EPBCMonitoring@environment.gov.au">EPBCMonitoring@environment.gov.au</a> ) within 7 days of the person taking the action becoming aware of the actual or potential contravention.	<b>Compliant.</b>  There have been no potential or actual contraventions of the conditions of approval EPBC 2013/7042 (including contravention of a commitment made in a management plan or strategy).

Condition Number	Condition	Status
7	<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, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published.</p>	<p><b>Compliant.</b></p> <p>The 2020 compliance report was published on the Main Roads website on 29 April 2020. The Department was notified on the same day. Refer to Appendix 2.</p>
8	<p>Upon the direction of the <b>Minister</b>, 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 <b>Minister</b>. The independent auditor must be approved by the <b>Minister</b> prior to the commencement of the audit. Audit criteria must be agreed to by the <b>Minister</b> and the audit report must address the criteria to the satisfaction of the <b>Minister</b>.</p>	<p><b>Not applicable.</b></p> <p>To date, no direction has been received from the Minister to undertake an independent audit of compliance with the conditions of approval EPBC 2013/7042.</p>
9	<p>Unless otherwise agreed to in writing by the <b>Minister</b>, the person taking the action must provide a copy of any management plan or strategy referred to in these conditions of approval to members of the public upon request, within a reasonable time of the request.</p>	<p><b>Not applicable.</b></p> <p>To date, no member of the public has requested to obtain a copy of any management plan or strategy referred to in these conditions of approval.</p>



### 3 APPENDICES

Appendix	Title
<b>Appendix 1</b>	Compliance Assessment Report (MS 1036), Perth-Darwin National Highway (Swan Valley Section) December 2020
<b>Appendix 2</b>	Publishing of 2020 compliance report on the Main Roads WA website and notification to the Department
<b>Appendix 3</b>	Confirmation email from Main Roads WA regarding no Black Cockatoo foraging species planted in road reserve

**APPENDIX 1: Compliance Assessment Report, Perth-Darwin National Highway, Swan Valley Section (December 2020)**

Link below to the 2020 PDNH Compliance Assessment Report on the Main Roads WA website:

[northlink-compliance-assessment-report-2020.pdf \(mainroads.wa.gov.au\)](https://www.mainroads.wa.gov.au/northlink-compliance-assessment-report-2020.pdf)

## APPENDIX 2: Publishing of 2020 compliance report and notification to the Department

**From:** [VAN RIJNSWOUDE Fiona \(EO\)](mailto:VAN.RIJNSWOUDE.Fiona@environment.gov.au)  
**To:** [epbcmonitoring@environment.gov.au](mailto:epbcmonitoring@environment.gov.au)  
**Cc:** [BRAD John \(PEO\)](mailto:BRAD.John@environment.gov.au)  
**Subject:** EPBC 2013/7042 Perth-Darwin National Highway (Swan Valley Section), Western Australia - Condition 7 Compliance Reporting  
**Date:** Wednesday, 29 April 2020 6:43:26 AM  
**Attachments:** [image001.png](#)  
[image014.png](#)  
[image015.png](#)  
[image016.png](#)

---

Good morning,

### Re: Perth-Darwin National Highway (Swan Valley Section), Western Australia (EPBC 2013/7042) – Notification of Compliance Reporting under Condition 7

Condition 7 of EPBC 2013/7042 requires an annual compliance report to be published on the Main Roads Western Australia (Main Roads) website within three months of every 12 month anniversary of the commencement of action (date of commencement of action being 31 March 2017). The annual compliance report is to address compliance with each of the conditions of approval EPBC 2013/7042. Condition 7 also requires that documentary evidence providing proof of the date of publication on the Main Roads website must be provided to the Department of the Environment and Energy (the Department) at the same time that the compliance report is published.

In accordance with the above, this email and the link below to the published 2020 compliance report is provided to the Department as documentary evidence that the compliance report for the period 31 March 2019 – 31 March 2020, has now been published on the Main Roads website.

<https://project.mainroads.wa.gov.au/northlinkwa/Community%20Environment/Pages/Environment%20Assessment.aspx>

The EPBC 2013/7042 compliance report for the 2019/2020 period will continue to be published on the Main Roads website until such time as agreed in writing by the Minister.

A hardcopy of the 2019/2020 compliance report has not been sent.

If you require further information please do not hesitate to contact me.

Kind regards,

**Fiona van Rijnswoud**  
Environment Officer  
Infrastructure Delivery Directorate  
p: +61 9323 4584 | m: +61 0402 900 756  
w: [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au)



### APPENDIX 3: Confirmation email from Main Roads WA regarding no Black Cockatoo foraging species planted within road reserve

---

**From:** [BRAID John \(PEO\)](#)  
**To:** ["DWER Compliance"](#)  
**Subject:** CM; RE: MS1036 Potential non-compliance condition 11-6, 26 November 2020  
**Date:** Tuesday, 13 April 2021 10:18:00 AM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image009.png](#)  
[image011.png](#)  
[image012.png](#)  
[image013.png](#)  
[image014.png](#)  
[image015.png](#)  
[BRAID John \(PEO\) shared the folder Northlink Landscape Monitoring 2021 with you..msg](#)  
[image002.png](#)  
[image007.png](#)  
[image008.png](#)  
[image010.jpg](#)

---

Hi Rowan,

Main Roads has completed its landscaping monitoring for the summer and autumn of 2021 for the Northlink project. The draft monitoring reports are included in the OneDrive link within the attached email.

No evidence of black cockatoo foraging species were reported within 10m of the road.

Our landscaping maintenance crews have been instructed to remove or spray any cockatoo foraging species they identify within 10m of the main carriageway.

Regards

**John Braid**  
Principal Environment Officer  
Office of Major Transport Infrastructure Delivery (OMTID)  
Tel: +61 9323 6183 | Mob: +61 0407 080 035  
34 - 50 Stirling Street Perth WA 6000

[Department of Transport](#)  
[Main Roads Western Australia](#)  
[Public Transport Authority](#)

---

**From:** BRAID John (PEO)  
**Sent:** Tuesday, 2 March 2021 1:55 PM  
**To:** DWER Compliance <Compliance@dwer.wa.gov.au>  
**Subject:** RE: MS1036 Potential non-compliance condition 11-6, 26 November 2020

Hi Rowan,

Apologies for the delay in replying to your email. I expect to have confirmation of whether there was any planting of cockatoo foraging species within 10m of the road by 16 April 2021.

Regards