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# Roe Highway and Kalamunda Road Interchange Upgrade

EPBC 2018/8316 Compliance Report 2021

D21#1250730  
December 2021

# Contents

	Executive Summary .....	3
<b>1</b>	<b>INTRODUCTION .....</b>	<b>4</b>
<b>2</b>	<b>DESCRIPTION OF ACTIVITIES.....</b>	<b>4</b>
<b>3</b>	<b>EPBC APPROVAL CONDITIONS.....</b>	<b>4</b>
3.1	Compliance Assessment .....	4
3.2	Non Compliances .....	8
3.3	New environmental risks .....	8
<b>4</b>	<b>CONCLUSION.....</b>	<b>8</b>
<b>5</b>	<b>APPENDICES .....</b>	<b>8</b>
	Appendix 1: Location map showing extent of clearing.....	9
	Appendix 2: Correspondence with DAWE regarding submission of 2019-2020 Compliance Report .....	11

## Executive Summary

The purpose of this Compliance Report is to satisfy the requirements of Condition 9 of Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) approval EPBC 2018/8316 for the Roe-Kalamunda Interchange Project (the Project).

This report has been prepared in order to confirm compliance with the conditions of EPBC2018-8316 in accordance with the Department of Agriculture, Water and the Environment (DAWE) Annual Compliance Report Guidelines 2014 and covers the period 26 September 2020 to 26 September 2021 (compliance period).

A review of the project compliance against the conditions of EPBC 2018-8316 determined that Main Roads has complied with all conditions or they are not applicable.

## 1 INTRODUCTION

The purpose of this Compliance Report is to satisfy the requirements of Condition 9 of Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) approval EPBC 2018/8316 for the Roe-Kalamunda Interchange Project (the Project).

On 21 December 2018, the Project was determined by the Department of the Environment and Energy (DEE) [now Department of Agriculture, Water and the Environment (DAWE)] to be a controlled action. In the decision advice, DEE stated that the proposed action was likely to have a significant impact on Matters of National Environmental Significance (MNES) including:

- Carnaby's Cockatoo (*Calyptorhynchus latirostris*).
- Baudin's Cockatoo (*Calyptorhynchus baudinii*).
- Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii naso*).

Approval was granted on 7 July 2019, subject to the conditions under the EPBC Act as set out in Annexure A of EPBC 2018/8316.

## 2 DESCRIPTION OF ACTIVITIES

Roe Highway is a strategic freight route linking Kewdale to Perth's north-eastern and south-eastern suburbs. The Project was for the construction of a grade separation at the intersection in order to improve safety and enhance freight efficiency. The Project involved an upgrade of the Roe Highway and Kalamunda Road intersection to construct a grade separated interchange, with the works including:

- Realignment of Roe Highway.
- Lowering of the realigned section of Roe Highway at the intersection with Kalamunda Road.
- Construction of a bridge to carry Kalamunda Road over Roe Highway.
- Realignment of a section of Kalamunda Road to suit the new bridge.
- Construction of new principal shared path to the east of the new Roe Highway alignment.

## 3 EPBC APPROVAL CONDITIONS

### 3.1 Compliance Assessment

This report has been prepared in order to confirm compliance with the conditions of EPBC2018-8316 in accordance with the Commonwealth of Australia Annual Compliance Report Guidelines 2014 and covers the period 26 September 2020 to 25 September 2021. As per the guidelines the following status terminology was applied to each condition of the approval:

- Compliant – all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
- Non-compliant – the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
- Not applicable – the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period.

Table 1 EPBC Approval Condition Compliance Table

Condition Number	Condition	Compliance Status	Evidence/Comments
1	The approval holder must not clear more than 8.33 hectares of black cockatoo habitat within the project area.	Compliant	Clearing shapefiles for the project show 7.03 ha of black cockatoo habitat cleared within the project area to date (Appendix 1).
2	To mitigate impacts to black cockatoos and black cockatoo habitat inside and adjacent to the project area during construction, the approval holder must implement the Construction Environmental Management Plan (CEMP).	Compliant	<p>As defined in EPBC 2018/8316 the 'CEMP' refers to the Roe Highway and Kalamunda Road Interchange Upgrade Construction Environmental Management Plan, April 2019, submitted to the Department on 27 May 2019.</p> <p>The CEMP was provided to the Contractor as part of contract documentation. The Contractor's Environmental Management Plan (Contractor's EMP) was subject to a suitability audit in August 2019, conducted by Shawmac. The suitability audit concluded that the Contractor's EMP provides a high level of compliance and if implemented appropriately would provide strong and effective environmental management. The Scope of Works and Technical Criteria (SWTC) requirements 9.3(c) and 9.3(d) align with the intent of the CEMP with regards to compliance with EPBC Act and management of clearing.</p> <p>The requirements of the CEMP are adequately captured by the Contractor's EMP and have been implemented during the construction of the Project.</p> <p>Evidence for this has been supplied in the 2019/2020 Compliance Report</p>
3	To compensate for the loss of up to 8.33 hectares of black cockatoo habitat, the approval holder must, within six months of the commencement of the action, or as otherwise agreed to by the Minister in writing, provide the Department with:	Compliant	<p>Details of the offset acquisition were provided via email to the Department on 11 March 2020. The Department issued a response on 12 March 2020 confirming receipt of email.</p> <p>The requirements of condition 3a and 3b have been met.</p>

Condition Number	Condition	Compliance Status	Evidence/Comments
a	written evidence that the offset site has been secured as an offset and is being managed for conservation by the Department of Biodiversity Conservation and Attractions (DBCA), using monies provided by the approval holder for that purpose		Evidence for this was provided in the 2019/2020 Compliance Report
b	the offset attributes, shapefiles and textual descriptions and maps to clearly define the location and boundaries of the offset site.		
4	To compensate for the loss of up to 8.33 hectares of black cockatoo habitat, the approval holder must contribute at least \$50,000 in funding to an approved research program or project within one year of commencement of the action. If a research program or project is not approved by one year after commencement of the action, the approval holder must nominate an alternative offset for approval by the Minister within six months.	Compliant	Evidence for this was provided in the 2019/2020 Compliance Report

Condition Number	Condition	Compliance Status	Evidence/Comments
5	The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.	Compliant	Main Roads provided notification to the Department on 1/10/2019 that works commenced on the 26/09/2019. This is within the timeframe required by the condition.  Evidence for this was provided in the 2019/2020 Compliance Report
6	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	Not applicable	Action commenced within 5 years.
7	The approval holder must maintain accurate and complete compliance records.	Compliant	This report provides evidence of this condition
8	If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.	Not applicable	No request in writing was made by the department during the compliance period.
9	The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must:	Compliant	The date of commencement of the action is 26/09/2019.  This compliance report has been completed within 60 business days following the 12 month period following the date of the commencement of action. This report will be published on the Main Roads website.
a	publish each compliance report on the website within 60 business days following the relevant 12 month period;	Compliant	Condition 9b – evidence of submission and receipt of previous compliance report is provided in Appendix 2
b	notify the Department by email that a compliance report has been published on the	Compliant	

Condition Number	Condition	Compliance Status	Evidence/Comments
	website within five business days of the date of publication;		
c	keep all compliance reports publicly available on the website until this approval expires;	Compliant	
d	exclude or redact sensitive ecological data from compliance reports published on the website; and	Not applicable	
10	The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify: <ul style="list-style-type: none"> <li>a. the condition which is or may be in breach; and</li> <li>b. a short description of the incident and/or non-compliance.</li> </ul>	Not applicable	No non-compliance with the conditions of the approval or the CEMP were identified during the audit period.
11	The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying: <ul style="list-style-type: none"> <li>a. any corrective action or investigation which the approval holder has already</li> </ul>	Not applicable	No incidents relating to MNES or compliance with the conditions or EPBC 2018/8316 occurred during the compliance period.

Condition Number	Condition	Compliance Status	Evidence/Comments
	<p>taken or intends to take in the immediate future;</p> <p>b. the potential impacts of the incident or non-compliance; and</p> <p>c. the method and timing of any remedial action that will be undertaken by the approval holder.</p>		
12	<p>The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.</p>	Not applicable	No independent audits of compliance were requested in writing by the Minister.
13	<p>For each independent audit, the approval holder must:</p> <p>a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department;</p> <p>b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and</p> <p>c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.</p>	Not applicable	No independent audits of compliance were requested in writing by the Minister.
14	<p>The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.</p>	Not applicable	No independent audits of compliance were requested in writing by the Minister.

Condition Number	Condition	Compliance Status	Evidence/Comments
15	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	Not applicable	The action was not completed within the compliance period.

### 3.2 Non Compliances

A review of the project compliance against the conditions of EPBC 2018/8316 determined that all conditions were compliant or not applicable.

### 3.3 New environmental risks

Environmental risks were monitored ongoing during the implementation of the action, through the Main Roads incident reporting system. During the life of the project no incidents relevant to MNES were recorded. No new environmental risks relating to the action were identified during the compliance period.

## 4 CONCLUSION

As outlined in Table 1 of this Compliance Report, Main Roads has completed all required actions under EPBC 2018/8316, with no non compliances.

## 5 APPENDICES

Appendix	Title
<b>Appendix 1</b>	Figure Location Map showing clearing extent
<b>Appendix 2</b>	Correspondence with DAWE regarding submission of 2019-2020 Compliance Report

## **Appendix 1: Location map showing extent of clearing**



**Legend**

- Clearing Area 2019-2021
- Black Cockatoo Habitat

N  
 Coordinate System: GCS GDA 1994  
 Scale: 1:7,206 @ A4  
 Created Date: 13/12/2021  
 Author: E80714

**Project Title Roe Highway Kalamunda Road Upgrade**

Figure 1-1 Location Map Showing Clearing Extent



406,400

406,600

406,800

407,000

407,200

407,400

6,465,200  
6,465,000  
6,464,800  
6,464,600  
6,464,400  
6,464,200  
6,464,000  
6,463,800  
6,463,600

**Legend**

-  Clearing Area 2019-2021
-  Black Cockatoo Habitat



N



Coordinate System: GCS GDA 1994  
 Scale: 1:7,206 @ A4  
 Created Date: 13/12/2021  
 Author: E80714

### Project Title Roe Highway Kalamunda Road Upgrade

#### Figure 2-1 Location Map Showing Clearing Extent

0 0.14 0.28 0.56 Kilometers



## **Appendix 2: Correspondence with DAWE regarding submission of 2019-2020 Compliance Report**

**From:** [JOHNSTON Elizabeth \(SEO\)](#)  
**To:** [EPBCMonitoring@environment.gov.au](mailto:EPBCMonitoring@environment.gov.au)  
**Subject:** Roe Highway Kalamunda EPBC 2018-8316 Compliance Report 2020  
**Date:** Tuesday, 15 December 2020 9:24:53 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[image004.png](#)  
[Roe Highway Kalamunda Road EPBC2018-8316 Compliance Report 2020.pdf](#)

Hello,

In accordance with Condition 9 of EPBC 2018-8316, Main Roads has completed the annual Compliance Report for Roe Highway Kalamunda Road Upgrade. A copy is available for viewing at the following website <https://www.mainroads.wa.gov.au/community-environment/environment/construction-project-reports/>. This report was placed on the Main Roads website on 14 December 2020. Please find attached with this email a copy of the compliance report. Please find the evidence for the compliance report located in the share folder below.

If you have any queries, do not hesitate to contact me on 9323 4945.

Regards,

Elizabeth

**Elizabeth Johnston (nee Chandler)**  
SENIOR ENVIRONMENT OFFICER  
Infrastructure Delivery Directorate  
p: +61 8 9323 4945  
w: [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au)



**JOHNSTON Elizabeth (SEO) shared a folder with you**

Here's the folder that JOHNSTON Elizabeth (SEO) shared with you.



[Roe Highway Kalamunda EPBC 2018-8316 Compliance Report 2020](#)



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**From:** [EPBC Monitoring](#)  
**To:** [JOHNSTON Elizabeth \(SEO\)](#); [EPBC Monitoring](#)  
**Subject:** RE: Roe Highway Kalamunda EPBC 2018-8316 Compliance Report 2020 [SEC=OFFICIAL]  
**Date:** Tuesday, 15 December 2020 1:16:46 PM  
**Attachments:** [image007.png](#)  
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[image017.png](#)

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Dear Ms Johnston,

Thank you for the submission of the 2019-20 Annual Compliance Report for Approval EPBC 2018/8316.

The Department acknowledges receipt of your Annual Compliance Report Submission, and your report will be reviewed accordingly.

For any further questions please contact the EPBC Monitoring Mailbox.

Kind regards,

***Michaela Ballard***  
***Compliance Monitoring Team***

Environment Compliance Branch  
Compliance Division  
Department of Agriculture, Water and the Environment  
GPO Box 858, CANBERRA ACT 2601

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**From:** JOHNSTON Elizabeth (SEO) <[elizabeth.johnston@mainroads.wa.gov.au](mailto:elizabeth.johnston@mainroads.wa.gov.au)>  
**Sent:** Tuesday, 15 December 2020 12:25 PM  
**To:** EPBC Monitoring <[EPBCMonitoring@environment.gov.au](mailto:EPBCMonitoring@environment.gov.au)>  
**Subject:** Roe Highway Kalamunda EPBC 2018-8316 Compliance Report 2020

Hello,

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Regards,

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