

Roe Highway and Kalamunda Road Interchange Upgrade

EPBC 2018/8316 Compliance Report 2020

Roe Highway and Kalamunda Road Interchange Upgrade

EPBC 2018/8316 Compliance Report 2020

Client: Main Roads Western Australia

ABN: 50 860 676 021

Prepared by

AECOM Australia Pty Ltd

Level 3, 181 Adelaide Terrace, Perth WA 6004, GPO Box B59, Perth WA 6849, Australia

T +61 8 6230 5600 www.aecom.com

ABN 20 093 846 925

10-Dec-2020

Job No.: 60645267

AECOM in Australia and New Zealand is certified to ISO9001, ISO14001 AS/NZS4801 and OHSAS18001.

© AECOM Australia Pty Ltd (AECOM). All rights reserved.

AECOM has prepared this document for the sole use of the Client and for a specific purpose, each as expressly stated in the document. No other party should rely on this document without the prior written consent of AECOM. AECOM undertakes no duty, nor accepts any responsibility, to any third party who may rely upon or use this document. This document has been prepared based on the Client's description of its requirements and AECOM's experience, having regard to assumptions that AECOM can reasonably be expected to make in accordance with sound professional principles. AECOM may also have relied upon information provided by the Client and other third parties to prepare this document, some of which may not have been verified. Subject to the above conditions, this document may be transmitted, reproduced or disseminated only in its entirety.

Quality Information

Document Roe Highway and Kalamunda Road Interchange Upgrade

Ref 60645267

Date 10-Dec-2020

Prepared by A Chinnery

Reviewed by J Shaw

Revision History

Rev	Revision Date	Details	Authorised	
			Name/Position	Signature
A	02-Dec-2020	Draft for Review	Jamie Shaw Group Lead - Environment	
B	04-Dec-2020	Draft For issue	Jamie Shaw Group Lead - Environment	
0	10-Dec-2020	Final for Issue	Jamie Shaw Group Lead - Environment	

Table of Contents

Executive Summary	i
1.0 Introduction	1
2.0 Description of Activities	1
3.0 EPBC Approval Conditions	1
3.1 Compliance assessment	1
3.2 Non-compliances	8
3.3 New environmental risks	8
4.0 Conclusion	8
Appendix A	
Evidence Register	A

List of Tables

Table 1	EPBC approval conditions compliance table	2
---------	---	---

Executive Summary

This Compliance Report has been prepared by AECOM Australia on behalf of Main Roads Western Australia (Main Roads). 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 2019 to 26 September 2020 (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.

1.0 Introduction

This Compliance Report has been prepared by AECOM Australia on behalf of Main Roads Western Australia (Main Roads). 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.

2.0 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.

3.0 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 2019 to 25 September 2020. 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 conditions 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 provided to the Auditor show 5.72 ha of black cockatoo habitat cleared within the project area. Evidence: Item 1_GIS_Main Roads 02112020
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	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 (Attachment E2 to the Recommendation Report). 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. The Contractor was subject to a Quality and Environmental systems compliance audit in January 2020, conducted by Equal Consulting. The Contractor was observed by Equal Consulting to have a high level of compliance to the two system management plans, including the Project Environmental Management Plan, Rev 2, 8/8/19. The results of these audits indicate that the requirements of the CEMP are adequately captured by the Contractor's EMP and have been implemented during the construction of the Project. Evidence: Item 4_REP_ 17012020, Item 5_REP_ 22082019.

Condition Number	Condition	Compliance Status	Evidence / Comments
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 (Item 6_CORR_ 12032020). The Department issued a response on 12 March 2020 confirming receipt of email.</p> <p>Attachments to the email included:</p> <ul style="list-style-type: none"> • Main Roads invoice and payment voucher - AP Payment Voucher - Department of Biodiversity Conservation and Attractions 18 2999 Purchase of Lot 889 • Certificate of Title showing management by DBCA - Certificate of Title 2963-894 Lot 889 On Deposited Plan 415818 • Spreadsheet showing site attributes and textural description of site EPBC 2018-8316 Offset attributes • Shapefile of offset site - EPBC2018_ 8316_Lot889ClacklineOffset shapefile • EPBC 2018-8316 Offset Locality Map • EPBC 2018-8316 Offset Locality Within Lot 889. <p>The evidence provided indicates that the requirements of Condition 3a and 3b have been met.</p> <p>Evidence: Item 6_CORR_ 12032020, Item 7_RCPT_ 11062019, Item 8_RECDD_ 05032019, Item 9_RECDD_ 2019, Item 10_AGIS_ 2019, Item 11_RECDD_ 2019, Item 12_RECDD_ 2019</p>
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		
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	<p>An agreement between Main Roads and Murdoch University has been executed with signatures dated 12 August and 19 August 2019. These dates fall prior to the commencement of the action. The funding value for Black Cockatoo Grant amounts to \$200,000 as per the invoice from Murdoch University and AP transaction notice.</p> <p>\$50,000 of the \$200,000 has been allocated to this project. The remaining \$150,000 has been allocated to other Main Roads projects.</p> <p>Evidence: Item 13_RECDD_ 2019, Item 14_RECDD_ 2019, Item 15_RECDD_ 2019</p>

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: Item 16_CORR_ 2019
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. Evidence: Item 16_CORR_ 2019
7	The approval holder must maintain accurate and complete compliance records.	Compliant	The required evidence to meet the conditions for EPBC2018-8316 is summarised in Appendix A. These records were provided by Main Roads to inform the audit. Evidence: interview with Project Environment Officer Elizabeth Johnson
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. Evidence: interview with Project Environment Officer Elizabeth Johnson

Condition Number	Condition	Compliance Status	Evidence / Comments
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	
b	notify the Department by email that a compliance report has been published on the website within five business days of the date of publication;	Compliant	
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	
e	where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.	Not applicable	

Condition Number	Condition	Compliance Status	Evidence / Comments
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: a. the condition which is or may be in breach; and b. a short description of the incident and/or non-compliance.	Not applicable	No non-compliance with the conditions of the approval or the CEMP were identified during the audit period. Evidence: Item 4_REP_ 17012020, Item 5_REP_ 22082019, Item 17_RECD_ 2020, Item 18_RECD_ 2019, Item 19_RECD_ 2020, Item 20_RECD_ 2020
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: a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b. the potential impacts of the incident or non-compliance; and c. the method and timing of any remedial action that will be undertaken by the approval holder.	Not applicable	No incidents relating to MNES or compliance with the conditions or EPBC 2018/8316 occurred during the compliance period. Four environmental incidents were reported during the compliance period. These were reviewed by the auditor and confirmed not related to MNES or EPBC 2018/8316. Evidence: Item 17_RECD_ 2020, Item 18_RECD_ 2019, Item 19_RECD_ 2020, Item 20_RECD_ 2020

Condition Number	Condition	Compliance Status	Evidence / Comments
12	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	Not applicable	No independent audits of compliance were requested in writing by the Minister. Evidence: interview with Project Environment Officer Elizabeth Johnson
13	For each independent audit, the approval holder must: a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.	Not applicable	No independent audits of compliance were requested in writing by the Minister. Evidence: interview with Project Environment Officer Elizabeth Johnson
14	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.	Not applicable	No independent audits of compliance were requested in writing by the Minister. Evidence: interview with Project Environment Officer Elizabeth Johnson
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. Evidence: interview with Project Environment Officer Elizabeth Johnson

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.

4.0 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.

Appendix A

Evidence Register

Appendix A Evidence Register

Reference	Evidence item	File Name
Item 1_AGIS_ 02112020	Clearing Shapefile - black cockatoo habitat	2019 2029 clearing intersect with Black Cockatoo Habitat
Item 2_AGIS_ 02112020	Clearing Shapefile - black cockatoo trees	2019 2020 clearing intersect with Black Cockatoo Tree data
Item 3_AGIS_ 02112020	Clearing Shapefile - project clearing area	Roe_Kalamunda_Clearing_Area_2019_2020
Item 4_REPT_ 17012020	Quality and Environmental Management Systems Compliance Audits	C5917 - RKI - Environmental and Quality Compliance Audit EQUQUAL024ENV013 Georgiou - January 2020 - 23012020
Item 5_REPT_ 22082019	EMP Suitability Audit	C59.17 - Roe Kalamunda Interchange - Georgiou Environmental Management Plan - SHAWENV010_Suitability_01 Final - 22082019
Item 6_CORR_ 12032020	Email Correspondence regarding Condition 3a and 3b	RE: EPBC 2018-8316 Condition 3 compliance reporting [SEC=OFFICIAL]
Item 7_RCPT_ 11062019	DBCA Receipt of Offset Payment Ref 19/2999	AP Payment Voucher - Department of Biodiversity Conservation and Attractions 18 2999
Item 8_RECD_ 05032019	Certificate of Title showing management by DBCA of Offset	Certificate of Title 2963-894 Lot 889 On Deposited Plan 415818
Item 9_RECD_ 2019	Spreadsheet showing Offset attributes	EPBC 2018-8316 Offset attributes
Item 10_AGIS_ 2019	Shapefile of Offset Site	EPBC2018_8316_Lot889ClacklineOffset shapefile
Item 11_RECD_ 2019	Offset Locality Map	EPBC 2018-8316 Offset Locality Map
Item 12_RECD_ 2019	Offset Locality Within Lot 889	EPBC 2018-8316 Offset Locality Within Lot 889
Item 13_RECD_ 2019	Receipt of payment to Murdoch University	AP Direct Voucher Murdoch Grant Invoice 93014
Item 14_RECD_ 2019	Murdoch Grant Invoice	Murdoch Grant Invoice 93014
Item 15_RECD_ 2019	Executed Agreement with Murdoch University	Fully executed agreement 19057
Item 16_CORR_ 2019	Notification of Commencement	HPRM Notification of Commencement of action Roe Highway Kalamunda Road Interchange (EPBC 2018 8316)
Item 17_RECD_ 2020	Environmental Incident 14228 03 Feb 2020	Environmental Incident Event06-10-2020 (4)
Item 18_RECD_ 2019	Environmental Incident 139714 14 Nov 2019	Environmental Incident Event06-10-2020 (3)
Item 19_RECD_ 2020	Environmental Incident 13973 03 Feb 2020	Environmental Incident Event06-10-2020 (2)
Item 20_RECD_ 2020	Environmental Incident 14949 13 Feb 2020	Environmental Incident Event06-10-2020