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EPBC Annual Compliance Report

EPBC 2020/8833

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Western Australia.*

**Mitchell Freeway
Principal Shared Path Gaps Project
Ocean Reef Road to Hepburn Avenue**

Reporting Period: January 2024 to January 2025

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D25#237955
April 2025

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Document Control

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Declaration of Accuracy

In making this declaration, I am aware that sections 490 and 491 of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed Martine Scheltema (approval holder)

Full name (please print) Martine Scheltema

Position (please print) Director Environment and Heritage

Organisation: Main Roads Western Australia (ABN: 50 860 676 021)

Date 27/03/25

1 INTRODUCTION

1.1 Description of Activities

Mitchell Freeway is the main arterial road that connects Perth's northern suburban areas with Perth's central business district. The Mitchell Freeway Principal Shared Path (PSP) Gaps Ocean Reef Road to Hepburn Avenue Project (the Project), is located within the City of Joondalup.

Main Roads Western Australia (Main Roads) (ABN: 50 860 676 021) is the proponent of the Project, which is located within and adjacent to the Mitchell Freeway road reserve. The Project consists of:

- The installation of a new PSP along the eastern side of Mitchell Freeway, including the upgrading of existing PSPs to current design standards.
- The construction of noise walls to mitigate freeway noise on nearby residential areas between Ocean Reef Road to Hepburn Avenue.
- Verge side emergency stopping bays.
- Modification of freeway on-ramps to accommodate Intelligent Transport Systems (ITS) works.
- Drainage improvement works on Mitchell Freeway.

Works commenced for the Project on 21 January 2022, with construction still ongoing.

1.2 Location of the Approved Action

The location of the approved action is shown in Figure 1.

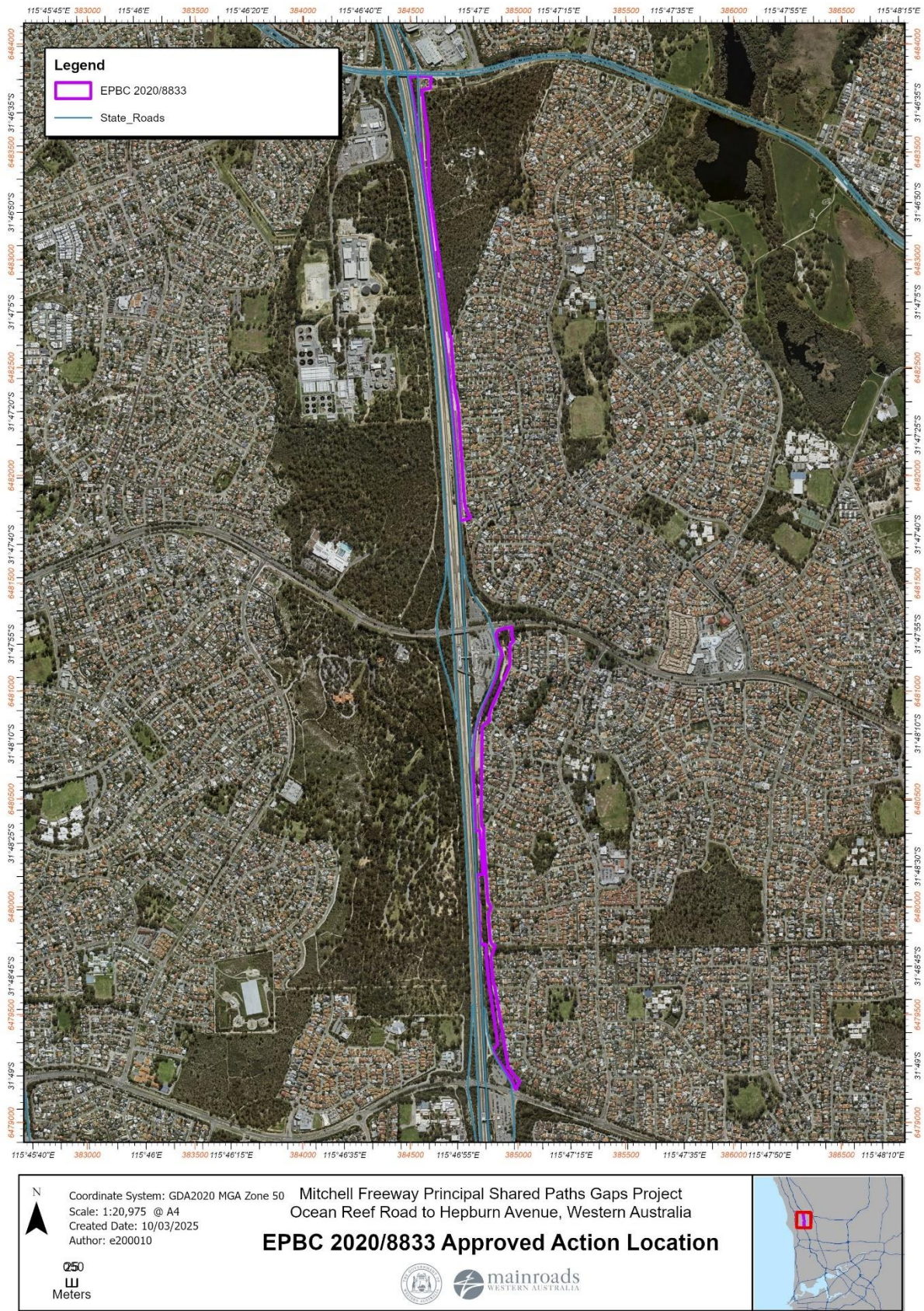


Figure 1. Location of Approved Action

1.3 EPBC 2020/8833 Approval Background

The Project was referred to the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW; the Department) in January 2017 for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Department determined the Project was a 'Controlled Action' and the project was assessed through Preliminary Documentation due to its potential impacts to matters of national environmental significance (MNES) that include Tuart Woodlands of the Swan Coastal Plain Threatened Ecological Community (TWSCP TEC), Carnaby's Cockatoo (*Zanda latirostris*) habitat and Forest Red-tailed Black Cockatoo (FRTBC, *Calyptorhynchus banksia naso*) habitat. The Department granted conditional approval for the Project on 5 October 2021 under the EPBC number 2020/8833.

1.4 Purpose of this Report

This Annual Compliance Report (ACR) has been produced to satisfy Condition 11 of approval EPBC 2020/8833 and covers the period from 22 January 2024 to 21 January 2025.

This report assesses compliance with all conditions of the approval and will be published on the Main Roads website.

2 SUMMARY OF COMPLIANCE

The Project was found to be fully compliant with the requirements of EPBC Approval 2020/8833.

Minor construction work was undertaken during the reporting period.

Table 1 in Appendix A of this report details the Project's compliance with regard to each approval condition over the 12-month reporting period: 22 January 2024 to 21 January 2025.

If a condition falls outside of the scope of the current reporting period it is considered "Not Applicable" (N/A).

Conditions deemed "Completed" are shaded grey.

2.1 New Environmental Risks

No new environmental risks for the project have been identified during the reporting period.

APPENDICES

Appendix A: Compliance Table

Table 1. Compliance with Conditions of EPBC Approval 2020/8833

Condition Number	Condition	Status	Evidence/Comments
1	For the protection of black cockatoos and Tuart TEC, when undertaking the action, the approval holder must not clear: <ol style="list-style-type: none"> more than 3.02 ha of foraging and potential breeding habitat for black cockatoos within the development envelope. more than two suitable nesting hollows within the development envelope. more than 12.16 ha of Tuart TEC within the development envelope. 	Compliant	<p>Clearing of black cockatoo habitat and Tuart TEC to date within the Development Envelope, is:</p> <ul style="list-style-type: none"> 2.51 ha of foraging and potential breeding habitat for black cockatoos (0.38 ha in reporting period). One suitable nesting hollow (on 8 February 2023) was cleared for the Project. No suitable nesting hollows were cleared in reporting period. 7.44 ha of Tuart Woodlands of the Swan Coastal Plain Threatened Ecological Community (0.79 ha in reporting period). <p>The extent of the clearing to date is shown in Figures 2 and 3 (see Appendix B).</p>
2	<p>To mitigate impacts to nesting black cockatoos, the approval holder must, within 72 hours prior to clearing the two suitable nesting hollows, investigate these hollows to determine if they are currently utilised for nesting by black cockatoos. The investigation must be undertaken by a suitably qualified field ecologist. If any black cockatoos are utilising any hollow in any tree, the approval holder must:</p> <ol style="list-style-type: none"> clearly identify and mark the tree in which black cockatoos are identified utilising any hollow; and not clear any tree containing a currently utilised suitable nesting hollow or any vegetation within a ten metre radius of any such tree branch must not be 	Compliant	<p>No suitable nesting hollows were cleared in the reporting period.</p> <p>One tree with a suitable nesting hollow was cleared on 8 February 2023 (Figure 1). The hollow was investigated by Tony Kirby, a suitably qualified field ecologist, on the afternoon/evening of the 6th February 2023 between 17:50 and 19:45 hrs.</p> <p>No signs of breeding activity were noted, and black cockatoos were not seen or heard within the survey area. The investigation determined that no Black cockatoos were</p>

Condition Number	Condition	Status	Evidence/Comments
	cleared during the current breeding season as determined by a suitably qualified field ecologist.		utilising any hollow in the tree that was removed (Appendix 2 - D23#267508).
3	<p>To offset the loss of suitable nesting hollows within the development envelope, the approval holder must:</p> <ul style="list-style-type: none"> a) within 48 hours following clearing of suitable nesting hollows, notify the Department in writing of the number of cleared suitable nesting hollows for black cockatoos. b) within 30 days following completion of the action, notify the Department in writing if no suitable nesting hollows for black cockatoos were cleared. c) install, in accordance with the artificial nesting hollow installation guidelines, at least three artificial nesting hollows for each suitable nesting hollow cleared, prior to the next breeding season. d) install the artificial nesting hollows in a location approved in writing by DBCA. e) implement the artificial nesting hollows and ensure that each installed artificial nesting hollow is monitored and maintained in accordance with the artificial nesting hollow maintenance guidelines for ten years from installation, with maintenance actions undertaken before the commencement of each breeding season. f) not install artificial nesting hollows in a manner that requires additional clearing of foraging and potential breeding habitat for black cockatoos or within 10 metres of the edge of the road seals or buildings, to 	Compliant	<ul style="list-style-type: none"> a) The department was notified on the 9 February 2023 that one tree with a suitable hollow was removed on the 8 February 2023 (Appendix 2 - D23#146762) b) Not applicable c) Six Artificial Hollows were installed at the Austin Bay Nature Reserve on the 6 February 2023. (Appendix 2 - Installation report D23#218586 and Shapefile of installation locations D23#472918) d) DBCA provided approval for the location for installation of the artificial nesting hollows in writing on the 13 January 2023 (Appendix 2 - D23#112624) e) Each installed artificial nesting hollow was monitored during the reporting period in accordance with the artificial nesting hollow maintenance guidelines (Appendix 2 – D25#235839). The monitoring determined that no maintenance actions were required. f) No clearing was undertaken for the installation of the hollows. The hollows were not installed within 10 metres of the edge of the road seals or buildings (Appendix 2 - Installation report D23#218586 and Shapefile of installation locations D23#472918) g) Five monitoring events, at least four weeks apart, were undertaken between the 26 July 2024 and 17 December 2024 to record any evidence of use by black cockatoos (Appendix 2 – Austin Bay Black Cockatoo Monitoring Report D25#235839).

Condition Number	Condition	Status	Evidence/Comments
	<p>reduce the risk of vehicle strike and human disturbance.</p> <p>g) ensure that each installed artificial nesting hollow is inspected at least twice each year, and at least four weeks apart, by a suitably qualified field ecologist during the breeding season for ten years from installation of the artificial nesting hollow to record any evidence of use by black cockatoos.</p> <p>h) continue to maintain the artificial nesting hollows until a suitably qualified field ecologist verifies in writing that at least one artificial nesting hollow has shown evidence of black cockatoo nesting for three consecutive years.</p>		<p>h) When required, based on the outcomes of the monitoring reports, Main Roads will continue to maintain the artificial nesting hollows until a suitably qualified field ecologist verifies in writing that at least one artificial nesting hollow has shown evidence of black cockatoo nesting for three consecutive years.</p>
4.	<p>If, after nine years from commencement of the action, the approval holder is unable to provide the verification by a suitably qualified field ecologist required under Condition 3.e., the approval holder must, within ten years after commencement of the action:</p> <p>a) submit to the Minister for approval a proposal for an offset that meets the requirements of the Environmental Offsets Policy and will compensate for the permanent loss of the two suitable nesting hollows. If the Minister approves the proposal, the proposal must be implemented.</p> <p>b) submit to the Department a detailed assessment of the factors that caused the failure to achieve black cockatoo nesting in any artificial nesting hollow for three consecutive years.</p>	Not Applicable	<p>The action commenced on the 21 January 2022.</p> <p>Condition 3e) requires artificial nesting hollows are installed, monitored and maintained appropriately.</p>
5.	<p>All data, enquiries and findings of the monitoring and investigation required by Condition 3 must be published on the proponent's website to contribute to potential research</p>	Not Applicable	<p>As required, relevant data, enquiries and findings of the monitoring and investigation required by Condition 3, have been published on Main Roads external website</p>

Condition Number	Condition	Status	Evidence/Comments
	into the use of artificial nesting hollows by black cockatoos. These must be published within 60 days of a suitably qualified field ecologist providing verification as required under Condition 3 or within 25 business days after submitting the assessment report required under Condition 4.b.		https://www.mainroads.wa.gov.au/community-environment/environment/construction-project-reports/ .
6.	To offset the residual significant impacts on black cockatoos and Tuart TEC, prior to the commencement of the action the approval holder must provide the Department with: <ul style="list-style-type: none"> a) written evidence that an area of no less than 31.9 ha within the Lake Clifton Offset property has been allocated as an offset for this particular action; and b) a description and map clearly specifying the location, boundaries, offset attributes and shapefiles (including latitude and longitude coordinates) of the 31.9 ha area within the Lake Clifton Offset property. 	Completed	Main Roads provided the Department with written evidence that an area of no less than 31.9 ha within the Lake Clifton Offset property has been allocated as an offset for this particular action and a description and map clearly specifying the location, boundaries, offset attributes and shapefiles (including latitude and longitude coordinates) of the 31.9 ha area within the Lake Clifton Offset property on the 15 October 2021 (Appendix 2 - D21#1029433)
7.	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.	Completed	Commencement of the action was on 21 January 2022 and Main Roads notified the Department in writing on 27 January 2022, advising of the commencement (Appendix 2 - D22#77214).
8.	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.	Completed	The action commenced on the 21 January 2022 which was within 5 years of the approval.
9.	The approval holder must maintain accurate and complete compliance records.	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).
10.	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	To date, no request for compliance records has been received.

Condition Number	Condition	Status	Evidence/Comments
11.	<p>The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:</p> <ul style="list-style-type: none"> a) publish each compliance report on the website within 60 business days following the relevant 12 month period b) notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within 5 business days of the date of publication c) keep all compliance reports publicly available on the website until this approval expires d) exclude or redact sensitive ecological data from compliance reports published on the website 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. 	Compliant	<p>This compliance report has been prepared and submitted to meet this condition. This compliance report is published on the Main Roads website at https://www.mainroads.wa.gov.au/community-environment/environment/construction-project-reports/.</p> <p>The report was published on the Main Roads website before 21 April 2025.</p>
12.	<p>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:</p> <ul style="list-style-type: none"> a) any condition which is or may be in breach; b) a short description of the incident and/or non-compliance; and c) the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event 	Not Applicable	<p>There have not been any incidents or non-compliance with the conditions or the commitments made in plans, during the reporting period.</p>

Condition Number	Condition	Status	Evidence/Comments
	the exact information cannot be provided, provide the best information available.		
13.	<p>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:</p> <ul style="list-style-type: none"> 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	There have not been any incidents or non-compliance with the conditions or the commitments made in plans, during the reporting period.
14.	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	Not Applicable	To date, no request for compliance audits has been received.
15.	<p>For each independent audit, the approval holder must:</p> <ul style="list-style-type: none"> 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	To date, no request for compliance audits has been received.
16.	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	To date, no request for compliance audits has been received.

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EPBC 2020/8833 ACR: Mitchell Freeway Principal Shared Path Gaps Project Ocean Reef Road to Hepburn Avenue, WA

Condition Number	Condition	Status	Evidence/Comments
17.	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	Compliant	The action is currently being implemented. The Department will be notified within 30 days of completion.

Appendix B: Figures - Black Cockatoo Habitat and Tuart TEC Clearing

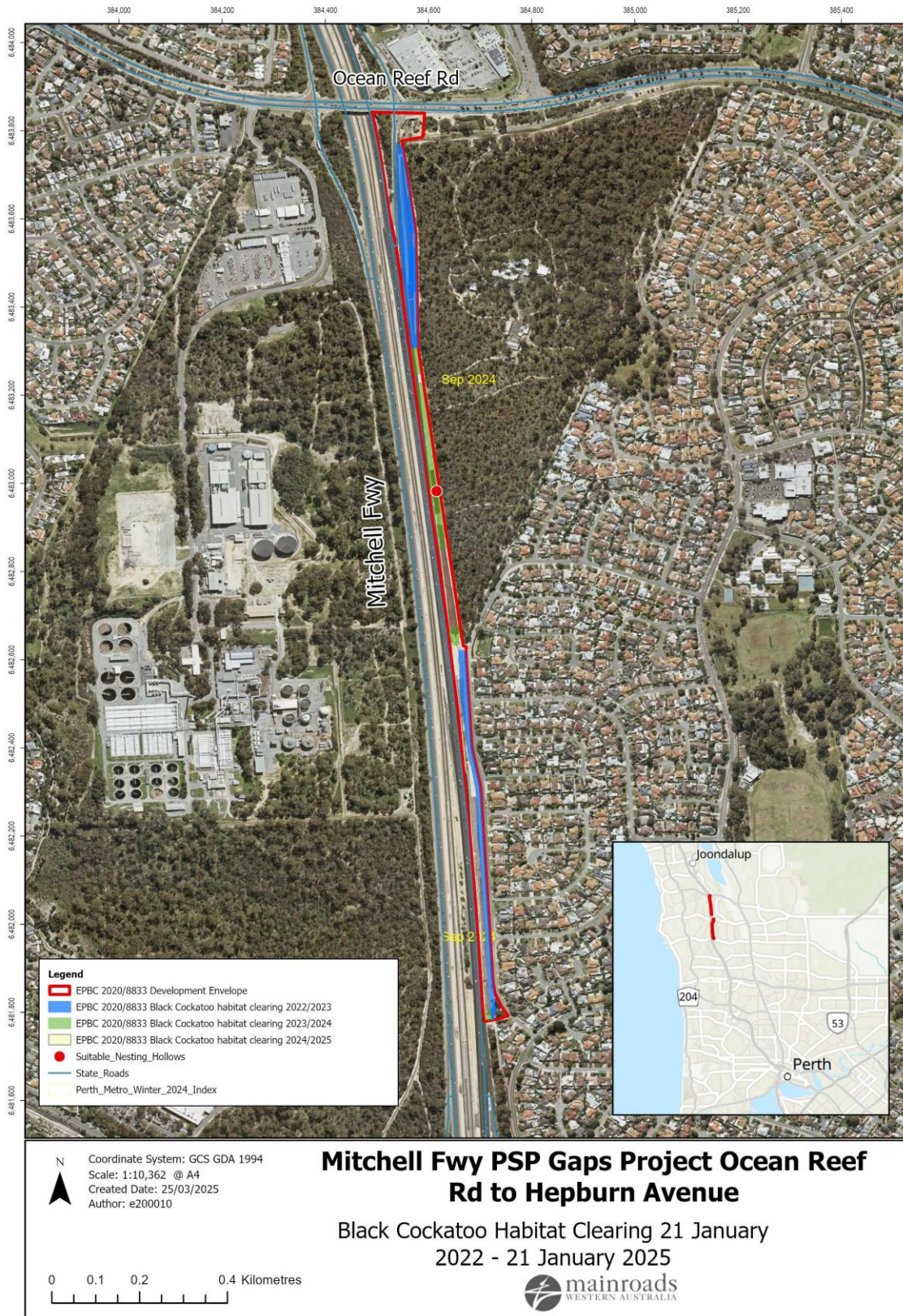


Figure 2a. Black Cockatoo Habitat Clearing 21 January 2022 – 21 January 2025

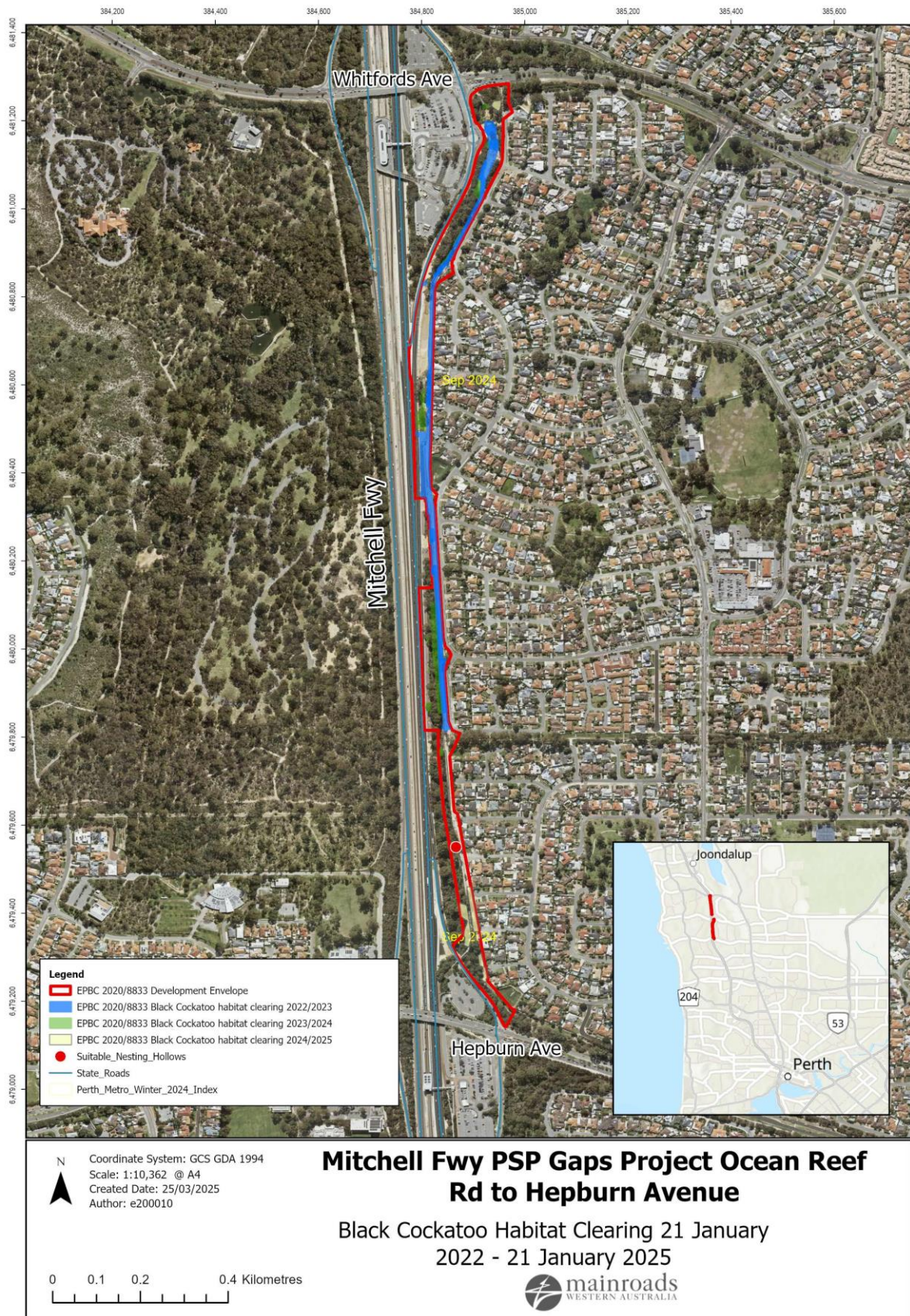


Figure 2b. Black Cockatoo Habitat Clearing 21 January 2022 – 21 January 2025 for the Project

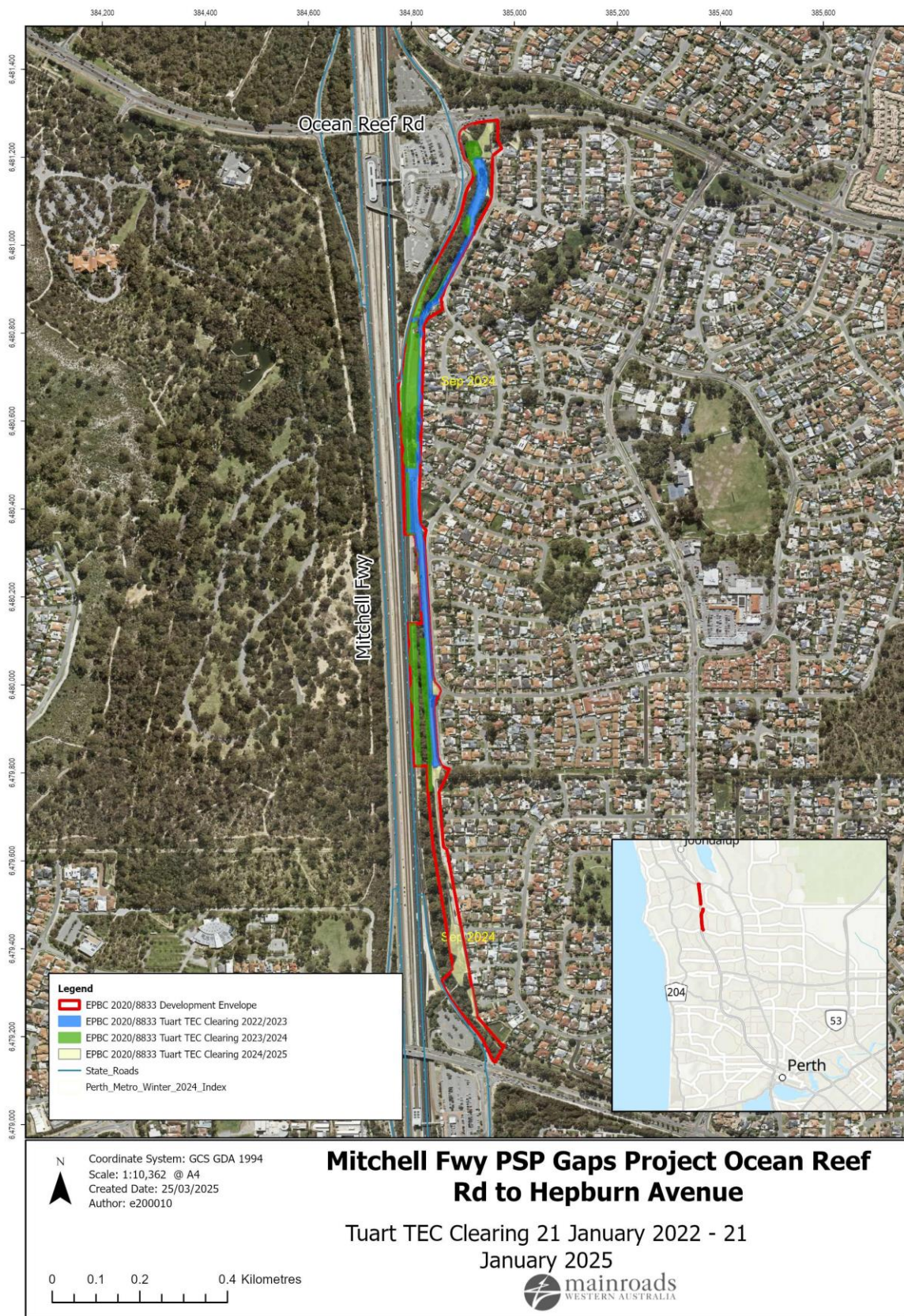


Figure 3a. Tuart TEC Clearing 21 January 2022 – 21 January 2025

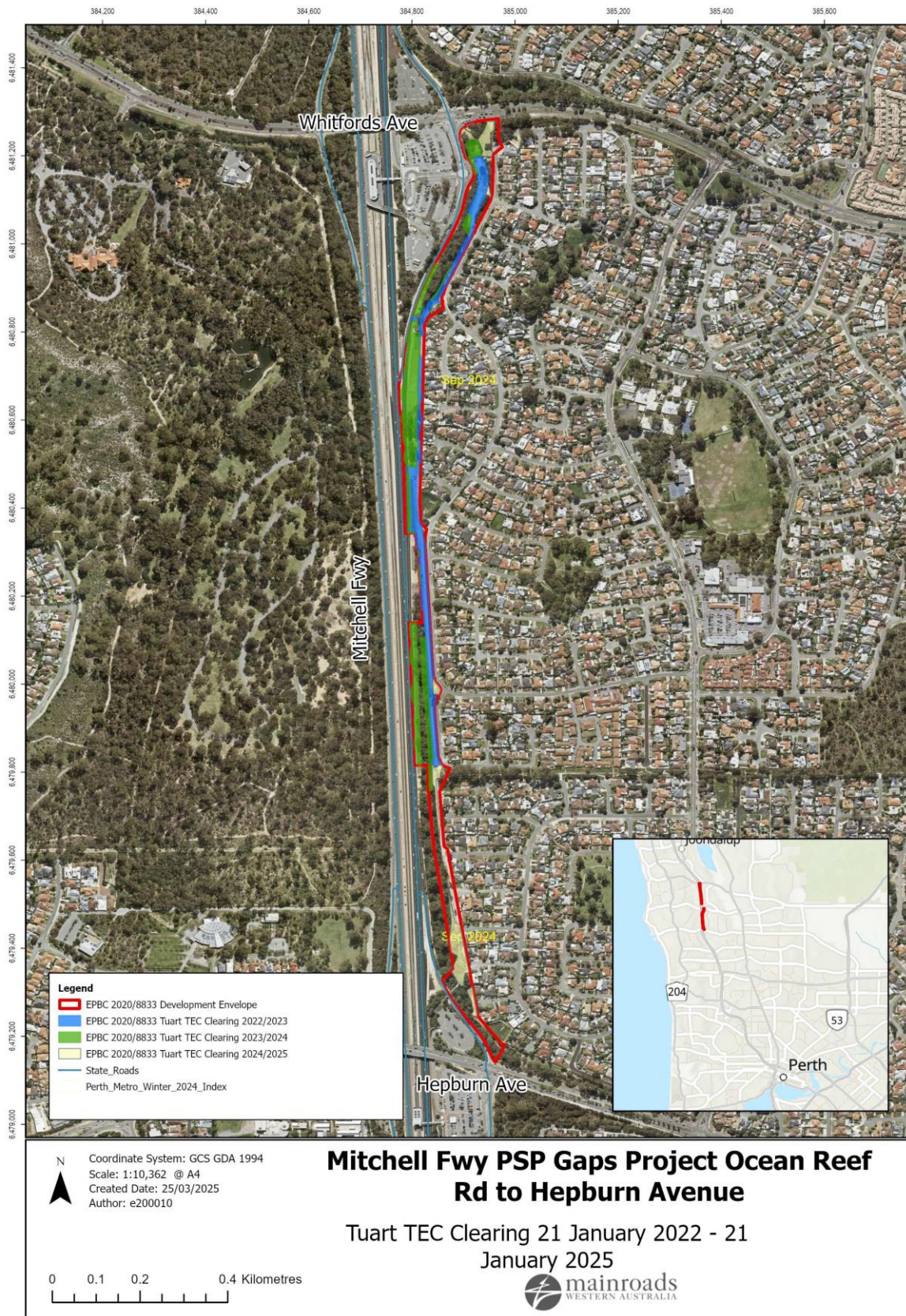


Figure 3b. Tuart TEC Clearing 21 January 2022 – 21 January 2025

Appendix C: List of Evidence Provided

Evidence Reference	Evidence Description
D23#267508	Pre clearing suitable nest hollow inspection report
D23#146762	Notification to the Department of the number of cleared suitable nesting hollows for black cockatoos
D23#218586	Artificial hollow installation report
D23#472918	Shapefile of Artificial hollow installation locations
D23#112624	DBCA approval for location for installation of the artificial nesting hollows
D25#235839	Austin Bay Black Cockatoo Artificial Hollow Monitoring Report 2024
D21#1029433	Evidence of Compliance for Condition 6 EPBC 20208833
D22#77214	Evidence of Commencement of Action EPBC 20208833