



mainroads
WESTERN AUSTRALIA

EPBC Act Compliance Report

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

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| Report Compilation & Review | Name and Position | Date | Document Revision |
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1 INTRODUCTION

Main Roads Western Australia (Main Roads WA) 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) in April 2020. 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.

Construction of the Project commenced 31 March 2017. 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 under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) to the now Department of Agriculture, Water and the Environment (DAWE) for assessment in 2013. 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

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 2022 to 31 March 2023.

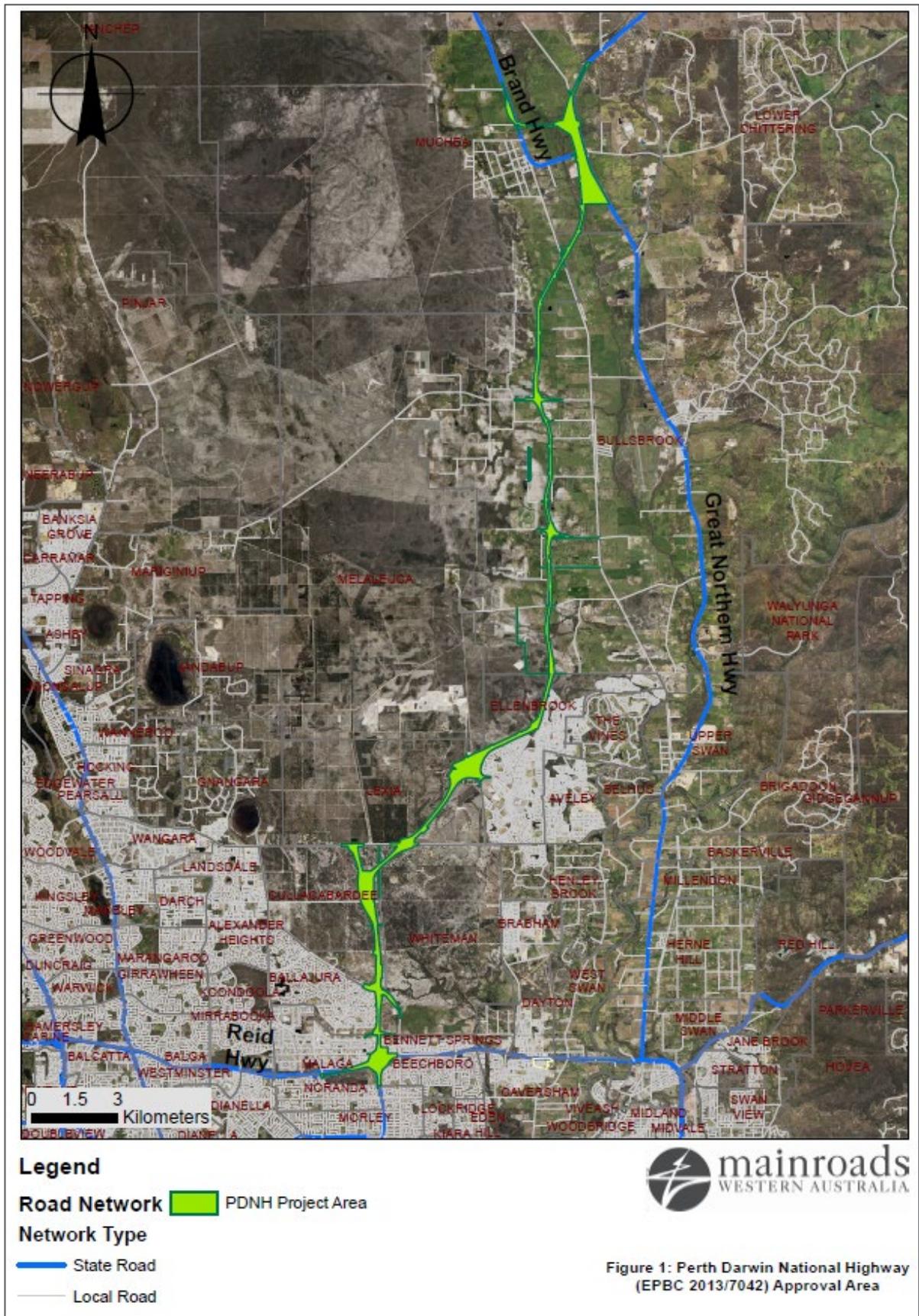


Figure 1: Perth Darwin National Highway - EPBC 2013/7042 approval area

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"> a) Comply with condition 1 of the WA approval regarding the extent of the proposal b) Implement conditions 6, 7, 8, 9, 10, 11, 12, 13, 14 and 16 of the WA approval as in force or existing from time to time where they related to monitoring, managing, mitigating, avoiding, offsetting, recording or reporting on, impacts to protected matters. c) Notify the Department in writing of any proposed change to the conditions of the WA approval 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. d) Notify the Department in writing of any change to the WA approval for which sub-condition 1(a) applies within 2 weeks of a change being finalised. | <p>Compliant.</p> <ul style="list-style-type: none"> a) A Compliance Assessment Report (CAR) was undertaken for the WA approval and was completed in December 2022. The CAR demonstrates Main Roads compliance with Condition 1 of WA approval and can be viewed at Compliance Assessment Report (mainroads.wa.gov.au). b) The CAR undertaken for the WA approval was completed in December 2022. All findings relating to conditions 6, 7, 8, 9, 10, 11, 12, 13, 14 and 16 were either recorded as completed or compliant, at this stage. c) There were no changes proposed to the WA conditions. d) There were no changes to the WA conditions. |
| 2 | <p>The person taking the action must provide to the Department the loppolo Road Site Land Acquisition and Management Plan (the plan) required under condition 16-2 of the WA approval. The plan must be provided to the Department within 1 month of approval of the plan by the WA government. In providing the loppolo Road Site Land Acquisition and Management Plan to the Department, the person taking the action must also include shapefiles for the boundary of the loppolo Road offset site.</p> | <p>Compliant.</p> <p>Closed out in the 2018 compliance report. Main Roads WA provided the Department with the loppolo 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> |

| Condition Number | Condition | Status |
|------------------|--|---|
| 3 | The person taking the action must provide the Department with the state approved Land Acquisition and Rehabilitation Offsets Strategy (the Strategy) required to be prepared under condition 16-8 of the WA approval . The Strategy must be provided to the Department within 1 month of the approval of the Strategy by the WA government. In providing the Strategy to the Department the proponent must include shapefiles of the offset boundary as they relate to the Strategy. | Compliant. 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 commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement . | Compliant. 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 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 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 Department by email (to EPBCMonitoring@environment.gov.au) | Compliant. 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 |
|------------------|---|--|
| | within 7 days of the person taking the action becoming aware of the actual or potential contravention. | |
| 7 | 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>Compliant.</p> <p>The 2022 compliance report was published on the Main Roads website on 5 April 2022. The Department was notified on the same day.</p> <p>The link to this report on the Main Roads website was provided to the Department on submission of this report.</p> |
| 8 | 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 . | <p>Not applicable.</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 | Unless otherwise agreed to in writing by the Minister , 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>Not applicable.</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> |