



**mainroads**  
WESTERN AUSTRALIA

# EPBC Act Compliance Report

Bowelling Curves Realignment – Collie Lake King  
Road 64.76-69.84 SLK, Western Australia  
(EPBC 2016/7757)

Reporting period: 8 November 2018 to  
7 November 2019

Report Compilation & Review	Name and Position	Date	Document Revision
Author	Lyn Van Gorp (Environment Officer)	3 February 2020	Draft v1
Reviewer	Paul West (Senior Environment Officer)	6 February 2020	Rev 0

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## 1 INTRODUCTION

Main Roads Western Australia (Main Roads) is currently undertaking realignment of Collie Lake King Road in the Shire of West Arthur, between 64.76 Straight Line Kilometre (SLK) and 69.85 SLK (the Project). The realignment is intended to address substandard horizontal curves currently present in this section of road, which has become more concerning recently due to the significant increases in freight traffic along this route.

Works on this project commenced immediately following the granting of approval on 25 October 2018. Although works will still be undertaken in 2020, the majority of the construction works occurred within this reporting period (8 November 2018 to 7 November 2019).

### 1.1 Approval under the *Environment Protection and Biodiversity Conservation Act 1999*

The Project was referred to the former Department of the Environment and Energy (now the Department of Agriculture, Water and the Environment (the Department)) for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and was determined to be a controlled action on 30 September 2016 due to its potential impacts on listed threatened species. The Department granted approval for the Project on 25 October 2018 (EPBC 2016/7757), which included a number of conditions that Main Roads is required to fulfil.

### 1.2 Purpose of this Report

Clearing for the Project commenced on 8 November 2018. This compliance report has been produced to satisfy Condition 8 of approval EPBC 2016/7757. Table 1 of this report outlines project compliance against each approval condition over the 12 month period between 8 November 2018 and 7 November 2019.

## 2 COMPLIANCE

Table 1: Compliance with Conditions of EPBC Approval 2016/7757

Condition Number	Condition	Status	Evidence/Comments
1	<p>For the protection of EPBC Act listed species and communities, the approval holder must:</p> <ul style="list-style-type: none"> <li>a) clear no more than 17.06 hectares (ha) of native vegetation within the project area, as shown at Attachment A</li> <li>b) comply with Conditions 7-9 of Clearing Permit CPS 7499/2 or as varied from time to time</li> <li>c) notify the Department in writing of any variations to the conditions of Clearing Permit CPS 7499/2 to which sub-condition 2(b) applies within two weeks of a change being approved by the State Government.</li> </ul>	Compliant	<ul style="list-style-type: none"> <li>a) A total of 13.75 ha has been cleared for the Project during the reporting period. This clearing represents the total clearing undertaken to date for the Project (Figures 1a-1b in Appendix A)</li> <li>b) Works undertaken to date have been conducted in accordance with Conditions 7-9 of CPS 7499/2. A summary of project compliance with the requirements of these conditions is provided in Appendix B.</li> <li>c) To date, no variations have been approved to the conditions of Clearing Permit CPS 7499/2.</li> </ul>

Condition Number	Condition	Status	Evidence/Comments
2	<p>For the protection of the EPBC Act listed Clay Pans TEC, the approval holder must:</p> <ul style="list-style-type: none"> <li>a) install a gross pollutant trap, in the form of rock protection, at the inflow point of the 'proposed 2 x 450 pipe culverts', as shown at Attachment B</li> <li>b) the gross pollutant trap must be cleaned of debris biannually</li> <li>c) replicate the existing drainage pathways by installing extended culverts under the 'proposed road' in the same location as the 'existing 2 x 450 pipe culverts' under the 'existing rail trail', as shown at Attachment B.</li> </ul>	Compliant	<ul style="list-style-type: none"> <li>a) Construction of the majority of the main alignment has been completed, with bitumen seal and all drains and culverts in place. Refer to photographs 5 and 6 in Appendix D for evidence of constructed drainage scour protection including gross pollutant trap in the form of rock protection installed at inflow point of culverts that drain into the TEC.</li> <li>b) As the Project is still being constructed, cleaning and maintenance of the infrastructure has not yet commenced.</li> <li>c) Existing drainage pathways have been replicated as per the indicative design drawing provided in Appendix C. Refer to photographs 5 and 6 in Appendix D for evidence of constructed drainage scour protection including rock protection installed at inflow point of culverts that drain into the TEC.</li> </ul>
3	<p>For the protection of EPBC Act listed Black Cockatoos, the approval holder must clear no more than 280 potential breeding trees, including two trees with suitable nest hollows, for Black Cockatoos within the project area.</p>	Compliant	<p>The clearing undertaken for the Project during the reporting period resulted in the removal of 226 potential breeding trees for Black Cockatoos, including two trees with suitable nest hollows for the species (Figures 1a-1b in Appendix A). This clearing represents the total clearing undertaken to date for the Project.</p>

Condition Number	Condition	Status	Evidence/Comments
4	<p>To offset residual significant impacts to Black Cockatoos, the approval holder must either:</p> <p>a) Make a financial contribution to an Offsets Fund to fully fund the purchase of an offset site/s containing a minimum of 120 ha of Black Cockatoo foraging habitat and a minimum of six trees with suitable nest hollows within the Shire of West Arthur, Western Australia. The approval holder must provide the Department with written evidence that the financial contribution has been made to the Offsets Fund within six months of commencement of the action.</p> <p>OR</p> <p>b) Purchase an offset site/s containing a minimum of 120 ha of Black Cockatoo foraging habitat and a minimum of six trees with suitable nest hollows within the Shire of West Arthur, Western Australia. Within 12 months of commencement of the action, the approval holder must provide the Department with written evidence of the purchase of the offset site/s and that a protection mechanism has been applied to the offset site/s.</p> <p>Surveys to confirm the presence of Black Cockatoo foraging habitat and suitable nest hollows at the offset site/s must be commissioned by the approval holder and undertaken prior to the purchase of the offset site/s.</p>	Compliant	<p>A financial contribution was made to the Western Australian Department of Water and Environmental Regulation (DWER) Offsets Fund on 7 November 2018 to fully fund the purchase of an offset site/s for the Project.</p> <p>Written confirmation of this financial contribution was previously provided to the Department via email on 14 November 2018. Refer to Appendix E for a copy of the receipt for the offset payment.</p> <p>The Project offset site(s) is yet to be confirmed (refer to the discussion provided below to address compliance with Condition 5). During the reporting period, three surveys were undertaken to confirm the suitability of potential offset site(s)<sup>1,2,3</sup>.</p>

<sup>1</sup> Australian Black Cockatoo Specialists (2019). Black Cockatoo Habitat Survey Lot 7432 Kordabup Road, Denmark WA. Unpublished report prepared by Australian Black Cockatoo Specialists for Main Roads Western Australia. October 2019.

<sup>2</sup> Australian Black Cockatoo Specialists (2019). Black Cockatoo Habitat Survey Lots 7411 and 7413 Wansbrough Road West, Cranbrook. Unpublished report prepared by Australian Black Cockatoo Specialists for Main Roads Western Australia. October 2019

Condition Number	Condition	Status	Evidence/Comments
5	Within 12 months of commencement of the action (or otherwise agreed by the Department), the approval holder must provide the Department with the offset attributes.	Partially non-compliant	<p>Although Main Roads has met the requirements of condition 4a, the offset attributes were not able to be provided to the Department within 12 months of commencement of the action as the DWER is yet to purchase the offset property.</p> <p>As a result, on 7 November 2019 Main Roads requested an amendment to conditions to seek additional time to finalise an offset and subsequently sent through an alternative offset option on 18 November 2019. The Department sought clarification on items in the offset proposal on 21 November 2019. This additional information was sent through on 11 December 2019 and a telephone meeting was held on 12 December to discuss the details. As a result, an alternative offset proposal was required and Main Roads is in the process of identifying a suitable offset.</p>
6	Within 30 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.	Compliant	<p>The action commenced on 8 November 2018. Main Roads notified the Department of commencement of the action in writing on 14 November 2018.</p> <p>Refer to Appendix F for copy of notification.</p>

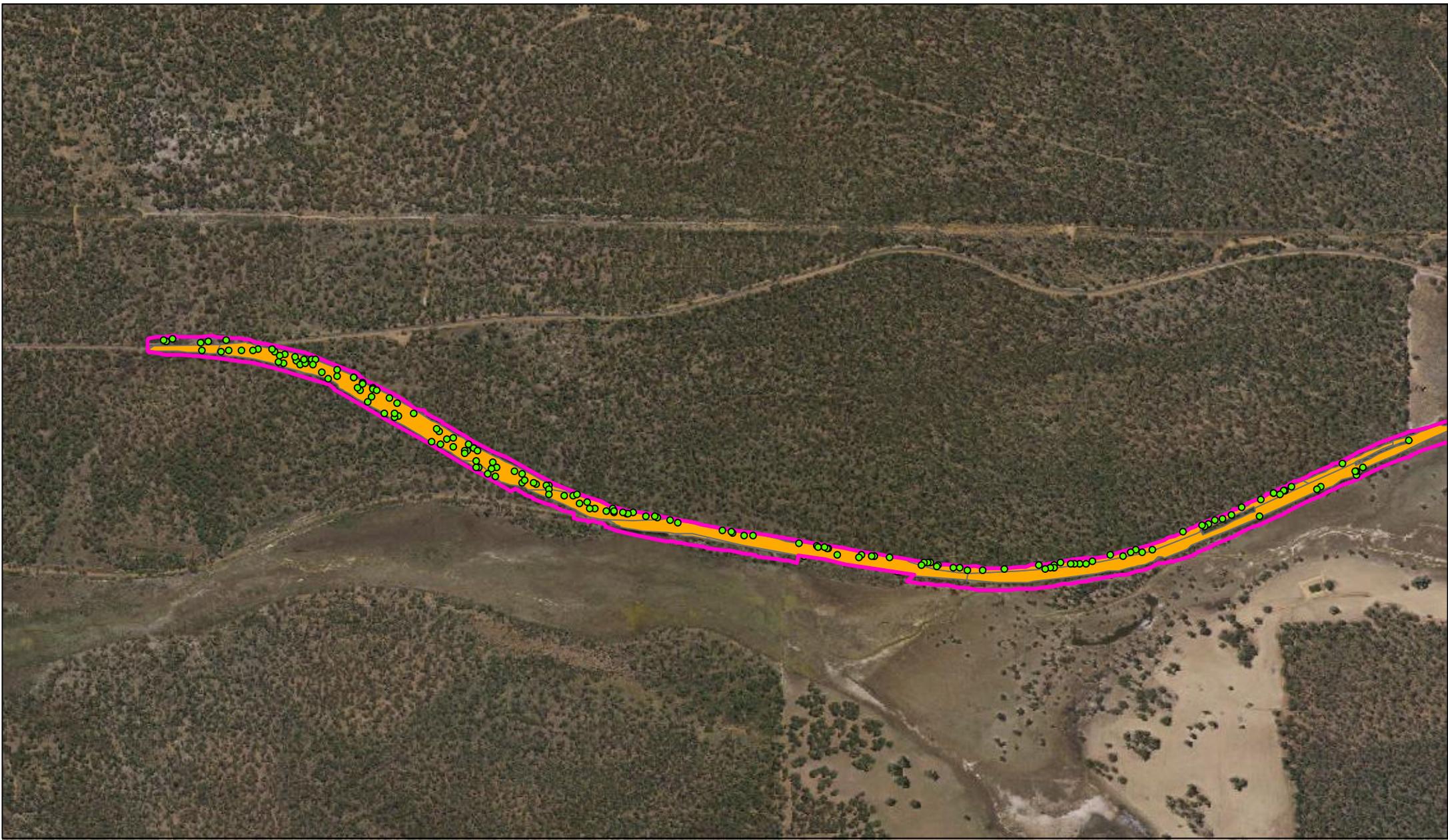
<sup>3</sup> Australian Black Cockatoo Specialists (2019). *Black Cockatoo Habitat Survey Lot 7376 Chester Pass Road, Albany. Unpublished report prepared by Australian Black Cockatoo Specialists for Main Roads Western Australia. October 2019.*

Condition Number	Condition	Status	Evidence/Comments
7	The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of 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 has maintained records in accordance with this condition and their legal obligations, under the <i>State Records Act 2000</i> (Western Australia).
8	Within three months of every 12 month anniversary of the commencement of the action, the approval holder 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.	Compliant	The action commenced on 8 November 2018. This compliance report covers compliance for the reporting period 8 November 2018 to 7 November 2019.  This compliance report will be published on the Main Roads website prior to 7 February 2020 and documentary evidence of the date of publication will be sent to the Department.
9	Upon the direction of the Minister, the approval holder 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.	Not applicable	To date, no direction has been received from the Minister to undertake an independent audit of compliance with the conditions of approval EPBC 2016/7757

Condition Number	Condition	Status	Evidence/Comments
10	If, at any time after two years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister.	Not applicable	The Project was approved on 25 October 2018 and the action was commenced on 8 November 2018.

### **3 APPENDICES**

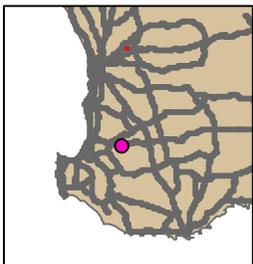
## **Appendix A: Figures showing clearing undertaken during reporting period**

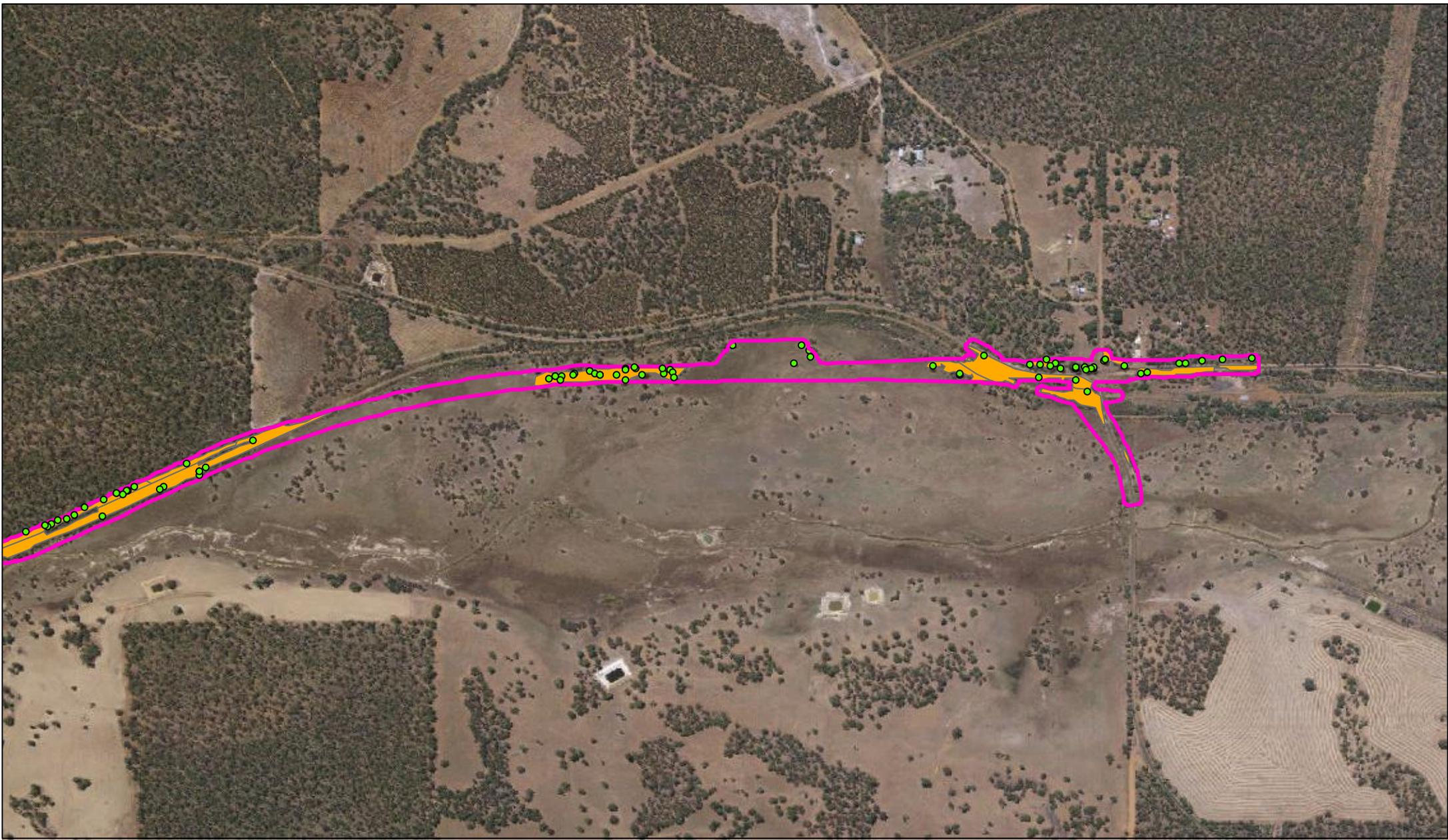


**Figure 1a - Bowelling Curves Clearing undertaken during Reporting Period**

**Legend**

-  Potential breeding trees removed during reporting period
-  Bowelling Curves Approval Envelope (i.e. Project Area referred to in EPBC Approval 2016/7757)
-  Native Vegetation Clearing undertaken during reporting period





**Figure 1b - Bowelling Curves Clearing undertaken during Reporting Period**

**Legend**

- Potential breeding trees removed during reporting period
- Bowelling Curves Approval Envelope (i.e. Project Area referred to in EPBC Approval 2016/7757)
- Native Vegetation Clearing undertaken during reporting period



**Appendix B: Evidence of Compliance with CPS 7499/2 Conditions 7-9 during the Reporting Period**

Condition Number	Condition Requirements	Status	Evidence/Comments
7	<p><b>Condition 7: Weed control</b>  <i>When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of weeds:</i></p> <p>(a) <i>Clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;</i></p> <p>(b) <i>Ensure that no weed-affected soil, mulch, fill or other material is brought into the area to be cleared; and</i></p> <p>(c) <i>Restrict the movement of machines and other vehicles to the limits of the areas to be cleared.</i></p>	Compliant	<p>(a) Vehicle hygiene inspection checklists were utilised to manage potential weed spread. An example checklist is provided below in Appendix G.</p> <p>A wash down bay was constructed on site in accordance with Department of Biodiversity, Conservation and Attractions advice to ensure that all runoff from cleaning of machinery was captured on site. Refer to photograph 2 in Appendix D.</p> <p>(b) Fill material has been sourced from nearby farmer's paddocks to avoid the need for clearing of native vegetation for this purpose. Topsoil and weed cover is first removed and only underlying gravel material is then brought into the clearing area. Topsoil and mulch has been re-used on site so none has been imported into the clearing area.</p> <p>(c) The clearing line was demarcated on site prior to the commencement of clearing to ensure that machinery was restricted to the limits of the areas to be cleared. Refer to photographs 1, 3 and 4 in Appendix D.</p>

Condition Number	Condition Requirements	Status	Evidence/Comments
8	<p><b>Condition 8: Dieback Control</b>  <i>When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of dieback:</i></p> <ul style="list-style-type: none"> <li><i>(a) Clean vehicles, machines and equipment of soil and vegetation prior to entering and leaving the area to be cleared;</i></li> <li><i>(b) Ensure that no known dieback-affected soil, mulch, fill or other material is brought into the area to be cleared;</i></li> <li><i>(c) Restrict the movement of machines and other vehicles to the limits of the areas to be cleared; and</i></li> <li><i>(d) Soil disturbance is to be carried out under dry soil conditions where possible.</i></li> </ul>	Compliant	<ul style="list-style-type: none"> <li>(a) Vehicle hygiene inspection checklists were utilised to manage potential dieback spread. An example checklist is provided in Appendix G.  A wash down bay was constructed on site in accordance with Department of Biodiversity, Conservation and Attractions advice to ensure that all runoff from cleaning of machinery was captured on site. Refer to photograph 2 in Appendix D.</li> <li>(b) Fill material has been sourced from nearby farmer's paddocks. No known dieback-affected fill material was brought into the clearing area. Topsoil and mulch has been re-used on site so none has been imported into the clearing area.</li> <li>(c) The clearing line was demarcated on site prior to the commencement of clearing to ensure that machinery was restricted to the limits of the areas to be cleared. Refer to photographs 1, 3 and 4 in Appendix D.</li> <li>(d) The majority of clearing and construction activities have been undertaken during the Wheatbelt's dry summer construction period (i.e. November 2018 to May 2019). Works were then postponed to avoid the wet winter period and recommenced in October 2019.</li> </ul>

Condition Number	Condition Requirements	Status	Evidence/Comments
9	<p><b>Condition 9: Fauna management</b></p> <p>(a) Prior to undertaking any clearing of habitat trees, containing hollows suitable to be utilised for nesting by Carnaby's cockatoo (<i>Calyptorhynchus latirostris</i>), Baudin's cockatoo (<i>Calyptorhynchus baudinii</i>) and forest red-tailed black cockatoo (<i>Calyptorhynchus banksia subsp. naso</i>) (black cockatoos), as identified within the Ecoedge's Level 1 Fauna Survey along Collie Lake King Road at Bowelling (SLK 64.5 – 71.0), a fauna specialist shall inspect such trees for the presence of black cockatoos utilising the hollow/s.</p> <p>(b) Where black cockatoos are identified under condition 9(a) of this Permit, the Permit Holder shall ensure that no clearing of, or within 10 metres of, the identified habitat tree(s) occurs until a fauna specialist has verified that the hollow/s are no longer being utilised by black cockatoos.</p>	Compliant	Two habitat trees containing hollows suitable to be utilised for nesting by black cockatoos were cleared during the reporting period. The pre-clearing fauna assessment of these two habitat trees identified that no black cockatoos were utilising the hollows <sup>4</sup> .

<sup>4</sup> Bamford, M (2018). Inspection of potential nest trees for black-cockatoos on the Coalfields Highway, Bowelling. Unpublished report prepared by Bamford Consulting Ecologists for Main Roads Western Australia. November 2018.

### Appendix C: Diagram showing the Project design compared with existing drainage

- LEGEND**
- CLAY PANS TEC
  - EXISTING RAIL TRAIL
  - EXISTING 2 x 450 PIPE CULVERTS
  - PROPOSED ROAD
  - PROPOSED RAIL TRAIL
  - PROPOSED 2 x 450 PIPE CULVERTS



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



**COLLIE-LAKE KING ROAD - BOWELLING CURVES PROJECT DESIGN RELATIVE TO CLAY PANS TEC**

**Appendix D: Photographs of environmental management undertaken for the Project**



Photograph 1: Fencing to demarcate and protect TEC during construction



Photograph 2: Photograph of dieback cleaning station being used to clean machinery



Photograph 3: Pegging of clearing line (on left of photo) to demarcate disturbance boundary



Photograph 4: Pegging of clearing line to demarcate disturbance boundary



Photograph 5: Cross pollutant trap, incorporating rock protection, at the inflow point to the culvert that drains into the TEC



Photograph 6: Longitudinal drain scour protection

## Appendix E: Copy of Receipt for Offset Payment



Government of Western Australia  
Department of Water and Environmental Regulation

## RECEIPT

Locked Bag 33 Cloisters Square  
PERTH WA 6850

ABN: 28 420 443 065  
Telephone: 08 6364 7000  
Fax:  
Email: [Accounts.Receivable@dwer.wa.gov.au](mailto:Accounts.Receivable@dwer.wa.gov.au)

Main Roads Western Australia  
PO Box 6202  
EAST PERTH WA 6892

*Receipt No.:* RR009611  
*Date:* 07/11/2018  
*Debtor Id:* 60026

*Page :* 1 of 1

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<i>Date</i>	<i>Reference</i>	<i>Description</i>	<i>Amount</i>
31/10/2018	RI002283	CPS 7499/2	198,000.00
<i>Total Amount Received AUD:</i>			198,000.00

## Appendix F: Email notification to the Department of Commencement of the Action (Please note: Personal details have been redacted for privacy purposes)

Wed 14/11/2018 12:06 PM

WEST Paul (Con) <Paul.West@mainroads.wa.gov.au>

**Bowelling Curves (EPBC 2016/7757) - Notification of commencement of action and payment of offset**

To  Cox, Vaughn

Cc  post.approvals@environment.gov.au;  VAN GORP Lyn (Con);  SCHELTEMA Martine (ME);  Clearing Permit

 Follow up.



Letter notification to DotEE of commencement of action and offset payment Bowelling Curves. 13112018.PDF  
179 KB

Hi Vaughn,

Please find attached correspondence relating to Main Roads' compliance with conditions 4 and 6 of EPBC 2016/7757 for the Bowelling Curves project.

Regards

Paul

**Paul West**  
SNR ENVIRONMENTAL OFFICER (Contractor/Consultant)  
Environment Branch  
Planning and Technical Services Directorate  
p: [REDACTED]  
w: [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au)



Appendix G: Sample vehicle hygiene checklist used on site during reporting period



F-13-23  
Plant Weed Inspection



**Form Usage & Instructions**

1. This form must be complete for all vehicles and mobile equipment entering project areas if required.
2. This form must be completed prior to entry or crossing boundaries to all privately owned farmland or crown land.
3. Completed form to be retained in plant records & project files.

Supplier & Project Details			
Date	MON 17/12/18	Driver Name	N/A
Company	ALLWEST	Equipment Vehicle Make & Model	BOMAG BW 213D <sup>SMOOTH ROLLER</sup>
Project Number	N/A	Vehicle Number / Registration	1GNJ198
Purchase Order Number	N/A	Site / Location	BOWELLING CURVES

Inspection				
Criteria	Y	N	N/A	Comments
Internal Areas (cabin)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NEAR NEW MACHINES IN EXCELLENT CLEANLINESS.
External areas-panels/trays etc.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	" " "
Radiators and filters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	" " "
Dust bowls and cyclones (drill rigs)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	" " "
Sump / Engine guard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	" " "
Buckets / Blades / Tines etc.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	" " "
Running Gear / Bash Plates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	" " "
Tyres / Wheels / Wheel arch / Tracks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	" " "
Undercarriage / Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	" " "

**Notes**  
FIRE EXT SUPT 2018, 270 LITERS, FULL FUEL, INSTRUCTION MANUAL & PRESENT.

Authorisation	
Supp Signoff	Centrals CEM Signoff
Printed Name	Printed Name MATT R
Position	Position SUPERVISOR
Signature	Signature 
Date	Date MON 17/12/18 1600 PM

