



Australian Government



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WESTERN AUSTRALIA

BUILDING OUR FUTURE



Compliance Assessment Report

High Street Upgrade
Ministerial Statement 1096
23 May 2021 – 22 May 2022

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1. Introduction

Main Roads Western Australia (Main Roads) is currently implementing the High Street Upgrade proposal in accordance with Ministerial Statement 1096 (MS 1096). Implementation of the proposal commenced in October 2019 with construction commencing on 16 March 2020 and was completed in February 2022.

This is the third Compliance Assessment Report (CAR) for MS 1096 and covers the period of 23 May 2021 to 22 May 2022.

1.1. Proposal Background

The proposal includes the construction of a roundabout at the Stirling Highway and High Street intersection in Fremantle, a new westbound carriageway of High Street between Carrington Street and Stirling Highway, realignment of approaches to Stirling Highway and High Street, pedestrian crossing points, a new service road for residents north of High Street and local road realignments. The proposal also includes the installation of noise walls, drainage, lighting, electricals, utilities and associated road infrastructure.

1.2. Proposal Approvals

The Proposal was formally assessed under Part IV of the *Environmental Protection Act 1986* and approved under MS 1096 on 23 May 2019.

In March 2020 Main Roads submitted a request to amend the Proposal under Section 45C (s45C) of the *Environmental Protection Act 1986*. The amended Proposal was approved by the Chairman of the Environmental Protection Authority on 22 April 2020.

Main Roads submitted a second request to amend the Proposal under s45C on 26 August 2020 and the EPA Chair approved the amendments on 3 February 2021.

No amendments to the Proposal were requested in the reporting period.

2. Summary of Implementation Status

Construction works for the proposal, including the installation of noise walls were completed in February 2022.

2.1. Works to date

Pre-construction activities commenced in October 2019 with the demolition of Main Roads owned houses at the intersection of Stirling Highway and High Street.

Clearing of native vegetation and large amenity trees commenced on 16 March 2020. As indicated in the 23 May 2020 – 22 May 2021 CAR, clearing of large amenity trees with a DBH > 500 mm was undertaken, with all the 92 trees permitted to be cleared having been removed. Clearing of native vegetation for the proposal was completed during the previous reporting periods. No further removal of native vegetation was conducted between 23 May 2021 and 22 May 2022.

Clearing has been staged for construction purposes. Prior to each stage of clearing a qualified terrestrial native fauna spotter inspected the development envelope for Black Cockatoo breeding activity, in particular nesting. No breeding activity was observed when clearing was undertaken during the previous reporting periods.

Non-compliance incidents were not observed between 23 May 2021 and 22 May 2022. During the last reporting period (23 May 2020 – 22 May 2021), non-compliance with condition 1-1 of MS 1096, involved damage to four trees due to an unauthorised encroachment within a protected zone. One of those trees had to be removed as a result of the damage incurred. This non-compliance was resolved to the satisfaction of DWER in August 2021 (C01). Follow-up site inspections of the Tree Protection Zone (TPZ) markers and the remaining three trees are provided in M01.

Road construction activities as well as noise wall construction are now completed. Noise wall construction was installed as per approved configuration (refer to D01 for the noise and retaining walls location). The extents and height of noise walls constructed are as follows:

Table 1. Extents and height of noise walls constructed in the context of the project

Noise Wall Sections (refer to D01)	Wall Length (m)	Wall Height (m)
N1	274.1	2.0 - 5.8
N2	143.6	5.3 - 6.0
N3	36.5	3.9 - 5.9
N4	168.3	5.4 - 6.0
N5	208.1	5.4 - 7.7
N6	56.4	2.7 - 4.3
N7	548.8	5.4 - 5.7
N8	190.7	4.4 - 7.8
N9	104.4	4.4 - 5.3
N10	80.3	4.4 - 4.9
N11	128.4	5.2 - 5.4
N12	37.7	5.4 - 5.7
N13	13.4	3.6 - 4.0
N14	73.7	3.6 - 3.9
N15	68.4	3.4 - 4.2

The landscaping design has not been further amended and will be implemented during the spring of 2022. The landscaping design complies with condition 6-2 (2) of MS 1096. No major landscaping activities were undertaken in 2021 and 2022. Only a section of the construction footprint along Montreal Street was seeded with native plants.

2.2. Planned Activities

Landscape planting is planned for winter/spring of 2022.

3. Statement of Compliance

3.1. Proposal and Proponent Details

Proposal Title	High Street Upgrade
Statement Number	1096
Proponent Name	Main Roads Western Australia
Proponent's Australian Company Number (where relevant)	50 860 676 021

3.2. Statement of Compliance Details

Reporting Period	23/05/21 to 22/05/22
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Implementation phase(s) during reporting period (please tick ✓ relevant phase(s))							
Pre-construction	<input type="checkbox"/>	Construction	<input checked="" type="checkbox"/>	Operation	<input checked="" type="checkbox"/>	Decommissioning	<input type="checkbox"/>

Audit Table for Statement addressed in this Statement of Compliance is provided at Attachment:	Appendix B
<p>An audit table for the Statement addressed in this Statement of Compliance must be provided as an attachment to this Statement of Compliance. The audit table must be prepared and maintained in accordance with the Department of Water and Environmental Regulation (DWER) <i>Post Assessment Guideline for Preparing an Audit Table</i>, as amended from time to time. The 'Status Column' of the audit table must accurately describe the compliance status of each implementation condition and/or procedure for the reporting period of this Statement of Compliance. The terms that may be used by the proponent in the 'Status Column' of the audit table are limited to the Compliance Status Terms listed and defined in Table A.1 of Appendix A.</p>	

Were all implementation conditions and/or procedures of the Statement complied with within the reporting period? (please tick ✓ the appropriate box)			
No (please proceed to Section 3)	<input type="checkbox"/>	Yes (please proceed to Section 4)	<input checked="" type="checkbox"/>

3.3. Details of Non-compliance(s) and/or Potential Non-compliance(s)

The information required Section 3 must be provided for each non-compliance or potential non-compliance identified during the reporting period covered by this Statement of Compliance.

Non-compliance/potential non-compliance 4-1

Which implementation condition or procedure was non-compliant or potentially non-compliant?	
Was the implementation condition or procedure non-compliant or potentially non-compliant?	
On what date(s) did the non-compliance or potential non-compliance occur (if applicable)?	
Was this non-compliance or potential non-compliance reported to the Chief Executive Officer, DWER?	
<input type="checkbox"/> Yes <input type="checkbox"/> Reported to DWER verbally Date _____ <input type="checkbox"/> Reported to DWER in writing Date 17/08/2020	<input type="checkbox"/> No
What are the details of the non-compliance or potential non-compliance and where relevant, the extent of and impacts associated with the non-compliance or potential non-compliance?	
What is the precise location where the non-compliance or potential non-compliance occurred (if applicable)? (please provide this information as a map or GIS co-ordinates)	
What was the cause(s) of the non-compliance or potential non-compliance?	
What remedial and/or corrective action(s), if any, were taken or are proposed to be taken in response to the non-compliance or potential non-compliance?	
What measures, if any, were in place to prevent the non-compliance or potential non-compliance before it occurred? What, if any, amendments have been made to those measures to prevent re-occurrence?	
Please provide information/documentation collected and recorded in relation to this implementation condition or procedure: <ul style="list-style-type: none"> • in the reporting period addressed in this Statement of Compliance; and • as outlined in the approved Compliance Assessment Plan for the Statement addressed in this Statement of Compliance. (the above information may be provided as an attachment to this Statement of Compliance)	

For additional non-compliance or potential non-compliance, please duplicate this page as required.

3.4. Proponent Declaration

I, Andrew Ives (Project Director) (full name and position title) declare that I am authorised on behalf of Main Roads Western Australia (being the person responsible for the proposal) to submit this form and that the information contained in this form is true and not misleading.

Signature:.....

Date:.....17/8/22

Please note that:

- it is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give or cause to be given information that to his knowledge is false or misleading in a material particular; and
- the Chief Executive Officer of the DWER has powers under section 47(2) of the *Environmental Protection Act 1986* to require reports and information about implementation of the proposal to which the statement relates and compliance with the implementation conditions.

3.5. Submission of Statement of Compliance

One hard copy and one electronic copy (preferably PDF on CD or thumb drive) of the Statement of Compliance are required to be submitted to the Chief Executive Officer, DWER, marked to the attention of Manager, Compliance (Ministerial Statements).

Please note, the DWER has adopted a procedure of providing written acknowledgment of receipt of all Statements of Compliance submitted by the proponent, however, the DWER does not approve Statements of Compliance.

3.6. Contact Information

Queries regarding Statements of Compliance, or other issues of compliance relevant to a Statement may be directed to Compliance (Ministerial Statements), DWER:

Manager, Compliance (Ministerial Statements)

Department of Water and Environmental Regulation

Postal Address: Locked Bag 10
Joondalup DC
WA 6919

Phone: (08) 6364 7000

Email: compliance@dwer.wa.gov.au

3.7. Post Assessment Guidelines and Forms

Post assessment documents can be found at www.epa.wa.gov.au

ATTACHMENT 1

Table 2. Compliance Status Terms

Compliance Status Terms	Abbrev	Definition	Notes
Compliant	C	Implementation of the proposal has been carried out in accordance with the requirements of the audit element.	This term applies to audit elements with: <ul style="list-style-type: none"> ongoing requirements that have been met during the reporting period; and requirements with a finite period of application that have been met during the reporting period, but whose status has not yet been classified as 'completed'.
Completed	CLD	A requirement with a finite period of application has been satisfactorily completed.	This term may only be used where: <ul style="list-style-type: none"> audit elements have a finite period of application (e.g. construction activities, development of a document); the action has been satisfactorily completed; and the DWER has provided written acceptance of 'completed' status for the audit element.
Not required at this stage	NR	The requirements of the audit element were not triggered during the reporting period.	This should be consistent with the 'Phase' column of the audit table.
Potentially Non-compliant	PNC	Possible or likely failure to meet the requirements of the audit element.	This term may apply where during the reporting period the proponent has identified a potential non-compliance and has not yet finalized its investigations to determine whether non-compliance has occurred.
Non-compliant	NC	Implementation of the proposal has not been carried out in accordance with the requirements of the audit element.	This term applies where the requirements of the audit element are not "complete" have not been met during the reporting period.
In Process	IP	Where an audit element requires a management or monitoring plan be submitted to the DWER or another government agency for approval, that submission has been made and no further information or changes have been requested by the DWER or the other government agency and assessment by the DWER or other government agency for approval is still pending.	The term 'In Process' may not be used for any purpose other than that stated in the Definition Column. The term 'In Process' may not be used to describe the compliance status of an implementation condition and/or procedure that requires implementation throughout the life of the project (e.g. implementation of a management plan).

Each page (including Attachment 2) must be initialled by the person who signs Section 3.4 of this Statement of Compliance. INITIALS: AE

4. Details of Declared Compliance Status

Main Roads is currently compliant with the conditions of MS 1096, following DWER's determination of resolution of non-compliance on 18 August 2021 (C01).

Evidence of compliance with the conditions of MS 1096 have been described in the audit table at Appendix B.

5. Supporting/verifying information/documentation

Supporting/verifying information used to prepare this CAR is shown in Table 2. This information is provided in an electronic package with the email submission of this CAR.

Table 2: Supporting/verifying information for 2021 CAR

Document reference	Document Title
C01	Statement 1096 Resolution of Non-Compliance Condition 1-1
D01	Noise & Retaining Walls Location Plan Drawing
M01	Site inspection reports to monitor TPZ

6. Other Information

There is no other information to provide as part of this CAR.

No changes to the approved Compliance Assessment Plan are proposed.

Appendix A: Compliance status of key characteristics

Table A.1: Compliance Status of Key Characteristics

Audit Code	Subject	Requirement	Status	Further Information	
1096:M1.1	Proposal Implementation	When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the EP Act	Compliant	The proposal has been implemented in accordance with all elements outlined in the Authorised Extent of Table 2 of Schedule 1.	
		Key Characteristic	Description		
		Clearing of native vegetation	Up to 0.63 ha	Compliant	All native vegetation clearing was undertaken in the previous reporting period.
		Retain specified trees with DBH >500mm	As shown in Figures 1.1 to 1.3 of Schedule 1	Compliant	Non-Compliant during last reporting period due to damage to four trees which should have been protected by Tree Protection Zone (TPZ) markers. One of these trees was removed as a result of the root damage. The non-compliance incident was resolved and approved by DWER (C01).
		Construction of Noise Walls	Heights and extents as shown in Figures 1.1 to 1.3 of Schedule 1	Compliant	Construction completed. Extent and height of noise walls constructed are shown in Table 1.
Construction of Noise Walls	Within 18 months of commencement of construction	Compliant	Construction of noise walls is now completed.		

Each page of Appendix A & B must be initialled by the person who signs Section 4 of the Statement of Compliance.

INITIALS: sd

Appendix B: Audit Table

Each page of Appendix A & B must be initialled by the person who signs Section 4 of the Statement of Compliance.

INITIALS: 

AUDIT TABLE

PROPOSAL: High Street Upgrade

STATEMENT: 1096

Note:

- Phases that apply in this table = Pre-Construction, Construction, Operation, Decommissioning, Overall (several phases).
- This audit table is a summary and timetable of conditions and commitments applying to this project. Refer to the Minister's Statement for full detail/precise wording of individual elements.
- Code prefixes: M = Minister's condition, P = Proponent's commitment.
- Acronyms list: CEO = Chief Executive Officer of OEPA; DEC = Department of Environment Regulation; DPAW = Department of Parks and Wildlife; DIA = Department of Indigenous Affairs; DMP = Department of Mining and Petroleum; DWER = Department of Water and Environmental Regulation; EPA = Environmental Protection Authority; DoH = Department of Health; DoW = Department of Water, Minister for Env = Minister for the Environment; OEPA = Office of the Environmental Protection Authority.
- Compliance Status: C = Compliant, CLD = Completed, NA = Not Audited, NC = Non – compliant, NR = Not Required at this stage. Please note the terms VR = Verification Required and IP = In Process are only for DWER use.

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
1096:M1.1	Proposal Implementation	When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the EP Act	Implement project pursuant to Table 2 in Schedule 1 of Ministerial Statement No. 1096.	CAR. Plans and/or spatial data of extent of noise walls – Construction of noise walls completed.	Overall	Life of proposal.	C	D01
1096:M2.1	Contact Details	The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.	Notify the CEO in writing of any change to proponent details.	Copy of written notification to CEO of any change in proponent details.	Overall	Within twenty-eight (28) days of any change of name, physical address or postal address.	NR	
1096:M3.1	Time Limit for Proposal Implementation	The proponent shall not commence implementation of the proposal after five (5) years from the date on this Statement, and any commencement, prior to this date, must be substantial.	Provide evidence to the CEO in writing to demonstrate the proposal has substantially commenced.	CAR.	Overall	Substantially commence proposal by 23 May 2024.	CLD	Proposal is completed. Landscaping will progress during spring of 2022.
1096:M3.2	Time Limit for Proposal Implementation	Any commencement of implementation of the proposal, on or before five (5) years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five (5) years from the date of this Statement.	Provide evidence to the CEO in writing to demonstrate that the proposal has substantially commenced.	Copy of written notification to CEO of substantial commencement. This may be in the form of the first CAR following commencement of construction.	Overall	Provide written evidence by 23 May 2024.	CLD	The first CAR was formal notification of substantial commencement within 5 years.
1096:M4.1	Compliance Reporting	The proponent shall prepare, and maintain a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation of the proposal, whichever is sooner.	Submit a Compliance Assessment Plan (CAP).	CAP and written evidence of submission. 2020 CAR.	Overall	Submit CAP by 23 February 2020 or prior to implementation of the proposal,	CLD	CAP was approved by DWER on 26 June 2019.

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
						whichever is sooner.		
1096:M4.2	Compliance Reporting	The Compliance Assessment Plan shall indicate: (1) the frequency of compliance reporting; (2) the approach and timing of compliance assessments; (3) the retention of compliance assessments; (4) the method of reporting of potential non-compliances and corrective actions taken; (5) the table of contents of Compliance Assessment Reports; and (6) public availability of Compliance Assessment Reports.	Submit CAP.	CAP – 2020 CAR	Overall	Submit CAP by 23 February 2020 or prior to implementation of the proposal, whichever is sooner.	C	CAP was approved by DWER on 26 June 2019.
1096:M4.3	Compliance Reporting	After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 4-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 4-1.	Once approval is received from the CEO, commence compliance assessment in accordance with the CAP.	CEO letter approving the CAP – 2020 CAR.	Overall	After receiving notice in writing from the CEO that CAP satisfies the requirements of condition 4-2.	C	CAP was approved by DWER on 26 June 2019.
1096:M4.4	Compliance Reporting	The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 4-1 and shall make those reports available when requested by the CEO.	Retain CAR's and make available when requested by the CEO.	CAR.	Overall	When requested by the CEO.	C	2021 CAR available on Main Roads website.
1096:M4.5	Compliance Reporting	The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.	Notify the CEO of potential non-compliances in writing and/or verbally. Any verbal notification must be followed by written notification.	Constriction works compliant with MS 1096 – CAR 2022	Overall	Within seven (7) days of a non-compliance being known.	C	
1096:M4.6	Compliance Reporting	The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the CEO. The Compliance Assessment Report shall: (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer's behalf; (2) include a statement as to whether the proponent has complied with the conditions; (3) identify all potential non-compliances and describe corrective and preventative actions taken; (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 4-1.	Submit a CAR within required timeframe reporting on the previous 12 months.	CAR.	Overall	Submit first Compliance Assessment Report by 23 August 2020 then annually thereafter.	C	First CAR submitted prior to 23 August 2020. 2020 and 2021 CARs available on Main Roads website.
1096:M5.1	Public Availability of Data	Subject to condition 5-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the	All environmental plans and reports required by MS1096 will be made publicly available by publishing them	CAR.	Overall	Within a reasonable time period approved	C	Main Roads has published the previous CARs and the

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
		proposal the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)), management plans and reports relevant to the assessment of this proposal and implementation of this Statement.	on Main Roads website for the duration of the project and for six months following the completion of construction. Requests for information after this time will be addressed in accordance with DWER guidelines for making information publicly available.			by the CEO of the issue of this Statement and for the remainder of the life of the proposal.		environmental review document on its website.
1096:M5.2	Public Availability of Data	If any data referred to in condition 5-1 contains particulars of: (1) a secret formula or process; or (2) confidential commercially sensitive information; the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.	Submit a request for approval from the CEO to not make sensitive information publicly available.	Copy of written request to CEO. CEO approval.	Overall	Life of proposal.	NR	No request submitted from Main Roads.
1096:M6.1	Terrestrial Fauna	The proponent shall ensure that the proposal is undertaken in a manner that avoids, where possible, and minimises direct and indirect impacts as far as practicable to Black Cockatoos.	Comply with condition 6-2 and condition 1.	CAR.	Overall	Life of proposal.	C	
1096:M6.2	Terrestrial Fauna	In order to meet the objectives of condition 6-1, the proponent shall: (1) ensure that if clearing is to be undertaken, a qualified terrestrial native fauna spotter shall thoroughly inspect the development envelope for Black Cockatoo breeding activity, in particular nesting, and if the area within the development envelope is found to be in use, clearing in the area shall be postponed until such time as determined suitable by the CEO, on the advice of the Department of Biodiversity, Conservation and Attractions. (2) ensure that no Black Cockatoo foraging habitat are included within 10 m of the constructed roads in the landscaping design and planting for the proposal.	No potential Black Cockatoo foraging species are to be planted within 10m of the road carriageway.	CAR – No clearing undertaken Landscaping design drawings provided in previous CAR. Landscaping monitoring reports post landscaping implementation (Not yet required)	Overall	Life of proposal.	C	No further amendments made to landscaping design. A small amount of planting for landscaping purposes has occurred. Seeding of a small section along Montreal Street was undertaken.

Appendix C: Supporting/verifying information/documentation

Supporting/verifying information used to prepare this CAR is shown in Table C1. This information is provided in an electronic package with the email submission of this CAR.

Table C1: Supporting/verifying information for 2022 CAR

Document reference	Document Title
C01	Statement 1096 Resolution of Non-Compliance Condition 1-1
D01	Noise & Retaining Walls Location Plan Drawing
M01	Site inspection reports to monitor TPZ