



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
Author	Fiona van Rijnsoud (Environment Officer)	2 May 2018	Draft v1
Reviewer	John Braid (Principal Environment Officer)	2 May 2018	
Author	Fiona van Rijnsoud (Environment Officer)	4 May 2018	Final

1 INTRODUCTION

Main Roads Western Australia (Main Roads WA) is currently constructing 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). The Project includes 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 are 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 include:

- 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.

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

The Project was referred to the Department of the Environment and Energy (DotEE; the 'Department') for assessment under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) as the Project 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

Construction of the Project commenced 31 March 2017. 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 2017 to 31 March 2018.

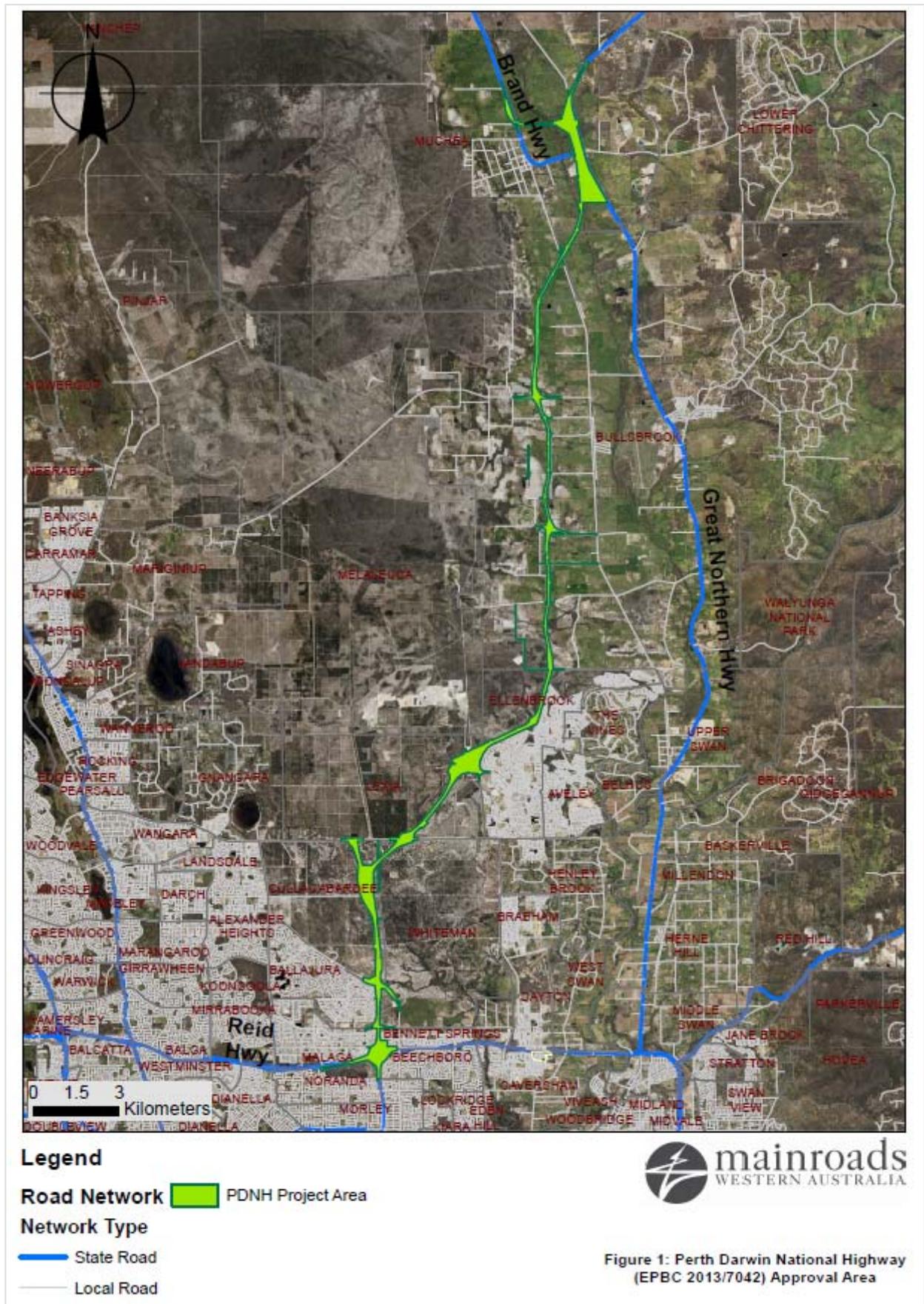


Figure 1: Perth Darwin National Highway - EPBC 2013/7042 approval area

2 COMPLIANCE

Table 1: 2013/7042 Compliance with EPBC 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) Condition 1 of WA approval states 'when implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Table 2 in Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the EP Act'. A section 45c change to proposal and associated clearing limits was approved 7 June 2017. Refer to Appendix 1 for evidence. b) A Compliance Assessment Report (CAR) undertaken for the WA approval was completed in December 2017. All findings relating to conditions 6, 7, 8, 9, 10, 11, 12, 13, 14 and 16 were either recorded as complete, compliant or not required at this stage. Refer to Appendix 5 for evidence. c) The Department was notified on 20 April 2017 of a proposed change to the conditions of the WA Approval within two weeks of formally proposing a change. Refer to Appendix 2 for evidence. d) The Department was notified on 7 June 2017 of a change to the conditions of the WA approval which was approved by the WA Office of the EPA on 7 June 2017. Refer to Appendix 2 for evidence.

Condition Number	Condition	Status
2	The person taking the action must provide to the Department the Ippolo 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 Ippolo Road Site Land Acquisition and Management Plan to the Department , the person taking the action must also include shapefiles for the boundary of the Ippolo Road offset site.	Compliant. Main Roads WA provided the Department with the Ippolo 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. Refer to Appendix 3 for evidence.
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.	Not applicable. The Land Acquisition and Rehabilitation Offsets Strategy (LAROS), required to be prepared under condition 16-8 of the WA approval, has not yet been approved by the WA government.
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. Refer to Appendix 4 for evidence.
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	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).

Condition Number	Condition	Status
	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.	
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) within 7 days of the person taking the action becoming aware of the actual or potential contravention.	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).
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.	Compliant. This 2018 compliance report will be published on the Main Roads WA website prior to 30 June 2018 and documentary evidence of the date of publication will be sent to the Department at the same time. The Department will also be sent a copy of this 2018 compliance report.
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 .	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 2013/7042.

Condition Number	Condition	Status
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.	Not applicable. 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.

3 APPENDICES

Appendix	Title
Appendix 1	Approval of Section 45c changes to WA Approval (MS 1036)
Appendix 2	Notifications to the Department of proposed change and approved change to WA approval
Appendix 3	WA Government approval of 'Ippolo Road Site Land Acquisition and Management Plan' and notification of approval to the Department
Appendix 4	Notification to the Department of commencement of the action
Appendix 5	Compliance Assessment Report (MS 1036), Perth-Darwin National Highway (Swan Valley Section) December 2017

APPENDIX 1: Approval of Section 45c changes to WA approval (MS 1036)

APPENDIX 2: Notifications to the Department of proposed change and approved change to WA approval

APPENDIX 3: WA Government approval of 'Ippolo Road Site Land Acquisition and Management Plan' and notification of approval to the Department

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APPENDIX 5: Compliance Assessment Report, Perth-Darwin National Highway, Swan Valley Section (December 2017)

APPENDIX 1: Approval of Section 45c changes to WA approval (MS 1036)



Environmental Protection Authority

Mr John Braid
Principal Environmental Officer
Main Roads Western Australia
PO Box 6202
EAST PERTH WA 6892

Your Ref: 13/1616-02
Our Ref: AC06-2017-0010
Enquiries: Tonja Boyd, 6145 0811
Email: tonja.boyd@epa.wa.gov.au

Dear Mr Braid

PERTH-DARWIN NATIONAL HIGHWAY (SWAN VALLEY SECTION) – MINISTERIAL STATEMENT 1036 – CHANGE TO PROPOSAL APPROVED UNDER SECTION 45C OF THE ENVIRONMENTAL PROTECTION ACT 1986 – INCREASE IN DEVELOPMENT ENVELOPE FROM 985 HECTARE TO 1,004 HECTARE

Thank you for your letter of 20 April 2017 requesting approval of changes to the Perth-Darwin National Highway (Swan Valley section) (Ministerial Statement 1036 (MS1036)).

I consider the changes, as described in Attachment 2 to MS 1036, are unlikely to result in a significant detrimental effect on the environment in addition to, or different from, the effect of the original proposal. Approval of the changes is therefore granted under section 45C of the *Environmental Protection Act 1986*. This approval does not replace any responsibilities you may have for seeking approvals from other government agencies to implement the changes.

Please note, implementation of the Perth-Darwin National Highway (Swan Valley section) proposal, including the approved changes described in Attachment 2, is subject to the conditions of MS 1036.

The Chief Executive Officer of the Office of the Environmental Protection Authority may monitor the implementation of the proposal for the purpose of determining whether the implementation conditions are being complied with.

Yours sincerely

Dr Tom Hatton
CHAIRMAN
Delegate for the Minister for Environment

7 June 2017

Encl. Attachment 2 to Ministerial Statement 1036

The Atrium Level 8, 168 St Georges Terrace, Perth, Western Australia 6000.
Postal Address: Locked Bag 10, East Perth, Western Australia 6892.

Telephone: (08) 6145 0800 | Facsimile: (08) 6145 0896 | Email: info@epa.wa.gov.au
Website: www.epa.wa.gov.au

APPENDIX 2: Notification to the Department of proposed change and actual change to WA approval

From: BRAID John (PEO) <john.braid@mainroads.wa.gov.au>
Sent: Wednesday, 7 June 2017 11:22 AM
To: EPBC Monitoring
Subject: EPBC 2013/7042 - Notification of change
Attachments: MS 1036 - Perth-Darwin National Highway - Swan Valley section - s45C - C....pdf;
MS 1036 - Perth-Darwin National Highway - Swan Valley section - s45C - L....pdf;
Revised_PDNH_DE_120417.zip

Good morning,

In accordance with condition 1(d) of EPBC 2013/7042 (Perth-Darwin National Highway (Swan Valley Section), WA), Main Roads Western Australia is notifying the Department of Environment and Energy (DoEE) of a change to the conditions of the WA approval within two weeks of a change being finalised.

The WA Office of the Environmental Protection Authority (OEPA) has formally notified Main Roads Western Australia today (7/6/2017) of its acceptance of proposed changes to the boundary of the approved development envelope of the Perth-Darwin National Highway (Swan Valley Section). This email constitutes notification of DoEE within two weeks of the change approved by the OEPA in accordance with condition 1(d). Please see attached correspondence from OEPA and "Attachment 2 to Ministerial Statement 1036". The revised project extent is as per the application of 20/4/17 and is attached again as an ESRI shapefile in the zip folder "Revised_PDNH_DE_120417.zip".

If you require further information please do not hesitate to contact me.

Regards

John Braid
Principal Environment Officer
Infrastructure Delivery Directorate
p: 9323 6183 | m: 0407080035
w: www.mainroads.wa.gov.au



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From: BRAID John (PEO)
Sent: Thursday, 20 April 2017 4:56 PM
To: EPBC Monitoring
Subject: EPBC 2013/7042 - Notification of proposed change

Good afternoon,

In accordance with condition 1(c) of EPBC 2013/7042 (Perth-Darwin National Highway (Swan Valley Section), WA), Main Roads Western Australia is notifying the Department of Environment and Energy (DoEE) of a proposed change to the conditions of the WA approval within two weeks of formally proposing a change.

Main Roads Western Australia has formally notified the WA Office of the Environmental Protection Authority (OEPA) today (20/4/2017) of proposed changes to the boundary of the approved development envelope of the Perth-Darwin National Highway (Swan Valley Section). DoEE will be notified within two weeks if and when the proposed change is approved by the OEPA in accordance with condition 1(d).

If you require further information please do not hesitate to contact me.

Regards

John Braid
Principal Environment Officer
Infrastructure Delivery Directorate
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APPENDIX 3: WA Government approval of 'Ippolo Road Site Land Acquisition and Management Plan' and notification of approval to the Department

From: BRAID John (PEO) <john.braid@mainroads.wa.gov.au>
Sent: Thursday, 9 February 2017 8:08 AM
To: EPBC Monitoring
Cc: BOYLE Dominic (PCM)
Subject: EPBC 2013/7042 - Condition 2
Attachments: OEPA - Ministerial Statement 1036 - PDNH Ippolo Road Site Land Acquisit....pdf; PDNH Ippolo Road Site LAMP Rev 2.pdf; PDNH_Offset_Site_Boundary.zip

Good morning,

Reference EPBC 2013/7042 condition 2.

Main Roads Western Australia, as the "person" taking the action in regards to EPBC 2013/7042, is providing the Department of the Environment and Energy the Ippolo Road Site Land Acquisition and Management Plan (the plan) as required under condition 16-2 of the WA approval. The plan is attached to this email.

The plan was approved by the WA Government (Office of the Environmental Protection Authority) on 8 February 2017 (see attached letter from OEPA to Main Roads).

Also attached are the shapefiles of the Ippolo Road offset site (PDNH_Offset_Site_Boundary.zip).

Please confirm receipt of this email.

Regards

John Braid
Principal Environment Officer
Infrastructure Delivery Directorate
p: 9323 6183 | m: 0407080035
w: www.mainroads.wa.gov.au



APPENDIX 4: Notification to the Department of commencement of the action

From: BRAID John (PEO) <john.braid@mainroads.wa.gov.au>
Sent: Wednesday, 5 April 2017 11:24 AM
To: EPBC Monitoring
Subject: EPBC 2013/7042 Commencement of Action
Attachments: EPBC2013_7042 Commencement of Action.pdf

Good morning,

Please find attached a letter notifying that Main Roads Western Australia commenced the proposed action under EPBC 2013/7042 on 31 March 2017.

A hard copy will also be sent.

Regards

John Braid
Principal Environment Officer
Infrastructure Delivery Directorate
p: 9323 6183 | m: 0407080035
w: www.mainroads.wa.gov.au



APPENDIX 5: Compliance Assessment Report, Perth-Darwin National Highway, Swan Valley Section (December 2017)

Link below to PDNH Compliance Assessment Report on Main Roads WA website:

<https://project.mainroads.wa.gov.au/northlinkwa/Community%20Environment/Pages/Environment%20Assessment.aspx>