



**mainroads**  
WESTERN AUSTRALIA

# **Annual Compliance Report**

## **Perth Darwin National Highway (Swan Valley) Western Australia**

**EPBC 2013/7042**

*We're working for  
Western Australia.*

**Reporting Period: 31 March 2023 to 30 March 2024**

D24#1230418  
October 2024

# Document Control

Report Compilation & Review	Position	Document Revision	Date
Author	Environment Officer	Rev 0	11/11/2024
Approver:	Principal Environment Officer - CRSP	Rev 0	11/11/2024

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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 (on behalf of the approval holder)

Full name: **Martine Scheltema**

Position: **Director Environment and Heritage**

Organisation: **Main Roads - ABN 50 860 676 021**

Date 29/11/2024

# 1 INTRODUCTION

## 1.1 Project Description

Main Roads Western Australia (Main Roads) 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 approved action was to develop a new alignment for the Perth-Darwin National Highway, including dual carriageways, grade separated interchanges at connecting roads, and a reservation for potential future rail, between the Tonkin Highway and Reid Highway junction in the south and the Brand Highway and Great Northern Highway at Muchea in the north, approximately 13 kilometres north-east of Perth city centre, see Figure 1.

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 Gnaragar Road.
- Flyovers at Marshall Road, Muchea South Road, railways and Ellen Brook.
- A deviation at Brand Highway.
- New cycling and pedestrian facilities including a four metre wide shared path to Ellenbrook.

Construction of the Project commenced 31 March 2017 and was opened to the public on 23 April 2020.

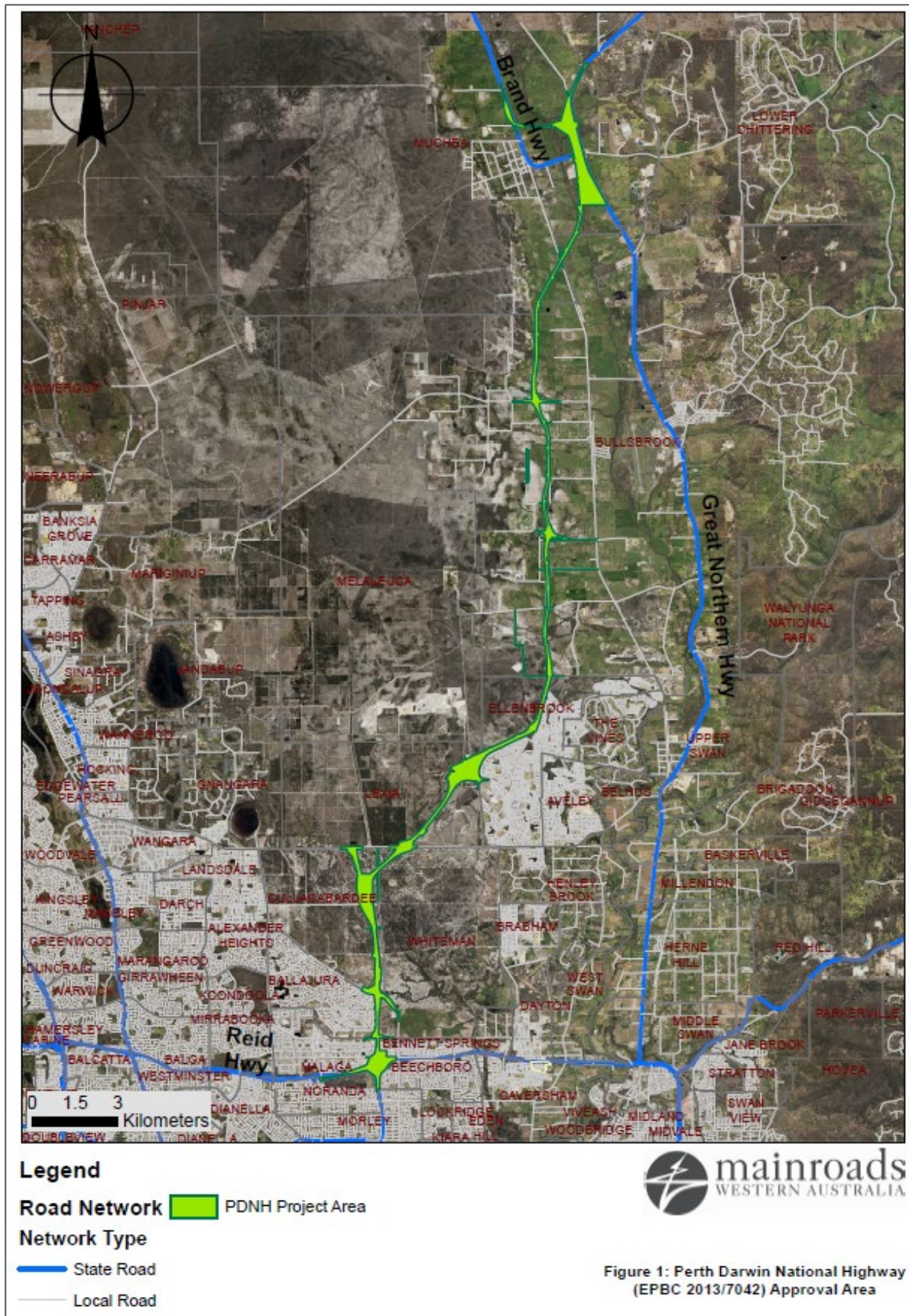
## 1.2 Approval under the *Environment Protection and Biodiversity Conservation Act 1999*

The Project was referred under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) for assessment in 2013. The Department granted conditional approval on 2 December 2016 (EPBC 2013/7042).

## 1.3 Purpose of this Report

This compliance report has been produced to satisfy Condition 7 of approval EPBC 2013/7042.





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

## 2 SUMMARY OF COMPLIANCE

Table 1 details the Project's compliance status for each approval condition over the 12-month reporting period: 31 March 2023 to 30 March 2024.

The Project was found to be non-compliant with Condition 7 of EPBC 2013/7042, as Main Roads did not submit this compliance report within three months of the anniversary of the commencement of the action, which was 31 March 2017.

Non-compliance with Condition 7 of EPBC 2013/7042 was identified by Main Roads on 20 September 2024. As per Condition 6 of EPBC 2013/7042, Main Roads reported this non-compliance within 7 days to DCCEE (reported 20 September 2024).

### 2.1 Corrective measures

The corrective action associated with the non-compliance with Condition 7 of EPBC 2013/7042 was to publish the document on Main Roads' website, which was done on 6 December 2024.

Main Roads' internal compliance system (Environment Online System) has been updated to ensure future reports are submitted in accordance with its approval conditions.

### 2.2 New Environmental Risks

No new environmental risks for the Project have become apparent during the reporting period.

**Table 1: Compliance with EPBC 2013/7042 Conditions**

Condition Number	Condition	Status	Evidence/Comments
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"><li>a) Comply with condition 1 of the <b>WA approval</b> regarding the extent of the proposal</li><li>b) Implement conditions 6, 7, 8, 9, 10, 11, 12, 13, 14 and 16 of the <b>WA approval</b> as in force or existing from time to time where they related to monitoring, managing, mitigating, avoiding, offsetting, recording or reporting on, impacts to <b>protected matters</b>.</li><li>c) Notify the <b>Department</b> in writing of any proposed change to the conditions of the <b>WA approval</b> 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.</li><li>d) Notify the Department in writing of any change to the <b>WA approval</b> for which sub-condition 1(a) applies within 2 weeks of a change being finalised.</li></ul>	<b>Compliant</b>	<ul style="list-style-type: none"><li>a) In accordance with Condition 1 of the WA approval, Main Roads has not exceeded the authorised extent of the proposal as defined in Table 2 in Schedule 1 of MS 1036.</li><li>b) A Compliance Assessment Report (CAR) undertaken in accordance with the WA approval was completed and submitted in December 2023. All actions required in accordance with conditions 6, 7, 8, 9, 10, 11, 12, 13, 14 and 16, as they relate to MNES, have been implemented.</li><li>c) There were no changes proposed to the WA conditions.</li><li>d) There were no changes to the WA conditions.</li></ul>



Condition Number	Condition	Status	Evidence/Comments
2	The person taking the action must provide to the <b>Department</b> the Ioppolo Road Site Land Acquisition and Management Plan (the plan) required under condition 16-2 of the <b>WA approval</b> . The plan must be provided to the <b>Department</b> within 1 month of approval of the plan by the WA government. In providing the Ioppolo Road Site Land Acquisition and Management Plan to the <b>Department</b> , the person taking the action must also include shapefiles for the boundary of the Ioppolo Road offset site.	<b>Compliant</b>	<p>The Ioppolo Road Site Land Acquisition and Management Plan was approved by the WA government on 8 February 2017.</p> <p>Main Roads provided the Department with the Plan on 9 February 2017. Shapefiles were also included as part of this notification.</p> <p>Completion of this action was reported within the EPBC Approval 2018 Compliance Report.</p>
3	The person taking the action must provide the <b>Department</b> with the state approved Land Acquisition and Rehabilitation Offsets Strategy (the Strategy) required to be prepared under condition 16-8 of the <b>WA approval</b> . The Strategy must be provided to the <b>Department</b> within 1 month of the approval of the Strategy by the WA government. In providing the Strategy to the <b>Department</b> the proponent must include shapefiles of the offset boundary as they relate to the Strategy.	<b>Compliant</b>	<p>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 and reported within the EPBC Approval 2019 Compliance Report.</p>

Condition Number	Condition	Status	Evidence/Comments
4	Within 10 days after the <b>commencement</b> of the action, the person taking the action must advise the <b>Department</b> in writing of the actual date of <b>commencement</b> .	<b>Compliant</b>	Commencement of the action was on 31 March 2017 with Main Roads notifying the Department in writing on 5 April 2017.  Completion of this action was reported within the EPBC Approval 2018 Compliance Report.
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 <b>Department</b> . Such records may be subject to audit by the <b>Department</b> or an independent auditor in accordance with section 458 of the <b>EPBC Act</b> , or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the <b>Department's</b> website. The results of audits may also be publicised through the general media.	<b>Compliant</b>	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 <b>Department</b> by email (to <a href="mailto:EPBCMonitoring@environment.gov.au">EPBCMonitoring@environment.gov.au</a> ) within 7	<b>Compliant</b>	Construction of the project commenced on the 31 March 2017 therefore this Annual Compliance Report was due on the 30 June 2024. Main Roads identified that the 2024 Annual Compliance Report as required by Condition 7 had not yet been submitted and reported it to DCCEE within 7 days of becoming aware on the 20 September 2024.

Condition Number	Condition	Status	Evidence/Comments
	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.	<b>Non-compliant</b>	<p>The 2024 compliance report (this report) was published on the Main Roads website on 6 December 2024. The Department was notified on the same day.</p> <p><a href="https://www.mainroads.wa.gov.au/community-environment/environment/construction-project-compliance-reports/">https://www.mainroads.wa.gov.au/community-environment/environment/construction-project-compliance-reports/</a> (Under Northlink WA)</p> <p>Construction of the project commenced on the 31 March 2017 therefore the Annual Compliance Report is due on the 30 June each year. This report was made available on the website in December 2024, which is five months past the due date.</p>
8	Upon the direction of the <b>Minister</b> , 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 <b>Minister</b> . The independent auditor must be approved by the <b>Minister</b> prior to the commencement of the audit. Audit criteria must be agreed to by the <b>Minister</b> and the audit report must address the criteria to the satisfaction of the <b>Minister</b> .	<b>Not applicable</b>	<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>

Condition Number	Condition	Status	Evidence/Comments
9	Unless otherwise agreed to in writing by the <b>Minister</b> , 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.	<b>Not applicable</b>	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.