



**mainroads**  
WESTERN AUSTRALIA

# Compliance Assessment Plan High Street Upgrade

Ministerial Statement 1096

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# Document Control

Revision Number	Revision Date	Author	Approver	Signature
A	14 June 2019	John Braid		

# 1 INTRODUCTION

## 1.1 Background

Main Roads Western Australia (Main Roads) proposes to upgrade High Street and Stirling Highway within the City of Fremantle. The proposal includes the construction of a roundabout at the Stirling Highway and High Street intersection, 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.

Table 1 contains the location and authorised extent of physical and operational elements from Schedule 1 of Ministerial Statement 1096 (MS1096).

Table 1: Location and authorised extent of physical and operational elements.

Element	Location	Authorised Extent
<b>Physical elements</b>		
Clearing and disturbance for road and intersection upgrades, drainage basins, pedestrian crossing points, noise walls and associated road infrastructure.	High Street between Carrington Street and Stirling Highway intersection and Stirling Highway from High Street to Marmion Street in the City of Fremantle (Figure 1.1 to 1.3 of MS1096).	<p>Clearing up to 0.63 hectares within a 20.15 ha development envelope.</p> <p>Shown in Figures 1.1 to 1.3 of MS1096 are trees in the development envelope with Diameter Breast Height (DBH) &gt;500mm to be:</p> <ul style="list-style-type: none"> <li>• Retained and</li> <li>• Potentially to be cleared</li> </ul>
Construction of noise walls.	Sections of High Street between Carrington Street and Stirling Highway intersection and Stirling Highway from High Street to Marmion Street in the City of Fremantle (Figure 1.1 to 1.3 of MS1096).	<p>Minimum heights and approximate location and extent of noise walls are shown in Figures 1.1 to 1.4 of MS1096</p> <p>Construction of noise walls will be completed within 18 months of the commencement of construction.</p>

## 1.2 Purpose and Scope

The Office of the Environmental Protection Authority (OEPA) Post Assessment Guideline No.2 – Preparing a Compliance Assessment Plan (PAG 2) (OEPA, 2012a) outlines the CEO’s minimum requirements for a Compliance Assessment Plan (CAP).

This CAP has been prepared in accordance with the guideline and is submitted pursuant to conditions 4-1 and 4-2 of Ministerial Statement No. 1096.

Condition 4-1 states:

*The proponent shall prepare, submit and maintain a Compliance Assessment Plan 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.*

Condition 4-2 states:

*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.*
- 6. Public availability of Compliance Assessment Reports.*

## 2 ASSESSMENT AND REPORTING

### 2.1 Audit Table

An audit table has been prepared for Ministerial Statement No. 1096 in accordance with the OEPA Post Assessment Guideline No. 1 – Post Assessment Guideline for Preparing an Audit Table (PAG 1) (OEPA, 2012b).

The audit table has been separated into the following elements:

- **Audit Code:** Ministerial Statement reference number.
- **Subject:** The environmental subject/issue.
- **Requirement:** Wording of the relevant implementation condition, procedure or commitment.
- **How:** The way the proponent intends to achieve the requirement.
- **Evidence:** Information or data collected to verify compliance, i.e. report/letter/site inspection requirements.
- **Phase:** Project phase.
- **Timeframe:** Specific timing and/or location.
- **Status:** Notes about the fulfilment of compliance.
- **Further Information:** Additional details and supporting information to verify compliance status.

The audit table is included in Appendix A.

### 2.2 Frequency of Compliance Reporting

Condition 4-6 of Ministerial Statement No. 1096 requires that Main Roads submits a Compliance Assessment Report (CAR) annually. The initial CAR will be submitted 15 months from the issue date of Ministerial Statement No. 1096 (23 August 2020) for the 12 months from the issue date of the Ministerial Statement No. 1096. Subsequent CARs will be submitted annually from the date of submission of the first CAR.

### 2.3 Approach and Timing of Compliance Assessments

Main Roads will assess compliance against all conditions of Ministerial Statement No. 1096 on an annual basis.

The CAR will be prepared in accordance with the OEPA Post Assessment Guideline No. 3 – Post Assessment Guideline for Preparing a Compliance Assessment Report (PAG 3) (OEPA, 2012c).

In accordance with condition 4-6 of MS1096, the CAR will include the following:

- Be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer's behalf.
- Include a statement as to whether the proponent has complied with the conditions.
- Identify all potential non-compliances and describe corrective and preventative actions taken.
- Be made publicly available in accordance with this CAP.
- Indicate any changes to the CAP required by condition 4-1.

The assessment will be summarised in the audit table (Appendix A) and submitted as required by condition 4-6 of Ministerial Statement No. 1096. Compliance will be assessed as detailed in the Audit Table.

## 2.4 Retention of Compliance Assessments

Main Roads will retain CARs (including all associated compliance assessments) and evidence used to verify compliance for the life of the proposal and then for a minimum of seven years after the end of the life of the proposal. Main Roads will continue to implement the proposal until the CEO has determined all conditions of Ministerial Statement No. 1096 have been satisfactorily met.

CARs will be retained on Main Roads Electronic Document and Records Management System (currently TRIM RM 8.3) that Main Roads is required to maintain and operate in accordance with its obligations under the *State Records Act 2000*.

## 2.5 Reporting of Non-compliances and Corrective Actions

Where a non-compliance or potential non-compliance with the conditions of MS1096 is observed or detected, Main Roads will:

- Report the non-compliance to the CEO within seven (7) days of detecting the non-compliance in accordance with condition 4-5.
- Conduct an investigation into the non-compliance and initiate corrective actions where required.
- Provide the CEO with an investigation report of the non-compliance, the impacts of the non-compliance and corrective actions implemented within 60 days of the initial report of the non-compliance.

The Main Roads Project Manager, or their delegated representative, will be responsible for reporting potential non-compliances and corrective actions to the CEO.

Non-compliances or potential non-compliances will be detailed in the annual CAR.

All non-compliance correspondence and incident reports will be retained by Main Roads on its Electronic Document and Records Management System for at least the life of the project and seven (7) years after the life of the project.

## 2.6 Table of Contents

The table of contents of the CAR will at a minimum include:

1. Introduction
2. Summary of proposal's implementation status
3. Statement of compliance
4. Details of declared compliance status
5. Supporting/verifying information/documentation
6. Other information

Appendices:

- A Compliance status of key characteristics
- B Audit Table
- C Supporting/verifying information/documentation

## **2.7 Public Availability of Reports**

Main Roads will make all CARs publicly available in accordance with condition 5-1 and the OEPA's Post Assessment Guideline No. 4 – Post Assessment Guideline for Making Information Publicly Available (PAG 4) (OEPA, 2012d).

CARs will be made available through the Main Roads webpage at <https://www.mainroads.wa.gov.au> and follow the links to the High Street Upgrade page (Building Roads>Projects>Current>High Street).

### 3 REFERENCES

OEPA. 2012a. Post Assessment Guideline for Preparing a Compliance Assessment Plan, Post Assessment Guideline No. 2. August. Office of the Environmental Protection Authority. Perth, Western Australia.

OEPA. 2012b. Post Assessment Guideline for Preparing an Audit Table, Post Assessment Guideline No. 1. August. Office of the Environmental Protection Authority. Perth, Western Australia.

OEPA. 2012c. Post Assessment Guideline for Preparing a Compliance Assessment Report, Post Assessment Guideline No. 3. August. Office of the Environmental Protection Authority. Perth, Western Australia.

OEPA. 2012d. Post Assessment Guideline for Making Information Publicly Available, Post Assessment Guideline No. 4. August. Office of the Environmental Protection Authority. Perth, Western Australia.

## 4 ABBREVIATIONS

Table 2: List of Abbreviations

Abbreviation	Definition
CAP	Compliance Assessment Plan
CAR	Compliance Assessment Report
CEO	Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.
DBH	Diameter at Breast Height
Main Roads	Main Roads Western Australia
MS	Ministerial Statement
OEPA	Office of the Environmental Protection Authority
PAG 1	Post Assessment Guideline No. 1 – Post Assessment Guideline for Preparing an Audit Table
PAG 2	Post Assessment Guideline No.2 – Preparing a Compliance Assessment Plan
PAG 3	Post Assessment Guideline No. 3 – Post Assessment Guideline for Preparing a Compliance Assessment Report
PAG 4	Post Assessment Guideline for Making Information Publicly Available

## APPENDIX A: Audit Table

# 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 and trees removed.	Overall	Life of proposal.		
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.		
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.		
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 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.		
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.	Overall	Submit CAP by 23 February 2020 or prior to implementation of the proposal, 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.	Overall	Submit CAP by 23 February 2020 or prior to implementation of the proposal, whichever is sooner.		
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.	Overall	After receiving notice in writing from the CEO that CAP satisfies the requirements of condition 4-2.		
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.		
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.	Written notification. CAR.	Overall	Within seven (7) days of a non-compliance being known.		
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.		
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 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	All environmental plans and reports required by MS1096 will be made publicly available by publishing them 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.	CAR.	Overall	Within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal.		

		assessment of this proposal and implementation of this Statement.						
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.		
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.		
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.	Inspection of potential Black Cockatoo breeding trees for breeding activity prior to clearing.  No potential Black Cockatoo foraging species are to be planted within 10m of the road carriageway.	CAR.  Pre-clearing inspection report(s).  Landscaping design drawings (prior to implementation).  Landscaping monitoring reports post landscaping implementation.	Overall	Life of proposal.		