



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 2020 to
7 November 2021

Report Compilation & Review	Name and Position	Date	Document Revision
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1 INTRODUCTION

Main Roads Western Australia (Main Roads) has completed the 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 was intended to address substandard horizontal curves present in the historic section of this road, which had become more concerning due to the significant increases in freight traffic along this route in recent times.

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

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 2020 and 7 November 2021.

1.3 Status of the Project

Construction works were finalised and the project commenced operation during the previous reporting period and no works were undertaken during the current reporting period. Accordingly, Table 1 contains a brief summary only of applicable conditions for the period.

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"> a) clear no more than 17.06 hectares (ha) of native vegetation within the project area, as shown at Attachment A b) comply with Conditions 7-9 of Clearing Permit CPS 7499/2 or as varied from time to time 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. 	Compliant	N/A for the reporting period
2	<p>For the protection of the EPBC Act listed Clay Pans TEC, the approval holder must:</p> <ul style="list-style-type: none"> 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. b) the gross pollutant trap must be cleaned of debris biannually 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. 	Compliant	N/A for the reporting period
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	N/A for the reporting period

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 as well as in the 2020 Compliance Report submitted to the Department on 6 February 2020.</p> <p>Given that a suitable offset site has not yet been identified by the DWER, the survey requirement of this condition has not been fulfilled. However Main Roads received confirmation from the Department on 9 February 2021 that it considers all applicable requirements of the conditions of approval have been met in respect to offsets.</p>

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.	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>Main Roads received confirmation from the Department on 9 February 2021 that it considers all applicable requirements of the conditions of approval have been met in respect to offsets.</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	N/A for the reporting period
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).

Condition Number	Condition	Status	Evidence/Comments
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 2020 to 7 November 2021. This 2022 compliance report will be published on the Main Roads website by 8 February 2022 and documentary evidence of the date of publication will be sent to the Department. Previous compliance reports for this project have been published on the Main Roads website as required under this condition.
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.
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	N/A for the reporting period