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# **EPBC 2013/7091**

## **Annual Compliance Report**

Mitchell Freeway Extension  
Burns Beach Road to Hester Avenue  
June 2021

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# 1. Introduction

The Mitchell Freeway provides the primary road access route from the Perth north-west corridor towards the City of Perth. The freeway previously terminated at Burns Beach Road and was constructed in several stages since the 1960's, with further extensions to Romeo Road, Alkimos recently commenced.

The Mitchell Freeway Extension (the 'Project') to which this compliance report relates, is located within the City of Wanneroo and the City of Joondalup and consisted of the extension of the freeway from Burns Beach Road to Hester Avenue. The Project included the following works:

- Associated interchanges at Burns Beach Road, Neerabup Road and Hester Avenue;
- The duplication of Hester Avenue from Hidden Valley Retreat to Wanneroo Road;
- The duplication of Wanneroo Road from Flynn Drive to Hall Road;
- Upgrade of Neerabup Road from Connolly Drive to Wanneroo Road; and
- Associated underpasses and pathways.

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

The Project was referred to the then Department of the Environment and Energy (now Department of Agriculture, Water and Environment; DAWE) for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) as the Project was deemed to potentially impact significantly on the listed threatened species, Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*). The Project was determined by DAWE to be a 'Controlled Action' and was assessed through Preliminary Documentation. The DAWE issued approval of the Project on 2 September 2014 (EPBC 2013/7091) and included a number of conditions that Main Roads Western Australia (Main Roads) is required to fulfil.

## 1.2 Purpose of this Report

Construction of the Project commenced on 27 May 2015. This compliance report has been produced as required by Condition 7 of EPBC approval 2013/7091. Table 1 of this report outlines the compliance with each approval condition over the past 12 month period, 27 May 2020 to 27 May 2021.

The Project reached practical completion and subsequently opened to the public in August 2017.

## 2. Compliance

Table 1: 2020/2021 compliance with EPBC Approval 2013/7091

Condition Number	Condition Description	Status
1	The approval holder must not clear more than 89 hectares of Black Cockatoo habitat from the Project area.	Compliant.  50.25 hectares of Black Cockatoo habitat was cleared in total from the project area (Figure 1). No additional clearing has been undertaken since the submission of the 2016 annual compliance report.
2	<p>To mitigate impacts to Black Cockatoos, at least 3 months prior to the commencement of the Stage 1 component of the action, the approval holder must prepare and submit a Black Cockatoo Avoidance and Mitigation Plan (BCAMP) for the Minister’s approval. The BCAMP must include, but not be limited to:</p> <ul style="list-style-type: none"> <li>- Milestones and objectives of the BCAMP</li> <li>- Avoidance and mitigation measures to reduce the impacts to Black Cockatoos and measures to avoid the spread of dieback</li> <li>- Timeframes for the implementation and completion of the avoidance and mitigation measures</li> <li>- Details of monitoring, reporting and contingency measures if performance indicators are not met</li> <li>- Roles and responsibilities of personnel associated with implementation of each of the avoidance and mitigation measures.</li> </ul> <p>The approval holder must not undertake any clearing of Black Cockatoo habitat within the Stage 1 component of the project area</p>	<p>Compliant.</p> <p>The Minister approved the BCAMP on 26 October 2014 (evidence of this has been previously supplied to the Department) and commencement of the action was 27 May 2015.</p> <p>A compliance audit of the BCAMP was undertaken in May 2017 (WSP, 2017). Audit results confirmed no non-compliances with the BCAMP (evidence of this has been previously supplied to the Department).</p>

	unless the BCAMP has been approved by the Minister. If the Minister approves the BCAMP, then the approved BCAMP must be implemented.	
3	<p>To offset the loss of Black Cockatoo habitat, the approval holder must within 12 months from the date of this approval, provide the Department with written evidence that the offset property has been transferred to the Western Australian Department of Parks and Wildlife to be reserved for conservation in perpetuity.</p> <p>The written evidence must include a textual description and map clearly defining the location and boundaries of the offset property and be accompanied with the offset attributes and shapefile. The approval holder must also inform the Department how much of this offset property remains unattributed to this action for the purpose of supplying offsets for potential future projects.</p>	<p>Compliant.</p> <p>A variation to Condition 3 of approval EPBC 2013/7091 was approved by the Department on 4 August 2015, granting an extension of 12 months (amended date 2 September 2016) to find a suitable offset property (evidence of this has been previously supplied to the Department).</p> <p>Main Roads emailed the Department (Vaughan Cox) 2 May 2017 proposing a 710.43 ha alternative offset property at Lot 1395 Banovich Road, Hill River, Western Australia. This written evidence included textual description and map accompanied with offset attributes and shapefile. This notification also included information regarding how much of the offset property remains unattributed to this action. 1283 ha of Lot 1395 Banovich Road, Hill River, Western Australia may be used for the purpose of supplying offsets for potential future projects.</p> <p>The Department forwarded correspondence to Main Roads on June 1 2017 confirming an area of no less than 710 ha of Lot 1395 Banovich Road, Hill River, Western Australia had been agreed to by the Department.</p>
4	Within 30 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.	<p>Compliant.</p> <p>Commencement of the action was on 27 May 2015 and Main Roads notified the Department in writing on 11 June 2015, advising of the commencement (evidence of this has been previously supplied to the Department).</p>
5	If any time are five years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without written agreement of the Minister.	<p>Compliant.</p> <p>The action was approved 2 September 2014 and construction commenced 27 May 2015.</p>

6	<p>The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of the approval, including measures taken to implement the BCAMP required by this approval, and make them available upon the 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. The results of audits may also be publicised through the general media.</p>	<p>Compliant.</p> <p>Main Roads has maintained records in accordance with this condition and their legal obligations under the <i>State Records Act 2000</i> (Western Australia).</p>
7	<p>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 over the previous 12 months, including implementation of the BCAMP as specified in the conditions.</p> <p>Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published. The compliance reports must remain on the approval holder's website for a minimum of 12 months (beginning on the date of publication). Potential or actual contraventions of the conditions of the approval must be reported to the Department in writing within 2 business days of the approval holder becoming aware of the actual or potential contravention. All contraventions must also be included in the compliance reports.</p>	<p>Compliant.</p> <p>Main Roads did not submit the EPBC 2013/7091 2019 compliance report for the period 27 May 2018 – 27 August 2019.</p> <p>In accordance with this condition, Main Roads notified the Department within 2 business days of becoming aware of this contravention, which was by email from the Department. Evidence of this non compliance was supplied in the compliance report submitted to the Department on 13<sup>th</sup> August 2020. This compliance report covered a 24 month period, 27 May 2018 to 27 May 2020.</p> <p>This 2021 Compliance Report will be published on the Main Roads website for a minimum of 12 months. Documentary evidence of this publication will be sent to the Department at the same time as publication.</p>
8	<p>If the approval holder wishes to carry out any activity otherwise than in accordance with the BCAMP as specified in the conditions, the approval holder must submit to the Department for the Minister's written approval a revised version of that BCAMP. The varied activity shall not commence until the Minister has approved the varied BCAMP in writing. The Minister will not approve a varied BCAMP unless the revised BCAMP would result in an equivalent or improved</p>	<p>Not applicable.</p> <p>To date, no request has been received by the Minister to make specified revisions to the BCAMP.</p>

	<p>environmental outcome over time. If the Minister approves the revised BCAMP, that BCAMP must be implemented in place of the BCAMP originally approved.</p> <p>The approval holder may revise a management plan to correct a minor error in or make an administrative change to the document. Where the approval holder revises a management plan, the approval holder must provide to the Department within 14 days of revising the document:</p> <ul style="list-style-type: none"> <li>- A copy of the management plan, marked up to show the revisions, in both hard copy and electronic copy</li> <li>- A clear summary of all the revisions that have been made to the management plan, and the reasons for these revisions.</li> </ul>	
9	<p>If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, the Minister may request that the approval holder make specified revisions to the BCAMP specified in the conditions and submit the revised BCAMP for the Minister's written approval. The approval holder must comply with any such request. The revised approved BCAMP must be implemented. Unless the Minister has approved the revised BCAMP, then the approval holder must continue to implement the BCAMP originally approved, as specified in the conditions.</p>	<p>Not applicable.</p> <p>To date, no request has been received by the Minister to make specified revisions to the BCAMP.</p>
10	<p>Unless otherwise agreed in writing by the Minister, the approval holder must publish the BCAMP referred to in these conditions of approval on their website. The BCAMP must be published on the website within 1 month of being approved and must remain on the website for the period this approval has effect.</p>	<p>Compliant.</p> <p>The approved BCAMP referred to in these conditions of approval, is currently published on the Main Roads website:</p> <p><a href="https://www.mainroads.wa.gov.au/community-environment/environment/construction-project-reports/">https://www.mainroads.wa.gov.au/community-environment/environment/construction-project-reports/</a></p>

		The BCAMP will remain on the website for the period this approval has effect.
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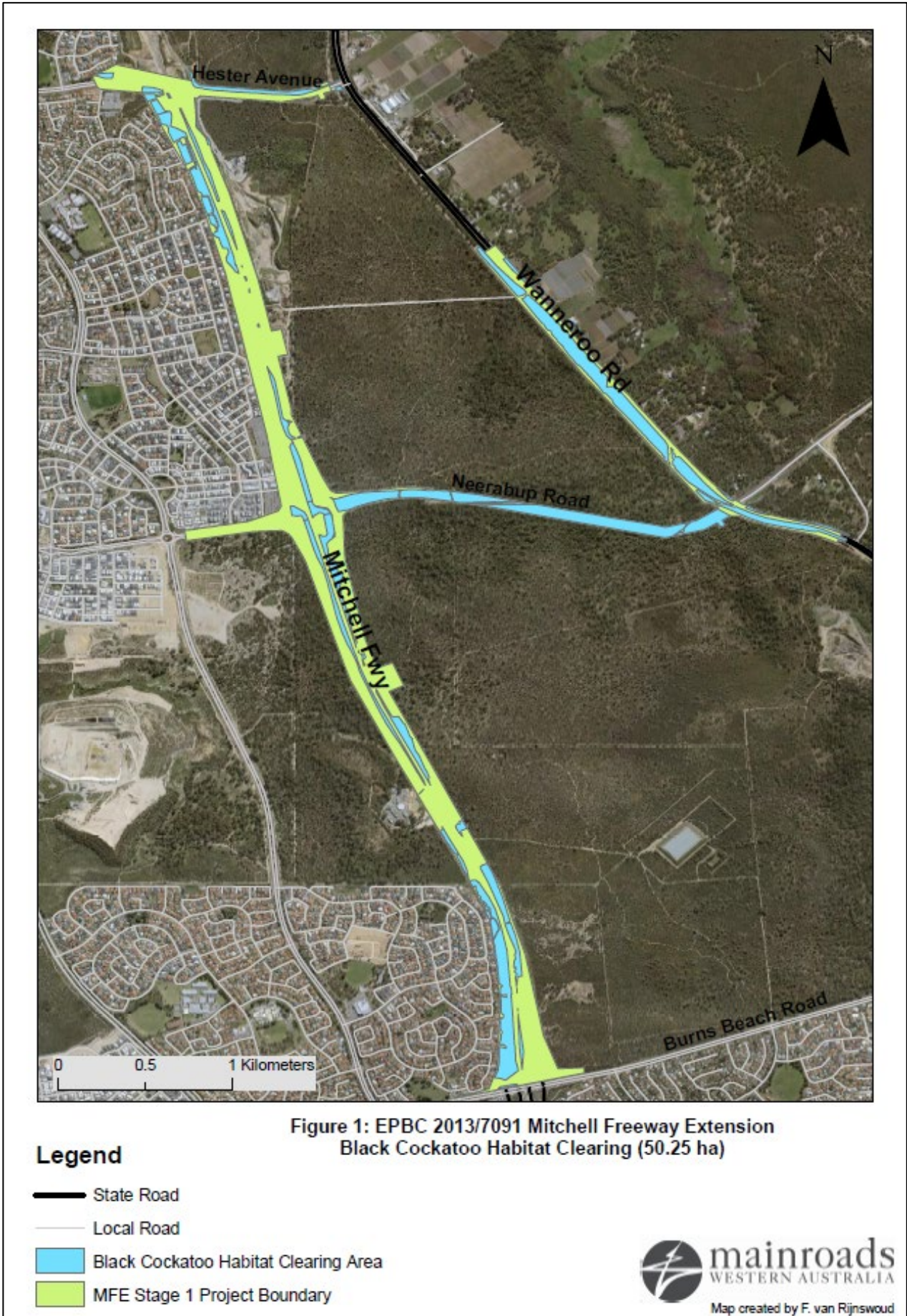


Figure 1 Total Clearing of Black Cockatoo Habitat from Project Area