



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 Rijnsdoud (Environment Officer)	22/05/2019	Draft v1
Reviewer	John Braid (Principal Environment Officer)	27/05/2019	Draft v1
Author	Fiona van Rijnsdoud (Environment Officer)	28/05/2019	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.

As at 31 March 2019, construction works from Reid Highway to the Gnangara Road intersection are complete and is now open to the public. It is anticipated that the entire Project to Muchea Road, will be completed and open to the public by the end of 2019.

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 2018 to 31 March 2019.

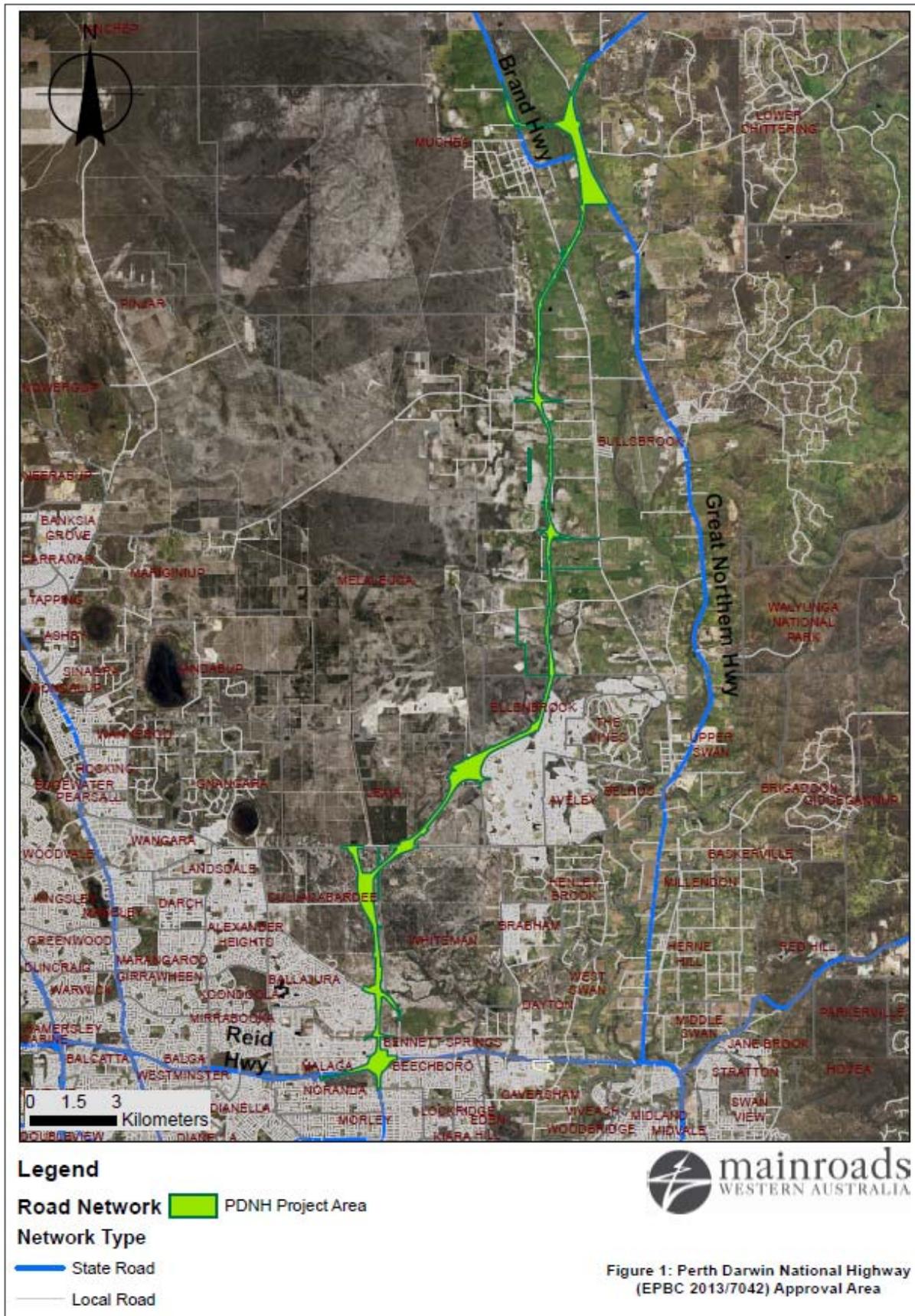


Figure 1: Perth Darwin National Highway - EPBC 2013/7042 approval area

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) A Compliance Assessment Report (CAR) was undertaken for the WA approval and was completed in December 2018. The CAR demonstrates Main Roads compliance with Condition 1 of WA approval see Appendix 1. b) A Compliance Assessment Report (CAR) undertaken for the WA approval was completed in December 2018. All findings relating to conditions 6, 7, 8, 9, 10, 11, 12, 13, 14 and 16 were either recorded as completed, compliant, satisfactory to date, in process or not required at this stage other than Condition 10.1 and 13.9 which was recorded as potentially non-compliant and non-compliant, respectively. Details of these two non-compliances are below. <p><u>Condition 10.1 (potentially non-compliant) – Flora and Vegetation Indirect Impacts and Threatened Flora and Communities Condition Environmental Management Plan:</u></p> <p>Of the 5 management targets, three were non-conforming in relation to the following: - Monitoring in April & July 2018 detected dust impacts</p>

Condition Number	Condition	Status
		<p>more than 10 m from the new edge of vegetation adjacent to Communities of tumulus Springs (Organic Mound Springs, Swan Coastal Plain), Claypans of the Swan Coastal Plain and Conservation Category Wetlands);</p> <ul style="list-style-type: none"> - Monitoring in April and July 2018 detected dust impacts more than 10 m from the new edge of native vegetation in areas of <i>Caladenia huegelii</i> habitat; - April 2018 monitoring reported dust and plant stress within SCP20a. Plant stress cannot be attributed to dust and further monitoring is required to determine the cause of senescence. <p><u>Condition 13.9 (non-compliant) – Inland Waters Environmental Quality Hydrological Processes Condition Environment Management Plan</u></p> <p>In August 2018, several small chemical containers and jerry cans were identified within the GUWPCA in shipping containers that are not bunded. This does not meet the requirement for fuels and chemicals to be stored in bunded areas. This issue has subsequently been resolved.</p> <ul style="list-style-type: none"> c) There were no changes proposed to the WA conditions. d) There were no changes to the WA conditions.
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 .	Compliant.

Condition Number	Condition	Status
	The plan must be provided to the Department within 1 month of approval of the plan by the WA government. In providing the loppolo Road Site Land Acquisition and Management Plan to the Department , the person taking the action must also include shapefiles for the boundary of the loppolo Road offset site.	Closed out in 2018 compliance report. Main Roads WA provided the Department with the loppolo 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.
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.	Compliant. 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. Refer to Appendix 2 for evidence.
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. Closed out in 2018 compliance report. Commencement of the action was on 31 March 2017 with Main Roads WA notifying the Department in writing on 5 April 2017.
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. The 2018 compliance report was published on the Main Roads website on 9 May 2018. The Department was notified on the same day. Refer to Appendix 3.
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	Compliance Assessment Report (MS 1036), Perth-Darwin National Highway (Swan Valley Section) December 2018
Appendix 2	WA Government approval of Land Acquisition and Rehabilitation Offsets Strategy and notification of approval to the Department
Appendix 3	Publishing of 2018 compliance report and notification to the Department

APPENDIX 1: Compliance Assessment Report, Perth-Darwin National Highway, Swan Valley Section (December 2018)

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

<https://project.mainroads.wa.gov.au/northlinkwa/Documents/Northlink%20Compliance%20Assessment%20Report%202018%20signed.PDF>

**APPENDIX 2: WA Government approval of Land Acquisition and Rehabilitation
Offsets Strategy and notification of approval to the Department**



Your ref: NLWA-03-EN-RP-0065
Our ref: 1DWERA-000450
Enquiries: Tonja Boyd, Ph 6364 6419

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

VIA EMAIL: John.Braid@mainroads.wa.gov.au

Dear Mr Braid

**PERTH-DARWIN NATIONAL HIGHWAY (SWAN VALLEY SECTION) –
MINISTERIAL STATEMENT 1036 – LAND ACQUISITION AND REHABILITATION
OFFSETS STRATEGY – APPROVED**

Thank you for your letter of 11 December 2018 submitting the Land Acquisition and Rehabilitation Offsets Strategy Perth-Darwin National Highway (Swan Valley section) Rev 3a, December 2018 to the Department of Water and Environmental Regulation (DWER) for review.

I note the document has been prepared to satisfy conditions 16-8 and 16-9 of Ministerial Statement 1036 which state:

16-8 Within twelve months of the publication of this Statement, the proponent shall prepare and submit a Land Acquisition and Rehabilitation Offsets Strategy to the CEO, with the objective of counterbalancing the significant residual impact to:

- (1) 5.5 ha of Yanga Vegetation Complex;
- (2) 129.9 ha of Bush Forever sites;
- (3) 5.2 ha of *Calyptorhynchus latirostris* (Carnaby's black cockatoo) foraging habitat;
- (4) 21.4 ha of *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo) foraging habitat; and
- (5) 16 ha of Conservation Category Wetlands.

16-9 The Land Acquisition and Rehabilitation Offsets Strategy required by condition 16-8 shall:

- (1) identify an area or areas to be protected, managed and/or restored for conservation or enhancement of the values identified in condition 16-8;
- (2) identify the area(s) of land to be protected, managed and/or restored which must contain:
 - (a) no less than 48 ha of wetlands which are of the same quality as Conservation Category Wetlands at the time of acquisition or after rehabilitation;
 - (b) 181 ha with vegetation communities and/or complexes and conditions commensurate with the Bush Forever sites being impacted; and
 - (c) no less than 5.5 ha of Yanga Complex;
- (3) include a completed WA Offsets Template, as described in the WA Environmental Offsets Guidelines 2014, as well as the Commonwealth's Offset Assessment Guide, to demonstrate how the proposed offset counterbalances the significant residual impact to:
 - (a) 5.2 ha of *Calyptorhynchus latirostris* (Carnaby's black cockatoo) potential foraging habitat; and
 - (b) 21.4 ha of *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo) potential foraging habitat;
- (4) identify the environmental attributes of the offset area(s);
- (5) commit to a protection mechanism for any areas of land acquisition, being either the area is ceded to the Crown for the purpose of conservation, or the area is managed under a Conservation Covenant in perpetuity;
- (6) if any land is ceded to the Crown for the purpose of conservation, the proponent will determine:
 - (a) the quantum of, and provide funds for, the upfront works associated with establishing the conservation area;
 - (b) the quantum of, and provide a contribution of funds for, the management of this area for no less than seven years;
 - (c) the quantum identified in conditions 16-9(6)(a) and 16-9(6)(b) shall provide for the requirements defined in condition 16-9(7)(a) to be met; and
 - (d) an appropriate management body for the ceded land;
- (7) state the management and/or rehabilitation actions to be undertaken including:
 - (a) the objectives and targets to be achieved, including completion criteria;
 - (b) the consistency of the objectives and targets identified in condition 16-9(7)(a) with the management objectives of the relevant Recovery Plans;
 - (c) management and/or rehabilitation actions and a timeframe for the actions to be undertaken;
 - (d) risk management;
 - (e) funding arrangements and timing of funding for conservation activities; and
 - (f) monitoring, reporting and evaluation mechanisms for management and/or rehabilitation actions;

(8) define the role of the proponent and/or third parties.

I also note that condition 16-10 requires that after receiving notice that the Land Acquisition and Rehabilitation Offsets Strategy satisfies the requirements of condition 16-9, the proponent shall:

- implement the actions in accordance with the requirements of the approved Strategy
- continue to implement the approved Strategy until it is demonstrated that the completion criteria have been met and the implementation actions are no longer required.

I am satisfied with the preparation of the Land Acquisition and Rehabilitation Offsets Strategy Perth-Darwin National Highway (Swan Valley section) Rev 3a, December 2018, and consider the requirements of conditions 16-8 and 16-9 of Ministerial Statement 1036 have been met.

Please note any changes to the management actions or targets of the Land Acquisition and Rehabilitation Offsets Strategy Perth-Darwin National Highway (Swan Valley section) Rev 3a, December 2018 would require the approval of the DWER.

Yours sincerely



Hans Jacob

A/Executive Director

EPA SERVICES

for the Chief Executive Officer under Notice of Delegation dated 3 July 2017

7 January 2019

VAN RIJNSWOUD Fiona (EO)

From: BRAID John (PEO) <john.braid@mainroads.wa.gov.au>
Sent: Tuesday, 8 January 2019 8:45 AM
To: EPBC Monitoring
Subject: EPBC 2013/7042 - Condition 3
Attachments: image011.png; image012.png; image013.png; image014.png; image015.png;
BRAID John (PEO) shared the folder _LAROS Rev3a_with you. (48.7 KB)

Dear Sir/Madam,

Main Roads Western Australia (Main Roads) is currently implementing the action approved under EPBC 2013/7042 Perth-Darwin National Highway (Swan Valley Bypass). The project (also known as Northlink) is due to be completed later this year.

Condition 3 of EPBC 2013/7042 requires Main Roads to provide the Department of Environment and Energy with state approved "Land Acquisition and Rehabilitation Offsets Strategy" (LAROS) as required under condition 16-8 of the WA approval within one month of the approval of the LAROS by the WA government. The WA Department of Water and Environmental Regulation, EPA Services, approved the LAROS on 7 January 2019.

Attached is an email containing a OneDrive link to the following documents:

- Statement 1036 Perth Darwin National Highway - LAROS - Approved (DWERDA-044790).pdf (WA government approval of the LAROS)
- PDNH LAROS Rev3a.pdf (the WA government approved Land Acquisition and Rehabilitation Offsets Strategy as required under condition 16-8 of the WA approval)
- PDNH LAROS Rev3a spatial data.zip (shapefiles of the offset boundaries as they relate to the LAROS)

Main Roads considers that this email and the associated OneDrive link to the LAROS, shapefiles and WA approval clear the requirement of condition 3 of EPBC 2013/7042.

The approved LAROS will be published on Main Roads Northlink project page at <https://project.mainroads.wa.gov.au/northlinkwa/Community%20Environment/Pages/Environment%20Assessment.aspx> by 25 January 2019.

If you have any issues regarding the LAROS or downloading the OneDrive link please contact me in the first instance.

Regards

John Braid

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



APPENDIX 3: Publishing of 2018 compliance report and notification to the Department

VAN RIJNSWOUD Fiona (EO)

From: VAN RIJNSWOUD Fiona (EO) <fiona.vanrijnswoud@mainroads.wa.gov.au>
Sent: Wednesday, 9 May 2018 9:54 AM
To: 'epbcmonitoring@environment.gov.au'
Cc: BRAID John (PEO)
Subject: EPBC 2013/7042 Perth-Darwin National Highway (Swan Valley Section), Western Australia - Condition 7

Good morning,

Re: Perth-Darwin National Highway (Swan Valley Section), Western Australia (EPBC 2013/7042) – Notification of Compliance Reporting under Condition 7

EPBC 2013/7042 Condition 7 requires a compliance report to be published on the Main Roads Western Australia (Main Roads) website within three months of every 12 month anniversary of the commencement of the action (date of commencement of action was 31 March 2017). The compliance report must address compliance with each of the conditions of approval EPBC 2013/7042.

Condition 7 also requires that documentary evidence providing proof of the date of publication on the Main Roads website must be provided to the Department of the Environment and Energy (the Department) at the same time as the compliance report is published.

In accordance with this condition, this email and the link below to the published compliance report is provided as documentary evidence that the compliance report for the period 31 March 2017 – 31 March 2018, was published on the Main Roads website this week
<https://project.mainroads.wa.gov.au/northlinkwa/Community%20Environment/Pages/Environment%20Assessment.aspx>

The EPBC 2013/7042 compliance report for the 2017 / 2018 period will continue to be published on the Main Roads website until such time as agreed in writing by the Minister.

A copy of the compliance report will be formally sent to the Department today.

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

Kind regards,

Fiona van Rijnswoud
Environment Officer
Infrastructure Delivery Directorate
p: 9323 4584
w: www.mainroads.wa.gov.au

(Please note I work part time Wednesday – Friday)

