



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 Rijnswood (Environment Officer)	19/04/2020	Draft v1
Reviewer	John Braid (Principal Environment Officer)	20/04/2020	Draft v1
Author	Fiona van Rijnswood (Environment Officer)	24/04/2020	Final

1 INTRODUCTION

Main Roads Western Australia (Main Roads WA) is nearing the completion of 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). The Project includes the 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.

The entire Project was opened to the public on 23 April 2020.

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 (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 2019 to 31 March 2020.

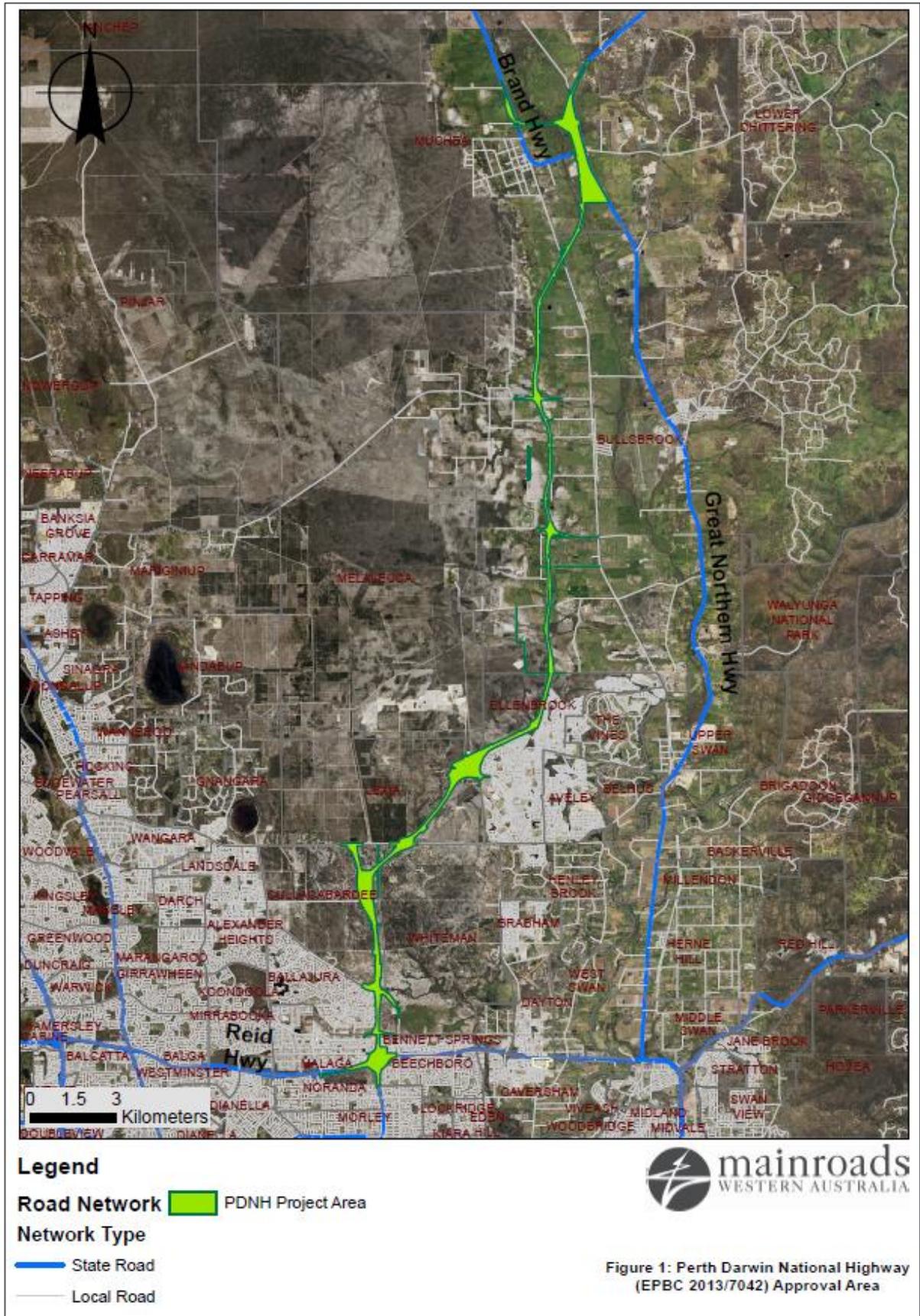


Figure 1: Perth Darwin National Highway - EPBC 2013/7042 approval area

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 2019 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 2019. All findings relating to conditions 6, 7, 8, 9, 10, 11, 12, 13, 14 and 16 were either recorded as completed, compliant, closed, in process or not required at this stage with the exception of Condition 8-4 which was recorded as Potentially Non-compliant. The details of this finding is below: <ul style="list-style-type: none"> <u>Condition 8-4 (potentially non-compliant) – Condition Environmental Management Plans (outcome based)</u> In the event that monitoring indicates exceedance of trigger criteria and/or threshold criteria specified in the Conditional Environmental Management Plans (CEMP), the proponent is expected to follow a number of directives as detailed in Condition 8-4 of the WA Approval. These include:

Condition Number	Condition	Status
		<ul style="list-style-type: none"> - Report the exceedance in writing within 7 days of the exceedance being identified - Immediately implement the trigger level actions specified in the CEMP and continue implementation of those actions until the trigger criteria are being met - Investigate to determine the cause of the trigger and determine potential environmental harm or alteration of the environment - Provide report to CEO within 60 days of the exceedance being reported <p>The findings in the 2019 CAR for Condition 8-4 state:</p> <p>'Exceedance of trigger and threshold criteria have generally been reported within 7 days of the exceedance being identified, except for in June and July 2019 where exceedances were reported to Main Roads WA, but not reported to DWER within 7 days. Main Roads WA notified DWER immediately once they were aware of this potential non-conformance with the reporting timeframes. DWER responded and concluded that this does not represent a non-compliance. Investigation reports were submitted to the CEO within the 60-day reporting timeline.'</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 . The plan must be provided to the Department within 1 month of	<p>Compliant.</p> <p>Closed out in the 2018 compliance report. Main Roads WA provided the Department with the Ippolo Road Site Land</p>

Condition Number	Condition	Status
	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.	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. This was closed out in the EPBC Approval 2019 Compliance Report.
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 section 458 of the EPBC Act , or used to verify compliance with the conditions of approval. Summaries of audits will be posted on	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
	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 2019 compliance report was published on the Main Roads website on 28 May 2019. The Department was notified on the same day. Refer to Appendix 2.
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.
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	Not applicable.

Condition Number	Condition	Status
	members of the public upon request, within a reasonable time of the request.	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 2019
Appendix 2	Publishing of 2019 compliance report and notification to the Department

APPENDIX 1: Compliance Assessment Report, Perth-Darwin National Highway, Swan Valley Section (December 2019)

Link below to the 2019 PDNH Compliance Assessment Report on the Main Roads WA website:

<https://project.mainroads.wa.gov.au/northlinkwa/Community%20Environment/Pages/Environment%20Assessment.aspx>

APPENDIX 2: Publishing of 2019 compliance report and notification to the Department

VAN RIJNSWOUD Fiona (EO)

From: VAN RIJNSWOUD Fiona (EO) <fiona.vanrijnswoud@mainroads.wa.gov.au>
Sent: Tuesday, 28 May 2019 5:11 PM
To: 'epbcmonitoring@environment.gov.au'
Cc: BRAID John (PEO)
Subject: EPBC 2013/7042 Perth-Darwin National Highway (Swan Valley Section), Western Australia - Condition 7 Compliance Reporting

Good afternoon,

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

Condition 7 of EPBC 2013/7042 requires an annual 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 action (date of commencement of action being 31 March 2017). The annual compliance report is to 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 the above, this email and the link below to the published 2019 compliance report is provided to the Department as documentary evidence that the compliance report for the period 31 March 2018 – 31 March 2019, was published on the Main Roads website today

<https://project.mainroads.wa.gov.au/northlinkwa/Documents/Northlink%20EPBC%202013%207042%20Compliance%20Report%202019%20Final.pdf>

The EPBC 2013/7042 compliance report for the 2018/2019 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 2018/2019 compliance report will also 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: +61 9323 4584
w: www.mainroads.wa.gov.au



*We're working for
Western Australia.*



Please note, I do not work Mondays.