



mainroads
WESTERN AUSTRALIA

EPBC Act Compliance Report

York-Merredin Road Widening and Upgrade, Shire
of Quairading, Western Australia
(EPBC 2015/7536)

Reporting period: 30 November 2020 to
29 November 2021

Report Compilation & Review	Name and Position	Date	Document Revision
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Reviewer			

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1 INTRODUCTION

Main Roads Western Australia (Main Roads) is undertaking upgrades of three sections of York-Merredin Road, in the Avon Wheatbelt region of Western Australia between Straight Line Kilometre (SLK) 1.95 and SLK 51.

Gradual and steady increases in traffic levels along the York-Merredin Road have occurred as a result of increased grain freight movements in the area. This has increased the volume of vehicles using the York-Merredin Road to access the Co-operative Bulk Handling bins in the area. The width of the existing road is unsuitable for the increased traffic and these works are required to improve the road geometry and general road safety attributes.

The Project consists of the following key components:

- Road widening for three sections of the York-Merredin Road (SLK 1.95 to 15, SLK 19 to 29 and SLK 29 to 51).
- The extension of 24 culverts, installation of one new culvert and upgrade (widening) of 13 existing culverts in the first section (1.95 SLK to 15 SLK).
- The replacement of six culverts and extension of 10 culverts in the second section (19 SLK to 29 SLK).
- The replacement of 21 culverts, extension of 26 and installation of one new culvert in the third section (29 SLK to 51 SLK).

1.1 Approval under the Environment Protection and Biodiversity Conservation Act 1999

The Project was referred to the former Department of the Environment (now the Department of Agriculture, Water and the Environment (the Department)) for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) due to potential impacts on the listed threatened species Carnaby's Cockatoo (*Calyptorhynchus latirostris*) and the Red-tailed Phascogale (*Phascogale calura*). The Department granted approval of the Project on 15 November 2016 (EPBC 2015/7536), subject to a number of conditions that Main Roads is required to fulfil.

EPBC 2015/7536 was due to expire on 30 July 2021. Due to a lack of funding, the full program of works associated with the Project, outlined in the original proposal has not yet been completed. On 23 March 2021, Main Roads requested an extension of the period of effect of EPBC Act approval 2015/7536 from the Department. The extension to the period of effect until 30 July 2031 was granted by the Department on 4 May 2021.

1.2 Purpose of this Report

This compliance report has been produced to satisfy Condition 6 of approval EPBC 2015/7536. Table 1 of this report outlines project compliance against each approval condition over the 12-month period from 30 November 2020 to 29 November 2021 (the reporting period).

1.3 Status of the Project

Clearing for this Project commenced in 2016 and less than half the approved clearing has been completed to date. No clearing or construction activities for the Project were undertaken during the reporting period.

2 COMPLIANCE

Table 1: Compliance with Conditions of EPBC Approval 2015/7536

Condition Number	Condition	Status	Evidence/Comments
1	<p>For the protection of the EPBC Act listed Carnaby's black cockatoo (<i>Calyptorhynchus latirostris</i>) and the Red-tailed phascogale (<i>Phascogale calura</i>) the person taking the action must:</p> <p>a) Ensure the maximum total clearing is no more than 38.85 ha</p> <p>b) Clear no more than 35.59 ha of Carnaby's black cockatoo foraging habitat and 592 potential breeding trees</p> <p>c) Clear no more than 38.2 ha of Red-tailed phascogale (<i>Phascogale calura</i>) habitat.</p> <p>d) Comply with condition 7 of clearing permit (CPS 6800/1).</p>	Compliant	<p>a) No vegetation clearing occurred during the reporting period. A total of 11.37 ha of clearing has been undertaken for this project to date.</p> <p>b) No vegetation clearing occurred during the reporting period. The project has resulted in the clearing of a total of 9.13 ha of Carnaby's black cockatoo foraging habitat and 210 potential breeding trees to date.</p> <p>c) No Red-tailed phascogale habitat was cleared during the reporting period. A total of 10.33 ha of suitable habitat for this species has been cleared to date.</p> <p>d) Works to date have been undertaken in accordance with Condition 7 of CPS 6800/2: Weed Control. An example of Weed and Seed Inspection Certificates used on site to manage potential weed spread was provided in the 2019 Compliance Report.</p>

Condition Number	Condition	Status	Evidence/Comments
2	<p>To offset the loss of Carnaby's black cockatoo foraging habitat and 592 potential breeding trees and habitat for the Red-tailed phascogale, prior to the commencement of the action, the person taking the action must:</p> <p>a) Make a financial contribution to the WA DER Offsets Fund to fully fund the purchase of an offset site containing a minimum of 261 ha of Carnaby's black cockatoo foraging habitat and potential breeding trees and habitat for the Red-tailed phascogale.</p> <p>b) Provide the Department with written evidence that the financial contribution has been made to the WA DER Offsets Fund.</p>	Compliant	<p>A financial contribution was made to the WA DER Offsets Fund prior to commencement of the action.</p> <p>Written evidence of this financial contribution was previously provided to the Department via email on 30 November 2016 and was included in the 2018 Compliance Report submitted to the Department on 19 February 2018.</p>
3	<p>Within 12 months of the commencement of the action (or otherwise agreed by the Department in writing), the person taking the action must provide the Department with the offset attributes and a shapefile.</p>	Compliant	<p>The action commenced on 29 November 2016.</p> <p>The offset attributes and shapefile were provided to the Department on 31 October 2017.</p>

Condition Number	Condition	Status	Evidence/Comments
4	Within 30 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	The action commenced on 29 November 2016. Main Roads notified the Department of commencement of the action in writing on 30 November 2016.
5	The person taking the action 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
6	<p>Unless otherwise agreed to in writing by the Minister, 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. 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. Reports must remain published for the life of the approval. The person taking the action must continue to publish this report each year until such time as agreed to in writing by the Minister.</p>	Compliant	<p>The action commenced on 29 November 2016. This 2022 compliance report covers compliance for the reporting period 30 November 2020 to 29 November 2021. It will be published on the Main Roads website by 26 February 2022 and documentary evidence of the date of publication will be sent to the Department.</p> <p>The following reports were published on the Main Roads website as required under this condition:</p> <ul style="list-style-type: none"> • 2021 Compliance Report (for the reporting period 30 November 2019 to 29 November 2020) • 2020 Compliance Report (for the reporting period 30 November 2018 to 29 November 2019) • 2019 Compliance Report (for the reporting period 30 November 2017 to 29 November 2018) • 2018 Compliance Report (for the reporting period 29 November 2016 to 29 November 2017) <p>These reports continue to be available at the following website: https://www.mainroads.wa.gov.au/OurRoads/Environment/Pages/reports.aspx</p>

Condition Number	Condition	Status	Evidence/Comments
7	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 2015/7536
8	If, at any time after 5 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 commence the action without the written agreement of the Minister.	Not applicable	The project was approved on 15 November 2016 and the action was commenced on 29 November 2016.