



mainroads
WESTERN AUSTRALIA

EPBC 2014/7385 Annual Compliance Report

TONKIN GRADE SEPARATION, NORTH OF
BENARA ROAD AND EXTENDING SOUTH OF
COLLIER ROAD, BAYSWATER, WA

15 August 2019

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1 INTRODUCTION

The Tonkin Grade Separation Project (the Project) forms part of the greater Perth Darwin National Highway improvement project (Northlink) and involves the upgrade of Tonkin Highway to full freeway standard to facilitate the flow of traffic through to the Swan Valley section. The objectives of the Project are to:

- Improve freight capacity, efficiency and productivity;
- Reduce urban congestion now and into the future;
- Improve road safety in line with the State “Towards Zero” policy;
- Maximise sustainability through economic, social and environmental responsibility; and
- Improve amenity for the community, tourists and road users.

Key construction works of the Project include:

- Upgrading Tonkin Highway to a six-lane highway between Guildford Road and Reid Highway including side and median shoulders;
- Constructing a new interchange at Collier Road. Collier Road will be realigned and raised to go over Tonkin Highway, with on and off ramps connecting the two roads. This interchange will be similar to the ones at Tonkin Highway and Horrie Miller Drive, and Leach Highway and Abernethy Road;
- Constructing a new interchange at Morley Drive. This includes a roundabout at ground level on Morley Drive that will connect with a raised Tonkin Highway;
- Allowance for future rail infrastructure;
- A flyover at Benara Road over Tonkin Highway; and
- New cycling and pedestrian facilities including a 4 m wide shared path alongside Tonkin Highway from Guildford Road to Ellenbrook.

2 CURRENT PROJECT STATUS

Construction of this Project is complete and the road is operational. No construction works were undertaken during this reporting period.

3 APPROVAL UNDER THE ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

The Project was referred to the Department of the Environment and Energy (DotEE) for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) as the Project was deemed to have a potentially significant impact on two listed threatened species; Carnaby’s Black Cockatoo (*Calyptorhynchus latirostris*) and the Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksia naso*). DotEE issued approval of the Project on 7 December 2015 (EPBC 2014/7385) and the approval included a number of conditions that Main Roads Western Australia (MRWA) is required to fulfil.

4 PURPOSE OF THIS REPORT

Condition 4 of EPBC 2014/7385 states that:

“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. 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. The approval holder must continue to publish the report until such time as agreed in writing by the Minister.”

This report has been prepared to comply with Condition 4 above. This is the third compliance report prepared for the Project, and covers the 12 month period from 10 June 2018 to 10 June 2019.

5 ASSESSMENT OF COMPLIANCE

No clearing has occurred since the 2018 compliance audit and submission of the previous compliance report.

Table 1 of this report outlines the compliance with each approval condition over the 12 month period from 10 June 2018 to 10 June 2019.

Table 1: Compliance with EPBC 2014/7385 conditions

Condition No.	Condition	Status	Comments
1	<p>In order to minimise impacts to black cockatoos the approval holder must comply with WA approval conditions 1-1, 1-2 and 1-3 (reference to CPS 6456/1):</p> <p>1-1: Purpose for which clearing may be done: Clearing for the purpose of the Tonkin Highway upgrade;</p> <p>1-2: Land on which clearing may be done: <i>numerous properties listed – refer to CPS 6456/1 for full list</i>;</p> <p>1-3: Area of clearing: The Permit Holder must not clear more than 15.38 hectares of native vegetation within the area hatched yellow on attached Plan 6456/ 1.</p>	Compliant.	<p>No clearing was conducted in this reporting period.</p> <p>Condition 1-1:</p> <p>Clearing undertaken to date has been done so only for the purpose of the Tonkin Grade Separation Project which is referred to in the WA approval documentation (CPS 6456/1) as 'Tonkin Highway Upgrade'. 11.7 hectares have been cleared for the purpose of the Tonkin Highway Upgrade</p> <p>Condition 1-2:</p> <p>Clearing undertaken to date occurs within all land parcels listed under Condition 1-2 of CPS 6456/1. No clearing has occurred outside of the approved area specified in CPS 6456/1 (refer to Figure 1).</p> <p>Condition 1-3:</p> <p>11.7 hectares of the approved 15.38 hectares of clearing has occurred to date. No clearing of native vegetation occurred during the current reporting period.</p>
2 (as amended)	To offset the loss of habitat for Black Cockatoos, the approval holder must provide written evidence to the Department that the approval holder has provided funding to the Department of Biodiversity, Conservation and Attractions to fully acquire the 45 ha area shown at Annexure 1 and marked in black as the proposed offset. The written evidence must include the offset attributes and a shapefile.	Completed	Closed out in the 2018 EPBC 2014/7385 Compliance Report.
3	Within 14 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.	Completed.	Closed out in the 2017 EPBC 2014/7385 Compliance Report.
4	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. 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	Compliant.	The 12 month anniversary of the commencement of the action was 10 June 2018, therefore a report was required to have been published on the MRWA website prior to 10 September 2018.

Condition No.	Condition	Status	Comments
	the same time as the compliance report is published. The approval holder must continue to publish the report until such time as agreed in writing by the Minister.		DotEE was notified of the uploading of the report to the MRWA website via an email sent from Fiona van Rijnswood, Environmental Officer at MRWA, on 6 September 2018. A copy of the email is provided as Attachment 1. The last compliance report is currently on the MRWA website.
5	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.	The Minister did not direct MRWA to conduct an independent audit during the reporting period.
6	The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the Plans or Surveys required 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 the Department's website. The results of audits may also be publicised through the general media.	Compliant.	Main Roads WA has maintained accurate records in accordance with this condition and their legal obligations, under the <i>State Records Act 2000</i> (Western Australia).

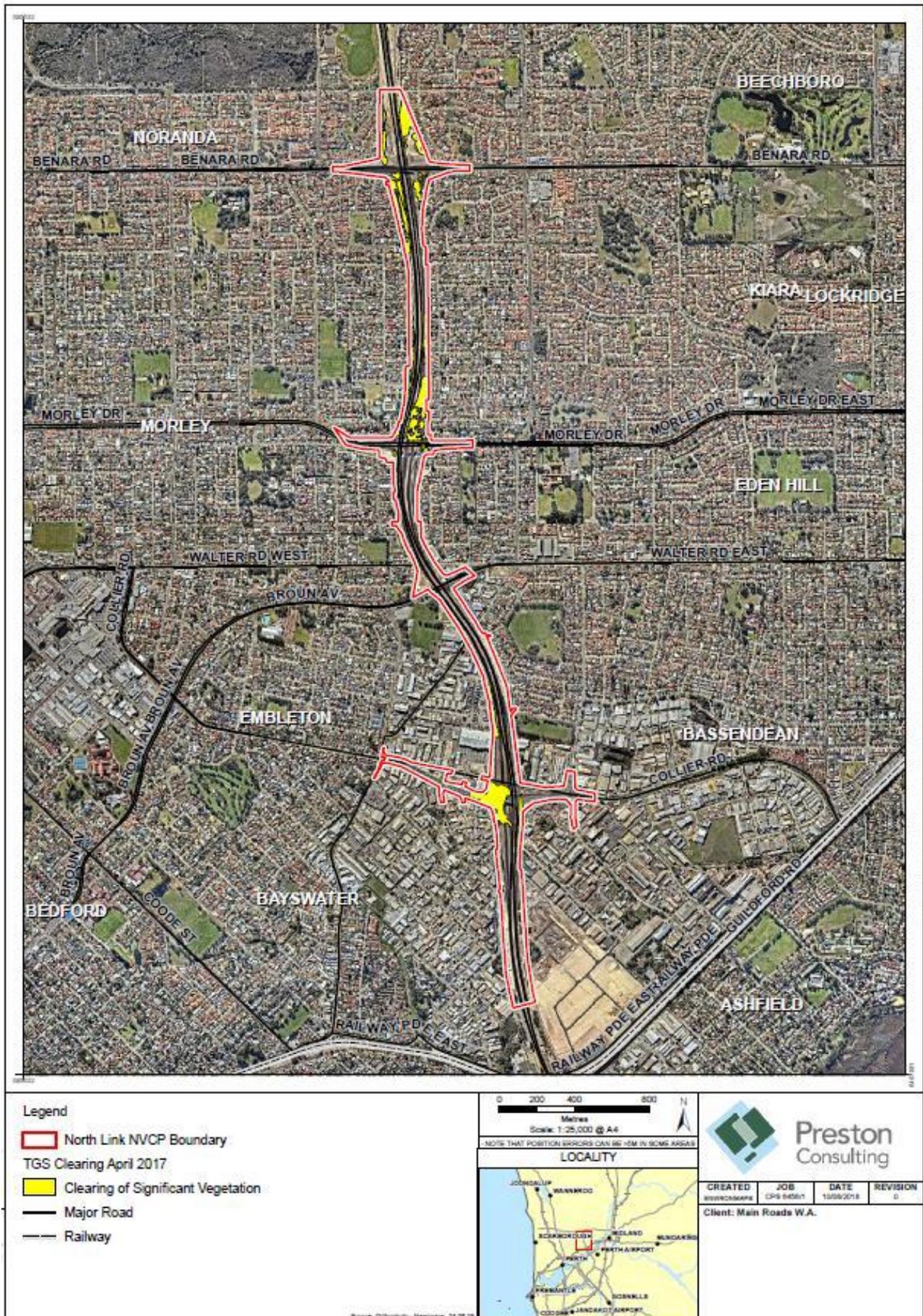


Figure 1: Location of native vegetation clearing within the permit area

6 SUMMARY

This report has been prepared to comply with Condition 4 of EPBC 2014/7385. This is the third compliance report prepared for the Project, and covers the twelve month period from 10 June 2018 to 10 June 2019.

MRWA has assessed the compliance of the Project against the conditions of EPBC 2014/7385 in accordance with Condition 4. No non-compliances were identified.

Attachment 1: Notification of the uploading of the September 2018 EPBC 2014/7385 Compliance Report to the MRWA website

From: VAN RIJNSWOUDE Fiona (EO)
To: "epbcomitcring@environment.gov.au"
Cc: BRADY John (PEO); NICHOLL Mark (PD/A)
Subject: EPBC 2014/7385 Tonkin Grade Separation, North of Benara and extending south of Collier Road, Bayswater WA - Compliance reporting under Condition 4
Date: Thursday, 6 September 2018 4:25:25 PM
Attachments: image001.png
 image002.png
 image003.png
 image004.png
 image005.png
 180816_Tonkin Grade Separation EPBC Compliance Report 2018 FINAL.pdf

Good afternoon,

Re: Tonkin Grade Separation, North of Benara and Extending South of Collier Road, Bayswater, WA (EPBC 2014/7385) – Notification of Compliance Reporting under Condition 4

EPBC 2014/7385 Condition 4 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 10 June 2017). The compliance report must address compliance with each of the conditions of approval EPBC 2014/7385.

Condition 4 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 10 June 2017 – 10 June 2018, was published on the Main Roads website today
<https://project.mainroads.wa.gov.au/northlinkwa/Community%20Environment/Pages/Environment%20Assessment.aspx>

The EPBC 2014/7385 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 is attached. A hard copy has not been sent.

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

Kind regards,
 Fiona.

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

(Please note I work part time Wednesday – Friday)

