VIDA Roads

October 2026

O'Herns Road and Hume Freeway Interchange Project, Victoria

Annual Compliance Report No. 8
October 2025 to October 2026
EPBC Approval No. 2017/8008

DOC/26/84443

Prepared for

Triage and Wildlife Section
Environment Permitting and Compliance Division
National Environmental Protection Agency
GPO Box 3090, CANBERRA ACT 2601

BIG BUILD ROADS
NORTH EAST LINK
WEST GATE TUNNEL PROJECT
VICTORIAN INFRASTRUCTURE DELIVERY AUTHORITY
VICTORIA'S BIG BUILD
VICTORIA State Government

Approval Information

Criteria	Details
Approval number	2017/8008
Approval holder:	Roads Corporation (trading as VicRoads) Due to Machinery of Government changes VIDA Roads is now responsible for the delivery of the Action.
ABN:	61 760 960 480 VIDA Roads is a project office within the Victorian Infrastructure Delivery Authority, which is an administrative office within the Victorian Department of Transport & Planning (ABN 69 981 208 782).
Approved action	To construct and operate the duplication of O'Herns Road, a new interchange at the Hume Freeway and O'Herns Road, and auxiliary lanes on the Hume Freeway between O'Herns Road and Cooper Street, Epping, Victoria

Document Control Record

Criteria	Details
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Acknowledgement of Country

The O'Herns Road and Hum Freeway Interchange Project is located on the lands of the Wurunderj Woi wurrung people.

VIDA Roads acknowledges the Wurundjeri Woi wurrung people as the Traditional Owners and custodians. We acknowledge their ancestors who cared for the land, rivers, and sea. We pay our respects to their Elders past, present, and future

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Terms, abbreviations, and definitions

The terms, abbreviations and definitions that have been used in this document are listed in the below table.

Term/Abbreviation	Definition
DCCEEW	Department of Climate Change, Energy, the Environment and Water (the Department)
DTP	Department of Transport and Planning (Victoria)
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999*
GGF	Growling Grass Frog
GGFCMP	Growling Grass Frog Conservation Management Plan (*Growling Grass Frog Conservation Management Plan: O'Herns Road – Stage 2. Biosis 22 August 2019*)
GSM	Golden Sun Moth
GSMOMP	Golden Sun Moth Offset Management Plan (*Sievers Lane, Glenhope Victoria: Golden Sun Moth Offset Management Plan. Biosis 18 May 2022*)
HA	Hectare
MNES	Matters of National Environmental Significance
NEPA	National Environmental Protection Agency
VIDA	Victorian Infrastructure Delivery Authority
OMP	Sievers Lane, Glenhope, Victoria: Golden Sun Moth Offset Management Plan. Biosis 18 May 2022
VIDA Roads	VIDA Roads (formerly Major Road Projects Victoria, MRPV)

1 Executive Summary

The final approval of Referral No. 2017/8008 under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) was given to VIDA Roads (formerly VicRoads and Major Road Projects Authority) on June 17 2019 with respect to the construction of the O'Herns Road and Hume Freeway Interchange Project (the Project). VIDA Roads is a project office within the Victorian Infrastructure Delivery Authority, an administrative office within the Department of Transport and Planning (formerly the Department of Transport) (DTP).

Under Condition 21 of the decision notice, an annual compliance report is required to be published on VIDA Roads's website for each12 month period following the date of commencement of the action (19 September 2019). The report must address compliance with each of the conditions of the approval, including implementation of any management plans as specified in the conditions.

This compliance report addresses the current status of the Project against the conditions of the EPBC Act Approval No. 2017/8008. This is the 8th compliance report prepared for the O'Herns Road and Hume Freeway Interchange Project and relates to the period October 31 2025 to October 31 2026.

All major construction works related to the Project were completed on 15 May 2024. Correspondence advising the Department of the completion of construction was sent to the DCCCEEW on 14 June 2024.

VIDA Roads finalised the transfer of responsibility for operating and maintaining the road to the Victorian Department of Transport and Planning (DTP) on 27 June 2025.

The Project achieved compliance with all conditions of the approval during the current reporting period, with the exception of Condition 9. It was identified during an internal audit that administrative elements of the OMP had not been implemented as detailed in the plan.

NEPA was notified via email on 28 August 2026 of the non-compliance with Condition 9. Neither of the matters identified are expected to have an impact on matters of national environmental significance protected at the offset site.

2 Introduction

2.1 Purpose of this report

The purpose of this report is to demonstrate compliance of the Project against the conditions of the Approval (Table 1).

Under Condition 21 of the Approval, an annual compliance report must be prepared for each 12 month period following the date of commencement of the action (19 September 2019), or as otherwise agreed to in writing by the minister, addressing compliance with each of the conditions of the Approval (see Section 3).

2.2 Background

A referral to the Minister for the above Project was submitted in 2017. A decision on this referral was issued on September 29, 2017 determined that the proposed action was a 'controlled action' requiring assessment and approval under the EPBC Act.

The relevant controlling provision under the Act is the Project's impact on listed threatened species and communities (Sections 18 and 18A). In particular:

- Impact on the critically endangered (now vulnerable as of 7 December 2021) Golden Sun Moth *Synemon plana*; and
- Potential impact on the vulnerable Growling Grass Frog *Litoria raniformis*.

The Project was subsequently approved by the Department as a controlled action on June 17, 2019. The approval to Referral No. 2017/8008 under the EBPC Act was given to the DTP (ABN 69 981 208 782) with respect to the construction of the Project. As an entity of DTP, VIDA Roads is responsible for the delivery of the Action.

2.2.1 Description of activities

O'Herns Road is an east-west route in the growing suburb of Epping. The Project aims to alleviate congestion on existing local roads and the northern suburbs of Melbourne by adding new lanes to an existing section of O'Herns Road and by providing an alternative access onto the Hume Freeway. The Project is jointly funded by the Australian Government and the State Government of Victoria.

The Project includes:

- A new diamond interchange with direct access to the Hume Freeway;
- New traffic light intersections at Edgars Road, Gateway Boulevard and Koukoura Drive;
- One new lane in each direction on O'Herns Road between the Hume Freeway and Redding Rise;
- One new lane in each direction on the Hume Freeway between O'Herns Road and Cooper Street; and
- Continuation of on-road bicycle lanes on O'Herns Road from Redding Rise and connecting to the existing Galada Tamboore Pathway.

A Project map is provided in Appendix A of this report

2.2.2 Project status

The Project was deemed to be completed on the May 15 2024, after the completion of a close out inspection, confirming the completion of all works associated with the action.

The Department was notified in writing and provided the project completion data on June 14 2024:

3 Performance and Compliance (EPBC 2017/8008)

Condition Number	Condition Reference	Condition of Approval	Compliance Status	Comments / Evidence
1	Conditions specific to the action	The approval holder must ensure that the proposed action is undertaken within the Project area	Not applicable during this reporting period	Not applicable during this reporting period as the road is in operation and all works were completed within the Project area as evidenced by As built drawings. No additional works have occurred during the current reporting period.
2	Conditions specific to the action	The approval holder must not cause impacts to more than 10.88 hectares of Golden Sun Moth (GSM) habitat within the Project area	Not applicable during this reporting period	Not applicable during this reporting period as the road is in operation and all works have been completed. The final extent of disturbance to confirmed GSM habitat was measured at 7.03 hectares, significantly under the maximum limit of impact of 10.88 hectares. Shapefile data demonstrating the areas of disturbance were provided to the Department via email on 14 June 2024 as part of the completion of the action.
3	Conditions specific to the action	The approval holder must construct the culverts in accordance with the preliminary documentation and the Growling Grass Frog (GGF) Conservation Management Plan	Not applicable during this reporting period	Not applicable during this reporting period as the road is in operation and all works have been completed. Culverts and landscaping were constructed in accordance with the preliminary documentation and GGF Conservation Management Plan (GGFCMP). This is evidenced by the culvert construction plan, aerial imagery of GGF culvert construction before, during and after construction in addition to landscape and management plans.
4	Conditions specific to the action	The approval holder must implement the GGF Conservation Management Plan for the life of the approval	Compliant	Requirements of the GGFCMP were implemented throughout the project as documented in project inspection and audits. Maintenance of the asset was handed over to DTP including details of the GGFMP.
5	Environmental Offsets	To compensate for the loss of 10.88 hectares of GSM habitat, prior to commencement of the action, the approval holder must: Enter into a written bond agreement with Trust for Nature to hold funds in trust for the purpose of securing and managing an offset	Not applicable during this reporting period	Not applicable during this reporting period as the Bond Agreement with Trust for Nature (TFN) was executed on July 2, 2019. A copy of this agreement was provided to the Department on July 8, 2019. A sum of $6,000,000 (excluding GST) was sent to TFN on July 17, 2019.

Condition Number	Condition Reference	Condition of Approval	Compliance Status	Comments / Evidence
		area of at least 78.8 hectares of Golden Sun Moth habitat at Sievers Lane, Glenhope, Victoria as identified in Appendix 4 of the Preliminary Documentation, or another offset area agreed to by the Minister in writing. A copy of the bond agreement must be provided to the Department within seven days following execution. Provide a sum of $6,000,000 (excluding GST) to Trust for Nature to be held until such time as the offset area is identified and secured in accordance with condition 6a, at which time that sum will form the basis of the payment to purchase environmental services for the offset area.		Upon completion of condition 6, the bond payment was released and provided back to MRPV June 28, 2021.
6	Environmental Offsets	To provide for the conservation and enhancement of GSM habitat the approval holder must: a. Within 12 months of the date of this approval, execute a Credit Trading Agreement for the provision of environmental services at the offset area. The approval holder must not execute a Credit Trading Agreement until the Minister has approved the Offset Management Plan (OMP) required under condition 8 b. The Department must be provided with a copy of the signed Credit Trading Agreement within 4 weeks following its execution. c. Within 12 months of the date of signing the Credit Trading Agreement, provide written evidence to the Department that the signed	Not applicable during this reporting period	Not applicable during this reporting period as the Credit Trade Agreement (CTA) was executed on June 17, 2020. A copy of this agreement was provided to the Department on June 30, 2020. On the March 12, 2021 MRPV was informed by TFN that the conservation covenant had been signed and registered to the land title for the offset site associated with EPBC approval 2017/8008. The Department was provided a copy of the signed conservation covenant April 6, 2021.

Condition Number	Condition Reference	Condition of Approval	Compliance Status	Comments / Evidence
		conservation covenant for the offset area has been registered on the title of the offset area. The Department must be provided with a copy of the signed conservation covenant within 4 weeks following registration on the title of the offset area		
7	Environmental Offsets	Within 14 days of the offset, required under condition 6, being secured the approval holder must provide the Department with: a. Written evidence demonstrating that the offset has been secured b. Shapefiles and offset attributes that clearly define the location and boundaries of the offset area	Not applicable during this reporting period	Not applicable during this reporting period. Written evidence demonstrating that the offset had been secured under condition 6a was given to the Department on June 30, 2020 by providing a copy of the CTA executed on June 17, 2020. Notification of the signing and registration of the conservation covenant was also given to the Department on April 6, 2021 in accordance with condition 6d. Shapefiles and attributes clearly defining the location and boundaries of the offset were provided to the Department as part of the GSM Offset Management Plan (GSMOMP) submitted on September 9, 2019 and approved on May 28, 2020. The shapefiles and attributes were again provided to the Department on the February 20, 2020. Accordingly, the Department had this information at the time that a copy of the CTA was provided on June 30, 2020, and at the time that the conservation covenant was entered into and registered as advised to the Department on April 6, 2021.
8	Environmental Offsets	The approval holder must submit to the Department an Offset Management Plan (OMP) for the offset area. The OMP must: a. Be prepared by a suitably qualified person, and be consistent with the Department's Environmental Management Plan Guidelines and	Not applicable during this reporting period	Not applicable during this reporting period as the GSMOMP was submitted to the Department on September 9, 2019, and was approved by the Department on May 28, 2020.

Condition Number	Condition Reference	Condition of Approval	Compliance Status	Comments / Evidence
		the EPBC Act Environmental Offset Policy b. Demonstrate how the offset area and environmental services will compensate for the loss of 10.88 hectares of GSM habitat consistent with the EPBC Act Environmental Offsets Policy c. include, but not be limited to i. a description of the offset area including location, size, condition, environmental values present and surrounding land uses; ii. baseline data and other supporting evidence that documents the presence and baseline quality of the Golden Sun Moth habitat within the offset area; iii. maps and shapefiles of the offset area; iv. specific objectives to demonstrate Golden Sun Moth habitat quality improvement over the life of the approval; v. specific management actions, and timeframes for implementation, to be carried out to meet the specific objectives to improve the quality of the Golden Sun Moth habitat within the offset area;		

Condition Number	Condition Reference	Condition of Approval	Compliance Status	Comments / Evidence
		vi. key performance indicators to demonstrate the improvement to the quality of Golden Sun Moth habitat; vii. the nature, timing and frequency of monitoring to determine the success of management actions against key performance indicators; viii. indicative corrective actions that will be implemented in the event monitoring activities indicate key performance indicators are not or are unlikely to be achieved; ix. the roles and responsibilities for implementing the management actions; x. Evidence of consistency with relevant conservation advice, recovery plans and/or threat abatement plans; xi. Commitments to maintain or improve the extent and quality of habitat and populations of other EPBC Act listed threatened species and ecological communities in the offset area.		

Condition Number	Condition Reference	Condition of Approval	Compliance Status	Comments / Evidence
9	Environmental Offsets	The approval holder must ensure the offset area is managed in accordance with the OMP, as required by condition 8, for the life of the approval commencing from the day the offset area is secured.	Non - Compliant	NEPA was notified on the 28 August 2026 via email of a non-compliance with Condition 9 of the approval identified as part of an internal VIDA audit in late August 2026 of the implementation of the OMP. NEPA was notified on the 28 August 2026 via email of a non-compliance with Condition 9 of the approval identified as part of an internal VIDA audit in late August 2026 of the implementation of the OMP. Specifically: • Delay to the commencement of the second independent audit of the OMP. • GSM survey events being conducted out-of-sequence as compared to the OMP • the provision of an annual offset compliance report 2 months late. All matters identified were of administrative in nature, and no impacts to MNES are anticipated as a result. VIDA is working with all parties involved in the management of the offset site to ensure each matter is addressed.
10	Revision of Management Plans	The approval holder may, at any time, apply to the Minister for a variation to a management plan approved by the Minister under condition 4 and condition 8, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approved a revised management plan, then, from the date specified, the approval holder must implement the new management plan in place of the previous management plan	Not applicable during this reporting period	Not applicable during this reporting period. On April 28, 2022, MRPV notified the Department of proposed changes and justification to revise Section 3.10 of the GSMOMP. On May 11, 2022, MRPV and the Department had a meeting to discuss the proposed changes and justification to Section 3.10 of the GSMOMP. On the May 17, 2022, the Department acknowledged and noted the proposed changes to the GSMOMP. MRPV provided a final copy of the revised GSMOMP on May 18, 2022, and on May 23, 2022, the Department acknowledged that revised GSMOMP must be implemented in place of the previous GSMOMP.

Condition Number	Condition Reference	Condition of Approval	Compliance Status	Comments / Evidence
11	Revision of Management Plans	The approval holder may choose to revise a management plan approved by the Minister, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the new management plan would not be likely to have a new or increased impact	Not applicable during this reporting period	No revisions occurred during the reporting period
12	Revision of Management Plans	If the approval holder makes the choice under condition 11 to revise an action management plan without submitting for approval, the approval holder must: a. notify the Department in writing that the approved management plan has been revised and provide the Department with: i. an electronic copy of the new management plan; ii. an electronic copy of the new management plan marked up with track changes to show the differences between the approved management plan and the RAMP; iii. an explanation of the differences between the approved action management plan and the new management plan; iv. the reasons the approval holder considers that taking the action in accordance with the new management plan would not be likely to	Not applicable during this reporting period	Not applicable during this reporting period.

Condition Number	Condition Reference	Condition of Approval	Compliance Status	Comments / Evidence
		have a new or increased impact; and v. written notice of the date on which the approval holder will implement the new management plan (implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department. subject to condition 11, implement the new management plan from the new management plan implementation date		
13	Revision of Management Plans	The approval holder may revoke their choice to implement a new management plan under condition 12 at any time by giving written notice to the Department. If the approval holder revokes the choice under condition 12, the approval holder must implement the previous action management plan by the Minister	Not applicable during this reporting period	Not applicable during this reporting period.
14	Revision of Management Plans	If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the new management plan would be likely to have a new or increased impact, then: a. condition 11 does not apply, or ceases to apply, in relation to the new management plan, and	Not applicable during this reporting period	Not applicable during this reporting period.

Condition Number	Condition Reference	Condition of Approval	Compliance Status	Comments / Evidence
		the approval holder must implement the management plan specified by the Minister in the notice		
15	Revision of Management Plans	At the time of giving the notice under condition 14, the Minister may also notify that for a specified period of time, condition 11 does not apply for one or more specified management plan	Not applicable during this reporting period	Not applicable during this reporting period
16	Notification of date of commencement of the action	The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action	Not Applicable	Not applicable during this reporting period. Notification was sent to the Department on September 4, 2019, advising that the action commenced on September 2, 2019.
17	Notification of date of commencement of the action	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister	Not applicable	Not applicable during this reporting period. The action commenced on September 2, 2019; the Department was notified on September 4, 2019.
18	Compliance records	The approval holder must maintain accurate and complete compliance records	Compliant	Ongoing; records of compliance are maintained through VIDA Road's electronic file storage system.
19	Compliance records	If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request	Not applicable during this reporting period	Noted – records will be supplied upon request.
20	Preparation and publication of plans	The approval holder must: Publish each plan on its website within 20 business days of the finalisation of the plan, unless otherwise agreed to in writing by the Minister	Not applicable during this reporting period	Not applicable during this reporting period. The finalisation of the GSMOMP and GGFCMP were previously reported in Compliance Report 1 and Compliance Report 2 respectively and are available on the Big Build website Environment - Victoria's Big Build . The revised GSMOMP has also been published on VIDA Road's Big Build website Environment - Victoria's Big Build.

Condition Number	Condition Reference	Condition of Approval	Compliance Status	Comments / Evidence
21	Annual compliance reporting	The approval holder must prepare a compliance report for each 12-month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must: a. publish each compliance report on the website within 60 business days following the relevant 12-month period; b. notify the Department by email that a compliance report has been published on the website within five business days of the date of publication; c. keep all compliance reports publicly available on the website until this approval expires; d. exclude or redact sensitive ecological data from compliance reports published on the website; and e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication	Compliant	This report is published on VIDA Road's Big Build website Environment - Victoria's Big Build and the Department has been notified.
22	Reporting non-compliance	The approval holder must notify the Department in writing of any: incident, non-compliance with the conditions; or non-compliance with the commitments made in the plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the	Compliant	NEPA was notified on the 28 August 2026 via email within 2 business days of the potential non-compliance with condition 9 of the approval.

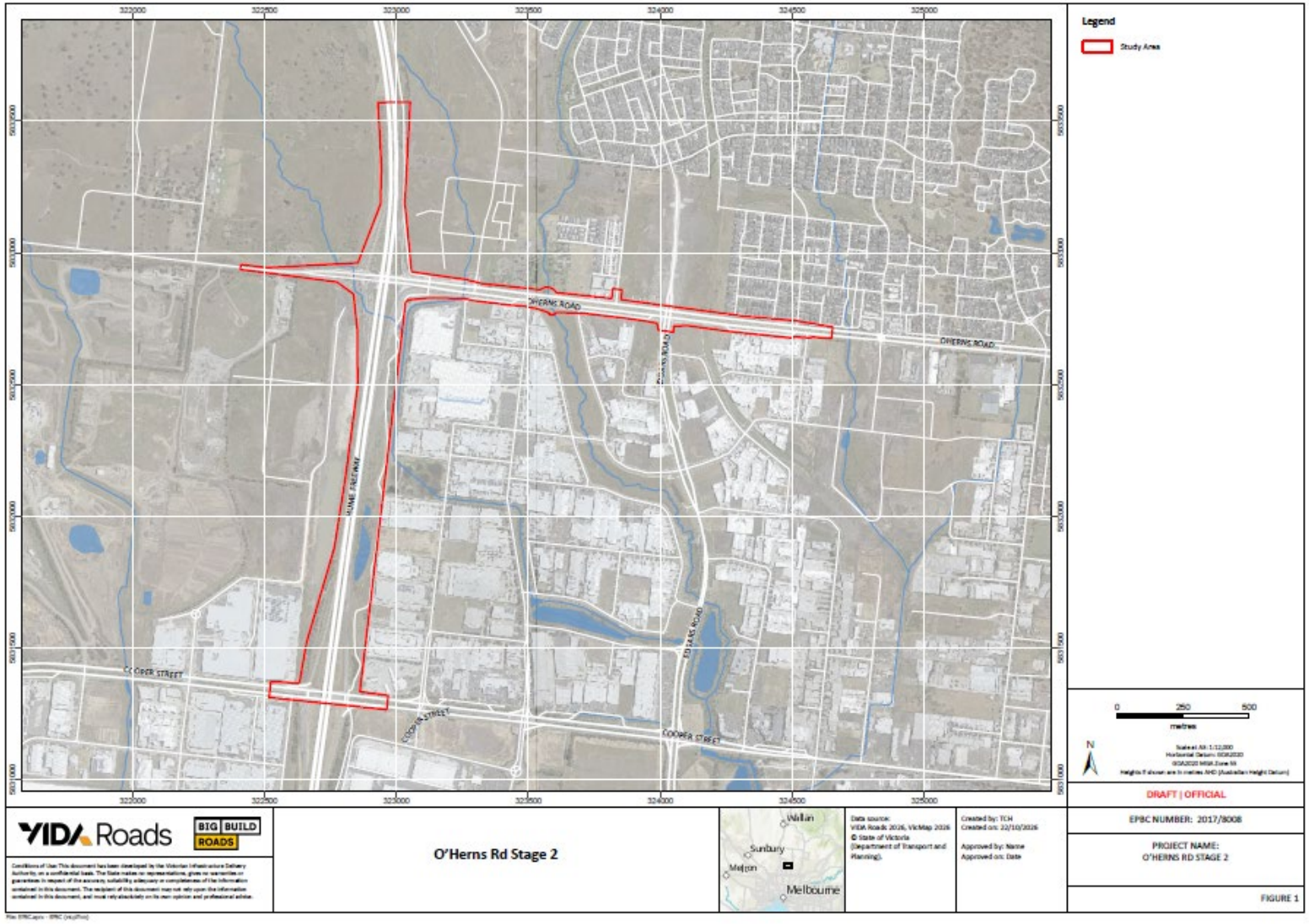
Condition Number	Condition Reference	Condition of Approval	Compliance Status	Comments / Evidence
		incident or non-compliance. The notification must specify: a. the condition which is or may be in breach; and b. a short description of the incident and/or non-compliance.		
23	Reporting non-compliance	The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying: a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b. the potential impacts of the incident or non-compliance; and c. the method and timing of any remedial action that will be undertaken by the approval holder.	Compliant	NEPA was notified on the 28 August 2026 via email within 2 business days of the potential non-compliance with condition 9.
24	Independent audit	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister	Not applicable during this reporting period	Noted, no audits have been requested during the reporting period.
25	Independent audit	For each independent audit, the approval holder must: Provide the name and qualifications of the independent auditor and the draft audit criteria to the Department;	Not applicable during this reporting period	Noted, no audits have been requested during the reporting period.

Condition Number	Condition Reference	Condition of Approval	Compliance Status	Comments / Evidence
		Only commence the independent audit once the audit criteria have been approved in writing by the Department; and Submit an audit report to the Department within the timeframe specified in the approved audit criteria.		
26	Independent audit	The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval	Not applicable during this reporting period	Noted.
27	Completion of the action	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data	Not applicable during this reporting period	Not applicable during this reporting period. Final completion of the project occurred on 15 May 2024. The Department was notified in writing and provided the project completion data on 14 June 2024.

4 New Environmental Risks

No new environmental risks have been identified during the reporting period.

Appendix A Project Map



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Appendix B Approval Notice

Australian Government
Department of the Environment and Energy

APPROVAL

O'Herns Road and Hume Freeway Interchange Project, Victoria (EPBC 2017/8008)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

Details

Person to whom the approval is granted (approval holder)	Department of Transport
ABN of approval holder	69 981 208 782
Action	To construct and operate the duplication of O'Herns Road, a new interchange at the Hume Freeway and O'Herns Road, and auxiliary lanes on the Hume Freeway between O'Herns Road and Cooper Street, Epping, Victoria [see EPBC Referral 2017/8008].

Approval decision

My decision on whether or not to approve the taking of the action for the purposes of the controlling provision for the action is as follows.

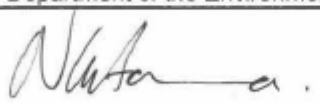
Controlling Provisions

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve

Period for which the approval has effect

This approval has effect until 30 June 2039

Decision-maker

Name and position	Nathan Hanna Acting Assistant Secretary Assessments and Governance Branch Department of the Environment and Energy
Signature	
Date of decision	17 June 2019

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Australian Government
Department of the Environment and Energy

Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

1. The **approval holder** must ensure that the proposed action is undertaken within the **project area** (Attachment A).
2. The **approval holder** must not cause **impacts** to more than 10.88 hectares of **Golden Sun Moth habitat** within the **project area**.
3. The **approval holder** must construct the culverts in accordance with the **preliminary documentation** and the **Growling Grass Frog Conservation Management Plan**.
4. The **approval holder** must implement the **Growling Grass Frog Conservation Management Plan** for the life of the approval.

Environmental Offsets

5. To compensate for the loss of 10.88 hectares of **Golden Sun Moth habitat**, prior to **commencement of the action**, the **approval holder** must:
   a. Enter into a written **bond agreement** with **Trust for Nature** requiring **Trust for Nature** to hold funds in trust for the purpose of securing and managing an **offset area** of at least 78.8 hectares of **Golden Sun Moth habitat** at Sievers Lane, Glenhope, Victoria as identified in Appendix 4 of the **Preliminary Documentation**, or another **offset area** agreed to by the **Minister** in writing. A copy of the **bond agreement** must be provided to the **Department** within seven days following execution.
   b. Provide a sum of $6 000 000 (excluding GST) to **Trust for Nature** to be held until such time as the **offset area** is identified and **secured** in accordance with condition 6a, at which time that sum will form the basis of the payment to purchase **environmental services** for the **offset area**.
      i. The arrangements for the provision and expenditure of the funds must be set out in the written **bond agreement**. This must include provision that:
         (a) if the cost of purchasing **environmental services** is greater than $6 000 000 the **approval holder** must provide additional funds to **Trust for Nature**, but
         (b) if the cost of purchasing **environmental services** is less than $6 000 000 surplus funds will be returned to the **approval holder**.
6. To provide for the conservation and enhancement of **Golden Sun Moth habitat** the **approval holder** must:
   a. Within 12 months of the date of this approval, execute a **Credit Trading Agreement** for the provision of **environmental services** at the **offset area**. The **approval holder** must not execute a **Credit Trading Agreement** until the **Minister** has approved the Offset Management Plan required under condition 8.
   b. The **Department** must be provided with a copy of the signed **Credit Trading Agreement** within 4 weeks following its execution.
   c. Within 12 months of the date of signing the **Credit Trading Agreement**, provide written evidence to the **Department** that the signed **conservation covenant** for the **offset area** has been registered on the title of the **offset area**.

d. The **Department** must be provided with a copy of the signed **conservation covenant** within 4 weeks following registration on the title of the **offset area**.

7. Within 14 Days of the offset, required under condition 6, being **secured** the **approval holder** must provide the **Department** with:

   a. written evidence demonstrating that the offset has been **secured**;

   b. **shapefiles** and **offset attributes** that clearly define the location and boundaries of the **offset area**.

8. The **approval holder** must submit to the **Department** an Offset Management Plan for the **offset area**. The Offset Management Plan must:

   a. be prepared by a **suitably qualified person**, and be consistent with the **Department's Environmental Management Plan Guidelines** and the **EPBC Act Environmental Offset Policy**.

   b. demonstrate how the **offset area** and **environmental services** will compensate for the loss of 10.88 hectares of **Golden Sun Moth habitat** consistent with the **EPBC Act Environmental Offsets Policy**

   c. include, but not be limited to:

      i. a description of the **offset area** including location, size, condition, environmental values present and surrounding land uses;

      ii. baseline data and other supporting evidence that documents the presence and baseline quality of the **Golden Sun Moth habitat** within the **offset area**;

      iii. maps and shapefiles of the **offset area**;

      iv. specific objectives to demonstrate **Golden Sun Moth habitat** quality improvement over the life of the approval;

      v. specific management actions, and timeframes for implementation, to be carried out to meet the specific objectives to improve the quality of the **Golden Sun Moth habitat** within the **offset area**;

      vi. key performance indicators to demonstrate the improvement to the quality of **Golden Sun Moth habitat**;

      vii. the nature, timing and frequency of monitoring to determine the success of management actions against key performance indicators;

      viii. indicative corrective actions that will be implemented in the event monitoring activities indicate key performance indicators are not or are unlikely to be achieved;

      ix. the roles and responsibilities for implementing the management actions;

      x. Evidence of consistency with relevant conservation advices, recovery plans and/or threat abatement plans;

      xi. Commitments to maintain or improve the extent and quality of habitat and populations of other **EPBC Act** listed threatened species and ecological communities in the **offset area**.

9. The **approval holder** must ensure the **offset area** is managed in accordance with the Offset Management Plan, as required by condition 8, for the life of the approval commencing from the day the **offset area** is **secured**.

Revision of management plans

10. The **approval holder** may, at any time, apply to the **Minister** for a variation to a management plan approved by the **Minister** under condition 4 and condition 8, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the **EPBC Act**. If the **Minister** approves a revised management plan then, from the date specified, the approval holder must implement the new management plan in place of the previous management plan.

11. The **approval holder** may choose to revise a management plan approved by the **Minister**, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the action in accordance with the new management plan would not be likely to have a **new or increased impact**.

12. If the **approval holder** makes the choice under condition 11 to revise an action management plan without submitting it for approval, the approval holder must:

    a. notify the **Department** in writing that the approved management plan has been revised and provide the **Department** with:

        i. an electronic copy of the new management plan;

        ii. an electronic copy of the new management plan marked up with track changes to show the differences between the approved management plan and the RAMP;

        iii. an explanation of the differences between the approved action management plan and the new management plan;

        iv. the reasons the approval holder considers that taking the action in accordance with the new management plan would not be likely to have a **new or increased impact**; and

        v. written notice of the date on which the approval holder will implement the new management plan (implementation date), being at least 20 **business days** after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the **Department**.

    b. subject to condition 11, implement the new management plan from the new management plan implementation date.

13. The **approval holder** may revoke their choice to implement a new management plan under condition 12 at any time by giving written notice to the **Department**. If the approval holder revokes the choice under condition 12, the approval holder must implement the previous action management plan approved by the **Minister**.

14. If the **Minister** gives a notice to the **approval holder** that the **Minister** is satisfied that the taking of the action in accordance with the new management plan would be likely to have a **new or increased impact**, then:

    a. condition 11 does not apply, or ceases to apply, in relation to the new management plan; and

    b. the **approval holder** must implement the management plan specified by the **Minister** in the notice.

15. At the time of giving the notice under condition 14, the **Minister** may also notify that for a specified period of time, condition 11 does not apply for one or more specified management plans.

Note: conditions 11, 12, 13 and 14 are not intended to limit the operation of section 143A of the **EPBC Act** which allows the approval holder to submit a revised action management plan, at any time, to the **Minister** for approval.

Part B – Standard administrative conditions

Notification of date of commencement of the action

16. The **approval holder** must notify the Department in writing of the date of commencement of the **action** within 10 **business days** after the date of **commencement of the action**.

17. If the **commencement of the action** does not occur within 5 years from the date of this approval, then the **approval holder** must not **commence the action** without the prior written agreement of the **Minister**.

Compliance records

18. The **approval holder** must maintain accurate and complete **compliance records**.

19. If the **Department** makes a request in writing, the **approval holder** must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.

Note: **Compliance records** may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department**'s website or through the general media.

Preparation and publication of plans

20. The **approval holder** must:

    a. publish each **plan** on its **website** within 20 **business days** of the finalisation of the plan, unless otherwise agreed to in writing by the **Minister**;

    b. exclude or redact **sensitive ecological data** from **plans** published on the **website** or provided to a member of the public; and

    c. keep **plans** published on the **website** until the end date of this approval.

Annual compliance reporting

21. The **approval holder** must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or as otherwise agreed to in writing by the **Minister**. The **approval holder** must:

    a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period;

    b. notify the **Department** by email that a **compliance report** has been published on the **website** within five **business days** of the date of publication;

    c. keep all **compliance reports** publicly available on the **website** until this approval expires;

    d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**; and

    e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **Department** within 5 **business days** of publication.

Note: **Compliance reports** may be published on the **Department**'s website.

Reporting non-compliance

22. The **approval holder** must notify the **Department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than two **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
    a. the condition which is or may be in breach; and
    b. a short description of the **incident** and/or non-compliance.
23. The **approval holder** must provide to the **Department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:
    a. any corrective action or investigation which the **approval holder** has already taken or intends to take in the immediate future;
    b. the potential impacts of the **incident** or non-compliance; and
    c. the method and timing of any remedial action that will be undertaken by the **approval holder**.

Independent audit

24. The **approval holder** must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.
25. For each **independent audit**, the **approval holder** must:
    a. provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
    b. only commence the **independent audit** once the audit criteria have been approved in writing by the **Department**; and
    c. submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.
26. The **approval holder** must publish the audit report on the **website** within 10 **business days** of receiving the **Department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

Completion of the action

27. Within 30 days after the **completion of the action**, the **approval holder** must notify the **Department** in writing and provide **completion data**.

Part C - Definitions

In these conditions, except where contrary intention is expressed, the following definitions are used:

Approval holder means is the person to whom the approval is granted, or to whom the approval is transferred under s 145B of the EPBC Act.

Bond agreement means an executed legally binding agreement between the **approval holder** and **Trust for Nature** requiring **Trust for Nature** to hold funds in trust for the purpose securing and managing an **offset area**.

Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

Credit Trading Agreement means a legal agreement between the **approval holder**, **Trust for Nature** and the owner of the **offset area** to specify the arrangements for the **offset area** to ensure that the **Offset Management Plan** is implemented.

Commencement of the action means the first instance of any specified activity associated with the action including clearance of vegetation and **construction** of any infrastructure. Commencement does not include minor physical disturbance necessary to:

i. undertake pre-clearance surveys or monitoring programs;

ii. install signage and /or temporary fencing to prevent unapproved use of the **project area**;

iii. protect environmental and property assets from fire, weeds and pests, including **construction** of fencing, and maintenance of existing surface access tracks, if agreed in writing by the **Department**.

Completion data means an environmental report and spatial data information clearly detailing how the conditions of this approval have been met. The **Department's** preferred spatial data format is shapefile.

Completion of the action means all specified activities associated with the action have permanently ceased.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the **approval holder**'s possession or that are within the **approval holder**'s power to obtain lawfully.

Compliance report means a written report:

i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plans**;

ii. consistent with the **Department's** *Annual Compliance Report Guidelines* (2014);

iii. include a shapefile of any clearance of any **protected matters**, or their habitat, undertaken within the relevant 12 month period; and

iv. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period.

Conservation covenant means a binding agreement registered on the title of the property that provides enduring protection of the environmental values of the property.

Construction means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of fences and signage.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

Environmental services means services including: (i) entering into and registering a **conservation covenant** over the **offset area**; and, (ii) managing the **offset area** in accordance with the **Offset Management Plan**.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

EPBC Act Environmental Offsets Policy means the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy*, October 2013.

EPBC Regulations means the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth).

Growling Grass Frog Conservation Management Plan means the document titled *Growling Grass Frog Conservation Management Plan: O'Herns Road – Stage 2* prepared for Major Road Projects Victoria on 8 March 2019.

Golden Sun Moth(s) means the **EPBC Act** listed threatened species *Synemon plana*.

Golden Sun Moth habitat means the habitat for the **Golden Sun Moth** as defined in Department of the Environment (2013). *Approved Conservation Advice for* Synemon plana *(golden sun moth)*. Canberra: Department of the Environment. Available from: http://www.environment.gov.au/biodiversity/threatened/species/pubs/25234-conservation-advice.pdf.

Impact/s/ed means any measurable direct or indirect disturbance/change that occurs as a result of any activity associated with the proposed action.

Incident means any event which has the potential to, or does, impact on **protected matter(s)**.

Independent audit: means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2015).

Minister means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

Offset area means the area of land to be **secured** and managed to provide **Golden Sun Moth habitat** as an offset for the action's impact on **Golden Sun Moth habitat**.

Plan(s) means any of the documents required to be prepared, approved by the **Minister**, and/or implemented by the **approval holder** and published on the **website** in accordance with these conditions (includes action management plans and/or strategies).

Preliminary Documentation means the document titled *O'Herns Road/Hume Freeway Interchange Project: Additional information for assessment by Preliminary Documentation (EPBC 2017/8008)* and dated 5 March 2019.

Project area means the area designated in **Attachment A** enclosed by a red line, but not including the MSA BCS extent.

Protected matter means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

Secured means obtained and therefore protected in perpetuity through an appropriate legal encumbrance registered on the property.

Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*.

Suitably qualified person means a person who has professional qualifications, training, skills and experience related to the nominated subject matter and can give authoritative

independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

Trust for Nature means Trust for Nature (Victoria), the organisation procuring and maintaining the offsets on behalf of Major Road Projects Victoria.

Website means a set of related web pages located under a single domain name attributed to the **approval holder** and available to the public.

Australian Government
Department of the Environment and Energy

ATTACHMENTS

1. **Attachment A Project Area**



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