



PRINCES HIGHWAY EAST DUPLICATION PROJECT

**Compliance Assessment Report
(July 2013 to July 2014)
EPBC Approval No. 2010/5640**

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TERMS, ABBREVIATIONS AND DEFINITION

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

Table 1.0: List of Terms and Abbreviations

Terms / Abbreviation	Definition
CAB	Construction Activity Boundary
DEPI	Department of Environment and Primary Industries
DoE	Department of Environment
DoTPLI	Department of Transport, Planning and Local Infrastructure (formerly DPCD)
DSE	Department of Sustainability and Environment (now DEPI)
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities; the Department
EES	Environment Effects Statement
EPA	Environmental Protection Authority
EPBC Act	Environmental Protection and Biodiversity Conservation Act 1999
ha	Hectare
GHD	GHD Australia, Consultant to VicRoads

1 Executive Summary

The final approval to Referral No. 2010/5640 under the EBPC Act was given to VicRoads on the 23 January 2013 for the Construction of the Princes Highway East Duplication between Stammers Road, Traralgon East and Templetons Road, Kilmany Victoria.

Under Condition 14 of the decision notice, an annual compliance report is required to be published on VicRoads website within three months of every twelve month anniversary of the commencement of the action. 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 construction of the Princes Highway East Duplication Project against the EPBC Act Approval No. 2010/5640 conditions. This is the first compliance report to be prepared for the Princes Highway East Duplication Project and relates to the period 2 July 2013 to 2 July 2014, or year one of the action.

VicRoads has complied with eighteen of the nineteen conditions referenced in the EPBC Act approval 2010/5640 for the annual reporting period. One non-conformance has been raised for failing to notify the Department of the commencement of works within the stipulated time frame (Condition 12). Five conditions have not been required to be implemented at this stage of the project.

2 INTRODUCTION

2.1 Purpose of This Document

This report details compliance with the conditions of Approval No. 2010/5640 under the EPBC Act 2014 in accordance with Condition No. 14 of the approval.

2.2 Background

The Princes Highway East is the primary road link between Melbourne and Gippsland and serves a number of key industries. The highway within the project area follows a generally straight alignment over undulating terrain and has a relatively poor casualty crash record with a high percentage of heavy vehicles.

VicRoads developed a project to duplicate the Princes Highway East between Stammers Road, Traralgon East and Templetons Road, Kilmany to deliver significant improvements in road safety, capacity and efficiency. The project length is approximately 31 kilometres long and has been broken into a number of sections. Presently, construction has commenced on three sections; Stammers Road to Minniedale Road, Flynn to Rosedale and Nambrok Road.

Duplication of the highway between Traralgon East and Kilmany is part of the larger project to duplicate the Princes Highway between Traralgon and Sale. The larger project is jointly funded by the Federal and State Governments with \$140M allocated under the former Commonwealth Nation Building Program (2009-2014), now the Infrastructure Investment Programme, and \$35M allocated by the State Government, making the total project funding \$175M. This funding is expected to enable approximately half of the undivided highway between Traralgon and Sale to be duplicated, excluding the township of Rosedale, with further funding required to complete the balance of works.

2.3 Environment Effects Statement

The project was subject to an Environment Effects Statement (EES) which lead to the adoption of Amendment C65 to the Latrobe Planning Scheme and Amendment C76 to the Wellington Planning Scheme by the then Minister for Planning on 28 March 2013.

2.4 EPBC Act 1999 Requirements

The objective of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is to manage and protect flora and fauna of national and international significance including

ecological communities and heritage places of national environmental significance.

2.4.1 EPBC Approval

Approval of the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities is required under the EPBC Act if an 'action' will have or is likely to have a significant impact on a matter of national environmental significance. Due to potential impacts on protected native vegetation, the project was referred to the Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) on 3 September 2010.

A decision issued on 8 October 2010 determined that the proposal is 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:

- Removal of critically endangered Gippsland Red-gum (*Eucalyptus tereticornis* subsp. *mediana*) Grassy Woodland and Associated Native Grassland ecological community; and
- Removal and modification of habitat for the endangered Matted Flax-lily (*Dianella amoena*).

The proposal was subsequently approved by the DSEWPaC as a controlled action on 23 January 2013 following the completion of the EES.

3 Project Status & Compliance

3.1 Construction

The action commenced on 2 July 2013 with fencing and initial clearing works on the Stammers Road to Minniedale Road section of the project. To date, construction has commenced on three duplication sections. A fourth section is anticipated to commence in 2015. A snapshot of the progress of works as at 2 July 2014 is provided in the table below.

Table 2.0: Progress of Works by Section

	Stammers Rd to Minniedale Rd (1.7 km)	Flynn to Rosedale (8.3 km)	Nambrok Road (2.3 km)
Construction Start	July 2013	March 2014	December 2013
Percentage Complete	70%	5%	25%

3.2 Current Project Activities

3.2.1 Environmental Management

The EES sets out the Environmental Management Framework which has been adopted for the project. A Project Environmental Protection Strategy (PEPS) has been developed to manage the environmental actions, mitigation measures and commitments for the project.

Contractor Environmental Management Plans and procedures have been developed for each section of the duplication under construction. These plans have been developed in conjunction with the relevant Municipal Council(s), DEPI and VicRoads and endorsed by the Secretary of the Department of Transport, Planning and Local Infrastructure (formerly DPCD) in accordance with the conditions of the planning approvals for the project.

3.2.2 Native Vegetation Clearing

A Construction Activity Boundary (CAB) was developed during the EES to mark the boundary between the allowable area of construction impact and no go zones established to protect matters of environmental significance. Any impacts of design modifications on the extent of clearing are considered during the detailed design stage for each section. Modifications to the CAB that cannot be avoided and result in increased vegetation losses are restricted to areas of low conservation significance wherever possible or offset with gains in other areas.

Any CAB changes affecting the extent of clearing are referred to GHD for recalculation of clearing areas prior to endorsement by the Victorian Department of Environment and Primary Industries (DEPI). GHD is tracking changes to the extent of clearing using a spreadsheet adapted from Table 36 of the Biodiversity and Habitat Assessment Report (December 2011) included in Appendix H of the EES.

The Contract Specification for each section requires Contractors to avoid and minimise impacts on native vegetation. VicRoads has worked with each Contractor to identify and protect additional areas of native vegetation within the CAB where possible. This has resulted in a number of additional small areas of vegetation being marked as no go zones. Potential adjustments to the actual extent of clearing will be made following post construction reviews with DEPI.

3.2.3 Management Plans

Five management plans have been developed and implemented for the project:

- ☐ Offset Management Plan – Bengworden;
- ☐ Offset Management Plan – Princes Highway, Sheepwash Creek to Flynn;
- ☐ Species Management Plan – Matted Flax-lily;
- ☐ Species Management Plan – Growling Grass Frog; and
- ☐ Species Management Plan – Dwarf Galaxias.

These plans have been endorsed by DEPI and either approved by or provided to DSEWPaC for information as required for each plan.

Vegetation offset management actions have commenced at VicRoads Bengworden property and on the Princes Highway roadside offset site between Sheepwash Creek and Flynn in accordance with the Offset Management Plans.

Pre-construction surveys for Matted Flax-lily on the Stammers Road to Minniedale Road section confirmed and marked the location of individual plants in the vicinity of the CAB boundary onsite. No Matted Flax-lilies have been impacted by the current works on any of the three sections.

Pre-construction surveys for Growling Grass Frog have been completed for the three sites under construction. No specimens were identified. Habitat destruction in accordance with the

Species Management Plan for Growling Grass Frog has been completed. Contractor inductions include procedures to avoid impacts on Growling Grass Frogs and information sheets have been posted in site sheds.

Contract Specification clauses for the Flynn to Rosedale section restrict the Contractor from working in the Flynn's Creek and Blind Joes Creek waterways during the period 20 July to 31 October in any calendar year. Erosion and sediment controls have been established at Flynn's Creek and Blind Joes Creek. Construction Activity Boundary fencing demarcating the no go zones beside Blind Joes Creek have been established in accordance with the management plan.

3.3 Project Compliance

VicRoads has complied with eighteen of the nineteen conditions referenced in the EPBC Act approval 2010/5640 for the annual reporting period. One non-conformance has been raised for failing to notify the Department of the commencement of works within the stipulated time frame (Condition 12). Five conditions have not been required to be implemented at this stage of the project.

Details of compliance against each of the nineteen conditions of the approval are provided in Section 4 below.

4 PERFORMANCE AND COMPLIANCE OF THE PRINCES HIGHWAY VICTORIA (EPBC 2010/5640)

Table 3.0 EPBC Act Approval Notice 2010/5640 compliance results.

Condition	Subject	Conditions of the Approval	Actions
1	Project area and preferred alignment	Project activities must be limited to the 'Project Area' as illustrated in Appendix 1.	Work limits, (CAB), were match the Pr Contracts for Contractors' by VicRoads disturbance of Fencing of the construction
2	Project area and preferred alignment	The proponent must undertake the action in accordance with the proposed preferred alignment as described and illustrated in Section 5 and Appendix A	Designs for e for the prefer EES.
3	Project commitments	The proponent must ensure that project activities do not impact on more than 9.03 hectares of the critically endangered ecological community 'Gippsland Red Gum (<i>Eucalyptus tereticornis</i> subsp. <i>Mediana</i>) Grassy Woodland and Associated Native Grassland'.	Avoid impact Red Gum (<i>E Woodland and Contract Spe Contractors t vegetation.</i>
4	Project commitments	The proponent must ensure that project activities do not impact on more than four endangered Matted Flax-lily (<i>Dianella amoena</i>).	Avoid impact

6	Project commitments	Proposed activities must not impact on any matter of national environmental significance (MNES) other than those identified in conditions 3 and 4 above. If at any time, the proponent becomes aware of a potential impact to MNES not identified above, activities in the affected area must stop immediately and the department must be notified in writing within 48 hours. The department may direct the proponent to prepare a species specific management plan that, at a minimum, quantifies the impact, specifies mitigation and avoidance measures as well as propose offsets to compensate for the impact. Work in that area cannot recommence until directed in writing by the department.	Prevent impact
7	Project commitments	To protect populations of Dwarf Galaxias (<i>Galaxiella pusilla</i>) the proponent must ensure that pier installation and any earthworks surrounding Flynns Creek and Blind Joes Creek and the Sheepwash Creek realignment are undertaken in low or no flow conditions, outside of the breeding/dispersal period for the species (August – September inclusive).	Earthworks at Flynns Creek not permitted
8	Project commitments	The proponent must revegetate Sheepwash Creek to replace and rehabilitate all Dwarf Galaxias habitat removed as a result of the proposed action. Rehabilitation must be to a condition that is equal to or greater than the condition of vegetation prior to the commencement of activities (as determined by a suitably qualified ecologist). Revegetation must be undertaken immediately following the completion of all activities in Sheepwash Creek.	No action to
9	Project commitments	To prevent unacceptable impacts to the Growling Grass Frog, (<i>Litoria raniformis</i>) the proponent must implement a Growling Grass Frog Management Plan developed in consultation with a suitably qualified ecologist. At a minimum, this plan must quantify impacts and include mitigation and management measures (ie. translocation and handling protocols). This plan must be implemented prior	Growling Grass Frog implemented

		increase in the extent of the ecological community as a result of management actions. The offset management plan must be approved by the department prior to commencement of the action. The approved plan must be implemented.	
11	Offsets	The proponent must prepare a roadside vegetation offset management plan for the Princes Highway between Sheepwash Creek and Flynn. This plan must be approved by the department prior to commencement of the action. The approved plan must be implemented. At a minimum, the roadside vegetation offset management plan must: - Include commitments for offsetting the impact to the critically endangered ecological community Gippsland Red Gum (<i>Eucalyptus tereticornis</i> subsp. <i>Mediana</i>) Grassy Woodland and Associated Native Grassland; - Include specific details, including maps and diagrams that show boundaries of the proposed offset site; - Include information and commitments about management arrangements that will be employed, now and into the future to ensure the ongoing rehabilitation and improvement of the offset site; - Demonstrate how the offset site will be protected in perpetuity; - Include information and commitments to monitoring and reporting on the progress of the offset site; - Be based on the 'Roadside Vegetation Offset Management Plan Princes Highway – Sheepwash Creek to Flynn, October 2012'.	Offset Manag Sheepwash C Department
12	Offsets	Within 30 calendar days after the commencement of the action, the proponent must advise the department in writing of the actual date of commencement.	Notification v 2013 advisin 2013.
13	Offsets	The proponent must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement management plans and make them available upon request to the department. Such records may be	Records of th plans/progra for auditing p

		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.	the supportive audit of com
16	Offsets	If the proponent wishes to carry out any activity otherwise than in accordance with management plans as specified in the conditions, the proponent must submit to the department for the Minister's written approval, a revised version of that management plan. The varied activity shall not commence until the Minister has approved the varied management plan in writing. The Minister will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan, that management plan must be implemented in place of the management plan originally approved.	No action to
17	Offsets	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities, the Minister may request that the proponent make specified revisions to a management plan specified in the conditions and submit the revised management plan for the Minister's written approval. The proponent must comply with any such request. The revised approved management plan must be implemented. Unless the Minister has approved the revised management plan then the proponent must continue to implement the management plan originally approved, as specified in the conditions.	VicRoads to c Minister.
18	Offsets	Unless otherwise agreed to in writing by the Minister, the proponent must provide a copy of each approved management plan referred to in these conditions of approval to members of the public upon request. Copies must be provided within a reasonable time to the request.	No action to
19	Offsets	If, at any time after 10 years from the date of this approval, the proponent has not substantially commence the action, then the person taking the action must not substantially commence the action without the written	VicRoads to c years of the

5 References

1. VicRoads and GHD (January 2012), Princes Highway Duplication Traralgon East to Kilmany – Environment Effects Statement and Draft Planning Scheme Amendment, VicRoads 60 Denmark Street Kew VIC 3101
2. GHD (May 2013), Traralgon East to Kilmany Duplication Project – Growling Grass Frog Management Plan, GHD House 239 Adelaide Terrace Perth WA 6004
3. Ecology and Heritage Partners (January 2013), Management (and Translocation) Plan for Matted Flax-lily *Dianella amoena*, Princes Highway Duplication Project, Traralgon East to Kilmany Victoria, Ecology and Heritage Partners 292 Mt Alexander Road Ascot Vale VIC 3032
4. McGuckin J. (April 2013), Conservation Management Plan for the Dwarf Galaxias (*Galaxiella pusilla*) Princes Highway Duplication, Traralgon East to Kilmany, Streamline Research Eltham North VIC 3095
5. Ecology Partners (April 2011), Flora and Fauna Assessment, Net Gain Analysis and Offset Management Plan – 475 Boundary Road, Bengworden Victoria, Ecology and Heritage Partners 292 Mt Alexander Road Ascot Vale VIC 3032
6. Ecology and Heritage Partners (April 2013), Roadside Vegetation Offset Management Plan Princes Highway – Sheepwash Creek to Flynn, Ecology and Heritage Partners 292 Mt Alexander Road Ascot Vale VIC 3032

APPENDIX A – Project Map



