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Princes Highway Duplication Project, Winchelsea to Colac

Compliance Assessment Report No. 7

February 2022 to February 2023

EPBC Approval No. 2012/6568

Prepared for

Department of Climate Change, Energy, the Environment and Water

Environment Assessment & Compliance Division

GPO Box 787, CANBERRA ACT 2601

Approval Information

Approval number:	2012/6568
Approval holder:	Roads Corporation (trading as VicRoads) NB. Due to Machinery of Government changes Major Road Projects Victoria is now responsible for the delivery of the Action.
ABN:	61 760 960 480 NB. Major Road Projects Victoria is an administrative agency within the Victorian Department of Transport and Planning (ABN 69 981 208 782).
Approved action:	To duplicate approximately 36km of the Princes Highway from Deans-Marsh Road, Winchelsea, to Corangamite Street, Colac, Victoria

Document Information

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Table of Contents

- TABLE OF CONTENTS3
- 1 TERMS, ABBREVIATIONS, AND DEFINITIONS4
- 2 EXECUTIVE SUMMARY.....5
- 3 INTRODUCTION6
 - 3.1 Project overview6
 - 3.2 Purpose of this document.....6
- 4 COMPLIANCE ASSESSMENT REPORT7
- APPENDIX A – PROJECT MAP14

1 Terms, abbreviations, and definitions

Table 1: List of Terms and Abbreviations

Term/Abbreviation	Definition
Approval Holder	Roads Corporations (VicRoads, now Major Road Projects Victoria)
DoEE	Commonwealth Department of Environment and Energy (now DCCEEW)
DAWE	Commonwealth Department of Agriculture, Water and the Environment (now DCCEEW)
DCCEEW	Commonwealth Department of Climate Change, Energy, the Environment and Water
EHP	Ecology and Heritage Partners Pty Ltd
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
EPA	Environment Protection Authority
GGF	Growling Grass Frog
Ha	Hectare
MRPV	Major Road Projects Victoria

2 Executive Summary

Approval under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) was issued to VicRoads on 11 January 2016 for the construction of the Princes Highway Duplication Project - Winchelsea to Colac, Victoria (the Project). This approval was granted under EPBC Act Approval Notice 2012/6568 (the Approval). The location of the Project is between Deans Marsh Road, Winchelsea and Corangamite Street, Colac (refer to Appendix A). In July 2018, the responsibility for the delivery of the Project was transferred from VicRoads to Major Road Projects Victoria (MRPV).

In accordance with Condition 6 of the Approval, within 3 months of every 12-month anniversary of the commencement of construction (2 February 2016), the Approval Holder must publish a report on their website addressing compliance with each of the conditions of the Approval. Documentary evidence providing proof of the date of publication and any non-compliance with any of the conditions of the Approval must be provided to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) at the same time as the compliance report is published.

This compliance report addresses the current status of the Project against the conditions of the Approval for Project activities carried out between 3 February 2022 and 2 February 2023. This is the seventh compliance report prepared for the Project.

All major construction works related to the Project were completed in November 2019. Correspondence advising the Department of the completion of construction was sent to the DCCEEW (then DAWE) on 20 February 2020. Project activities since that time have been limited to the rectification of minor defects and compliance monitoring in accordance with the Approval.

MRPV formally transferred responsibility for maintaining this asset to the Department of Transport and Planning on 17 June 2022.

As outlined in Section 4 of this report, the Project has achieved compliance with all conditions of approval.

3 Introduction

3.1 Project overview

The Princes Highway is the key east-west route in south-western Victoria, providing a strategic transport link between Melbourne, south west regional Victoria and South Australia. The Highway is identified as a key freight route for various industries such as dairy, wood processing, beef and mineral sands. The Princes Highway also provides access to a number of regional towns including Winchelsea, Colac, Camperdown, Warrnambool and Portland as well as providing an alternative route to the Great Ocean Road for tourism.

The purpose of this Project is to upgrade approximately 36 kilometres of the Princes Highway between Deans Marsh Road, Winchelsea and the Geelong – Warrnambool Rail line, Colac to an ‘M’ standard road via the construction of a new carriageway alongside the existing carriageway for the entire length of the Highway. The Project is a continuation of the previously duplicated section of the Princes Highway between Waurm Ponds and Winchelsea, and is part of improving traffic flow and road safety in the region through separation of traffic, improved road geometry and improved intersection design and access.

The Project was delivered in three stages:

- **Section 1 – Winchelsea to Armytage Rd:** Major works were completed in May 2018.
- **Section 2 – Armytage Rd to Warncoort:** Major works were completed in November 2019.
- **Section 3 – Warncoort to Colac East:** Major works were completed in November 2019.

The new carriageway comprises two sealed lanes of a width of 3.5 metres each, an external shoulder width of 3.5 metres and an internal shoulder width of 1.0 metre. A centre median of approximately 20 metres applies along most of the project. A new bridge has been constructed over the Geelong-Warrnambool railway line at Birregurra with the existing bridge retained. A new rail overpass was constructed over the Geelong-Warrnambool railway line at Warncoort comprising of two new bridge structures and the existing bridge at Birregurra Creek has been replaced in addition to being duplicated on the new lanes.

The plan of the project area can be found in Appendix A of this report.

3.2 Purpose of this document

The purpose of this document is to report the compliance status of the Project against the conditions of the Approval. The Approval relates to all three sections of the Project.

Under Condition 6 of the Approval, an annual compliance assessment report is required to be published on the Approval Holder’s website within 3 months of every 12-month anniversary of the date of commencement of construction (2 February 2016), addressing compliance with each of the conditions of the Approval (refer to Section 4).

The EPBC conditions incorporate the Ecology and Heritage Partners Pty Ltd (EHP) report entitled ‘Princes Highway Duplication Winchelsea to Colac EPBC Preliminary Documentation Response’ (October 2015), which outlines measures to mitigate the impact to the EPBC Act listed Growling Grass Frog (*Litoria raniformis*).

4 Compliance Assessment Report

Table 2 below contains the compliance assessment against the conditions for approval under EPBC 2012/6568 for activities carried out between 2 February 2022 and 2 February 2023.

Table 2: EPBC Act Approval Notice 2012/6568 Compliance Assessment - 2 February 2022 and 2 February 2023

Approval condition	Compliance assessment	Compliance status
1	<p>The approval holder must ensure the proposed action does not remove Growling Grass Frog habitat outside of the construction footprint.</p> <p>No major works occurred during this reporting period. Major works completion dates were:</p> <ul style="list-style-type: none"> • Section 1 – Winchelsea to Armytage Rd: 15 May 2018 • Section 2 – Armytage Rd to Warncoort on 9 November 2019 • Section 3 – Warncoort to Colac East on 29 November 2019 <p>No construction activity was undertaken outside the construction footprint.</p>	Compliant.
2	<p>To mitigate impacts to the Growling Grass Frog, the approval holder must:</p> <p>a) Implement the mitigation measures outlined in pages 13-22 of the EHP Report.</p> <p>Pages 13-22 of the EHP report titled Princes Highway Duplication Winchelsea to Colac EPBC Preliminary Documentation Response (October 2015) details Growling Grass Frog impact mitigation measures that must be met during project construction.</p> <p>As no construction occurred during this reporting period, this condition is not applicable.</p>	Not applicable during 2022-2023 reporting period.
2	<p>b) Implement best practice hygiene protocol(s) for control of diseases in frogs to prevent the spread of disease.</p> <p>As no construction occurred during this reporting period, this condition is not applicable.</p> <p>Hygiene protocols detailed in the EHP report were incorporated into the construction contract and implemented and monitored as part of the project. This included a site induction program that clearly indicated hygiene protocols to be followed to prevent spread of disease in frogs.</p>	Not applicable during 2022-2023 monitoring period.
2	<p>c) Establish no-go zones prior to the commencement of construction in accordance with Figures 2a-2y and Appendix 2 of the Ecology and Heritage Partners (EHP) Report and maintain these during construction.</p> <p>As no construction occurred during this reporting period, this condition is not applicable.</p>	Not applicable during 2022-2023 monitoring period.

Approval condition		Compliance assessment	Compliance status
2	d) Ensure pre-clearance surveys are undertaken 1 week prior to the commencement of construction.	Not applicable during reporting period.	Not applicable during 2022-2023 monitoring period.
2	e) Ensure Growling Grass Frogs identified within the construction footprint during pre-clearance surveys and during construction are relocated in accordance with the translocation procedure at Appendix 3 of the EHP Report.	Not applicable during reporting period.	Not applicable during 2022-2023 monitoring period.
2	f) When construction is being undertaken within 50 metres either side of Birregurra Creek, daily flow rates will be monitored and construction within 50 metres either side of Birregurra Creek will be suspended if flow rates exceed 40 mega litres per day.	Not applicable during reporting period.	Not applicable during 2022-2023 monitoring period.
2	g) Induct site personnel prior to their commencement of work on the proposed action.	A site induction program was established for the Project and was provided to all site personnel. The induction included hygiene protocols to be followed to prevent spread of disease in frogs, as well as species fact sheets, no-go zones, pre-clearing protocols and relocation procedures, if required. The induction program was maintained throughout the defects and maintenance period of the works.	Compliant.
3	a) To compensate for the removal of Growling Grass Frog habitat the approval holder must create at least 1.26 ha of Growling Grass Frog habitat offsets within 12 months of completion of construction. The creation of Growling Grass Frog habitat, including locations, size and vegetative structure, must be in accordance with the Growling Grass Frog habitat creation guidelines as described in pages 65-71 of the EHP	A total of 1.93 ha Growling Grass Frog habitat was created in accordance with the Growling Grass Frog habitat creation guidelines as described in pages 65-71 of the EHP Report. One habitat pond covering an area of 0.17 ha was constructed in Section 1 of the project, and seven habitat ponds covering an area of 1.76 ha were constructed in Section 2. In accordance with the approval conditions, there is no requirement to provide Growling Grass Frog habitat offsets within Section 3.	Compliant.

Approval condition	Compliance assessment	Compliance status
<p>Report. The approval holder must provide to the Minister:</p> <ul style="list-style-type: none"> i. The offset attributes and shape files for the proposed offsets; and ii. Evidence the Growling Grass Frog offset has been established within 12 months of completion of construction. 	<p>Construction of the Growling Grass Frog habitat ponds occurred throughout the latter part of 2019 as part of project landscaping. Detailed technical drawings for the habitat were prepared prior to construction and approved by a suitably qualified ecologist.</p> <p>Evidence that the Growling Grass Frog offset was established within 12 months of completion of construction was provided to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) during the 2020-2021 annual reporting period.</p>	
<p>3 b) Once created, maintain the Growling Grass Frog offset to the standard of the Growling Grass Frog habitat creation guidelines as described in pages 65-71 of the EHP Report for the life of the approval.</p>	<p>It is a requirement of the Project contract that the Contractor maintains the Growling Grass Frog offset for three years after the works are completed.</p> <p>Monitoring and maintenance has occurred to ensure the ponds meet the specifications described in pages 65-71 of the EHP Report. The fourth and final assessment of the Growling Grass Frog Habitat was completed in April 2022. This final assessment concluded that the majority of the created Growling Grass Frog habitat is now well established.</p> <p>MRPV formally transferred responsibility for maintaining the asset to the Victorian Department of Transport and Planning on 17 June 2022.</p>	Compliant.
<p>4 Within 7 calendar days of the commencement of construction, the approval holder must advise the Department in writing of the actual date of commencement of construction.</p>	<p>Notification of construction commencement occurred in accordance with this approval condition.</p> <p>Works commenced as follows:</p> <ul style="list-style-type: none"> • Section 1 – Winchelsea to Armytage Rd: 6 July 2016. • Section 2 – Armytage Rd to Warncoort: 2 February 2016 • Section 3 – Warncoort to Colac East: 18 December 2017. 	Compliant.
<p>5 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 reports required by this approval, and make them available upon request to the Department. Such records may be subject to</p>	<p>MRPV's Project Team maintains records of all activities associated with or relevant to the conditions of approval. These documents will be available to the DCCEEW upon request and are available for auditing purposes.</p>	Compliant.

Approval condition	Compliance assessment	Compliance status
<p>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.</p>		
<p>6 Within three months of every 12 month anniversary of the commencement of construction, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the EHP Report, as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published.</p>	<p>As discussed with the DCCEEW Compliance Monitoring Team, one compliance report will be produced annually covering all project sections. Works commenced on 2 February 2016 and hence the annual compliance report (this report) must be published no later than 2 May each year.</p> <p>Following consultation with the DCCEEW, this year's compliance report will be published no later than 16 May 2023.</p> <p>All compliance reports can be found on the MRPV or VicRoads websites.</p>	<p>Compliant.</p>
<p>7 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.</p>	<p>An independent audit has not been requested by the Minister.</p>	<p>Compliant.</p>
<p>8 The approval holder may choose to revise a management report, plan or strategy approved by the Minister under Conditions 2 and 3 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the</p>	<p>There were no modifications during the reporting period to a management report, plan or strategy approved by the Minister under Conditions 2 and 3.</p>	<p>Compliant.</p>

Approval condition	Compliance assessment	Compliance status
<p>revised report, plan or strategy would not be likely to have a new or increased impact. If the approval holder makes this choice they must:</p> <ul style="list-style-type: none"> i. Notify the Department in writing that the approved report, plan or strategy has been revised and provide the Department with an electronic copy of the revised report, plan or strategy; ii. Implement the revised report, plan or strategy from the date that the report, plan or strategy is submitted to the Department; and iii. For the life of this approval, maintain a record of the reasons the approval holder considers that taking the action in accordance with the revised report, plan or strategy would not be likely to have a new or increased impact. 		
<p>9 The approval holder may revoke their choice under Condition 8 at any time by notice to the Department. If the approval holder revokes the choice to implement a revised report, plan or strategy without approval under section 143A of the EPBC Act, the plan or strategy approved by the Minister must be implemented.</p>	<p>Not applicable during reporting period.</p>	<p>Not applicable.</p>
<p>10 Condition 8 does not apply if the revisions to the approved report, plan or strategy include changes to environmental offsets provided under the report, plan, or strategy in relation to the matter, unless otherwise agreed in writing by the Minister. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised</p>	<p>Not applicable during reporting period.</p>	<p>Not applicable.</p>

Approval condition	Compliance assessment	Compliance status
<p>11 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 revised report, plan or strategy would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> i. Condition 8 does not apply, or ceases to apply, in relation to the revised report, plan or strategy; and ii. The approval holder must implement the report, plan or strategy approved by the Minister. To avoid any doubt, this condition does not affect any operation of Conditions 8, 9 and 10 in the period before the day the notice is given. 	Not applicable during reporting period.	Not applicable.
<p>12 At the time of giving the notice the Minister may also notify for a specified period of time that Condition 8 does not apply for one or more specified reports, plans or strategies required under the approval.</p>	Not applicable during reporting period.	Not applicable.

Approval condition	Compliance assessment	Compliance status
13 Conditions 8, 9, 10 and 11 are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised report, plan or strategy to the Minister for approval.	Not applicable during reporting period.	Not applicable.
14 If, at any time after 5 years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister.	Works commenced as follows: <ul style="list-style-type: none"> • Section 1 – Winchelsea to Armytage Rd: 6 July 2016. • Section 2 – Armytage Rd to Warncoort: 2 February 2016 • Section 3 – Warncoort to Colac East: 18 December 2017. 	Compliant.
15 Unless otherwise agreed to in writing by the Minister, the approval holder must publish a copy of each report, plan and strategy referred to in these conditions of approval on their website. Each report, plan and strategy must be published on the website within one (1) month of being approved.	Prior to the transfer of the Approval to MRPV, VicRoads published the Ecology and Heritage Partners (EHP) Report entitled 'Princes Highway Duplication Winchelsea to Colac EPBC Preliminary Documentation Response' (October 2015) on its website. This report is also now published on the MRPV website.	Compliant.
16 Within 1 month of the completion of construction of each project stage, the approval holder must advise the Department in writing of the actual date of completion of construction of each project stage.	Correspondence advising the completion of construction was sent to the DCCEEW on 20 February 2020 (2020-2021 reporting period).	Compliant.

Appendix A – Project Map



NOTE: The action approved under EPBC Act Approval Notice 2012/6568 includes Section1, Section 2 and Section 3 as depicted in the above image.