



July 2024

Princes Highway Duplication – Stammers Road, Traralgon East to Templetons Road, Fulham, Victoria

Compliance Assessment Report No.11

July 2023 to July 2024

EPBC Approval No. 2010/5640

Prepared for Department of Climate Change, Energy, the Environment and Water
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Table of Contents

DOCUMENT INFORMATION	2
GLOSSARY.....	4
1 EXECUTIVE SUMMARY	5
2 INTRODUCTION	5
2.1 PURPOSE OF THIS DOCUMENT.....	5
2.2 BACKGROUND	5
2.3 ENVIRONMENT EFFECTS STATEMENT.....	5
2.4 EPBC ACT REQUIREMENTS	6
3 PROJECT STATUS AND COMPLIANCE	6
3.1 CONSTRUCTION.....	6
3.2 CURRENT PROJECT ACTIVITIES	7
3.3 PROJECT COMPLIANCE	8
4 PERFORMANCE AND COMPLIANCE (EPBC 2010/5640).....	9
5 REFERENCES	17
APPENDIX A – PROJECT MAP	18

Glossary

Table 1.0: List of Terms and Abbreviations

Term/Abbreviation	Definition
CAB	Construction activity boundary
DCCEEW	Department of Climate Change, Energy, the Environment and Water (previously the Department of Agriculture, Water and the Environment (DAWE) and before that the Department of the Environment and Energy (DoEE))
DEECA	Department of Energy, Environment and Climate Action (previously the Department of Environment, Land, Water and Planning (DELWP))
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities, former Department of Energy and Environment (dissolved) Department of Environment (superseding), which is now also dissolved and now forms part of DCCEEW
EES	Environment Effects Statement
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
GHD	GHD Australia, consultant
MTIA	Major Transport Infrastructure Authority
MRPV	Major Road Projects Victoria
MNES	Matters of National Environmental Significance

1 Executive Summary

The final approval to Referral No. 2010/5640 under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) was given to VicRoads, now Major Road Projects Victoria (MRPV), on the 23 January 2013 for the construction of the Princes Highway Duplication between Stammers Road, Traralgon East and Templetons Road, Fulham, Victoria (Princes Highway East Duplication Project).

Under Condition 14 of the decision notice, an annual compliance report is required to be published on Major Road Projects Victoria's 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 (the Project) against the conditions of EPBC Act Approval No. 2010/5640 (the Approval). This is the tenth compliance report to be prepared for the Princes Highway East Duplication Project and relates to the period 2 July 2023 to 2 July 2024, or year eleven of the action.

Major Road Projects Victoria has complied with all the conditions referenced in the EPBC Act approval 2010/5640 for this annual reporting period.

2 Introduction

2.1 Purpose of this document

This report details the Project's compliance with the conditions of Approval No. 2010/5640 under the EPBC Act in accordance with Condition No. 14 of the decision notice.

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.

Major Road Projects Victoria developed a project to duplicate the Princes Highway East between Stammers Road, Traralgon East and Templetons Road, Fulham to deliver significant improvements in road safety, capacity and efficiency. The length of the project subject to the EPBC conditions is approximately 31 kilometres long and has been broken into a number of sections.

Duplication of the highway between Traralgon East and Fulham is part of the larger project to duplicate 43 kilometres of 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 Program, and \$35M allocated by the State Government. An additional \$85M of Federal and State funds was allocated in the 2015/16 budget, brought the total project funding to \$260M. Stage 3 funding from State and Federal Government was committed in July 2020 for an additional \$253M and will bring the completion of these works, which will result in the entire Princes Highway East between Traralgon and Sale being fully duplicated.

A project map for Stage 3 is provided in Appendix A.

2.3 Environment Effects Statement

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

2.4 EPBC Act Requirements

The EPBC Act has several objectives including the protection of matters of national environmental significance (MNES) such as nationally threatened species and ecological communities and heritage places.

2.4.1 EPBC Approval

Approval of the Commonwealth Minister for Environment 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 Climate Change, Energy, the Environment and Water (DCCEEW) (then the Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC)) on 3 September 2010.

A decision issued on 8 October 2010 determined that the Project 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;
- Removal and modification of habitat for the endangered Matted Flax-lily (*Dianella amoena*); and
- Potential impacts on populations of Dwarf Galaxias *Galaxiella pusilla* and Growling Grass Frog *Litoria raniformis*.

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

2.4.2 Change of Proponent

On 1 January 2019, the Major Transport Infrastructure Authority, now Victorian Infrastructure Delivery Authority (VIDA), was formed to deliver the transport infrastructure program for Victoria. VIDA is made up of project teams including Major Road Projects Victoria (MRPV). MRPV continues to monitor and deliver the Princes Highway East Duplication between Traralgon and Sale. The responsibility (proponent) for the compliance and reporting for this EPBC Approval No. 2010/5640 has been transferred from VicRoads to MRPV.

2.4.3 Variation of Conditions of Approval

On 4 February 2022, VicRoads was granted approval by DCCEEW to vary the EPBC Approval 2010/5640. These updated conditions are reported on in this document in Table 3.0.

3 Project Status and Compliance

3.1 Construction

The action commenced on 2 July 2013 with fencing and initial clearing works on the Stammers Road to Minnedale Road section of the Project.

Construction of the Stammers Road to Minnedale Road and Nambrok Road sections was completed prior to April 2015. Works on the Flynn to Rosedale section were completed in November 2016. Works on the Minnedale Road to east of Sheepwash Creek Road and Nambrok Road to Maffra-Rosedale Road sections commenced in late 2016 and early 2017 respectively with construction for both sections completed in December 2018. The relocation of Gippsland Water's sewer on the Flynn section commenced in November 2017 and was completed in May 2018. All construction activities have commenced for the final stage of the Project now funding has been committed. The Flynn and Kilmany East sections were completed in February and March of 2023, respectively. The ongoing construction of the final Kilmany section is well under way. A snapshot of the progress of works as at July 2023 is provided in the table below (Table 2.0).

Table 2.0 Progress of Works by Section

Section	Construction Start	Construction End
Traralgon 2 – Stammers Road to Minniedale Road (1.7km)	July 2013	February 2015
Flynn to Rosedale (8.1km)	March 2014	November 2016
Nambrok 1 – Nambrok Road (2.6km)	December 2013	April 2015
Traralgon East 3 – Minniedale Road to east of Sheepwash Creek Road (3.9km)	December 2016	December 2018
Nambrok 2 – Nambrok Road to Maffra-Rosedale Road (3.4km)	February 2017	December 2018
Flynn – East of Sheepwash Creek Road to west of Flynn’s Creek Road (4 km)	Aug 2021	February 2023
Kilmany – East of Maffra-Rosedale Road Nambrok to Velore Road (5.1 km)	Nov 2021	Scheduled – Q4 2024
Kilmany East – East of Velore Road in Kilmany to east of Templetons Road (3 km)	Aug 2021	March 2023

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.

As for the Stage 1 and 2 works, the Contractor’s Construction Environmental Management Plans and procedures have been developed for the final three sections of the duplication to be constructed. These plans have been developed in conjunction with the relevant stakeholders and endorsed by the Secretary of DEECA in accordance with the conditions of the planning approvals for the Project.

3.2.2 Native Vegetation Removal

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 national environmental significance (MNES). 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.

During construction all native vegetation removal has been tracked to ensure that project activities have not impacted more than 9.03 hectares of Gippsland Red Gum (*eucalyptus tereticornis* subsp. *Mediana*) Grassy Woodland and associated Native Grassland.

Major Road Projects Victoria has identified all areas of vegetation to be removed and retained and installed no-go zone fencing during construction. Through this process, additional areas of native vegetation within the CAB have been identified. This has resulted in a number of additional small areas of vegetation being retained..

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 DEECA and either approved by or provided to DCCEEW for information as required for each plan.

Vegetation offset management actions have been completed at the Bengworden property and on the Princes Highway roadside offset site between Sheepwash Creek and Flynn's Creek Road in accordance with the Offset Management Plans.

Pre-construction surveys were conducted before the commencement of the Stage 3 works as per the above-mentioned species management plans.

3.3 Project Compliance

Major Road Projects Victoria has complied with all of the conditions referenced in the EPBC Act approval 2010/5640 for the annual reporting period. Details of compliance against each of the nineteen conditions of the approval are provided in Section 4 below.

4 Performance and compliance (EPBC 2010/5640)

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

Condition	Subject	Conditions	Compliance Status	Response / Evidence
1	Project area and preferred alignment	Project activities must be limited to the Project Area.	Compliant	There have been no Project activities outside of the defined 'Project Area.'
2	Project area and preferred alignment	The proponent must undertake the action in accordance with the proposed preferred alignment.	Compliant	<p>Detailed design drawings for all sections are based on electronic shape files for the preferred alignment developed during the EES.</p> <p>The preferred alignment at Traralgon East Stage 3 - Sheepwash Creek Section was modified to accommodate the future Traralgon Bypass interchange. This change impacted on a small area outside the Project area. This variation was approved by the DOEE (now DCCEEW) Post Approvals Section on 17 June 2016.</p> <p>Design was finalised during the 2020/2021 reporting period for Stage 3 works and is in accordance with the proposed preferred alignment as show in Attachment 4 of the Variation of Conditions (EPC 2010/5640) dated 4 February 2022.</p>
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.'	Compliant	To date the project has impacted less than 8.83 hectares of Gippsland Red Gum Grassy Woodland. The final extent of vegetation impact is not forecast to exceed the 9.03 hectares.

Condition	Subject	Conditions	Compliance Status	Response / Evidence
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>).	Compliant	<p>The requirements of the Matted Flax-lily Species Management Plan have been incorporated into the contract specification for the Stage 3 works at Flynn, Kilmany, and Kilmany East.</p> <p>Pre-construction surveys for Matted Flax-lily were conducted at Flynn, Kilmany East and Kilmany as required under the management plan.</p> <p>No Matted Flax-lily have been impacted to date.</p>
5	Project commitments	The proponent must translocate the impacted Matted Flax-lily identified in Condition 4, in accordance with the Matted Flax-lily translocation plan.	Not applicable	Condition not triggered during this reporting period.
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 proposed offsets to compensate for the impact. Work in that area cannot recommence until directed in writing by the Department.	Compliant	<p>No additional MNES identified to date.</p> <p>Contract Specifications require Contractors to stop work immediately and notify Major Road Projects Victoria of any MNES discovered during the course of the works.</p> <p>Contractor CEMPs have been reviewed to verify they contain procedures to stop work immediately if MNES identified. Stop work procedures were communicated to all projects staff at the pre-commencement environmental awareness workshops.</p>

Condition	Subject	Conditions	Compliance Status	Response / Evidence
7	Project commitments	To protect populations of Dwarf Galaxias (<i>Galaxiella pusilla</i>) the proponent must ensure that pier installation and any earthworks surrounding Flynnns 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).	Compliant	<p>All works surrounding Flynnns Creek, Blind Joes Creek and Sheepwash Creek were performed in low or no flow conditions, outside breeding/ dispersal period for the Dwarf Galaxias, which was incorporated into the Contract Specifications. Post construction monitoring has been completed and compliant to condition 7 for Stage 1 and 2 works in the specified areas.</p> <p>No works are proposed to be undertaken as a part of Stage 3 that will impact areas relevant to condition 7.</p>
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.	Compliant	<p>Revegetation has been completed.</p> <p>No further action required in this reporting period.</p>
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 (i.e., translocation and handling protocols). This plan must be implemented prior to the commencement of construction.	Compliant	<p>MRPV has an approved Species Management Plan for the Growling Grass Frog.</p> <p>Before commencement of construction, pre-clearance surveys were completed for Flynnn, Kilmany, and Kilmany East. The Project is compliant with the species management plan.</p>

Condition	Subject	Conditions	Compliance Status	Response / Evidence
10	Offsets	<p>The proponent must prepare an offset management plan for the 'Bengworden' property that includes commitments to offset the impacts to the critically endangered ecological community Gippsland Red Gum (<i>Eucalyptus tereticornis</i> subsp. <i>mediana</i>) Grassy Woodland and Associated Native Grassland with 47.8 hectares of land. The offset management plan must also quantify the anticipated 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.</p>	Compliant	<p>An Offset Management Plan for the Bengworden property was finalised in April 2011 and approved by DSEWPaC (now DCCEEW) on 25 March 2013.</p> <p>Ongoing measures have been undertaken since 2013 consistent with the Bengworden Offset Site management plan.</p> <p>In 2022, a year-10 review of the OMP management actions identified the need for ongoing weed management to reduce weed cover from around 10% to <5% as outlined in the management action targets. The implementation of the OMP remains ongoing.</p>
11	Offsets	<p>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:</p> <p>Include commitments for offsetting the impact to the critically endangered ecological community Gippsland Red Gum (<i>Eucalyptus tereicornis</i> subsp. <i>Mediana</i>) Grassy Woodland and Associated Native Grassland;</p> <p>Include specific details, including maps and diagrams that show boundaries of the proposed offset site;</p>	Compliant	<p>The final version of the Offset Management Plan for Princes Highway East, Sheepwash Creek to Flynn approved by DSEWPaC (now DCCEEW) on 28 October 2013.</p> <p>Implementation of the Offset Management Plan actions are in progress (currently in 'Year 10' of the action table).</p> <p>Ongoing management actions will be taken until all key performance targets are met.</p>

Condition	Subject	Conditions	Compliance Status	Response / Evidence
		<p>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;</p> <p>Demonstrate how the offset site will be protected in perpetuity;</p> <p>Include information and commitments to monitoring and reporting on the progress of the offset site;</p> <p>Be based on the <i>'Roadside Vegetation Offset Management Plan Princes Highway – Sheepwash Creek to Flynn, October 2012'</i>.</p>		
12	Offsets	<p>Within 30 calendar days after the commencement of the action, the proponent must advise the Department in writing of the actual date of commencement.</p>	Not applicable	<p>Notification of commencement was sent to the Department on 10 October 2013 advising that the activity commenced on 2 July 2013. A non-conformance was raised in the Year 1 of the compliance reporting (July 2013 to July 2014) for failing to notify the Department of the commencement of works within the stipulated time frame of Condition 12.</p>
13	Offsets	<p>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 subject to audit by the department or an independent auditor in accordance with section 458 of the EPBC Act or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the</p>	Compliant	<p>All records relevant to the conditions of the Approval are stored and maintained in MRPV's electronic file storage system. This includes all records that were previously kept in VicRoads electronic file storage systems.</p> <p>No request for access or audit of these records has been received from the Department to date.</p>

Condition	Subject	Conditions	Compliance Status	Response / Evidence
		department's website. The results of audits may also be publicised through the general media.		
14	Offsets	Within three months of every 12-month anniversary of the commencement of the action, the proponent must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans 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.	Compliant	This is the eleventh compliance report completed for the project. The current Compliance Report (2024) will be published on MRPVs (Major Road Projects Victoria) Big Build website in accordance with Condition 14.
15	Offsets	Upon the direction of the Minister, the proponent 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.	Compliant	The Office of Compliance in the Department of Environment and Energy conducted a site visit of the project area and reviewed compliance on the conditions of the EPBC 2010/5640 approval on 24 January 2019. For the purpose of the site visit, officers of the Department did not identify any non-compliance with these EPBC Act approval conditions.
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	Not applicable	Condition not triggered during this reporting period.

Condition	Subject	Conditions	Compliance Status	Response / Evidence
		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.		
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.	Not applicable	Condition not triggered during this reporting period.
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.	Not applicable	Condition not triggered during this reporting period.

Condition	Subject	Conditions	Compliance Status	Response / Evidence
19	Offsets	If, at any time after 10 years from the date of this approval, the proponent has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.	Not applicable	Condition not triggered during this reporting period.

5 References

DEWHA (2010) *Gippsland Red Gum Grassy Woodland and Associated Native Grassland - A nationally threatened ecological community Environment Protection and Biodiversity Conservation Act 1999 Policy Statement 3.22*. Department of the Environment, Water, Heritage and the Arts, Commonwealth of Australia

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

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

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

GHD (August 2016), *Traralgon East to Kilmany Duplication Project – Growling Grass Frog Management Plan*, GHD House 239 Adelaide Terrace Perth WA 6004

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

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

Appendix A – Project Map

Princes Highway East Duplication Stage 3– Traralgon to Sale

