



HEALESVILLE-KOO WEE RUP ROAD UPGRADE

Compliance Assessment Report No. 02

(18 January 2023 to 17 January 2024)

EPBC Approval No. 2019/8487

DOC/24/20006

Prepared for
Audit and Assurance Section
Compliance and Enforcement Branch
Environment Assessment and Compliance Division
Department of Climate Change, Energy, the Environment and Water
GPO Box 787, CANBERRA ACT 2601

Approval Information



Approval number:	2019/8487
Approval holder:	Department of Transport and Planning NB. Due to Machinery of Government changes Major Road Projects Victoria is now responsible for the delivery of the Action during the design and construction phase.
ABN:	69 981 208 782 NB. Major Road Projects Victoria is a project office within the Major Transport Infrastructure Authority, which is an administrative office within the Victorian Department of Transport & Planning (ABN 69 981 208 782).
Approved action:	To duplicate approximately 10 kilometres of the Healesville – Koo Wee Rup Road between the Princes Freeway in Pakenham and Manks Road in Koo Wee Rup

Document Information

Criteria	Details
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Terms, abbreviations, and definitions

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

Table 1 List of Terms and Abbreviations

Terms / Abbreviation	Definition
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DTP	Department of Transport and Planning
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
FMP	Fauna Management Plan
GGF	Growling Grass Frog
Ha	Hectare
MRPV	Major Road Projects Victoria
OMP	Offset Management Plan
RMP	Revised Management Plan
SBB	Southern Brown Bandicoot

1 Executive Summary

The final approval to Referral No. 2019/8487 under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) was given to Major Road Projects Victoria (MRPV) on the 18th of September 2020, with respect to the construction of the Healesville-Koo Wee Rup Road Upgrade (the Project). Variations to conditions were approved on the 6th of July 2021, the 10th of December 2021 and 22nd of December 2023.

Under Condition 11 of the decision notice, an annual compliance report is required to be published on Victoria's Big Build website. 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. 2019/8487. This is the second compliance report prepared for the Project and relates to the period of the 18th of January 2023 to the 17th of January 2024.

MRPV has complied with all conditions referenced in the EPBC Act Approval No. 2019/8487 for this annual reporting period.

2 Introduction

2.1 Purpose of this Report

This report details compliance with the conditions of Approval No. 2019/8487 under the EPBC Act, in accordance with Condition No. 11 of the decision notice.

2.2 Project Background

The Project involves the duplication of 10 km of Healesville-Koo Wee Rup Road between Manks Road and Princes Freeway East (Princes Freeway). The Project is being delivered in two packages led by separate Contractors, the Healesville-Koo Wee Rup Upgrade (North Section) and the Healesville-Koo Wee Rup Upgrade (South Section).

Healesville-Koo Wee Rup Road primarily serves as a north-south arterial route, providing inter-regional connectivity between two major transportation corridors in Melbourne's outer south-east, the Princes Freeway and the South Gippsland Highway.

Traffic volumes along Healesville-Koo Wee Rup Road have continued to increase since the opening of the Pakenham Bypass and Koo Wee Rup Bypass, as the route has become the primary arterial for road users accessing the Bass Coast (including Phillip Island) and South Gippsland from metropolitan Melbourne.

The Project will complete the duplication of Healesville-Koo Wee Rup Road between the Princes Freeway and the Koo Wee Rup Bypass, which connects to the South Gippsland Highway. The MRPV upgrades are aimed to improve connectivity, increase road capacity, reduce commute time and improve road safety.

Upgrades as part North Section of the Project include approximately 5.5 km of road duplication, the construction of two new bridges over Deep Creek, construction of a new signalised intersection and new roundabouts and the construction of a shared use path.

Upgrades as part of South Section of Project include approximately 5 km of road duplication, the construction a new roundabout and the construction of a shared use path.

A Project map is provided in Appendix A of this report.

2.3 EPBC Act Requirements

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

A decision issued on the 23rd of August 2019 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 vulnerable Growling Grass Frog *Litoria raniformis*; and
- Impact on the endangered Southern Brown Bandicoot *Isodon obesulus*.

The Project was subsequently approved by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) (the Department), previously the Department of Agriculture, Water and Environment, as a controlled action on the 18th of September 2020 with conditions and a variation to the conditions on the 6th of July 2021, the 10th of December 2021 and the 22nd of December 2023. The approval to Referral No. 2019/8487 under the EPBC Act was given to the Department of Transport and Planning (DTP) (ABN 69 981 208 782), previously the Department of Transport, with respect to the construction of the Project. As an administrative office of DTP, the MTIA (including its project office MRPV) is responsible for the delivery of the action and compliance with the conditions during construction of the project.

3 Project Status

A summary of the key milestones and activities of the Project, undertaken during the compliance reporting period associated with the action are listed below:

- Contract awarded to McConnell Dowell Constructors Pty Ltd (ABN 71 002 929 017) for the North Section on the 17th of December 2021;
- Contract awarded to Seymour Whyte Pty Ltd (ABN 48 105 493 187) for the South Section on the 17th of December 2021;
- The Department were notified on the 18th of January 2022 of the commencement of the action on the 17th of January 2022; and
- Activities associated with the action that commenced on the 17th of January 2022 include:
 - Ongoing installation of major drainage and fauna crossing culvert structures along the project alignment.
 - Ongoing installation of major directional signage structures and street lighting.
 - Ongoing relocation of major utilities including power, sewer, water, telecommunication, and gas services.
 - Completed all widening works for the new carriageways of Healesville-Koo Wee Rup Road (including earthworks, drainage, pavement construction and barrier installation).
 - Rehabilitation of the existing carriageways of Healesville-Koo Wee Rup Road and final pavement tie-in sections remain ongoing.
 - Completed the new roundabout at the Ballarto Road intersection.
 - Completed widening and traffic signal installation at the intersections of SE Blvd/Livestock Way and Greenhills Road.
 - Completed bridgeworks for the new Deep Creek Bridges, Ballarto Road crossing and Island Road crossing.
 - Commenced landscaping and habitat planting, initially between Deep Creek and Ellett Road.

4 Performance and Compliance (EPBC 2019/8487)

Table 2 EPBC Act Approval Notice 2019/8487 compliance results

Condition	Subject	Conditions of the Approval	Compliance Status	Comments / Evidence
1	Conditions specific to the action	The approval holder must not clear more than: <ul style="list-style-type: none"> a. 5.078 ha of Southern Brown Bandicoot habitat, and b. 4.238 ha of Growling Grass Frog habitat within the action area.	Compliant	<ul style="list-style-type: none"> a. Clearance has not exceeded 5.078 ha of Southern Brown Bandicoot (SBB) habitat. The current impact of the project to SBB habitat is 4.451 ha. b. Clearance has not exceeded 4.238ha of Growling Grass Frog (GGF) habitat. The current impact of the project to GGF habitat is 2.436 ha.
2	Conditions specific to the action	<p>Prior to the commencement of the action, to compensate for the loss of up to 5.078 ha of Southern Brown Bandicoot habitat and 4.238 ha of Growling Grass Frog habitat, the approval holder must implement the offset management plan specific to each offset site and submit written evidence to the Department that it has commenced implementing the management plan for each offset site. The approval holder may discontinue implementing the relevant offset management plan for an offset site from the date an Alternative Offset Site (or sites) in respect of that offset site is approved by the Minister in accordance with condition 4A(a).</p> <p>Note: Conditions 2 and 3 apply to the three (3) offset sites and the offset management plans for those offset sites (as specified in the approval decision when made on 18 September 2020 – i.e. the Brucknell, Harewood and Brady Swamp offset sites). Conditions 2 and 3 do not apply to any alternative offset site/s and/or alternative offset site management plan/s that may be approved in accordance with condition 4A.</p>	Compliant	<p>Prior to commencement of the Action on the 17th of January 2022, Offset Management Plans (OMPs) were implemented for the Brady's Swamp and Brucknell Offset Sites.</p> <p>The Department was provided with evidence of the commencement of the OMPs for the Brucknell Offset Site on the 3rd of May 2021 and the Brady's Swamp Offset Site on the 14th of December 2021.</p> <p>The Harewood Offset Site could not be secured. Therefore, the Harewood Offset Site was withdrawn on the 17th of September 2021 and an Alternative Offset Site was nominated, in accordance with condition 4A(a).</p>
3	Conditions specific to the action	Within 24 months of the date of this approval, the approval holder must secure each offset site, submit to the Department written evidence that each offset site has been secured and supply shapefiles containing the offset attributes for each offset site.	Compliant	<p>The Brady's Swamp Offset Site was secured and written evidence provided to the Department on the 14th of December 2021, within 24 months of the approval.</p> <p>In addition to the withdrawal of the Harewood Offset Site, the Brucknell Offset Site was withdrawn. An Alternative Offset Site was nominated in accordance with conditions 4 and 4A(a).</p>
4	Conditions specific to the action	Within 24 months of the date of this approval, written evidence must be provided to the Department to demonstrate whether Southern Brown Bandicoot is present on the Brucknell offset site.	Compliant	It was not possible to provide evidence to demonstrate the presence of SBB at the Brucknell Offset Site within 24 months of the approval and an Alternative Offset Site was nominated in accordance with condition 4A(a).

Condition	Subject	Conditions of the Approval	Compliance Status	Comments / Evidence
4A	Conditions specific to the action	<p>If the approval holder is not able to secure one or more offset site/s and/or the approval holder is not able to provide written evidence to demonstrate the presence of Southern Brown Bandicoot at the Brucknell offset site within the timeframes required by conditions 3 or 4 respectively, the approval holder must:</p> <ul style="list-style-type: none"> a. identify an Alternative Offset Site (or sites) and specify how it would satisfy the principles of the Environmental Offsets Policy in relation to Southern Brown Bandicoot habitat and/or Growling Grass Frog habitat (as applicable to the impacts that were to be offset by the offset site for which the offset management plan will no longer be implemented), and submit this to the Minister for approval no later than 27 months from the date on which the decision to approve this action was made; b. submit an Offset Site Management Plan that meets the requirements of Appendix 3 in respect of the Alternative Offset Site (or sites) as well as shapefiles containing the offset attributes for the Alternative Offset Site (or sites) and submit these to the Minister for approval, within 3 months of the date the Minister has approved an Alternative Offset Site (or sites) in accordance with condition 4A(a); c. commence implementing the approved Offset Site Management Plan in respect of the Alternative Offset Site (or sites), and submit written evidence to the Department that it has commenced implementing the Offset Site Management Plan in respect of the Alternative Offset Site (or sites) within 6 months of the date the Minister has approved an Alternative Offset Site (or sites) in accordance with condition 4A(a); and d. secure the Alternative Offset Site (or sites), and submit to the Department written evidence that the Alternative Offset Site (or sites) has been secured, by 30 September 2025. 	Compliant	<ul style="list-style-type: none"> a. The Harewood Offset Site could not be secured and the Ocean Grange Offset Site was nominated as an Alternative Offset Site on the 8th of December 2021 and OMP was approved on 27th September 2022, within 27 months of the approval. <p>Additionally, the Brucknell Offset Site could not be secured and the Ocean Grange Offset Site was also nominated as an Alternative Offset Site to Brucknell on the 19th of December 2022, within 27 months of the approval.</p> <ul style="list-style-type: none"> b. Submission of the Ocean Grange OMP as an Alternative Offset Site to Harewood was made on the 8th of December 2021, within 3 months of the approval of the Ocean Grange Alternative Offset site. <p>Discussions are ongoing with the Department to assist the submission of the Ocean Grange OMP as an Alternative Offset Site to Brucknell.</p> <ul style="list-style-type: none"> c. The Department was notified of implementation of the Ocean Grange OMP for the Alternative Offset Site to Harewood on the 22nd of June 2022, within 6 months of the approval of the Alternative Offset Site. <p>Discussions are ongoing with the Department to assist in the implementation of the Ocean Grange OMP for the Ocean Grange Alternative Offset Site to Brucknell.</p> <ul style="list-style-type: none"> d. Discussions are ongoing with the Department, the landowner and Trust for Nature to secure the Ocean Grange Alternative Offset Site for Harewood and Brucknell.
5	Conditions specific to the action	The action must be taken in accordance with the Fauna Management Plan (FMP).	Compliant	No non-conformances reported to date. Regular reviews, including weekly inspections are completed.
6	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.	Compliant	The action commenced on the 17 th of January 2022 and the Department was notified on the 18 th of January 2022.
7	Compliance records	The approval holder must maintain accurate and complete compliance records.	Compliant	Records of implementation are maintained according to the accredited quality management system.
8	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	Noted, records will be supplied upon request.
9	Preparation and publication of plans	<p>The approval holder must:</p> <ul style="list-style-type: none"> a. submit plans electronically to the Department; b. publish each plan on the website within 20 business days of the date of this approval, unless otherwise agreed to in writing by the Minister; c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and d. keep plans published on the website until the end date of this approval. 	Compliant	<ul style="list-style-type: none"> a. Plans were submitted electronically. b. The FMP and OMPs were published on MRPV's website on the 16th of October 2020. c. Sensitive ecological data was redacted as required. d. The plans are available online: https://bigbuild.vic.gov.au/projects/mrpv/heaalesville-koo-wee-rup-road-upgrade/environment
10	Preparation and publication of plans	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under a plan, is prepared in accordance with the Department's Guidelines for	Compliant	Noted.

Condition	Subject	Conditions of the Approval	Compliance Status	Comments / Evidence
		biological survey and mapped data (2018) and submitted electronically to the Department in accordance with the requirements of the plan.		
11	Annual compliance reporting	<p>The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:</p> <ol style="list-style-type: none"> publish each compliance report on the website within 60 business days following the relevant 12 month period; notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within five business days of the date of publication; keep all compliance reports publicly available on the website until this approval expires; exclude or redact sensitive ecological data from compliance reports published on the website; and 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 Victoria's Big Build website.
12	Reporting non-compliance	<p>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:</p> <ol style="list-style-type: none"> any condition which is or may be in breach; a short description of the incident and/or non-compliance; and the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available. 	Compliant	Noted, no non-conformances noted during the reporting period.
13	Reporting non-compliance	<p>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:</p> <ol style="list-style-type: none"> any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; the potential impacts of the incident or non-compliance; and the method and timing of any remedial action that will be undertaken by the approval holder. 	Compliant	Noted, no non-conformances noted during the reporting period.
14	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	Noted, no audits have been requested during the reporting period.
15	Independent audit	<p>For each independent audit, the approval holder must:</p> <ol style="list-style-type: none"> provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; 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. 	Not Applicable	Noted, no audits have been requested during the reporting period.
16	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	Noted.
17	Revision of management plans	The approval holder may, at any time, apply to the Minister for a variation to a management plan required to be implemented under conditions 2 and 5, 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 (RMP) then, from the date specified, the approval holder must implement the RMP in place of the previous management plan.	Not Applicable	Noted.

Condition	Subject	Conditions of the Approval	Compliance Status	Comments / Evidence
18	Revision of management plans	The approval holder may choose to revise a management plan required to be implemented under condition 5, 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 RMP would not be likely to have a new or increased impact.	Compliant	The FMP was revised with no new or increased impact from the action and submitted to the Department under conditions 18 and 19 on the 20 th of May 2021 and again on the 15 th of July 2022.
19	Revision of management plans	If the approval holder makes the choice under condition 18 to revise a management plan without submitting it for approval, the approval holder must: <ul style="list-style-type: none"> a. notify the Department in writing that the management plan has been revised and provide the Department with: <ul style="list-style-type: none"> i. an electronic copy of the RMP; ii. an electronic copy of the RMP marked up with track changes to show the differences between the approved management plan and the RMP; iii. an explanation of the differences between the approved management plan and the RMP; iv. the reasons the approval holder considers that taking the action in accordance with the RMP 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 RMP (RMP implementation date). b. subject to condition 21 implement the RMP from the RMP implementation date. 	Compliant	<ul style="list-style-type: none"> a. The Department was notified of revisions to the FMP under conditions 18 and 19, on the 20th of May 2021 and again on the 15th of July 2022. b. The revised FMP was implemented accordingly and is ongoing.
20	Revision of management plans	The approval holder may revoke their choice to implement a RMP under condition 18 at any time by giving written notice to the Department. If the approval holder revokes the choice under condition 18, the approval holder must implement the management plan in force immediately prior to the revision undertaken under condition 18.	Not Applicable	Noted.
21	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 RMP would be likely to have a new or increased impact, then: <ul style="list-style-type: none"> a. condition 18 does not apply, or ceases to apply, in relation to the RMP; and b. the approval holder must implement the management plan specified by the Minister in the notice. 	Not Applicable	Noted.
22	Revision of management plans	At the time of giving the notice under condition 21, the Minister may also notify that for a specified period of time, condition 18 does not apply for one or more specified management plans.	Not Applicable	Noted.
23	Revision of management plans	Note: conditions 18, 19, 20 and 21 are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised management plan, at any time, to the Minister for approval.	Not Applicable	Noted.
24	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	Noted.

5 Appendix A – Project Map



Map: 2135645A_GIS_1858_A1	Author: MB		<p>1:35,000</p> <p>Scale ratio correct when printed at A3</p>	<p>MAJOR ROAD PROJECTS VICTORIA</p>	<p>HKWR Road Offset Management Plan Healesville-Koo Wee Rup Road Upgrade</p> <p>Overview</p>
Date: 24/05/2019	Approved by: -				

6 Appendix B – Approval Notice



Australian Government
**Department of Climate Change, Energy,
 the Environment and Water**

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Variation of conditions attached to approval

Healesville - Koo Wee Rup Road Upgrade, Victoria (EPBC 2019/8487)

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).



Approved action

approval holder	Department of Transport ABN: 69 981 208 782
approved action	To duplicate approximately 10 kilometres of the Healesville – Koo Wee Rup Road between the Princes Freeway in Pakenham and Manks Road in Koo Wee Rup. See EPBC Act referral 2019/8487.

Variation

variation of conditions attached to approval	The variation is: Delete condition 4A attached to the approval and substitute with the condition specified in the table below. Delete the definition for Environmental offsets policy and substitute with the definition specified in the table below. Add Appendix 4 to the table below.
date of effect	This variation has effect on the date this instrument is signed.

Person authorised to make decision

name and position	 Ag. Branch Head Environment Assessments (Vic and Tas) and Post Approvals
signature	
date of decision	22/12/2023

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 John Gorton Building - King Edward Terrace, Parkes ACT 2600 Australia
 GPO Box 3090 Canberra ACT 2601 ABN: 63 573 932 849

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date of decision	conditions attached to approval
<i>Original dated 18/9/2020</i>	<p>Part A – Conditions specific to the action</p> <p>1) The approval holder must not clear more than:</p> <ul style="list-style-type: none"> a. 5.078 ha of Southern Brown Bandicoot habitat, and b. 4.238 ha of Growling Grass Frog habitat <p>within the action area.</p>
<i>Variation dated 10/12/2021</i>	<p>2) Prior to the commencement of the action, to compensate for the loss of up to 5.078 ha of Southern Brown Bandicoot habitat and 4.238 ha of Growling Grass Frog habitat, the approval holder must implement the offset management plan specific to each offset site and submit written evidence to the Department that it has commenced implementing the management plan for each offset site. The approval holder may discontinue implementing the relevant offset management plan for an offset site from the date an Alternative Offset Site (or sites) in respect of that offset site is approved by the Minister in accordance with condition 4A(a).</p> <p>Note: Conditions 2 and 3 apply to the three (3) offset sites and the offset management plans for those offset sites (as specified in the approval decision when made on 18 September 2020 – i.e. the Brucknell, Harewood and Brady Swamp offset sites). Conditions 2 and 3 do not apply to any alternative offset site/s and/or alternative offset site management plan/s that may be approved in accordance with condition 4A.</p>
<i>Variation dated 6/7/2021</i>	<p>3) Within 24 months of the date of this approval, the approval holder must secure each offset site, submit to the Department written evidence that each offset site has been secured and supply shapefiles containing the offset attributes for each offset site.</p>
<i>Variation dated 6/7/2021</i>	<p>4) Within 24 months of the date of this approval, written evidence must be provided to the Department to demonstrate whether Southern Brown Bandicoot is present on the Brucknell offset site.</p>
<i>As varied on the date this instrument was signed</i>	<p>4A) If the approval holder is not able to secure one or more offset site/s and/or the approval holder is not able to provide written evidence to demonstrate the presence of Southern Brown Bandicoot at the Brucknell offset site within the timeframes required by conditions 3 or 4 respectively, the approval holder must:</p>

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- a. identify an Alternative Offset Site (or sites) and specify how it would satisfy the principles of the **Environmental Offsets Policy** in relation to **Southern Brown Bandicoot habitat** and/or **Growling Grass Frog habitat** (as applicable to the impacts that were to be offset by the **offset site** for which the **offset management plan** will no longer be implemented), and submit this to the **Minister** for approval no later than 27 months from the date on which the decision to approve this action was made;
 - b. submit an Offset Site Management Plan that meets the requirements of **Appendix 3** in respect of the Alternative Offset Site (or sites) as well as **shapefiles** containing the **offset attributes** for the Alternative Offset Site (or sites) and submit these to the **Minister** for approval, within 3 months of the date the **Minister** has approved an Alternative Offset Site (or sites) in accordance with condition 4A(a);
 - c. commence **implementing** the approved Offset Site Management Plan in respect of the Alternative Offset Site (or sites), and submit written evidence to the **Department** that it has commenced **implementing** the Offset Site Management Plan in respect of the Alternative Offset Site (or sites) within 6 months of the date the **Minister** has approved an Alternative Offset Site (or sites) in accordance with condition 4A(a); and
 - d. secure the Alternative Offset Site (or sites), and submit to the **Department** written evidence that the Alternative Offset Site (or sites) have been **secured** by 30 September 2025.

Original dated 18/9/2020

- 5) The action must be taken in accordance with the **Fauna Management Plan**.

Original dated 18/9/2020

Part B – Standard administrative conditions

Notification of date of commencement of the action

- 6) 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**.

Original dated 18/9/2020

Compliance records

- 7) The approval holder must maintain accurate and complete **compliance records**.
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Original dated 18/9/2020

- 8) 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.

Original dated 18/9/2020

Preparation and publication of plans

- 9) The approval holder must:
- a. submit **plans** electronically to the **Department**;
 - b. **publish** each **plan** on the **website** within 20 **business days** of the date of this approval, unless otherwise agreed to in writing by the **Minister**;
 - c. exclude or redact **sensitive ecological data** from **plans published** on the **website** or provided to a member of the public; and
 - d. keep **plans published** on the **website** until the end date of this approval.
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Original dated 18/9/2020

- 10) The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under a **plan**, is prepared in accordance with the **Department's Guidelines for biological survey and mapped data (2018)** and submitted electronically to the **Department** in accordance with the requirements of the **plan**.
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Original dated 18/9/2020

Annual compliance reporting

- 11) The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or otherwise in accordance with an annual date that has been 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** and
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provide the weblink for the **compliance report** 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.

Original dated 18/9/2020

Reporting non-compliance

- 12) 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. any condition which is or may be in breach;
 - b. a short description of the **incident** and/or non-compliance; and
 - c. the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.

Original dated 18/9/2020

- 13) 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.
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*Original dated 18/9/2020***Independent audit**

- 14) The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.

Original dated 18/9/2020

- 15) 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.

Original dated 18/9/2020

- 16) 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.

*Original dated 18/9/2020***Revision of management plans**

- 17) The approval holder may, at any time, apply to the **Minister** for a variation to a management plan required to be implemented under conditions 2 and 5, 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 (RMP) then, from the date specified, the approval holder must implement the RMP in place of the previous management plan.

Variation dated 6/7/2021

- 18) The approval holder may choose to revise a management plan required to be implemented under condition 5, 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 RMP would not be likely to have a **new or increased impact**

Original dated 18/9/2020

- 19) If the approval holder makes the choice under condition 18 to revise a management plan without submitting it for approval, the approval holder must:
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- a. notify the **Department** in writing that the management plan has been revised and provide the **Department** with:
 - i. an electronic copy of the RMP;
 - ii. an electronic copy of the RMP marked up with track changes to show the differences between the approved management plan and the RMP;
 - iii. an explanation of the differences between the approved management plan and the RMP;
 - iv. the reasons the approval holder considers that taking the action in accordance with the RMP 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 RMP (RMP implementation date).
 - b. subject to condition 21 implement the RMP from the RMP implementation date.
-

Original dated 18/9/2020

- 20) The approval holder may revoke their choice to implement a RMP under condition 18 at any time by giving written notice to the **Department**. If the approval holder revokes the choice under condition 18, the approval holder must implement the management plan in force immediately prior to the revision undertaken under condition 18.
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Original dated 18/9/2020

- 21) 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 RMP would be likely to have a **new or increased impact**, then:
- a. condition 18 does not apply, or ceases to apply, in relation to the RMP; and
 - b. the approval holder must implement the management plan specified by the **Minister** in the notice.
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Original dated 18/9/2020

- 22) At the time of giving the notice under condition 21, the **Minister** may also notify that for a specified period of time,
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	condition 18 does not apply for one or more specified management plans.
<i>Original dated 18/9/2020</i>	23) Note: conditions 18, 19, 20 and 21 are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised management plan, at any time, to the Minister for approval.
<i>Original dated 18/9/2020</i>	Completion of the action
	24) Within 30 days after the completion of the action , the approval holder must notify the Department in writing and provide completion data .
date of decision	definitions attached to approval
<i>Original dated 18/9/2020</i>	Action area means the location of the approved action, as shown enclosed by the red line labelled 'Specific Controls Overlay' in Appendix 1.
<i>Original dated 18/9/2020</i>	Brady Swamp Offset Site means an area protected for conservation containing at least 16 ha of Growling Grass Frog breeding and dispersal habitat at North Boundary Road, Glenthompson in the area shown marked with black cross-hatching and labelled Growling Grass Frog Offset Area in Appendix 2.2.
<i>Original dated 18/9/2020</i>	Brucknell Offset Site means an area protected for conservation containing at least 30 ha of Southern Brown Bandicoot habitat located at Timboon-Nullawarre Road, Brucknell in the area shown shaded green in Appendix 2.3.
<i>Original dated 18/9/2020</i>	Business day means a day that is not a Saturday, a Sunday or a public holiday in the state of Victoria.
<i>Original dated 18/9/2020</i>	Clearing (also Clear , Clearance) means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the <i>Australian weeds strategy 2017 to 2027</i> for further guidance).
<i>Original dated 18/9/2020</i>	Commencement of the action means the first instance of any specified activity associated with the action including clearing and construction . Commencement of the action does not include minor physical disturbance necessary to: <ul style="list-style-type: none"> i. undertake pre-clearance surveys or monitoring programs;

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	<ul style="list-style-type: none"> ii. install signage and /or temporary fencing to prevent unapproved use of the action area; iii. protect environmental and property assets from fire, weeds and pests, including erection of temporary fencing, and use of existing surface access tracks; and iv. install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the protected matters; and v. undertake minor site preparatory works, such as modification to existing minor infrastructure, as long as these are located where they have no impact on the protected matters.
<i>Original dated 18/9/2020</i>	Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The Department's preferred spatial data format is shapefile .
<i>Original dated 18/9/2020</i>	Completion of the action means the time at which all approval conditions (except condition 24) have been fully met.
<i>Original dated 18/9/2020</i>	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.
<i>Original dated 18/9/2020</i>	<p>Compliance reports means written reports:</p> <ul style="list-style-type: none"> 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.
<i>Original dated 18/9/2020</i>	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

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	prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage.
<i>Original dated 18/9/2020</i>	Department means the Australian Government agency responsible for administering the EPBC Act .
<i>As varied on the date this instrument was signed</i>	Environmental Offsets Policy means the <i>Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy</i> , Commonwealth of Australia 2012.
<i>Original dated 18/9/2020</i>	EPBC Act means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
<i>Variation dated 6/7/2021</i>	Fauna Management Plan means the Healesville – Koo Wee Rup Road Upgrade – Stage 1B Fauna Management Plan dated July 2020, or a subsequent version revised in accordance with these conditions.
<i>Original dated 18/9/2020</i>	Growling Grass Frog means the threatened animal species <i>Litoria raniformis</i> , listed under the EPBC Act .
<i>Original dated 18/9/2020</i>	Growling Grass Frog habitat means any area normally occupied or expected to be occupied by Growling Grass Frog .
<i>Original dated 18/9/2020</i>	Harewood Offset Site means an area protected for conservation containing at least 0.33 ha Growling Grass Frog breeding habitat, 1.54 ha Growling Grass Frog dispersal habitat, and 10.79 ha Southern Brown Bandicoot habitat located at South Gippsland Highway, Koo Wee Rup in the area shown marked with pink shading in Appendix 2.1.
<i>Original dated 18/9/2020</i>	Implement(ing) means undertake active management of the relevant offset site in accordance with the relevant offset management plan and protect from clearance or disturbance to the protected matter .
<i>Original dated 18/9/2020</i>	Incident means any event which has the potential to, or does, impact on one or more protected matter(s) .
<i>Original dated 18/9/2020</i>	Independent audit means an audit conducted by an independent and suitably qualified person as detailed in the <i>Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines</i> (2019).
<i>Original dated 18/9/2020</i>	Minister means the Australian Government Minister administering the EPBC Act including any delegate thereof.

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<i>Original dated 18/9/2020</i>	Monitoring data means the data required to be recorded under the conditions of this approval, including monitoring required through the implementation of any Offset Management Plan .
<i>Original dated 18/9/2020</i>	New or increased impact means a new or increased environmental impact or risk relating to any protected matter , when compared to the likely impact of implementing the management plans required to be implemented under conditions 2 and 5, including any subsequent revisions approved by the Minister , as outlined in the <i>Guidance on 'New or Increased Impact' relating to changes to approved management plans under EPBC Act environmental approvals (2017)</i> .
<i>Original dated 18/9/2020</i>	Offset site(s) means one or all of: Harewood Offset Site, Brady Swamp Offset Site and Brucknell Offset Site .
<i>Variation dated 10/12/2021</i>	Offset attributes means relevant features of a particular offset site (or alternative offset site per condition 4A) including the EPBC Act referral reference number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, and the protected matter or protected matters present at the offset site.
<i>Variation dated 6/7/2021</i>	Offset Management Plan(s) means: <ul style="list-style-type: none"> i. Brucknell Offset Site Management Plan titled <i>Offset Management Plan for the Southern Brown Bandicoot Isoodon obesulus obesulus, Timbon-Nullawarre Road, Brucknell, Victoria</i>, prepared by Biodiversity Offsets Victoria and dated 31 August 2020, or a subsequent version currently approved by the Minister in writing. ii. Harewood Offset Site Management Plan titled <i>EPBC Act Offset Management Plan Growling Grass Frog and Southern Brown Bandicoot (Harewood)</i>, prepared by WSP and dated 21 August 2020, or a subsequent version currently approved by the Minister in writing. iii. Brady Swamp Offset Site Management Plan titled <i>EPBC Act Offset Management Plan Growling Grass Frog (Brady Swamp)</i>, prepared by WSP and dated 7 May 2021, or a subsequent version currently approved by the Minister in writing.
<i>Original dated 18/9/2020</i>	Plan(s) means any of the documents required to be prepared, approved by the Minister , implemented by the approval holder and/or published on the website in accordance with these conditions (includes action management plans and/or strategies).

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<i>Original dated 18/9/2020</i>	Publish (also published) means make publicly available on the website until the end date of this approval.
<i>Original dated 18/9/2020</i>	Protected matter(s) means a matter protected under a controlling provision in Part 3 of the EPBC Act for which this approval has effect.
<i>Original dated 18/9/2020</i>	<p>Secure(d) means to make subject to an agreement, executed as a deed attached to the title of the property to protect the property for the conservation of the relevant protected matter(s) in perpetuity.</p> <p>Note: This would normally take the form of an agreement under Section 3A of the <i>Victorian Conservation Trust Act 1972</i> or a section 69 agreement under the <i>Conservation, Forests and Lands Act 1987</i>.</p>
<i>Original dated 18/9/2020</i>	Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) <i>Sensitive Ecological Data – Access and Management Policy V1.0</i> .
<i>Original dated 18/9/2020</i>	Shapefile means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.
<i>Original dated 18/9/2020</i>	Southern Brown Bandicoot means the threatened animal species <i>Isodon obesulus obesulus</i> , listed under the EPBC Act .
<i>Original dated 18/9/2020</i>	Southern Brown Bandicoot habitat means any area normally occupied or expected to be occupied by Southern Brown Bandicoot .
<i>Original dated 18/9/2020</i>	Suitably qualified person means a person who has professional qualifications, training, skills and/or 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.
<i>Original dated 18/9/2020</i>	Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.
date of decision	Annexure
<i>Original dated 18/9/2020</i>	Appendix 1 – Action Area
<i>Original dated 18/9/2020</i>	Appendix 2.1 – Harewood Offset Site

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<i>Original dated 18/9/2020</i>	Appendix 2.2 – Brady Swamp Offset Site
<i>Original dated 18/9/2020</i>	Appendix 2.3 – Brucknell Offset Site
<i>Variation dated 10/12/2021</i>	Appendix 3 - Requirements for Alternate Offset Site Management Plan
<i>As varied on the date this instrument was signed</i>	Appendix 4 – Alternative Offset Site – Ocean Grange (Harewood)