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O'HERNS ROAD AND HUME FREEWAY INTERCHANGE PROJECT, VICTORIA

Compliance Assessment Report No. 01

(17 June 2019 to 31 October 2019)

EPBC Approval No. 2017/8008

Prepared for
Audit and Assurance Section
Compliance and Enforcement Branch
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1 Table of Contents

1	TABLE OF CONTENTS	3
2	EXECUTIVE SUMMARY	5
3	INTRODUCTION	6
3.1	Purpose of This Document	6
3.2	Project Background.....	6
3.3	EPBC Act Approval Holder Details	6
3.4	Project Status.....	6
4	PERFORMANCE AND COMPLIANCE (EPBC 2017/8008).....	7
5	APPENDIX A – PROJECT MAP	11

TERMS, ABBREVIATIONS AND DEFINITION

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
DELWP	Department of Environment, Land, Water and Planning
DoEE	Department of the Environment and Energy
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
GSM	Golden Sun Moth
GGF	Growling Grass Frog
GGF CMP	Growling Grass Frog Conservation Management Plan
Ha	Hectare
MRPV	Major Road Projects Victoria
MTIA	Major Transport Infrastructure Authority
The Department	Department of Environment and Energy

2 Executive Summary

The final approval to Referral No. 2017/8008 under the EPBC Act was given to Major Road Projects Victoria (MRPV, formerly VicRoads and Major Road Projects Authority) on 17 June 2019 with respect to the construction of the O'Herns Road and Hume Freeway Interchange Project (the Project).

Under Condition 21 of the decision notice, an annual compliance report is required to be published on Major Road Project Victoria's 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 construction of the Project against the EPBC Act Approval No. 2017/8008 conditions. This is the first compliance report to be prepared for the O'Herns Road and Hume Freeway Interchange Project and relates to the period 17 July to 31 October 2019, or year one of the action.

Major Road Projects Victoria has complied with all conditions referenced in the EPBC Act approval 2017/8008 for this annual reporting period.

3 Introduction

3.1 Purpose of This Document

This report details compliance with the conditions of Approval No. 2017/8008 under the EPBC Act in accordance with Condition No. 21 of the decision notice.

3.2 Project Background

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

The O'Herns Road and Hume Freeway Interchange Project includes:

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

A decision issued on 29 September 2017 determined that the proposed action was a 'controlled action' requiring assessment and approval under the EPBC Act. The relevant controlling provision under the Act is the Project's impact on listed threatened species and communities (Sections 18 and 18A). In particular:

- Impact on the critically endangered Golden Sun Moth *Synemon plana*; and
- Potential impact on the vulnerable Growling Grass Frog *Litoria raniformis*.

The controlled action was approved by the Department of Environment and Energy on 17 June 2019.

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

3.3 EPBC Act Approval Holder Details

The approval to Referral No. 2017/8008 under the EPBC Act was given to the Department of Transport (ABN 69 981 208 782) on 17 June 2019 with respect to the construction of the O'Herns Road and Hume Freeway Interchange Project (the Project). As an entity of Department of Transport, Major Road Projects Victoria (MRPV, formerly VicRoads and Major Road Projects Authority) is responsible for the delivery of the Action.

3.4 Project Status

A summary of the key milestones and activities undertaken to during the compliance reporting associate with the Action are below:

- Contract was awarded to VEC Civil Engineering Pty Ltd (ABN 42 067 541 879) on the 22nd July 2019;
- The activities associated with the action commenced on 2 September 2019, these include:
 - Fencing and initial clearing works to the north of O'Herns Road;
 - Vegetation clearing is ongoing to the north of O'Herns Rd and around the future Hume Freeway interchange; and
 - Major utility and batter stabilization works to enable bridge widening.

4 Performance and Compliance (EPBC 2017/8008)

Table 2: EPBC Act Approval Notice 2017/8008 compliance results.

Condition	Subject	Conditions of the Approval	Compliance Status	Comments / Evidence
1	Conditions specific to the action	The approval holder must ensure that the proposed action is undertaken within the project area	Compliant	Work limits, known as the Project Limits, were established within, or match, the Project Limits in the Project documentation and procedures. Contractors' Environmental Management Plans (EMPs) were reviewed and approved. No-go zone fence delineated.
2	Conditions specific to the action	The approval holder must not cause impacts to more than 10.88 hectares of Golden Sun Moth (GSM) habitat within the project area	Compliant	The project impact area, within the Project Limits, was identified and mapped. The impact area was implemented and maintained. The current extent of disturbance was mapped.
3	Conditions specific to the action	The approval holder must construct the culverts in accordance with the preliminary documentation and the Growling Grass Frog (GGF) Conservation Management Plan	Compliant	Ongoing; culverts have not been constructed.
4	Conditions specific to the action	The approval holder must implement the GGF Conservation Management Plan for the life of the approval	Compliant	Requirements of the GGF Conservation Management Plan (CMP) are being implemented: <ul style="list-style-type: none">• Design meets the intent of the CMP• Salvage and Release procedures are being implemented with surveillance• Temporary fencing is in place to protect the project area from fencing.• An Edgars Creek inductance structure is being installed• Open trenches are monitored• Watercarts are active• Sediment controls in place• Daily/weekly inspections• Flow of Edgars Creeks is monitored• Activity within the project area is limited to essential vehicles and personnel• Other requirements of the CMP are being implemented
5	Environmental Offsets	<p>To compensate for the loss of 10.88 hectares of GSM habitat, prior to commencement of the action, the approval holder must:</p> <p>Enter into a written bond agreement with Trust for Nature to hold funds in trust for the purpose of securing and managing an offset area of at least 78.8 hectares of Golden Sun Moth habitat at Sievers Lane, Glenhope, Victoria as identified in Appendix 4 of the Preliminary Documentation, or another offset area agreed to by the Minister in writing. A copy of the bond agreement must be provided to the Department within seven days following execution</p> <p>Provide a sum of \$6,000,000 (excluding GST) to Trust for Nature to be held until such time as the offset area is identified and secured in accordance with condition 6a, at which time that sum will form the basis of the payment to purchase environmental services for the offset area</p>	Compliant	<p>The Bond Agreement with Trust for Nature was provided to the Department.</p> <p>A sum of \$6,000,000 (excluding GST) was provided to Trust for Nature.</p> <p>GSM Offset Management Plan is being implemented.</p>

Condition	Subject	Conditions of the Approval	Compliance Status	Comments / Evidence
6	Environmental Offsets	<p>To provide for the conservation and enhancement of GSM habitat the approval holder must:</p> <p>Within 12 months of the date of this approval, execute a Credit Trading Agreement for the provision of environmental services at the offset area. The approval holder must not execute a Credit Trading Agreement until the Minister has approved the Offset Management Plan (OMP) required under condition 8</p>	Compliant	MRPV and Trust for Nature (CTA), to include the Bond finalised and approved by
7	Environmental Offsets	<p>Within 14 days of the offset, required under condition 6, being secured the approval holder must provide the Department with:</p> <p>Written evidence demonstrating that the offset has been secured</p> <p>Shapefiles and offset attributes that clearly define the location and boundaries of the offset area</p>	Not Applicable	Noted, requires Condition
8	Environmental Offsets	<p>The approval holder must submit to the Department an OMP for the offset area. The OMP must:</p> <p>Be prepared by a suitably qualified person, and be consistent with the Department's Environmental Management Plan Guidelines and the EPBC Act Environmental Offset Policy</p> <p>Demonstrate how the offset area and environmental services will compensate for the loss of 10.88 hectares of GSM habitat consistent with the EPBC Act Environmental Offsets Policy</p>	Compliant (in progress)	GSM OMP was submitted being reviewed by the Dep
9	Environmental Offsets	The approval holder must ensure the offset area is managed in accordance with the OMP, as required by condition 8, for the life of the approval commencing from the day the offset area is secured	Not Applicable	Noted.
10	Revision of Management Plans	The approval holder may, at any time, apply to the Minister for a variation to a management plan approved by the Minister under condition 4 and condition 8, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approved a revised management plan then, from the date specified, the approval holder must implement the new management plan in place of the previous management plan	Not Applicable	Noted, no changes require
11	Revision of Management Plans	The approval holder may choose to revise a management plan approved by the Minister, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the new management plan would not be likely to have a new or increased impact	Not Applicable	Noted, no changes require
12	Revision of Management Plans	<p>If the approval holder makes the choice under condition 11 to revise an action management plan without submitting for approval, the approval holder must:</p> <p>(a) notify the Department in writing that the approved management plan has been revised and provide the Department with (listed documentation)</p> <p>(b) subject to condition 11, implement the new management plan from the new management plan implementation date</p>	Not Applicable	Noted, no changes require
13	Revision of Management Plans	The approval holder may revoke their choice to implement a new management plan under condition 12 at any time by giving written notice to the Department. If the approval holder revokes the choice under condition 12, the approval holder must implement the previous action management plan by the Minister	Not Applicable	Noted, no changes require

Condition	Subject	Conditions of the Approval	Compliance Status	Comments / Evidence
14	Revision of Management Plans	<p>If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the new management plan would be likely to have a new or increased impact, then:</p> <p>(a) condition 11 does not apply, or ceases to apply, in relation to the new management plan, and</p> <p>(b) the approval holder must implement the management plan specified by the Minister in the notice</p>	Not Applicable	Noted, no changes required
15	Revision of Management Plans	At the time of giving the notice under condition 14, the minister may also notify that for a specified period of time, condition 11 does not apply for one or more specified management plan	Not Applicable	Noted, no changes required
16	Notification of date of commencement of the action	The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action	Compliant	Notification was sent to the Department on 2 September 2019.
17	Notification of date of commencement of the action	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister	Compliant	The action commenced on 2 September 2019.
18	Compliance records	The approval holder must maintain accurate and complete compliance records	Compliant	Ongoing; records of implementation are maintained in the compliance system.
19	Compliance records	If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request	Not Applicable	Noted – records will be supplied upon request.
20	Preparation and publication of plans	<p>The approval holder must:</p> <p>Publish each plan on its website within 20 business days of the finalisation of the plan, unless otherwise agreed to in writing by the Minister</p>	Compliant	<p>The Projects’ Growing Grass Plan was published on the MRR website on 2 September 2019.</p> <p>The Golden Sun Moth Offsetting Plan was published on the Department website on 2 September 2019.</p>
21	Annual compliance reporting	The approval holder must prepare a compliance report for each 12-month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister.	Compliant	This report.
22	Reporting non-compliance	The approval holder must notify the Department in writing of any: incident, non-compliance with the conditions; or non-compliance with the commitments made in the plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance	Not Applicable	Noted, no incidents or non-compliance reported.
23	Reporting non-compliance	The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance	Not Applicable	Noted, no incidents or non-compliance reported.
24	Independent audit	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister	Not Applicable	Noted, no audits have been conducted.
25	Independent audit	<p>For each independent audit, the approval holder must:</p> <p>Provide the name and qualifications of the independent auditor and the draft audit criteria to the Department;</p> <p>Only commence the independent audit once the audit criteria have been approved in writing by the Department; and</p>	Not Applicable	Noted, no audits have been conducted.

Condition	Subject	Conditions of the Approval	Compliance Status	Comments / Evidence
		Submit an audit report to the Department within the timeframe specified in the approved audit criteria.		
26	Independent audit	The approval holder must publish the audit report on the website within 10 business days of receiving the Department’s approval of the audit report and keep the audit report published on the website until the end date of this approval	Not Applicable	Noted.
27	Completion of the action	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data	Not Applicable	Noted.

5 Appendix A – Project Map