

OCTOBER 2020

Version: 1.0

Western Highway Project Section 2, Beaufort to Ararat

Compliance Assessment Report No. 7

July 2019 to June 2020

EPBC Approval No. 2010/5741

Prepared for

Department of Agriculture, Water and the Environment

Environment Assessment & Compliance Division

GPO Box 787, CANBERRA ACT 2601

Approval Information

Approval number:	2010/5741
Approval holder:	Roads Corporation (trading as VicRoads) NB. Due to Machinery of Government changes Major Road Projects Victoria is now responsible for the delivery of the Action.
ABN:	61 760 960 480 NB. Major Road Projects Victoria is an administrative agency within the Victorian Department of Transport (ABN 69 981 208 782).
Approved action:	To upgrade the Western Highway between Beaufort and Ararat, Victoria

Document Information

Criteria	Details
Document title:	Compliance Assessment Report No. 7 (July 2019 to June 2020), EPBC Approval No. 2010/5741
Document owner:	Major Road Projects Victoria
Version:	1.0
Issue date:	October 2020

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Terms, abbreviations and definitions

Table 1 List of Terms and Abbreviations

Terms / Abbreviation	Definition
The Approval	EPBC 2010/5741
DELWP	Victorian Department of Environment, Land, Water and Planning
The Department	Commonwealth Department of Agriculture, Water and the Environment
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
GEWVVP	Grassy Eucalypt Woodland of the Victorian Volcanic Plains
GSM	Golden Sun Moth
Interim Works Zone	A 3.85km section at the western end of the project area between Dobie Road and Langhi Ghiran Picnic Ground Road agreed as an outcome of mediation in relation to applications made in relation to the project area under the <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> (Cth).
MRPV	Major Road Projects Victoria
MTIA	Major Transport Infrastructure Authority
NGZ	No go zone
NTGVVP	Natural Temperate Grassland of the Victorian Volcanic Plains
NVMP	Native Vegetation Management Plan
NVOMP	Native Vegetation Offset Management Plan
Section 2A	Western Highway Project between Beaufort and Buangor, Victoria
Section 2B	Western Highway Project between Buangor and Ararat, Victoria
SRF	Spiny Rice-flower
TSMP	Threatened Species Management Plan

1 Executive Summary

EPBC Approval No. 2010/5741 under the EBPC Act (the Approval) was granted to the Roads Corporation (trading as VicRoads) on 17 April 2014 in relation to the construction of the Western Highway Project Section 2, Beaufort to Ararat, Victoria (the Project).

Condition 21 of the Approval provides that:

‘Within three months of June 30 each year following the commencement of construction activities, the person taking the action must publish an annual report of compliance 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 annual report of compliance is published. The annual report of compliance must document the outcomes of the management plan(s) against the performance indicators of the management plan(s).’

This compliance report addresses these requirements. This is the seventh compliance report to be prepared for the Western Highway Project Section 2, Beaufort to Ararat and relates to the period July 2019 to June 2020.

Major Road Projects Victoria (MRPV) has complied with all conditions referenced in the Approval for this annual reporting period. MRPV is compliant with 23 of the 27 conditions at this stage of the Project, with the remaining 4 conditions being not applicable to date. Of the conditions with which MRPV is compliant, 8 of the 23 conditions are completed obligations and 15 conditions are ongoing requirements.

2 Introduction

2.1 Purpose of this Document

This report details compliance with the conditions of the Approval in accordance with the requirements of Condition 21.

2.2 Project Background

The Approval covers Section 2 of the Western Highway Project (the Project), which involves the upgrade of approximately 33km of the Western Highway between Beaufort and Ararat by adding an extra lane in each direction. Section 2 comprises the following stages of work (see Appendix A):

- Section 2A (Beaufort to Buangor)
- Buangor Bypass
- Section 2B (Buangor to Ararat).

Construction activities for Section 2 of the Project commenced on 5 June 2014, and Section 2A and the Buangor Bypass were both completed in 2016. Section 2B of the Project is currently under construction and involves the upgrade of a 12.5 km section of the Western Highway between Buangor and Ararat. Key elements of Section 2B include:

- Adding two lanes in each direction, including extra turning lanes
- Building a new bridge over the railway line
- Building two bridges over Hopkins River
- Adding an interchange at Hillside Road, with entry and exit ramps
- Building 6km of new road to the south of the existing Western Highway.

The Approval relates to the following matters of national environmental significance (MNES) and listed threatened species and communities:

- Grassy Eucalypt Woodland of the Victorian Volcanic Plain (GEWVVP)

- Natural Temperate Grasslands of the Victorian Volcanic Plain (NTGVVP)
- Spiny Rice-flower (SRF)
- Button Wrinklewort (BW)
- Dwarf Galaxias (DG)
- Golden Sun Moth (GSM).

The controlled action was approved by the Department on 17 April 2014.

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

2.3 EPBC Act Approval Holder Details

The Approval was granted to the Roads Corporation (trading as VicRoads) (ABN 61 760 960 480) on 17 April 2014.

Due to Machinery of Government changes with the Victorian State Government the Project is now being delivered by Major Road Projects Victoria (MRPV) (formerly the Major Road Projects Authority), which is a division of the Major Transport Infrastructure Authority (an administrative office of the Department of Transport (ABN 69 981 208 782)).

2.4 Project Status

Construction activities in relation to the Project are ongoing.

Key activities undertaken as part of the Project during the compliance reporting period include:

- Site compound construction
- Weed spraying
- Vegetation removal
- Bulk earthworks
- Establishment of access tracks
- Drainage construction
- Installation of sedimentation / retardation basins.

These activities were all undertaken in an agreed 3.85km section (Interim Works Zone) at the western end of the project area between Dobie Road and Langhi Ghiran Picnic Ground Road.

2.4.1 Amendment of Threatened Species Management Plan (TSMP)

A number of minor design changes were made to the Project during the compliance reporting period. These changes were instigated by changed safety requirements subsequent to the development of the original reference design for Section 2B, as well as general refinements made during the completion of detailed design.

These changes were reflected in an amended version of the TSMP for the Project (the Amended TSMP) which was inclusive of updated no go zones and updated ecological impact assessment information.

The Amended TSMP (*Threatened Species Management Plan - Western Highway Project, Section 2B: Beaufort to Ararat (Version 5)*) was submitted to the Department for approval on 27 November 2019 pursuant to Condition 24 of the Approval and was approved on 24 December 2019.

During the compliance reporting period MRPV also commenced the preparation of a further revision of the Amended TSMP to reflect design changes required to facilitate the avoidance of a number of trees in the Project Area identified as significant by some members of the Aboriginal community. These amendments will be submitted to the Department for approval in the 2020/21 compliance reporting period.

2.4.2 Vegetation Clearance Audit

The Department wrote to MRPV on 15 April 2020 requesting information on the extent of vegetation removal carried out in relation to Section 2 of the Western Highway Project, including shapefiles or detailed maps showing the location and extent of vegetation removal since commencement of the action, and the approximate date that removal occurred.

MRPV provided the Department with a response to this request on 5 June 2020, inclusive of information on the amount of MNES and State-protected vegetation cleared to date on the Project, the approximate dates of clearance and the locations of cleared vegetation. This response was informed by post-clearance audits undertaken for MRPV by ecological consultants (Ecology & Heritage Partners) in 2017 in relation to the completed Section 2A and Buangor Bypass, and in 2020 in relation to clearance to date for Section 2B.

The Department indicated by letter to MRPV on 17 July 2020 that it was satisfied with the response provided and that no further action was required.

3 Performance and compliance (EPBC 2010/5741)

Table 2 EPBC Act Approval Notice 2010/5640 compliance results

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
1	The person taking the action must ensure that the action does not occur outside of the project area as illustrated at Annex 1.	Compliant	All project works have occurred within the approved project area.
2	The person taking the action must ensure that project activities do not impact more than five (5) Spiny Rice-flower plants.	Compliant	Project activities have not had any impact on any Spiny Rice-flower plants on Section 2B as at 30 June 2020 and no additional impacts are anticipated.
3	The person taking the action must ensure the approved Weed Management Plan is implemented.	Compliant	<p>The Weed Management Plan has been implemented on all phases of the project. Implementation on Section 2B is ongoing.</p> <p>Key weed management activities undertaken between July 2019 and June 2020 include:</p> <ul style="list-style-type: none"> - Weed control - Weed monitoring - Establishment and use of vehicle access points - Establishment and use of washdown bays - Imported bedding material certified free of weeds.
4	The person taking the action must in consultation with a suitably qualified ecologist revise the Threatened Species Management Plan(s) for the conservation and enhancement of the Spiny Rice-Flower, Button Wrinklewort, Golden Sun Moth habitat, and Dwarf Galaxias habitat in accordance with the requirements set out below,	Compliant	<p>The required revised TSMP was developed in consultation with DELWP and the Department and was approved by the Department on 11 June 2014.</p> <p>Additional Dwarf Galaxias content was subsequently added and an updated version of the TSMP was approved by the Department on 10</p>

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	<p>and submit the revised plan(s) for the Minister's approval. Construction activities must not commence within 100m of each of the matters identified above (as illustrated in Annex 1) until the Minister approves the revised plan(s) in relation to that matter.</p> <p>4 a) Base line data and other supporting evidence that documents the baseline condition of populations of Spiny Rice-flower, Button Wrinklewort, Golden Sun Moth and Dwarf Galaxias habitat and populations within the project area.</p> <p>4 b) Specific management actions to maintain and/or improve Spiny Rice-flower, Button Wrinklewort, Golden Sun Moth and Dwarf Galaxias populations and habitat within the project area, including but not limited to details of:</p> <p>4 b) i. Establishing no-go zone(s) with a minimum 3m buffer around Spiny Rice-flower patch(s), Button Wrinklewort patch(s), Golden Sun Moth habitat, and Dwarf Galaxias habitat to be avoided. Clearly marking no-go zone(s) with high visibility fencing and signage for at least the duration that construction activities are within 100m of the no-go zone(s);</p> <p>4 b) ii. A plan and schedule for revegetation, rehabilitation and weed removal works for the improvement of Golden Sun Moth habitat impacted by the proposed action;</p> <p>4 b) iii. How any pipes, culvert and/or bridges constructed within Dwarf Galaxias habitat will not restrict habitat connectivity or hinder the dispersal of Dwarf Galaxias;</p>		<p>April 2015. The Approval was also amended on 10 April 2015 to delete Conditions 4(b)(iv) and 4(b)(v) in line with these amendments.</p> <p>The TSMP was further amended during the compliance reporting period to reflect design changes made because of changed road safety standards and refinement of detailed design. This amended TSMP was approved by the Department on 24 December 2019 and is discussed in further detail in the comments to Condition 24 below.</p>

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	<p>4 b) iv. A commitment to avoid construction activities within the Hopkins River or Billy Billy Creek crossings during the Dwarf Galaxias breeding period (from 1 April to 30 November in any year);</p> <p>4 b) v. A procedure for isolating Dwarf Galaxias habitat, and procedure for salvage and relocating Dwarf Galaxias, in the event that construction activities occur within Dwarf Galaxias habitat;</p> <p>4 b) vi. The method and schedule for water quality monitoring of Dwarf Galaxias habitat during construction activities;</p> <p>4 b) vii. A plan and schedule for revegetation, rehabilitation and weed removal works within Dwarf Galaxias habitat, including establishment of instream habitat with suitable features such as woody debris and native riparian and aquatic species;</p> <p>4 b) viii. Implementing sediment, erosion and pollution control protocols, in accordance with <i>Construction Techniques for Sediment Pollution Control (EPA Publication No. 275, 1991)</i>; and <i>Environmental Guidelines for Major Construction Sites (EPA Publication No. 480, February 1996)</i>; and</p> <p>4 b) ix. Ensuring chemicals and fuels are stored and handled in accordance with the relevant Material Safety Data Sheets. Ensuring chemicals and fuels are not stockpiled within 100m of waterways, and a spill kit must be kept onsite for the duration of construction.</p>		

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	<p>Implementing an emergency response procedure in the event of a chemical or fuel spill near waterways.</p> <p>4 c) Information and commitments about monitoring and reporting on the improvements in the condition of the project area.</p> <p>4 d) Corrective actions and contingency measures to be implemented where monitoring under the Threatened Species Management Plan(s) indicates a degradation of Spiny Rice-flower, Button Wrinklewort, Golden Sun Moth habitat and/or Dwarf Galaxias habitat.</p>		
5	The person taking the action must ensure the approved Threatened Species Management Plan(s) is implemented.	Compliant	<p>The approved TSMP has been implemented on all sections of the project.</p> <p>Baseline data has been captured and pre-clearance surveys undertaken for populations of Spiny Rice-flower, Button Wrinklewort, GSM and Dwarf Galaxias through various ecological assessments and targeted surveys for Section 2A and 2B. All surveys were undertaken by a qualified ecologist.</p> <p>Section 2B baseline data for Spiny Rice-flower, Dwarf Galaxias, Button Wrinklewort and GSM has been outlined in Ecological Assessment: Western Highway Project, Section 2B (Ecology and Heritage Partners 2017), Ecological Assessment: Western Highway Project, Section 2B (Ecology and Heritage Partners 2019) and Golden Sun Moth Preclearance Survey: Western Highway Project, Section 2B (Ecology and Heritage Partners January 2019).</p> <p>Pre-clearance surveys were not required to commence work within the current compliance reporting period in the Interim Works Zone of Section 2B as construction did not begin within 100m of a Spiny Rice-flower, Dwarf Galaxias, Button Wrinklewort or GSM population.</p>

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
			<p>Brown Toadlet pre-clearance was undertaken in March 2019 prior to site disturbance.</p> <p>Ongoing health monitoring of Button Wrinklewort and Spiny Rice-flower populations has not been completed during the current compliance reporting period due to the presence of permanent protest camps within close proximity to the Hopkins River. No construction activities have been undertaken in the vicinity of these species during the compliance reporting period.</p> <p>Key TSMP activities implemented between July 2019 and June 2020 include:</p> <ul style="list-style-type: none"> • Implementation of NGZs (noting that although NGZ fencing has been installed for Section 2B, most of this fencing outside the Interim Works Zone has been repeatedly damaged or removed by third parties) • Monitoring of NGZs • Weed monitoring • Weed control • Installation of erosion and sediment controls • Ongoing auditing and surveillance • Implementation of standard fire control measures.
6	The person taking the action must ensure that construction activities do no impact more than 11.14ha of GEWVVP.	Compliant	<p>Impact to GEWVVP to date is below this approved level.</p> <p>An overview of GEWVVP removal to date on the Project is outlined in Table 3 below.</p>

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence												
			<div>Table 3: Western Highway Project, Section 2 – Overview of GEWVVP Removal since Commencement of Action</div> <table><tr><th>Impact Area</th><th>GEWVVP Removed (Ha)</th></tr><tr><td>Section 2A</td><td>5.251</td></tr><tr><td>Buangor Bypass</td><td>3.109</td></tr><tr><td>Section 2B (To date)</td><td>0.146¹</td></tr><tr><td>Total: Section 2 – Actual (To Date)</td><td>8.506</td></tr><tr><td>EPBC Approval – Maximum Allowable Impact</td><td>11.14</td></tr></table> <div>¹ This figure includes 0.1 ha of GEWVVP removal during preparatory works undertaken during the 2017/18 financial year.</div>	Impact Area	GEWVVP Removed (Ha)	Section 2A	5.251	Buangor Bypass	3.109	Section 2B (To date)	0.146 ¹	Total: Section 2 – Actual (To Date)	8.506	EPBC Approval – Maximum Allowable Impact	11.14
Impact Area	GEWVVP Removed (Ha)														
Section 2A	5.251														
Buangor Bypass	3.109														
Section 2B (To date)	0.146 ¹														
Total: Section 2 – Actual (To Date)	8.506														
EPBC Approval – Maximum Allowable Impact	11.14														
7	Unless approved by the Minister, the person taking the action must establish a 33.5ha GEWVVP Offset at the Dunkeld Property, to compensate for the loss of GEWVVP. Within 9 months of the date of this approval, the person taking the action must:	Compliant	The requirements of all components of Condition 7 are complete. The required 33.5 Ha GEWVVP Offset was secured at the Dunkeld Property in satisfaction of the requirements of this Condition (see below).												
	7 a) Enter into Agreement with the landowner under section 173 of the <i>Planning and Environment Act 1987</i> , or a Trust for Nature covenant mechanism to secure 33.5ha GEWVVP Offset at the Dunkeld Property.	Compliant	An agreement to secure the GEWVVP Offset at the Dunkeld Property was entered into pursuant to s.173 of the <i>Planning and Environment Act 1987</i> (Vic) on 27 June 2016. A signed copy of the s.173 Agreement was lodged with the Titles Office on 7 July 2016.												
	7 b) Provide the Department with a signed copy of the Agreement and evidence of lodgement with the Titles Office, within 2 weeks of lodgement.	Compliant	A copy of the signed s.173 Agreement and evidence of lodgement with the Titles Office was submitted to the Department electronically on 25 July 2016.												

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	7 c) Provide the Department with the offset attributes, shapefile and map(s) clearly defining the location and boundaries of the GEWVVP Offset, within 2 weeks of lodgement.	Compliant	Information including offset attributes, shapefiles and maps clearly defining the location and boundaries of the GEWVVP Offset were submitted to the Department electronically on 25 July 2016.
	7 d) Ensure that the Agreement is registered on the title on which the GEWVVP Offset is located. The Department must be provided with evidence of registration within 2 weeks of registration.	Compliant	The s.173 Agreement was registered on the title of the Dunkeld Property on 7 July 2016. Evidence of this registration was submitted to the Department electronically on 25 July 2016.
8	<p>Within 9 months of the date of this approval, the person taking the action must submit a draft GEWVVP Offset Management Plan to the Department for the Minister's approval. The GEWVVP Offset Management Plan must be prepared in consultation with a suitably qualified ecologist and provide for the conservation and enhancement of the viability of the population of GEWVVP within the GEWVVP Offset, and must include:</p> <p>8 a) Baseline data and other supporting evidence that documents the baseline quality of GEWVVP within the GEWVVP Offset Management Plan.</p> <p>8 b) Description, key performance indicator, and timeframe for implementing specific management actions to improve the condition of GEWVVP within the GEWVVP Offset Management Plan, including but not limited to control of weed and pest species, control of access to the protected land, strategic fire and grazing management (acknowledging that such impacts may be positive or negative depending on circumstances).</p> <p>8 c) Measures to ensure that actions taken have no detrimental impact on the populations or habitat of other</p>	Compliant	<p>This requirement is complete.</p> <p>The GEWVVP Offset Management Plan (dated March 2015) was approved by the Department on 17 April 2015.</p>

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence												
	<p>listed threatened species and communities that are likely to occur or utilise the GEWVVP Offset Management Plan.</p> <p>8 d) Information and commitments about monitoring and reporting on the improvements in condition of the offset site.</p> <p>8 e) Corrective actions and contingency measures to be implemented where monitoring under the GEWVVP Offset Management Plan indicated a degradation of the GEWVVP.</p>														
9	The person taking the action must ensure the GEWVVP Offset(s) is managed in accordance with the approved GEWVVP Offset Management Plan for a period of at least 10 years from the date of execution of the Agreement.	Compliant	<p>GEWVVP Offset(s) are being managed by the landowner in accordance with the approved Offset Management Plan.</p> <p>A monitoring report for the compliance reporting period outlining this implementation has been prepared by the landowner.</p>												
10	The person taking the action must ensure that construction activities do not impact more than 5.25ha of NTGVVP.	Compliant	<p>Impact to NTGVVP to date is below this approved level.</p> <p>An overview of NTGVVP removal to date on the Project is outlined in Table 4 below.</p> <p>Table 4: Western Highway Project, Section 2 – Overview of NTGVVP Removal since Commencement of Action</p> <table><tr><th>Impact Area</th><th>NTGVVP Removed (Ha)</th></tr><tr><td>Section 2A</td><td>1.031</td></tr><tr><td>Buangor Bypass</td><td>0</td></tr><tr><td>Section 2B (To date)</td><td>0</td></tr><tr><td>Total: Section 2 – Actual (To Date)</td><td>1.031</td></tr><tr><td>EPBC Approval – Maximum Allowable Impact</td><td>5.25</td></tr></table>	Impact Area	NTGVVP Removed (Ha)	Section 2A	1.031	Buangor Bypass	0	Section 2B (To date)	0	Total: Section 2 – Actual (To Date)	1.031	EPBC Approval – Maximum Allowable Impact	5.25
Impact Area	NTGVVP Removed (Ha)														
Section 2A	1.031														
Buangor Bypass	0														
Section 2B (To date)	0														
Total: Section 2 – Actual (To Date)	1.031														
EPBC Approval – Maximum Allowable Impact	5.25														

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
11	Unless approved by the Minister, the person taking the action must establish a 20.3ha NTGVVP Offset at the Darlington Property, to compensated for the loss of NTGVVP. Within 9 months of the date of this approval, the person taking the action must:	Compliant	The requirements of all components of Condition 11 are complete. The required 20.3 Ha NTGVVP Offset was secured at the Darlington Property in satisfaction of the requirements of this Condition (see below).
	11 a) Enter into Agreement with the landowner under section 173 of the <i>Planning and Environment Act 1987</i> , or a Trust for Nature covenant mechanism to secure 20.3ha NTGVVP Offset at the Dunkeld Property.	Compliant	An agreement to secure the NTGVVP Offset at the Darlington Property was entered into pursuant to s.173 of the <i>Planning and Environment Act 1987</i> (Vic) in May 2015. A signed copy of the s.173 Agreement was lodged with the Titles Office on 2 June 2015.
	11 b) Provide the Department with a signed copy of the Agreement and evidence of lodgement with the Titles Office, within 2 weeks of lodgement.	Compliant	A copy of the signed s.173 Agreement and evidence of lodgement with the Titles Office was submitted to the Department electronically on 25 July 2016.
	11 c) Provide the Department with the offset attributes, shapefile and map(s) clearly defining the location and boundaries of the NTGVVP Offset, within 2 weeks of lodgement.	Compliant	Information including offset attributes, shapefiles and maps clearly defining the location and boundaries of the NTGVVP Offset were submitted to the Department electronically on 25 July 2016.
	11 d) Ensure that the Agreement is registered on the title on which the NTGVVP Offset is located. The Department must be provided with evidence of registration within 2 weeks of registration.	Compliant	The s.173 Agreement was registered on the title of the Darlington Property on 2 June 2015. Evidence of this registration was submitted to the Department electronically on 25 July 2016.
12	Within 9 months of the date of this approval, the person taking the action must submit a draft NTGVVP Offset Management Plan to the Department for the Minister's approval. The NTGVVP Offset Management Plan must be prepared in consultation with a suitably qualified ecologist and provide for the conservation and enhancement of the	Compliant	This requirement is complete. The NTGVVP Offset Management Plan (dated March 2015) was approved by the Department on 17 April 2015.

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	<p>viability of the population of NTGVVP within the NTGVVP Offset, and must include:</p> <p>12 a) Baseline data and other supporting evidence that documents the baseline quality of NTGVVP within the NTGVVP Offset Management Plan.</p> <p>12 b) Description, key performance indicator, and timeframe for implementing specific management actions to improve the condition of NTGVVP within the NTGVVP Offset Management Plan, including but not limited to control of weed and pest species, control of access to the protected land, strategic fire and grazing management (acknowledging that such impacts may be positive or negative depending on circumstances).</p> <p>12 c) Measures to ensure that actions taken have no detrimental impact on the populations or habitat of other listed threatened species and communities that are likely to occur or utilise the NTGVVP Offset Management Plan.</p> <p>12 d) Information and commitments about monitoring and reporting on the improvements in condition of the offset site.</p> <p>12 e) Corrective actions and contingency measures to be implemented where monitoring under the NTGVVP Offset Management Plan indicated a degradation of the NTGVVP.</p>		
13	The person taking the action must ensure the NTGVVP Offset(s) is managed in accordance with the approved NTGVVP Offset Management Plan for a period of at least 10 years from the date of execution of the Agreement.	Compliant	<p>NTGVVP Offset(s) are being managed by the landowner in accordance with the approved Offset Management Plan.</p> <p>A monitoring report for the compliance reporting period outlining this implementation has been prepared by the landowner.</p>

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence												
14	The person taking the action must ensure that construction activities do not impact more than 31.56ha of Golden Sun Moth habitat.	Compliant	<p>Impact to Golden Sun Moth (GSM) habitat to date is below this approved level.</p> <p>An overview of GSM habitat removal to date on the Project is outlined in Table 5 below.</p> <p>Table 5: Western Highway Project, Section 2 – Overview of GSM Habitat Removal since Commencement of Action</p> <table><tr><th>Impact Area</th><th>GSM Habitat Removed (Ha)</th></tr><tr><td>Section 2A</td><td>0.969</td></tr><tr><td>Buangor Bypass</td><td>3.644</td></tr><tr><td>Section 2B (To date)</td><td>1.494¹</td></tr><tr><td>Total: Section 2 – Actual (To Date)</td><td>6.107</td></tr><tr><td>EPBC Approval – Maximum Allowable Impact</td><td>31.56</td></tr></table> <p>¹ This figure includes 0.794 ha of GSM habitat cleared during preparatory works undertaken during the 2016/17 financial year.</p>	Impact Area	GSM Habitat Removed (Ha)	Section 2A	0.969	Buangor Bypass	3.644	Section 2B (To date)	1.494 ¹	Total: Section 2 – Actual (To Date)	6.107	EPBC Approval – Maximum Allowable Impact	31.56
Impact Area	GSM Habitat Removed (Ha)														
Section 2A	0.969														
Buangor Bypass	3.644														
Section 2B (To date)	1.494 ¹														
Total: Section 2 – Actual (To Date)	6.107														
EPBC Approval – Maximum Allowable Impact	31.56														
15	Unless approved by the Minister, the person taking the action must establish a 100ha Golden Sun Moth Offset at the Darlington Property to compensate for the loss of Golden Sun Moth habitat. Within 9 months of the date of this approval, the person taking the action must:	Compliant	<p>The requirements of all components of Condition 15 are complete.</p> <p>The required 100 Ha Golden Sun Moth Offset was secured at the Darlington Property in satisfaction of the requirements of this Condition (see below).</p>												
	15 a) Provide the Department with evidence that the property(s) identified to form the basis of the Golden Sun Moth Offset contain a viable population of Golden Sun Moth, and at least 100ha of known Golden Sun Moth habitat. Property(s) must be surveyed in accordance with <i>EPBC Act policy statement 3.12- significant guidelines for</i>	Compliant	Evidence that the Darlington Property contained a viable population of Golden Sun Moth and at least 100 Ha of known Golden Sun Moth habitat in accordance with the specified guidelines was submitted to the Department during the 2015/16 compliance reporting period.												

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	<i>the critically endangered Golden Sun Moth (Synemon plana)</i> by a suitably qualified ecologist.		
	15 b) Enter into Agreement with the landowner under section 173 of the <i>Planning and Environment Act 1987</i> , or a Trust for Nature covenant mechanism to secure 100ha Golden Sun Moth Offset of known Golden Sun Moth habitat at the Darlington Property.	Compliant	An agreement to secure the Golden Sun Moth Offset at the Darlington Property was entered into pursuant to s.173 of the <i>Planning and Environment Act 1987</i> (Vic) in May 2015. A signed copy of the s.173 Agreement was lodged with the Titles Office on 2 June 2015.
	15 c) Provide the Department with a signed copy of the Agreement and evidence of lodgement with the Titles Office, within 2 weeks of lodgement.	Compliant	A copy of the signed s.173 Agreement and evidence of lodgement with the Titles Office was submitted to the Department electronically on 25 July 2016.
	15 d) Provide the Department with the offset attributes, shapefile and map(s) clearly defining the location and boundaries of the Golden Sun Moth Offset, within 2 weeks of lodgement.	Compliant	Information including offset attributes, shapefiles and maps clearly defining the location and boundaries of the Golden Sun Moth Offsets were submitted to the Department electronically on 25 July 2016.
	15 e) Ensure that the Agreement is registered on the title on which the Golden Sun Moth Offset is located. The Department must be provided with evidence of registration within 2 weeks of registration.	Compliant	The s.173 Agreement was registered on the title of the Darlington Property on 2 June 2015. Evidence of this registration was submitted to the Department electronically on 25 July 2016.
16	Within 9 months of the date of this approval, the person taking the action must submit a draft Golden Sun Moth Offset Management Plan to the Department for the Minister's approval. The Golden Sun Moth Offset Management Plan must be prepared in consultation with a suitably qualified ecologist and provide for the conservation and enhancement of the viability of the population of Golden Sun Moth within the Golden Sun Moth Offset(s), and must include:	Compliant	<p>This requirement is complete.</p> <p>The Golden Sun Moth Offset Management Plan (dated March 2015) was approved by the Department on 17 April 2015.</p>

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	<p>16 a) Baseline data and other supporting evidence that documents the baseline condition and extent of Golden Sun Moth habitat and population viability on the Golden Sun Moth Offset(s).</p> <p>16 b) Description, key performance indicator, and timeframe for implementing specific management actions to improve the condition of Golden Sun Moth habitat within the Golden Sun Moth Offset(s), including but not limited to control of weed and pest species, control of access to the protected land, strategic fire and grazing management (acknowledging that such impacts may be positive or negative depending on circumstances).</p> <p>16 c) Measures to ensure that actions taken have no detrimental impact on the populations or habitat of other listed threatened species and communities that are likely to occur or utilise the Golden Sun Moth Offset(s).</p> <p>16 d) Information and commitments about monitoring and reporting on the improvements in condition of the offset site.</p> <p>16 e) Corrective actions and contingency measures to be implemented where monitoring under the Golden Sun Moth Offset Management Plan indicated a degradation of the Golden Sun Moth habitat.</p>		
17	The person taking the action must ensure the GSM Offset(s) is managed in accordance with the approved GSM Offset Management Plan for a period of at least 10 years from the date of execution of the Agreement.	Compliant	<p>GSM Offset(s) are being managed by the landowner in accordance with the approved Offset Management Plan.</p> <p>A monitoring report for the compliance reporting period outlining this implementation has been prepared by the landowner.</p>

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
18	<p>If the GEWVVP Offset as per condition 7, and/or the NTGVVP Offset as per condition 11, and/or the GSM Offset as per condition 15 cannot be secured as an offset within 9 months of the date of this approval, and or if information required by condition 15(a) fails to demonstrate a viable population of Golden Sun Moth at the Darlington Property to the Department's satisfaction, the person taking the action must establish a Contingency Offset(s) with Trust for Nature for the residual offset requirements of the relevance condition.</p> <p>18 a) Within 10 months of the date of this approval, the person taking the action must provide the Department with a proposal for the Contingency Offset(s), for the Department's approval. The proposal must include a copy of the draft Agreement with Trust for Nature that documents the property(s) identified to form the basis of the Contingency Offset(s), prior to signature by any parties. The plan must also include details of how the size and quality of the matters present at the side of the proposed Contingency Offset(s) will provide for the residual offset requirements of this approval, supported by surveys in accordance with the Department's guidelines and by a suitably qualified ecologist.</p> <p>18 b) Within 24 months of the date of this approval, the person taking the action must:</p> <p>18 b) i. Enter into a written Agreement with Trust for Nature that documents the property(s) agreed by the Department to form the basis of the Contingency Offset(s). The person proposing to take the action must provide the</p>	Not applicable	As outlined above in the comments in relation to Conditions 7, 11 and 15 all offsets have been sourced and secured in satisfaction of those requirements. As such no Contingency Offset(s) have been required.

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	<p>Department with a signed copy of the Agreement and within 7 days of signature by all parties;</p> <p>18 b) ii. Ensure that the properties(s) identified by Trust for Nature to form the basis of the Contingency Offset(s) are surveyed in accordance with the relevant survey guidelines by a suitably qualified ecologist to determine the baseline quality;</p> <p>18 b) iii. Provide Trust for Nature with \$50,000 Australian dollars per hectare, for the number of hectares required by the Department for the Contingency Offset(s) (the funds), to be held until such time as the Contingency Offset(s) is approved by the Minister, at which time the money will form the basis of the payment to purchase environmental services from the landowner of the Contingency Offset(s). If the cost of purchasing the environmental services is greater than the funds, the person taking the action must provide additional funds to Trust for Nature as required. If the cost of purchasing the environmental services is less than the funds, the remaining funds must be returned to the person taking the action. The arrangements of the provision and expenditure of the funds must be set out in the Agreement;</p> <p>18 b) iv. Enter into a Credit Trading Agreement with Trust for Nature and the landowner under the Nature Conservation Trust Act 1972, to secure Contingency Offset(s);</p> <p>18 b) v. Provide the Department with a signed copy of the Credit Trading Agreement within 2 weeks of its signature by all parties;</p>		

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	<p>18 b) vi. Ensure that a Deed of Covenant for the Contingency Offset(s) is executed with Trust for Nature and is registered on the title documents of the site of the Contingency Offset(s) within 6 months of the date of signing the Credit Trading Agreement;</p> <p>18 b) vii. Provide the Department with evidence of registration within 2 weeks of registration;</p> <p>18 b) viii. Provide the Department with the offset attributes, shapefile and map clearly defining the location and boundaries of the Contingency Offset(s), within 2 weeks of registration; and</p> <p>18 b) ix. Provide a Contingency Offset Management plan to the Department for the Minister's approval. The person taking the action must ensure that any Contingency Offset(s) are managed in accordance with an approved Contingency Offset Management Plan for a period of at least 10 years from the date of execution of the Agreement.</p>		
19	Within 30 calendar days after the commencement of construction activities, the person taking the action must advise the Department in writing of the actual date of commencement construction activities.	Compliant	<p>This requirement is complete.</p> <p>Construction activities on the Project commenced on 5 June 2014. The Department were notified in writing of the commencement of activities by VicRoads on 11 June 2014.</p>
20	The person taking the action 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 on request to the Department. Such records may be subject to audit by the department or an independent	Compliant	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.

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence														
	auditor in accordance with section 458 of the EPBC Act or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.		No request for access or audit of these records has been received from the Department to date.														
21	Within three months of June 30 each year following the commencement of construction activities, the person taking the action must publish an annual report of compliance 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 annual report of compliance is published. The annual report of compliance must document the outcomes of the management plan(s) against the performance indicators of the management plan(s).	Compliant	<p>The Department accepted an extension of this publication requirement in the current compliance reporting period to 16 October 2020. The Department confirmed this amended timeframe by return email on 30 September 2020.</p> <p>This compliance report was published on the MRPV website on 16 October 2020 and can be accessed here: https://roadprojects.vic.gov.au/projects/western-highway/beaufort-to-ararat. Notice of publication of the report was provided to the Department on 16 October 2020.</p> <p>Previous Reporting Periods</p> <p>Publication timeframes for previous reports are outlined in the table below:</p> <table><tr><th>Reporting Period</th><th>Online Publication Date</th></tr><tr><td>2018/19</td><td>30 September 2019</td></tr><tr><td>2017/18</td><td>27 September 2018</td></tr><tr><td>2016/17</td><td>29 September 2017</td></tr><tr><td>2015/16</td><td>28 September 2016</td></tr><tr><td>2014/15</td><td>28 August 2015</td></tr><tr><td>2013/14</td><td>25 September 2014</td></tr></table>	Reporting Period	Online Publication Date	2018/19	30 September 2019	2017/18	27 September 2018	2016/17	29 September 2017	2015/16	28 September 2016	2014/15	28 August 2015	2013/14	25 September 2014
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Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
22	The person taking the action must notify the Department in writing of any non-compliance with conditions as soon as practicable and no later than 2 business days of becoming aware of the non-compliance.	Compliant	There have been no non-compliances with Approval conditions between July 2019 and June 2020.
23	Upon the direction of the Minister, the person taking the action 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.	Not applicable	<p>No request for an independent compliance audit has been made.</p> <p>2019/20 – Information Request: Vegetation Clearance</p> <p>A request for further information in relation to vegetation clearance to date was received from the Department during the compliance reporting period on 15 April 2020. This is discussed in more detail in Section 2.4 of this report and the post-clearance audit figures in relation to the clearance of MNES are outlined above in the comments relating to Conditions 2, 6, 10 and 14.</p>
24	If the person taking the action wishes to carry out any activity otherwise in accordance with management plans as specified in the conditions, the person taking the action must submit to the Department for the Minister's written approval a revised version of that management plan. The varied activity shall not commence until the Minister has approved the varied management plan in writing. The Minister will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome over time. If the Minister approved the revised management plan, the management plan must be implemented in place of the management plan originally approved.	Compliant	<p>2019/20 – Amendment of TSMP</p> <p>A number of minor design changes were made to the Project during the compliance reporting period. These changes were reflected in an amended version of the TSMP for the Project (the Amended TSMP) which was inclusive of updated no go zones and updated ecological impact assessment information.</p> <p>The amended TSMP was submitted to the Department for approval on 27 November 2019 and was approved on 24 December 2019.</p>
25	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities and wetlands of international	Not applicable	No such request for the revision of management plans has been made to date.

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	importance to do so, the Minister may request that the person taking the action make specified revisions to the management plans specified in the conditions and submit the revised management plans for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plans must be implemented. Unless the Minister has approved the revised management plans then the person taking the action must continue to implement the management plans originally approved, as specified in the conditions.		
26	Unless otherwise agreed to in writing by the Minister, the person taking the action must publish a copy of each approved management plan referred to in these conditions of approval on their website within 1 month of approval of the management plan. Each management plan(s) must be accessible to general members for a period of at least 10 years from the date of approval of the management plan(s). Any variation to management plans must be published on the website within 1 month of the variation being approved by the Minister.	Compliant	<p>All approved management plans for the Project can be found on the Major Road Projects Victoria website (https://roadprojects.vic.gov.au/projects/western-highway/beaufort-to-ararat) and have been available since July 2014 (including on the VicRoads website from 2014 to 2019).</p> <p>2019/20 – Publication of Amended TSMP</p> <p>Due to the dual approval requirement for the Threatened Species Management Plan (TSMP) for the Project (see Condition 4 above), the amended version of that document (the Amended TSMP) prepared by MRPV during 2019 (see Condition 24 above) needed to be approved by both the Department and DELWP. Subsequent to the Department's approval of the Amended TSMP on 23 December 2019, the Department queried the online publication status of this plan by letter to MRPV on 3 March 2020. MRPV provided a written response on 13 March 2020 indicating its preference that the Amended TSMP be published following its approval by DELWP (at which time it would be approved by all relevant regulators). This was accepted by the Department by letter to MRPV on 15 April 2020, and the TSMP was</p>

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
			published online on 12 May 2020 following its approval by DELWP on 16 April 2020.
27	If, at any time after 5 years from the date of this approval, the person taking the action 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	The action substantially commenced on 5 June 2014 (see Condition 19 above). As such additional written agreement to commencement has not been required.

4 References

1. Ecology and Heritage Partners (May 2017), Ecological Assessment – Western Highway Project: Section 2B, Ecology and Heritage Partners 230 Latrobe Terrace, Geelong West VIC 3218
2. Ecology and Heritage Partners (June 2020), Interim Vegetation Clearance Audit – Western Highway Project: Section 2B (part), Ecology and Heritage Partners 230 Latrobe Terrace, Geelong West VIC 3218
3. Ecology and Heritage Partners (July 2020), Supplementary Ecological Assessment – Western Highway Project: Section 2B Realignment, Ecology and Heritage Partners 230 Latrobe Terrace, Geelong West VIC 3218

Appendix A – Project Map

NB. Detailed project area maps can be found in Annex 1 to the Approval.

