

HEALESVILLE-KOO WEE RUP ROAD UPGRADE

Compliance Assessment Report No. 01

(17 January 2022 to 17 January 2023)

EPBC Approval No. 2019/8487

DOC/23/27355

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

Document information

Criteria	Details
Document title:	Compliance Assessment Report No. 01 (17 January 2022 to 17 January 2023), EPBC Approval No. 2019/8487
Document owner:	MAJOR ROAD PROJECTS VICTORIA
Report:	1.0
Issue date:	5 th April 2023

© Document copyright of Major Road Projects Victoria

This document is copyright. This document is published publicly for the purpose of compliance to the EPBC Act Approval requirement and is for general information only.

Table of Contents

TABLE OF CONTENTS	3
EXECUTIVE SUMMARY	5
1 INTRODUCTION	6
1.1 Purpose of this Report.....	6
1.2 Project Background	6
1.3 EPBC Act Requirements.....	6
2 PROJECT STATUS	7
3 PERFORMANCE AND COMPLIANCE (EPBC 2019/8487)	8
4 APPENDIX A – PROJECT MAP	12

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

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 a variation on the 10th of December 2021, with respect to the construction of the Healesville-Koo Wee Rup Road Upgrade (the Project).

Under Condition 11 of the decision notice, an annual compliance report is required to be published on MRPV'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 Project against the conditions of the EPBC Act Approval No. 2019/8487. This is the first compliance report prepared for the Project and relates to the period of the 17th of January 2022 to the 17th of January 2023.

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

1 Introduction

1.1 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.

1.2 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.

1.3 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 and again on the 10th of December 2021. 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, MRPV is responsible for the delivery of the action and compliance with the conditions.

2 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:
 - Fencing of the Project boundary and sensitive areas;
 - Vegetation clearing and site preparation works;
 - Utility relocations;
 - Swale drain construction;
 - Subgrade preparation;
 - Beam installation of the Deep Creek bridge;
 - Early culvert construction; and
 - Early pavement works.

3 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 3.801 ha. b. Clearance has not exceeded 4.238ha of Growling Grass Frog (GGF) habitat. The current impact of the project to GGF habitat is 2.132 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> <ol style="list-style-type: none"> 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]; 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); 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 secure the Alternative Offset Site (or sites), and submit to the Department written evidence that the Alternative Offset Site (or sites) has been secured within 18 months of the date the Minister has approved an Alternative Offset Site (or sites) in accordance with condition 4A(a). 	Compliant	<ol style="list-style-type: none"> 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, within 27 months of the approval. 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. 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. Discussions are ongoing with the Department to assist the submission of the Ocean Grange OMP as an Alternative Offset Site to Brucknell. 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. 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. 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> <ol style="list-style-type: none"> submit plans electronically to the Department; 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; exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and keep plans published on the website until the end date of this approval. 	Compliant	<ol style="list-style-type: none"> Plans were submitted electronically. The FMP and OMPs were published on MRPV's website on the 16th of October 2020. Sensitive ecological data was redacted as required. The plans are available online: https://bigbuild.vic.gov.au/projects/mrpv/healesville-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 biological survey and mapped data (2018) and submitted electronically to the Department in accordance with the requirements of the plan.	Compliant	Noted.

Condition	Subject	Conditions of the Approval	Compliance Status	Comments / Evidence
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 MRPV's 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 from the 20th of May 2021 and the 15th of July 2022.
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.

Appendix A – Project Map



Map: 2135645A_GIS_1858_A1	Author: [Redacted]		 1:35,000 Scale ratio correct when printed at A3	 WSP	HKWR Road Offset Management Plan Healesville-Koo Wee Rup Road Upgrade Overview
Date: 24/05/2019	Approved by: [Redacted]				
<small> © WSP (Pavement Benchmarking - Asia Pacific) (WSP) Pty Ltd. Copyright in the drawings, information and data recorded is the property of WSP Pty Ltd. This document and the information are solely for the use of the addressee recipient and this document may not be used, copied or reproduced in whole or part by any person other than the addressee recipient without the prior written consent of WSP Pty Ltd. WSP Pty Ltd makes no representation, warranty or guarantee as to the accuracy or completeness of any data provided for and on behalf of WSP (Pavement Benchmarking - Asia Pacific). \\pvm001\proj\WV\roads\2135645A_OSAE_ENGINEERING_TECHNICAL_SE110_GIS\Projects\Map\2135645A_GIS_1858_A1.mxd </small>					