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Princes Highway Duplication Project, Winchelsea to Colac

Compliance Assessment Report No. 9

February 2024 to February 2025

EPBC Approval No. 2012/6568

Prepared for

Department of Climate Change, Energy, the Environment and Water

Environment Assessment & Compliance Division

GPO Box 787, CANBERRA ACT 2601

Approval Information

Approval number:	2012/6568
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 and Planning (ABN 69 981 208 782).
Approved action:	To duplicate approximately 36km of the Princes Highway from Deans-Marsh Road, Winchelsea, to Corangamite Street, Colac, Victoria

Document Information

Criteria	Details
Document title:	Compliance Assessment Report No. 9 (February 2024 to February 2025) (EPBC Approval No. 2012/6568)
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Terms, abbreviations, and definitions

Table 1: List of Terms and Abbreviations

Term/Abbreviation	Definition
Approval Holder	Roads Corporations (VicRoads, now Major Road Projects Victoria)
DoEE	Commonwealth Department of Environment and Energy (now DCCEEW)
DAWE	Commonwealth Department of Agriculture, Water and the Environment (now DCCEEW)
DCCEEW	Commonwealth Department of Climate Change, Energy, the Environment and Water
EHP	Ecology and Heritage Partners Pty Ltd
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
EPA	Environment Protection Authority
GGF	Growling Grass Frog
Ha	Hectare
MRPV	Major Road Projects Victoria

1 Executive Summary

Approval under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) was issued to VicRoads on 11 January 2016 for the construction of the Princes Highway Duplication Project - Winchelsea to Colac, Victoria (the Project). This approval was granted under EPBC Act Approval Notice 2012/6568 (the Approval). The location of the Project is between Deans Marsh Road, Winchelsea and Corangamite Street, Colac (refer to Appendix A). In July 2018, the responsibility for the delivery of the Project was transferred from VicRoads to Major Road Projects Victoria (MRPV).

In accordance with Condition 6 of the Approval, within 3 months of every 12-month anniversary of the commencement of construction (2 February 2016), the Approval Holder must publish a report on their website addressing compliance with each of the conditions of the Approval. Documentary evidence providing proof of the date of publication and any non-compliance with any of the conditions of the Approval must be provided to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) at the same time.

This compliance report addresses the status of the Project against the conditions of the Approval for activities carried out between 2 February 2024 and 2 February 2025. This is the ninth compliance report prepared for the Project.

All major construction works related to the Project were completed in November 2019. Correspondence advising the Department of the completion of construction was sent to the DCCEEW (then DAWE) on 20 February 2020. Project activities since 2020 have been limited to the rectification of minor defects and compliance monitoring in accordance with the Approval.

MRPV formally transferred responsibility for maintaining this asset to the Department of Transport and Planning (DTP) on 17 June 2022.

The Project has achieved compliance with all conditions of the approval.

2 Introduction

2.1 Project overview

The Princes Highway is the key east-west route in south-western Victoria, providing a strategic transport link between Melbourne, south west regional Victoria and South Australia (Appendix A). The highway is a key freight route for industries such as dairy, wood processing, beef and mineral sands, while also providing access to regional cities and towns.

The Project upgraded 36 kilometres of the existing Princes Highway between Winchelsea and Colac to an 'M' standard road by constructing a new carriageway alongside the existing carriageway. The Project is a continuation of the previously duplicated section of the Princes Highway between Waurin Ponds and Winchelsea and is part of improving traffic flow and road safety through separation of traffic, improved road geometry and improved intersection design and access.

The Project was delivered in three stages:

- **Section 1 – Winchelsea to Armytage Rd:** works were completed in May 2018.
- **Section 2 – Armytage Rd to Warncoort:** works were completed in November 2019.
- **Section 3 – Warncoort to Colac East:** works were completed in November 2019.

The new carriageway comprises two 3.5-metre-wide sealed lanes, 3.5-metre-wide external shoulder, an internal 1.0-metre-wide shoulder. A centre median (20 metres wide) applies along most of the project. A new bridge was constructed over the Geelong-Warrnambool railway line at Birregurra with the existing bridge retained. A new rail overpass was constructed over the Geelong-Warrnambool railway line at Warncoort comprising two new bridges and the existing bridge at Birregurra Creek was replaced.

2.2 Purpose of this report

The purpose of this report is to demonstrate compliance of the Project against the conditions of the Approval (Table 1).

Under Condition 6 of the Approval, an annual compliance assessment report is required to be published on the Approval Holder's website within 3 months of every 12-month anniversary of the date of commencement of construction (2 February 2016), addressing compliance with each of the conditions of the Approval (refer to Section 4).

The EPBC conditions incorporate a report entitled 'Princes Highway Duplication Winchelsea to Colac EPBC Preliminary Documentation Response' (October 2015, prepared by Ecology and Heritage Partners, EHP Report), which outlines measures to mitigate the impact to the EPBC Act listed Growling Grass Frog *Litoria raniformis*.

3 Compliance Assessment Report

Table 1 below contains the compliance assessment against the conditions in Approval EPBC 2012/6568 for activities carried out between 2 February 2024 and 2 February 2025.

Table 1: EPBC Act Approval Notice 2012/6568 Compliance Assessment - 2 February 2024 and 2 February 2025

Approval condition		Compliance assessment	Compliance status
1	The approval holder must ensure the proposed action does not remove Growling Grass Frog habitat outside of the construction footprint.	<p>No major works occurred during the 2024-2025 reporting period. No construction activity was undertaken outside the construction footprint.</p> <p>Major works were completed:</p> <ul style="list-style-type: none"> Section 1 – Winchelsea to Armytage Rd: 15 May 2018 Section 2 – Armytage Rd to Warncoort on 9 November 2019 Section 3 – Warncoort to Colac East on 29 November 2019 	Compliant.
2	<p>To mitigate impacts to the Growling Grass Frog, the approval holder must:</p> <p>a) Implement the mitigation measures outlined in pages 13-22 of the EHP Report.</p>	<p>Pages 13-22 of the report titled 'Princes Highway Duplication Winchelsea to Colac EPBC Preliminary Documentation Response' (EHP Report) details Growling Grass Frog impact mitigation measures that must be met during project construction.</p> <p>No construction occurred during the 2024-2025 reporting period - this condition is not applicable.</p>	Not applicable during 2024-2025 reporting period.
2	b) Implement best practice hygiene protocol(s) for control of diseases in frogs to prevent the spread of disease.	<p>No construction occurred during the 2024-2025 reporting period - this condition is not applicable.</p> <p>Hygiene protocols detailed in the EHP report were incorporated into the construction contract and implemented and monitored during the project.</p>	Not applicable during 2024-2025 reporting period.

Approval condition		Compliance assessment	Compliance status
2	c) Establish no-go zones prior to the commencement of construction in accordance with Figures 2a-2y and Appendix 2 of the Ecology and Heritage Partners (EHP) Report and maintain these during construction.	The project completed construction in 2020. No construction occurred during the 2024-2025 reporting period - this condition is not applicable.	Not applicable during 2024-2025 reporting period.
2	d) Ensure pre-clearance surveys are undertaken 1 week prior to the commencement of construction.	The project completed construction in 2020. No construction occurred during the 2024-2025 reporting period - this condition is not applicable.	Not applicable during 2024-2025 reporting period.
2	e) Ensure Growling Grass Frogs identified within the construction footprint during pre-clearance surveys and during construction are relocated in accordance with the translocation procedure at Appendix 3 of the EHP Report.	The project completed construction in 2020. No construction occurred during the 2024-2025 reporting period - this condition is not applicable.	Not applicable during 2024-2025 reporting period.
2	f) When construction is being undertaken within 50 metres either side of Birregurra Creek, daily flow rates will be monitored and construction within 50 metres either side of Birregurra Creek will be suspended if flow rates exceed 40 mega litres per day.	The project completed construction in 2020. No construction occurred during the 2024-2025 reporting period - this condition is not applicable.	Not applicable during 2024-2025 reporting period.
2	g) Induct site personnel prior to their commencement of work on the proposed action.	The project completed construction in 2020. No construction occurred during the 2024-2025 reporting period - this condition is not applicable.	Not applicable during 2024-2025 reporting period.
3	a) To compensate for the removal of Growling Grass Frog habitat the approval holder must create at least 1.26 ha of Growling Grass Frog habitat offsets within 12 months of completion of construction. The creation of Growling Grass Frog habitat, including locations, size and vegetative structure, must be in accordance with the Growling Grass Frog habitat creation guidelines as described in pages 65-71 of the EHP Report. The approval holder must provide to the Minister: i. The offset attributes and shape files for the proposed offsets; and	Evidence that the Growling Grass Frog offset was established within 12 months of completion of construction was provided to DCCEEW on 20 February 2020 during the 2020-2021 annual reporting period. Approximately 1.93 ha Growling Grass Frog habitat was created in accordance with the Growling Grass Frog habitat creation guidelines as described in pages 65-71 of the EHP	Compliant.

Approval condition		Compliance assessment	Compliance status
	<p>ii. Evidence the Growling Grass Frog offset has been established within 12 months of completion of construction.</p>	<p>Report. One habitat pond covering an area of 0.17 ha was constructed in Section 1 of the project, and seven habitat ponds covering an area of 1.76 ha were constructed in Section 2. In accordance with the approval conditions, there is no requirement to provide Growling Grass Frog habitat offsets within Section 3.</p> <p>Construction of the Growling Grass Frog habitat ponds occurred throughout the latter part of 2019 as part of project landscaping.</p>	
3	<p>b) Once created, maintain the Growling Grass Frog offset to the standard of the Growling Grass Frog habitat creation guidelines as described in pages 65-71 of the EHP Report for the life of the approval.</p>	<p>The Project construction contractor maintained the Growling Grass Frog offset for three years after construction was completed. The fourth and final assessment of the Growling Grass Frog Habitat was completed in April 2022. This final assessment concluded the Growling Grass Frog habitat is well established. Maintenance by the construction contractor concluded in November 2022.</p> <p>Monitoring continues to ensure the ponds meet the specifications described in pages 65-71 of the EHP Report. On-site inspections indicated several of the ponds may require supplementary planting to meet the floating aquatic vegetation aims of the EHP Report. A replanting program and a contract to engage suitably qualified personnel was developed to increase the presence of floating aquatic vegetation. Supplementary planting will occur in accordance with advice provided by the suitably qualified personnel (i.e. seasonality, rainfall events) to optimise establishment.</p> <p>All other aims and specifications described in pages 65-71 of the EHP Report continue to be met.</p>	Compliant.

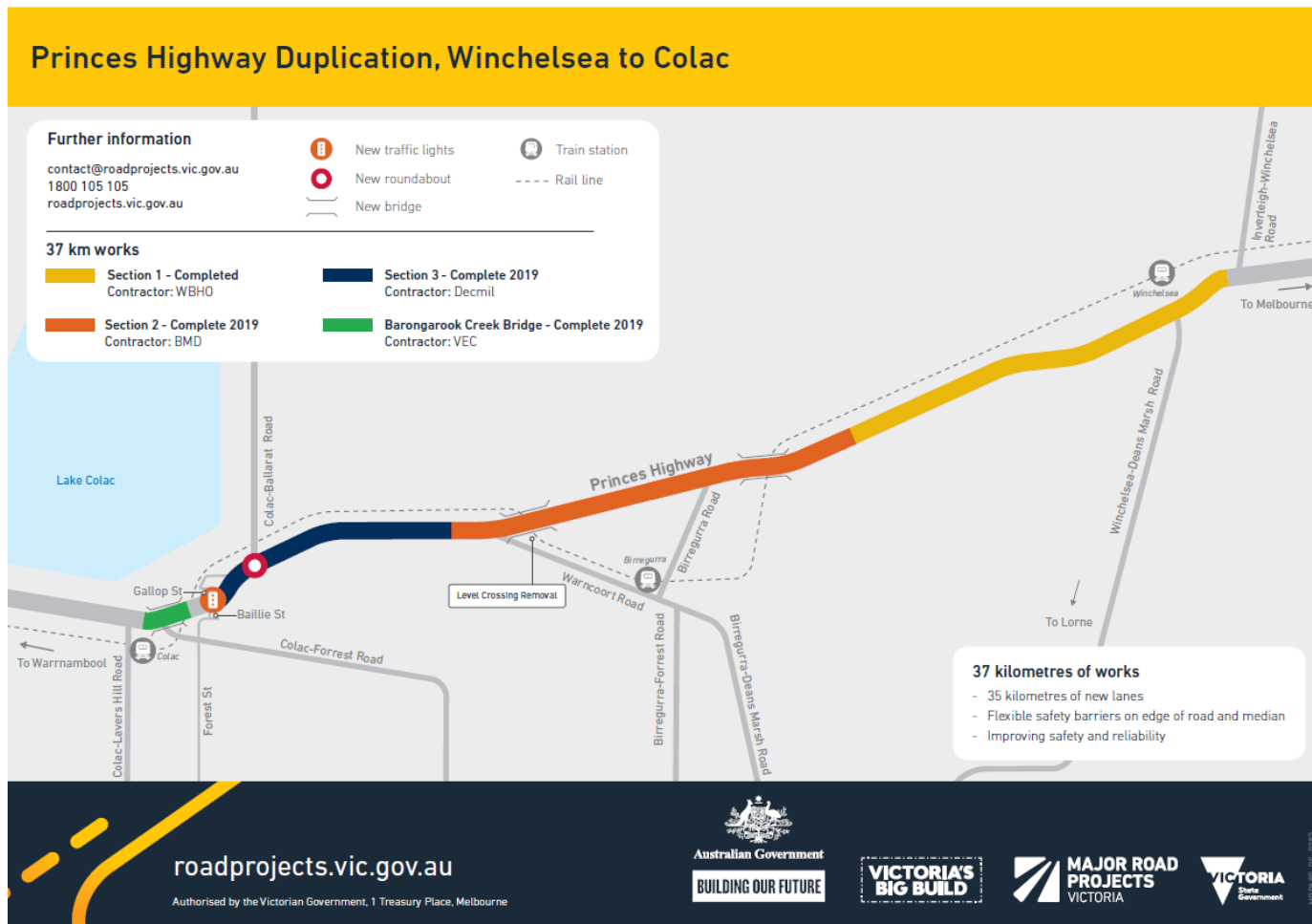
Approval condition		Compliance assessment	Compliance status
4	Within 7 calendar days of the commencement of construction, the approval holder must advise the Department in writing of the actual date of commencement of construction.	<p>Notification of construction commencement occurred in accordance with this approval condition.</p> <p>Works commenced as follows:</p> <ul style="list-style-type: none"> Section 1 – Winchelsea to Armytage Rd: 6 July 2016. Section 2 – Armytage Rd to Warncoort: 2 February 2016 Section 3 – Warncoort to Colac East: 18 December 2017. 	Compliant.
5	The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the reports required by this approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.	The MRPV Project Team maintains records of all activities associated with or relevant to the conditions of approval. These documents will be available to DCCEEW upon request and are available for auditing purposes.	Compliant.
6	Within three months of every 12 month anniversary of the commencement of construction, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the EHP Report, as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published.	All compliance reports are available on the MRPV or VicRoads websites.	Compliant.
7	Upon the direction of the Minister, the approval holder 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.	An independent audit was not requested by the Minister during this reporting period.	Not applicable during 2024-2025 reporting period.

Approval condition		Compliance assessment	Compliance status
8	<p>The approval holder may choose to revise a management report, plan or strategy approved by the Minister under Conditions 2 and 3 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised report, plan or strategy would not be likely to have a new or increased impact. If the approval holder makes this choice they must:</p> <ul style="list-style-type: none"> i. Notify the Department in writing that the approved report, plan or strategy has been revised and provide the Department with an electronic copy of the revised report, plan or strategy; ii. Implement the revised report, plan or strategy from the date that the report, plan or strategy is submitted to the Department; and iii. For the life of this approval, maintain a record of the reasons the approval holder considers that taking the action in accordance with the revised report, plan or strategy would not be likely to have a new or increased impact. 	No revisions occurred during the reporting period.	Not applicable during 2024-2025 reporting period.
9	The approval holder may revoke their choice under Condition 8 at any time by notice to the Department. If the approval holder revokes the choice to implement a revised report, plan or strategy without approval under section 143A of the EPBC Act, the plan or strategy approved by the Minister must be implemented.	Not applicable during 2024-2025 reporting period.	Not applicable during 2024-2025 reporting period.
10	Condition 8 does not apply if the revisions to the approved report, plan or strategy include changes to environmental offsets provided under the report, plan, or strategy in relation to the matter, unless otherwise agreed in writing by the Minister. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised report, plan or strategy would, or would not, be likely to have new or increased impacts.	Not applicable during 2024-2025 reporting period.	Not applicable during 2024-2025 reporting period.

Approval condition		Compliance assessment	Compliance status
11	<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 revised report, plan or strategy would be likely to have a new or increased impact, then:</p> <p>i. Condition 8 does not apply, or ceases to apply, in relation to the revised report, plan or strategy; and</p> <p>ii. The approval holder must implement the report, plan or strategy approved by the Minister. To avoid any doubt, this condition does not affect any operation of Conditions 8, 9 and 10 in the period before the day the notice is given.</p>	Not applicable during 2024-2025 reporting period.	Not applicable during 2024-2025 reporting period.
12	At the time of giving the notice the Minister may also notify for a specified period of time that Condition 8 does not apply for one or more specified reports, plans or strategies required under the approval.	Not applicable during 2024-2025 reporting period.	Not applicable during 2024-2025 reporting period.
13	Conditions 8, 9, 10 and 11 are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised report, plan or strategy to the Minister for approval.	Not applicable during 2024-2025 reporting period.	Not applicable during 2024-2025 reporting period.
14	If, at any time after 5 years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister.	<p>Works commenced as follows:</p> <ul style="list-style-type: none"> Section 1 – Winchelsea to Armytage Rd: 6 July 2016. Section 2 – Armytage Rd to Warncoort: 2 February 2016 Section 3 – Warncoort to Colac East: 18 December 2017. <p>The project completed construction in 2020.</p>	Compliant.

Approval condition		Compliance assessment	Compliance status
15	Unless otherwise agreed to in writing by the Minister, the approval holder must publish a copy of each report, plan and strategy referred to in these conditions of approval on their website. Each report, plan and strategy must be published on the website within one (1) month of being approved.	Prior to the transfer of the Approval to MRPV, VicRoads published the EHP Report titled 'Princes Highway Duplication Winchelsea to Colac EPBC Preliminary Documentation Response' (October 2015) on their website. This report is now published on the MRPV website.	Compliant.
16	Within 1 month of the completion of construction of each project stage, the approval holder must advise the Department in writing of the actual date of completion of construction of each project stage.	Correspondence advising the completion of construction was sent to DCCEEW on 20 February 2020 (2020-2021 reporting period).	Compliant.

Appendix A – Project Map



NOTE: The action approved under EPBC Act Approval Notice 2012/6568 includes Section1, Section 2 and Section 3 as depicted in the above image.