

September 2022

Version: 1.0

# Western Highway Project Section 2, Beaufort to Ararat

Compliance Assessment Report No. 9

July 2021 to June 2022

EPBC Approval No. 2010/5741

Prepared for

Department of Climate Change, Energy, the Environment and Water

Environment Assessment & Compliance Division

GPO Box 787, CANBERRA ACT 2601

## Approval Information

<b>Approval number:</b>	2010/5741
<b>Approval holder:</b>	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.
<b>ABN:</b>	61 760 960 480  NB. Major Road Projects Victoria is an administrative agency within the Victorian Department of Transport (ABN 69 981 208 782).
<b>Approved action:</b>	To upgrade the Western Highway between Beaufort and Ararat, Victoria

## Document Information

Criteria	Details
<b>Document title:</b>	Compliance Assessment Report No. 9 (July 2021 to June 2022), EPBC Approval No. 2010/5741
<b>Document owner:</b>	Major Road Projects Victoria
<b>Version:</b>	1.0
<b>Issue date:</b>	September 2022

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# Terms, abbreviations, and definitions

**Table 1 List of Terms and Abbreviations**

Terms / Abbreviation	Definition
The Approval	EPBC 2010/5741
CHMP	Cultural Heritage Management Plan under the Victorian <i>Aboriginal Heritage Act 2006</i>
DELWP	Victorian Department of Environment, Land, Water and Planning
The Department	Commonwealth Department of Climate Change, Energy, the Environment and Water
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
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 and proof of publication provided to the Commonwealth Department of Climate Change, Energy, the Environment and Water (The Department) on 30 September 2022. This is the ninth compliance report to be prepared for the Western Highway Project Section 2, Beaufort to Ararat and relates to the period 1 July 2021 to 30 June 2022.

Major Road Projects Victoria (MRPV) has complied with all conditions referenced in the Approval for this annual reporting period.

## 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 partially constructed 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

Key activities undertaken as part of the Project during the compliance reporting period (July 2021 – June 2022) include:

- Weed surveying and monitoring
- Environmental monitoring
- Installation and maintenance of erosion and sediment controls
- Installation and maintenance of access tracks.

Since 28 October 2020, construction works for Section 2B have been on hold. Works for the Project will not re-commence until a new Cultural Heritage Management Plan (CHMP) is prepared in accordance with the Victorian *Aboriginal Heritage Act 2006*.

### 2.4.1 EPBC Approval Variation

MRPV sought a variation to the original referral and received notification of approval by the Department 13 January 2021.

### 2.4.2 Amendment of Threatened Species Management Plan (TSMP)

The implemented version of the TSMP for the Project (V.6) reflects design changes required to facilitate the avoidance of several trees in the project area identified as significant by some members of the Aboriginal community. This version of the TSMP was approved by the delegate of the Commonwealth Environment Minister on 22 October 2020 and by the Secretary - DELWP on 27 November 2020.

A second (the Amended) version of the TSMP was prepared during the previous compliance reporting period (June 2020 to July 2021). The Amended TSMP (*Threatened Species Management Plan - Western Highway Project, Section 28: Beaufort to Ararat V.7*) was submitted to the Department for approval on 27 November 2020 pursuant to Condition 24 of the Approval and was approved on 13 January 2021. The Amended TSMP was also submitted to DELWP for approval on 7 December 2020 as part of the State approval process. DELWP's assessment of the application is presently on-hold due to construction being on hold (see Section 2.4 above).

The previous version of the TSMP (Threatened Species Management Plan Western Highway Project, Section 2B: Buangor to Ararat, Issue No.6, May 2020) is being utilised for the 2021/22 reporting period. The Commonwealth Department confirmed that MRPV may proceed with this approach on 2 February 2021.

### 3 Performance and compliance (EPBC 2010/5741)

**Table 2 EPBC Act Approval Notice 2010/5741 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 2022 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 2021 and June 2022 include:</p> <ul style="list-style-type: none"> <li>- Weed monitoring</li> <li>- Establishment and use of vehicle access points</li> <li>- Use of washdown bays.</li> </ul>
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, 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	Compliant	<p>No revised TSMP was required for the compliance reporting period (July 2021 – June 2022).</p> <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>Annex 1) until the Minister approves the revised plan(s) in relation to that matter.</p> <p>4 a) Baseline 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>4 b) iv. A commitment to avoid construction activities within the Hopkins River or Billy Creek crossings during the</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>An amended version of the TSMP for the Project (the Amended TSMP) was prepared in the previous compliance reporting period (June 2020 to July 2021) which was inclusive of updated no go zones and updated ecological impact assessment information. The amended TSMP was submitted to the Department for approval on 27 November 2020 and was approved on 13 January 2021 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><del>Dwarf Galaxias breeding period (from 1 April to 30 November in any year) (revoked 10 April 2015);</del></p> <p>4 b) v. <del>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 (revoked 10 April 2015);</del></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. Implementing an emergency response procedure in the event of a chemical or fuel spill near waterways.</p>		

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	<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 prior to the commencement of work within the current compliance reporting period of Section 2B, as construction did not begin within 100m of a Spiny Rice-flower, Dwarf Galaxias or Button Wrinklewort. No construction occurred within 100m of GSM habitat in this reporting period.</p>

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence												
			<p>Key TSMP activities implemented between July 2021 and June 2022 include:</p> <ul style="list-style-type: none"><li>• Maintenance and monitoring of No Go Zones (NGZ)</li><li>• Weed monitoring</li><li>• Installation and maintenance of erosion and sediment controls</li><li>• Ongoing auditing and surveillance</li><li>• Implementation of standard fire control measures.</li></ul>												
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> <p><b>Table 3: Western Highway Project, Section 2 – Overview of GEWVVP Removal since Commencement of Action</b></p> <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>0.352<sup>1</sup></td></tr><tr><td><b>Total: Section 2 – Actual (To Date)</b></td><td><b>8.712</b></td></tr><tr><td>EPBC Approval – Maximum Allowable Impact</td><td>11.14</td></tr></table> <p><sup>1</sup> This figure includes 0.1 ha of GEWVVP removal during preparatory works undertaken during the 2017/18 financial year.</p>	Impact Area	GEWVVP Removed (Ha)	Section 2A	5.251	Buangor Bypass	3.109	Section 2B (To date)	0.352 <sup>1</sup>	<b>Total: Section 2 – Actual (To Date)</b>	<b>8.712</b>	EPBC Approval – Maximum Allowable Impact	11.14
Impact Area	GEWVVP Removed (Ha)														
Section 2A	5.251														
Buangor Bypass	3.109														
Section 2B (To date)	0.352 <sup>1</sup>														
<b>Total: Section 2 – Actual (To Date)</b>	<b>8.712</b>														
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	<p>The requirements of all components of Condition 7 are complete.</p> <p>The required 33.5 Ha GEWVVP Offset was secured at the Dunkeld Property in satisfaction of the requirements of this Condition (see below).</p>												

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	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.
	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.	Complete	This requirement is complete. 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>	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>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 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 and provided to MRPV.</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>

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence												
			<div>Table 4: Western Highway Project, Section 2 – Overview of NTGVVP Removal since Commencement of Action</div> <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														
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.												

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	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	<p>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 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>	Compliant	<p>This requirement is complete.</p> <p>The NTGVVP 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>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 and provided to MRPV.</p>												
14	The person taking the action must ensure that construction activities do not impact more than 63.90 ha of Golden Sun Moth habitat. This comprises: a) impact of no more than 31.56 ha approved on 17 April 2014; and b) no more than 32.34 ha additional impact approved on 13 January 2021.	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><b>Table 5: Western Highway Project, Section 2 – Overview of GSM Habitat Removal since Commencement of Action</b></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>8.187<sup>1</sup></td></tr><tr><td><b>Total: Section 2 – Actual (To Date)</b></td><td><b>12.80</b></td></tr><tr><td>EPBC Approval – Maximum Allowable Impact</td><td>63.90</td></tr></table>	Impact Area	GSM Habitat Removed (Ha)	Section 2A	0.969	Buangor Bypass	3.644	Section 2B (To date)	8.187 <sup>1</sup>	<b>Total: Section 2 – Actual (To Date)</b>	<b>12.80</b>	EPBC Approval – Maximum Allowable Impact	63.90
Impact Area	GSM Habitat Removed (Ha)														
Section 2A	0.969														
Buangor Bypass	3.644														
Section 2B (To date)	8.187 <sup>1</sup>														
<b>Total: Section 2 – Actual (To Date)</b>	<b>12.80</b>														
EPBC Approval – Maximum Allowable Impact	63.90														



Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
			<sup>1</sup> This figure includes 0.794 ha of GSM habitat cleared during preparatory works undertaken during the 2016/17 financial year. No GSM habitat was removed during this compliance report period (July 2021 – June 2022)
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 as approved in condition 14 (a). Within 9 months of the date of this approval, the person taking the action must:	Compliant	The requirements of all components of Condition 15 are complete.  The required 100 Ha Golden Sun Moth Offset was secured at the Darlington Property in satisfaction of the requirements of this Condition (see below).
	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 the critically endangered Golden Sun Moth (Synemon plana)</i> by a suitably qualified ecologist.	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.
	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	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.

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	boundaries of the Golden Sun Moth Offset, within 2 weeks of lodgement.		
	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.	Complete	This requirement is complete.  The s.173 Agreement was registered on the title of the Darlington Property on 2 June 2015 and evidence of this registration was submitted to the Department.
16	<p>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:</p> <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>	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 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>
	<p><i>Additional Offset Requirements for no more than 32.34 ha additional impact on Golden Sun Moth habitat</i></p> <p>17 a) In addition to the requirements specified in Condition 15, unless otherwise approved by the Minister, the person taking the action must establish an additional Golden Sun Moth Offset in accordance with the EPBC Environmental Offsets Policy and Offset Assessment Guide to compensate for the impact on additional areas of Golden Sun Moth habitat specified in Condition 14(b).</p>	Not applicable	Activity not commenced in this compliance reporting period.
	17 b) Within 24 months of the date of the approval of the variation adding Conditions 17A to 17E to this approval, the person taking the action must:	Not applicable	Activity not commenced in this compliance reporting period.

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	<p>a. provide the Department with evidence that any property/ies identified to form the basis of this Golden Sun Moth Offset contain a viable population of Golden Sun Moth that meets the requirements of Condition 17A. The property/ies must be surveyed in accordance with EPBC Act policy statement 3.12 - significant impact guidelines for the critically endangered golden sun moth (<i>Synemon plana</i>) by a suitably qualified ecologist;</p> <p>b. enter into Agreement with the landowner under section 173 of the Planning and Environment Act 1987, or a Trust for Nature covenant mechanism to secure the Golden Sun Moth Offset of known Golden Sun Moth habitat;</p> <p>c. provide the Department with a signed copy of the Agreement and evidence of lodgement with the Titles Office, within 2 weeks of lodgement;</p> <p>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; and</p> <p>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.</p>		

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	17 c) Within 24 months of the date of the approval of the variation adding Conditions 17A to 17E to this approval, the person taking the action must submit a draft Golden Sun Moth Offset Management Plan relating to the Golden Sun Moth Offset required under Condition 17A 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 Golden Sun Moth within the Golden Sun Moth Offset(s) and must include the information specified in Condition 16.	Not applicable	Activity not commenced in this compliance reporting period.
	17 d) The person taking the action must ensure that the Golden Sun Moth Offset(s) required under Condition 17A is/are managed in accordance with the Golden Sun Moth Offset Management Plan prepared pursuant to Condition 17C for a period of 10 years from the date of execution of the Agreement required under Condition 17B.	Not applicable	Activity not commenced in this compliance reporting period.
	17 e) Construction activities can proceed in advance of satisfaction of Conditions 17A, 17B, 17C and 17D.	Not applicable	Activity not commenced in this compliance reporting period.
18	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.	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>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 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</p>		

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	<p>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> <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</p>		

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	<p>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 was 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 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.	Compliant	<p>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.</p> <p>No request for access or audit of these records has been received from the Department to date.</p>
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	Compliant	<p>This compliance report was published on the MRPV website on 30 September 2022 and can be accessed here: <a href="https://bigbuild.vic.gov.au/projects/mrpv/western-highway-upgrade/environment">https://bigbuild.vic.gov.au/projects/mrpv/western-highway-upgrade/environment</a> . Notice of publication of the report was provided to the Department on 30 September 2022.</p>



Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	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).		
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.	Not applicable	There have been no non-compliances with Approval conditions between July 2021 and June 2022.
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	No request for an independent compliance audit has been made.
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	Compliant	<p>No varied activity was undertaken during the reporting period as construction is on hold (see Section 2.4 above).</p> <p>In the previous reporting period, an amended version of the TSMP was submitted to the Department on 27 November 2020 and was approved on 13 January 2021. The Amended TSMP was also submitted to DELWP for approval via email on 7 December 2020 as part of the State-level approval process. DELWP's assessment of the</p>

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
	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.		application is presently on-hold due to construction being on hold (see Section 2.4 above). The previous version of the TSMP (Threatened Species Management Plan Western Highway Project, Section 2B: Buangor to Ararat, Issue No.6, May 2020) is being utilised for this reporting period (July 2021 to June 2022).
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 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.	Not applicable	No such request for the revision of management plans has been made to date.
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	All approved management plans for the Project can be found on the Major Road Projects Victoria website ( <a href="https://bigbuild.vic.gov.au/projects/mrpv/western-highway-upgrade/environment">https://bigbuild.vic.gov.au/projects/mrpv/western-highway-upgrade/environment</a> ) and have been available since July 2014 (including on the VicRoads website from 2014 to 2019). The approved TSMP (Threatened Species Management Plan - Western Highway Project, Section 2B: Buangor to Ararat, Issue No.6, May 2020) for the 2021/22 reporting period is available on the MRPV website.  <b>2020/21 – Publication of Amended TSMP</b>

Condition Number / Reference	Condition of Approval	Compliance Status	Comments / Evidence
			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 the previous compliance reporting period (June 2020 to July 2021), as outlined in Condition 24 above, needed to be approved by both the Department and DELWP. Subsequent to the Department's approval of the Amended TSMP on 13 January 2021. MRPV provided a written response on 2 February 2021 noting 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 Commonwealth Department by email to MRPV on 2 February 2021.
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
4. Ecology and Heritage Partners (July 2021), Interim Vegetation Clearance Audit – Western Highway Project: Section 2B (part), Ecology and Heritage Partners 230 Latrobe Terrace, Geelong West VIC 3218
5. Ecology and Heritage Partners (July 2022) Interim Vegetation Clearance Audit – Western Highway Project: Section 2B (part) 2021-2022 Financial Year Ecology and Heritage Partners 292 Mt Alexander Road, Ascot Vale VIC 3032

# Appendix A – Project Map

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

