



EPBC Ref: 2012/6568

Mr Tony Hedley
Project Director - Geelong Ring Road Project
Roads Corporation (Trading as VicRoads)
174 - 212 Colac Road
HIGHTON VIC 3216

Dear Mr Hedley

**Decision on referral
Princes Highway Duplication - Winchelsea to Colac, Victoria (EPBC 2012/6568)**

Thank you for submitting a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This is to advise you of my decision about the proposed action to undertake the duplication of approximately 36 kilometres of the Princes Highway from Deans-Marsh Road, Winchelsea to the Geelong – Warrnambool Rail Line, Colac, Victoria.

As a delegate of the Minister for Sustainability, Environment, Water, Population and Communities, I have decided that the proposed action is a controlled action and, as such, requires assessment and a decision on approval under the EPBC Act before it can proceed

It appears that the proposed action is likely to have a significant impact on listed threatened species and ecological communities (section 18 & 18A). For example, based on the information available in the referral, the proposed action is likely to have a significant impact on the Growing Grass Frog (*Litoria raniformis*).

Please note that this decision only relates to the potential for significant impact on the specific matters protected by the Australian Government under Chapter 2 of the EPBC Act.

I have also decided that the project will need to be assessed through preliminary documentation. Each assessment approach requires different levels of information and involves different steps. All levels of assessment will include a public consultation phase, *in which any third parties can comment on the proposed action*.

Details on the assessment process for the project and the responsibilities of the proponent are set out in the enclosed fact sheet. Further information is available from the department's website at <http://www.environment.gov.au/epbc>. A copy of the document recording these decisions is enclosed.

While I have determined that your project will be assessed by preliminary documentation, further information is required to assess the relevant impacts of the action. Could you please provide a response to the further information detailed at [Appendix A](#).

Information provided should primarily focus on the Matters of National Environmental Significance and should contain sufficient information to avoid the need to search out previous or supplementary reports. This document should be in a format that is objective, clear and succinct, and where appropriate, be supported by relevant maps, plans, diagrams, tables, surveys, references or other descriptive detail so it may be easily understood by the general public.

In preparing the information outlined above you may wish to take into consideration any policy statements that have been released by the department. These are available on the department's website at:

<http://www.environment.gov.au/epbc/guidelines-policies.html>.

The project manager will contact you shortly to discuss the assessment process. I have also written to the following party to advise them of this decision:

State Minister

Mr Jim Gard'ner, delegate for the Hon Matthew
Guy MLC, Minister for Planning

Commonwealth Minister

The Hon Anthony Albanese MP, Minister for
Infrastructure and Transport

If you have any questions about the referral process or this decision, please contact the project manager, Narelle Sutherland, via email Narelle.Sutherland@environment.gov.au or phone (02) 6274 2630 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



James Tregurtha
Assistant Secretary
South-Eastern Australia Environment Assessment Branch
15 November 2012

Appendix A – Preliminary documentation request

Information required

1. General

Additional information is required about the potential impact of the proposed action to listed threatened species and ecological communities. The following information is required:

- a) Confirmation of the preferred design of the proposed action, including alternative design options and precautionary clearance thresholds, if the final design is not available. All construction and operational components of the action that are likely to have potential impacts on listed threatened species and ecological communities, where known or able to be predicted, must be described in detail. This must include the date or time period over which construction will take place, a detailed description of structures and supporting infrastructure to be built and materials, equipment and machinery to be used. The components of the proposed action to be described in this preliminary document must include (but not be limited to) specifications or details of:
 - i. all watercourse crossings requiring additional infrastructure works, including bridge works, culverts, embankments, temporary in-stream barriers and flow diversion structures;
 - ii. water quality monitoring and management programs, including erosion, sediment and runoff controls, water quality testing and other measures to maintain or enhance aquatic habitats in the vicinity of the road route;
 - iii. indicative details of supporting infrastructure for construction and road operations, such as machinery storage areas, access tracks, work or office sheds, wash down facilities, additional water, sewage, drainage and electricity facilities and associated installation works;
 - iv. waste management arrangements, including storage and disposal of fuels, chemicals and other waste products during construction and ongoing use of the road; and
 - v. details of the induction provided to workers, particularly in relation to potential impacts on threatened species.
- b) For all species that are considered unlikely to be impacted by the proposed action, but for which apparently suitable habitat is present and could be impacted by the proposed action, detailed information to demonstrate that impacts on the species are unlikely to occur must be included; and
- c) The referral states that an Environmental Management Plan (EMP) and Construction EMP is currently in preparation. Please provide copies of these plans or, at a minimum details of the key commitments and measures. The CEMP should contain specific and enforceable measures to ensure that impacts to species (particularly Growing Grass Frog *Litoria raniformis*) and ecological communities listed under the EPBC Act are avoided or minimised.

2. Potential impacts on Growing Grass Frog (*Litoria raniformis*)

Additional information is required to quantify the potential impacts to the Growing Grass Frog (GGF) from the proposed action. This must include:

- a) A description of the relevant impacts during both the construction and operational phases of the proposed action, including:
 - a detailed assessment of the nature and extent of the likely short-term and long-term relevant impacts;

<ul style="list-style-type: none"> - a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible; - analysis of the acceptability of the relevant impacts; and - any technical data and other information used or needed to make a detailed assessment of the relevant impacts. <p>b) Consideration of potential direct, indirect and consequential impacts to the GGF from the proposed action. The discussion must include (but not be limited to) an assessment of:</p> <ul style="list-style-type: none"> - the direct loss of vegetation, terrestrial and aquatic habitat from construction activities; - the changes to potential habitat in the vicinity of the road corridor and at waterbodies from construction activities, including changes to water quality, hydrology, in-stream habitat and movement corridors; - noise, lighting and other disturbance effects during construction activities, including potential disruption to foraging, breeding and hunting activities. - wildlife road mortality threats; including details of expected changes in traffic conditions, areas of likely impact, disruption to movement patterns; - risks of the introduction and spread of pathogens such as Amphibian Chytrid Fungus; and - risks of the introduction and spread of weed species. <p>c) Information on proposed safeguards and mitigation measures to deal with the relevant impacts of the proposed action. Specific and detailed descriptions of proposed measures must be provided and substantiated, based on best available practices and must include:</p> <ul style="list-style-type: none"> - a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action; - assessment of the expected or predicted effectiveness of the mitigation measures; - any statutory or policy basis for the mitigation measures; - the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program; - details of the structure and content of management plans proposed for the continuing management of relevant impacts of the action on the species, including; - details of monitoring programs to determine the effectiveness of the proposed mitigation; - details of arrangements to ensure compliance with measures to mitigate impacts, such as minimising vehicle and human spread of soil and disease; and <p>d) A Growing Grass Frog Management Plan, if not encompassed within the EMP, that details pre-clearance, salvage and translocation protocols, avoidance and mitigation measures as well as contractor requirements and management actions, must be provided.</p>	<p><u>3. Potential for impacts on listed threatened fish species</u></p> <p>Information is required to quantify the impact of the proposed action on listed threatened fish species as a result of the proposed action in or near waterbodies and drainage lines. This must include:</p> <p>a. Further information as to why targeted aquatic fauna surveys have not been undertaken for the Australian Grayling (<i>Prototroctes maraena</i>), Macquarie Perch (<i>Macquaria australasica</i>), Dwarf Galaxias (<i>Galaxiella pusilla</i>) and Yarra Pygmy Perch (<i>Nannoperca obscura</i>) at relevant waterbodies and drainage lines within or near to the proposed action. If it is believed that targeted surveys are not necessary an explanation of why, including evidence that the existing habitat conditions are unlikely to support populations of these species, should be provided.</p>
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- b. If present, a description of potential impacts of the proposed action on these species; and
- c. If relevant, information on avoidance and mitigation measures proposed to reduce potential impacts to water quality or species in the waterways.

4. Potential impacts on Golden Sun Moth (*Synemon plana*)

Additional information is required to quantify the impact of the proposed action on the Golden Sun Moth. This includes:

- a. Clarification of the survey approach to this species and additional evidence to support the statement in the referral that the species is unlikely to occur due to a lack of suitable habitat; and
- b. If the species absence/presence cannot be conclusively determined, please provide details of any measures proposed to avoid or mitigate the risk of impact.

5. Potential impacts on listed threatened flora species

Additional information is required to quantify the impact of the proposed action on the following listed threatened flora species. Specifically, further scientific justification is needed to support the statement in the referral that these species are unlikely to occur on the project site. If habitat for these species exists on the project site, detailed information about potential impacts, mitigation and avoidance measures and proposed offsets must be provided.

- Clover Glycine (*Glycine latrobeana*);
- Spiny Rice-flower (*Pimelea spinescens* subsp. *spinescens*); and
- Spiny Peppergrass (*Lepidium aschersonii*) and Basalt Peppergrass (*Lepidium hyssopifolium*).

6. Potential impacts on Striped Legless Lizard (*Delma impar*) and Corangamite Water Skink (*Eulamprus tympanum marnieae*)

Additional information is required to quantify the potential impact of the proposed action on these species. This includes:

- a. Further information to support the statement that Striped Legless Lizard and the Corangamite Water Skink are unlikely to occur within the proposed action area. This may include the results of additional surveys undertaken in accordance with the species significant impact guidelines; and
- b. If there is uncertainty/potential for species to occur, please provide details of appropriate avoidance and mitigation to ensure that no significant impacts are likely to occur.

8. Ecological Communities

Further clarification is needed as to whether or not patches of state listed vegetation communities (i.e. EVC 55, 132_61, 125 and 55) meet condition thresholds for the below EPBC Act listed ecological communities. If EPBC Act listed threatened ecological communities are likely to be present, more information should be provided describing and quantifying the area that will be impacted (either through direct removal or indirect effects such as altered drainage, construction impacts and weed infestation) and any proposed measures to avoid or mitigate these impacts.

- Grassy Eucalypt Woodland of the Victorian Volcanic Plain;
- Natural Temperate Grasslands of the Victorian Volcanic Plain;
- Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains;
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland

9. Offsets

Where impacts on matters of national environmental significance cannot be avoided or mitigated, information must be provided that includes a description of any strategies proposed to offset (compensate for) those impacts. The proposed strategies must be in accordance with the requirements of the EPBC Act Offsets Policy, and in particular must:

- demonstrate how they will achieve long-term conservation outcomes;
- have regard to the nature, scale and intensity of the impacts of the proposed action on the site;
and
- consider the approach of the Victorian Government with regards to offsets.



**Notification of
REFERRAL DECISION AND DESIGNATED PROPONENT – controlled action
DECISION ON ASSESSMENT**

Princes Highway Duplication, Winchelsea to Colac, VIC (EPBC 2012/65668)

This decision is made under section 75 and section 87 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

proposed action To duplicate approximately 36 kilometres of the Princes Highway from Deans - Marsh Road, Winchelsea to the Geelong - Warrnambool Rail Line, Colac, Victoria [See EPBC Act referral 2012/65668].

decision on proposed action The proposed action is a controlled action.
The project will require assessment and approval under the EPBC Act before it can proceed.

relevant controlling provisions • Listed threatened species and communities (sections 18 & 18A)

designated proponent Roads Corporation (trading as VicRoads)
ABN 61 760 960 480

assessment approach The project will be assessed by preliminary documentation.

Decision-maker

Name and position James Tregurtha
Assistant Secretary
South-Eastern Australia Environment Assessment Branch

Signature

date of decision 25 November 2012