



Geelong Bacchus Marsh Road – Between Lara and Maddingley Safer Roads Infrastructure Project, Geelong, Victoria

Compliance Assessment Report February 2022
EPBC Reference 2017/8018

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Director, Environmental Audit Section
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Melbourne VIC

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Regional Roads Victoria

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1. TERMS, ABBREVIATIONS AND DEFINITIONS

The terms, abbreviations and definitions that have been used in this document are listed in the below table.

Table 1.0: List of Terms and Abbreviations

Term/Abbreviation	Definition
Approval Holder	Regional Roads Victoria (Department of Transport) formerly VicRoads. ABN 61 760 960 480
DoEE	Department of Environment and Energy (now DAWE)
DAWE	Department of Agriculture, Water and Environment
DoT	Department of Transport
DoAWE	Department of Agriculture, Water and Environment
DELWP	Department of Environment Land Water and Planning
EPBC Act	Environmental Protection and Biodiversity Conservation Act 1999
Ha	Hectare
Compliant	The requirements of the condition has been carried out
MiBS	Ministerial Briefing System
Not Applicable /Not Required / Noted	The requirements of conditions were not triggered during the reporting period or were no longer applicable to the reporting period
Non-compliant / NC	Implementation of the condition has not been carried out in accordance with condition
NVR	Native vegetation removal
OMP	Offset Management Plan
RRV	Regional Roads Victoria
TfN	Trust for Nature
VicRoads	Regional Roads Victoria (RRV) is a division of the Department of Transport, which was formerly VicRoads. This report refers to Regional Roads Victoria as the approval holder.
Regional Roads Victoria website – EPBC commitments for the Geelong Bacchus Marsh Road, between Lara and Maddingly Safer Roads Infrastructure Project	The VicRoads EPBC commitments page can be accessed via the following hyperlink EPBC Geelong Bacchus Marsh Road Upgrade Regional Victoria

2. EXECUTIVE SUMMARY

The approval of the EPBC Act referral 2017/8018 was issued to Regional Roads Victoria (formerly VicRoads) on the 25th of November 2019 for construction of a Safer Roads Infrastructure Project on the Geelong Bacchus Marsh Road between Lara and Maddingley, Victoria.

Regional Roads Victoria (RRV), formerly VicRoads, is now a part of the Department of Transport (DoT). This report recognizes RRV as the approval holder and authority for the project.

In accordance with Condition 10 of the *Environment Protection and Biodiversity Conservation Act 1999* approval (EPBC 2017/8018), within 60 days of every 12month anniversary of the commencement of construction (7th November 2019), the Roads Corporation must publish a report on the VicRoads website addressing compliance with each of the conditions of this approval, including implementation of the conditions under the EPBC Act set out in Annexure A of the Approval Decision notices. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval will be provided to the Department at the same time as the compliance report is published.

This compliance report addresses the current status of the Geelong-Bacchus Marsh Road-between Lara and Maddingley Safer Roads Infrastructure Project against the conditions for approval of the EPBC Referral Act 2017/8018 for the environmental activities carried out between 31st December 2020 and 31st December 2021. This is the second report to be prepared under the EPBC Act approval 2017/8081 for this Project.

3. INTRODUCTION

The Geelong-Bacchus Marsh Road Upgrade Project is located between Geelong and Bacchus Marsh, approximately 60 km north-west of Melbourne, Victoria. The project consists of three separate sections of road extending approximately 42 km between Heales Road, Lara and Woolpack Road, Maddingley. Broadly, the road upgrade works include the construction of overtaking lanes, installation of wire rope barriers, intersections improvements and widening of traffic lanes and road shoulders. The extent of the project area is summarized on Figure 1 (page 20), and includes:

- Project section 2: Little River-Ripley Road to Ballan Road (approximately 13km); and
- Project section 3: Ballan Road to Woolpack Road (approximately 9km).

VicRoads (RRV) was awarded Traffic Accident Commission (TAC) Project funding under the Safe System Road Infrastructure Program by the Victorian State Government in 2016-17 to complete road safety improvement works on the Geelong Bacchus Marsh Road between Lara and Maddingley. Funding was granted based on the crash history and the need to address deficiencies and unprotected hazards throughout this section of highway.

Improvements and implementation of road safety treatments to this stretch of highway will benefit all road users and assist in reducing serious trauma.

A Google Earth aerial image of the Project area can be found in Appendix A of this report.

4. BACKGROUND

Geelong-Bacchus Marsh Road has been identified as one of Victoria's high-risk rural roads, with six fatalities and 32 serious injuries occurring between 2010 and 2017.

Geelong-Bacchus Marsh Road is an important freight route between Geelong and Bacchus Marsh, serving as a key road for agricultural industries. The road is also important for commuters, connecting the towns of Lara, Bacchus Marsh and the city of Geelong.

The purpose of this road safety project is to reduce the severity and occurrence of run-off road accidents through targeted road safety improvements to the Geelong Bacchus Marsh Road between Lara and

Maddingley. The implemented road safety works include:

- Wide centerline markings to ensure a safe distance between vehicles travelling in opposite directions to help prevent head on collisions,
- Four roundabouts along Geelong-Bacchus Marsh Road at the intersections of Elcho Road, Ballan Road, Glenmore / Nerowie Road and Parwan Exford Road to help slow traffic and create safer intersections to reduce the likelihood and severity of crashes;
- Overtaking lanes in both directions at various locations;
- Flexible safety barriers to prevent run off road crashes;
- Intersection improvements including left and right-hand turning lanes at various intersections;
- Safer speed limits of 80km/h in various locations;
- Rumble strips on the left-hand side and centerline to warn drivers when they are veering out of their lane;

All safety works were undertaken in accordance with current Austroads and VicRoads Guidelines. The safety upgrades will provide benefits to the community and road users.

Road safety infrastructure such as flexible safety barriers, roundabouts, wide centerline treatments and rumble strips help prevent the most common crash types, head-on and run-off-road collisions, which in 2015 were responsible for 40% of Victoria's road deaths and serious injuries.

Project works have been and are currently being carried out from the 6th of January 2020 until the present day.

4.1 PURPOSE OF THIS DOCUMENT

The purpose of this document is to assess the compliance of the Geelong Bacchus Marsh Road between Little Ripley Rd and Woolpack Rd, for the Safe Systems Roads Infrastructure Project (SSRIP) with the EPBC Conditions of approval EPBC 2017/8018. The EPBC conditions of approval includes the requirement to:

- Must not impact more than the below mentioned area for the EPBC Act 1999 listed species:
 - a) 5.47 ha of habitat for the Striped Legless Lizard
 - b) 5.47 ha of habitat for the Golden Sun Moth
 - c) 2.5 ha of Natural Temperate Grassland of the Victorian Volcanic Plain
- Prior to commencement of the action, to compensate for the impact to Striped Legless Lizard, Golder. Sun Moth, and Natural Temperate Grassland of the Victorian Volcanic Plain, the approval holder must:
 - a) Execute a bond agreement with Trust for Nature to hold funds in trust for the purpose of managing the offset site. A copy of the signed bond agreement must be provided to the Department within fourteen days following execution.
 - b) Provide a sum of at least \$800,000 (excluding GST) to be held by Trust for Nature for the purpose of managing the offset site. Proof of the provision of funds into trust must be provided to the Department within 14 days of payment;
- Within 3 months of the execution of the bond agreement with *Trust for Nature*, the approval holder must execute a credit trading agreement with *Trust for Nature* and the owner of the offset

site. A copy of the signed credit trading agreement must be provided to the Department within 14 days of execution.

- Within 9 months of the execution of the credit trading agreement the approval holder must provide written evidence to the Department that the signed Deed of Covenant has been registered on the title of the offset site.
- Once the Deed of Covenant has been registered on the title of the offset site the approval holder must implement the offset management plan for the life of the approval.

The approval then refers to standard administrative conditions outlined in part B.

4.2 ENVIRONMENTAL PROTECTION AND BIODIVERSITY ACT 1999 REQUIREMENTS

The objective of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is to manage and protect flora and fauna of national and international significance including ecological communities and heritage places of national environmental significance.

4.2.1 EPBC Approval

Approval of the Commonwealth Minister for the Environment is required under the EPBC Act if an 'action' will have or is likely to have a significant impact on a matter of national environmental significance. Due to potential impacts on a threatened species, Striped Legless Lizard, Golden Sun Moth and Natural Temperate Grassland of the Victorian Volcanic, the project was referred to the then Department of Environment and Energy (DoEE) now known as the Department of Agriculture, Water and the Environment (DAWE).

A decision was issued by the Department on the 24th August 2017 determining that the proposal was a "controlled action" by the Federal Minister for the Environment and Energy. On 16 January 2018, it was further decided by DoEE that the proposed action would be assessed by preliminary documentation as the project is likely to have a significant impact on listed threatened species and communities (section 18 and 18A) protected under Part 3 of the EPBC Act.

The proposed action under the EPBC Act originally identified an impact to matters of NES totalling 7.9 ha, including:

- 7.9 ha Striped Legless Lizard and Golden Sun Moth habitat (known and potential); and
- 3.7 ha of NTGVVP.

Through a detailed design process, the project has been able to revise the extent of proposed works and therefore reduce the impact to matters of NES, which now totals 5.47 ha of Striped Legless Lizard and Golden Sun Moth habitat and 2.5 ha of NTGVVP.

Final approval was issued to VicRoads on the 07th July 2019.

The EPBC Approval Notice of the conditions of approval for this Project can be found on the DAWE website via the following hyperlink as listed below:

- [EPBC Act Notices - 2017/8018 Decision on Approval with Conditions](#)

4.2.2 Performance and Compliance Reporting

Under Condition 10 of the approved EPBC Act referral 2017/8018, an annual compliance assessment report is required to be published on VicRoads website within 60 business days of every 12 month anniversary of the date of commencement of construction (4th of February, 2021 & 2022), addressing compliance with each of the conditions of the approval (See Appendix C for Commencement of the Action letter).

4.2.3 Non-Compliance Reporting

There were no non-compliance occurrences during this reporting period.

5. PROJECT COMPLIANCE

5.1 COMPLIANCE WITH EPBC CONDITIONS OF APPROVAL

As required in the EPBC Act approval dated 07th July 2019 from the DoEE, this report has been prepared to provide the Department with a status update on each of the conditions of approval.

The Department of Transport has complied with the conditions referenced in the EPBC Act approval 2017/8018 for the annual reporting period. A summary of the performance and compliance with each of the 16 conditions of approval has been provided in Section 6 of this report.

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6. PERFORMANCE AND COMPLIANCE OF EPBC 2017/8018

The table below provides details of the status of compliance with the conditions of the EPBC Act approval notice (EPBC 2017/8018) for the Geelong Bacchus Marsh Road between Lara and Maddingley.

Table 2.0: EPBC Act Approval Notice 2017/8018 Compliance Results

Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
1	<p>The approval holder must not impact more than:</p> <ul style="list-style-type: none"> a) 5.47ha of habitat for the Striped Legless lizard b) 5.47ha of habitat for the Golden Sun Moth c) 5.47ha of Natural Temperate Grassland of the Grassland of the Victorian Volcanic Plain 	<p>Compliant</p>	<p>Construction of the Geelong Bacchus Marsh road commenced in January 2020 and it is currently still in progress.</p> <p>No construction activity outside the construction footprint (Limits of Works) is a specific requirement of the VicRoads contract specification for these works. Reports prepared by the contractors engaged to deliver these works provide evidence that from prior to the commencement of works, fencing with signage was installed, the Limits of Works identified and No Go Zones were in place for the duration of the project with no ground disturbance allowed to be conducted outside of this boundary. This was ensured through ecological consultants engaged to check fencing prior to the commencement of each contractor's works and during the removal of Native vegetation and periodic checking of fencing by routine DoT surveillance. Reports * from the ecologist (SMEC) certifying our compliance can be provided upon request.</p> <p>The no go fencing contained all remaining Stripped Legless Lizard, Golden Sun Moth and Natural Temperate Grasslands of the Victorian Volcanic Plain, that is to be protected and maintained within the current roadside reserve.</p> <p>Aerial photographs taken can verify works did not extend outside the project work area.</p> <p>*See Appendix B for a list of all 2021 reports.</p>

Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
2	<p>Prior to commencement of the action, to compensate for the impact to Striped Legless Lizard, Golden Sun Moth, and Natural Temperate Grassland of the Victorian Volcanic Plain, the approval holder must:</p> <ul style="list-style-type: none"> a) Execute a bond agreement with Trust for Nature to hold funds in trust for the purpose of managing the offset site. A copy of the signed bond agreement must be provided to the Department within fourteen days following execution. b) Provide a sum of at least \$800,000 (excluding GST) to be held by Trust for Nature for the purpose of managing the offset site. Proof of the provision of funds into trust must be provided to the Department within 14 days of payment. 	Compliant	<ul style="list-style-type: none"> a) Bond agreement was executed with Trust for Nature on the 11.10.2019. Post approval was provided with the evidence (a signed copy) via email on the 21.10.2019. b) The sum of \$800,000 (Purchase order MiBs No. CON 003897) was provided to Trust for Nature for the purpose of managing the future offset generated by the native vegetation removal. The Department of Transport's EFT remittance advice of payment details was provided to Post Approval via email on the 21.10. 19 (this can be provided upon request).
3	<p>Within 3 months of the execution of the bond agreement with Trust for Nature, the approval holder must execute a credit trading agreement with Trust for Nature and the owner of the offset site. A copy of the signed credit trading agreement must be provided to the Department within 14 days of execution</p>	Compliant	<p>The credit trading agreement was executed on the 19.12.2019 which was within 3 months of the Bond Agreement execution (21.10.2019).</p>

Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
4	Within 9 months of the execution of the credit trading agreement the approval holder must provide written evidence to the Department that the signed Deed of Covenant has been registered on the title of the offset site	Compliant	The Department of Transport provided an email to Post approvals with the signed Deed of Covenant on the 18.09.20 and written evidence that the covenant was registered on the Title was provided on the (12.10.2020). This is within 9 months of the execution of the credit trading agreement.
5	Once the Deed of Covenant has been registered on the title of the offset site the approval holder must implement the offset management plan for the life of the approval	Compliant	The offset management plan has been implemented as the parcel of land is within in a larger area of Natural Temperate Grassland of the Victorian Volcanic Plains. The entire site is being managed continuously. The offset management plan was written on 29 th January 2019 by the ecological consultants SMEC (available on our website RRV Geelong Bacchus Marsh EPBC - Offset management plan). The management plan is currently being executed as per the offset management plan.
6	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	Notice of commencement of construction works was provided to the DoEE for the Project on the 21 st November 2019, with physical works commencing on this 07 th November 2019 (Appendix C). The DoEE confirmed the Commencement of the Action in correspondence to RRV on the 25 th November 2019.
7	The approval holder must maintain accurate and complete compliance records.	Compliant	RRV has maintained records in accordance with this condition.

Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
8	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	RRV to comply with any request made by the Department. No actions to date, as no requests have been received from the Department.
9	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and meta data required under the offset management 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 offset management plan.	Compliant	Once the Deed was registered on the Title (18.09.20) the Offset Management Plan could commence. All monitoring data, surveys, maps and other spatial and metadata are being collected and recorded as per the monitoring schedule in the Offset Management Plan (OMP). The first year's offset management plan annual report evaluating its effectiveness has been received and provided to TFN, DoT and DAWE (attached to the compliance email).
10	The approval holder must prepare a compliance report for each 12-month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must: <ul style="list-style-type: none"> a. publish each compliance report on the website within 60 business days following the relevant 12-month period; b. notify the Department by email that a compliance report has been published on the website within five business days of the date of publication; c. keep all compliance reports publicly available on the website until this approval expires; d. exclude or redact sensitive ecological data from compliance reports published on the website; and e. 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 fulfils the requirement under Condition 12 for an annual report. This compliance report and previous report are be available on our website EPBC Act Notices - 2017/8018 Annual Compliance report and until the approval expires 30 th June 2032.

Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
11	<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 the offset management plan.</p> <p>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> <ul style="list-style-type: none"> a. the condition which is or may be in breach; and b. a short description of the incident and/or non-compliance. 	Not applicable	No incident, non-conformances with the conditions and commitments made in the offset management plan were recorded during the reporting period for notification to the Department.
12	<p>The approval holder must provide to the Department the details of any incident or noncompliance with the conditions or commitments made in the offset management plan as soon as practicable and no later than 10 business days after becoming aware of the incident or noncompliance, specifying:</p> <ul style="list-style-type: none"> a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b. the potential impacts of the incident or non-compliance; and c. the method and timing of any remedial action that will be undertaken by the approval holder. 	Not applicable	Formal management of the offset site for this project commenced in October 2020 following registration of the site on title. No incidents or non-compliances have been recorded since this time.
13	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	Not applicable	RRV to comply with any request made by the Minister. No actions to date, as no requests have been received from the Minister.

Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
14	<p>For each independent audit, the approval holder must:</p> <ul style="list-style-type: none"> a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and c. submit an audit report to the Department within the timeframe specified in the approved audit criteria. 	Not applicable	No independent audit carried out during the reporting period as no requests have been received from the Department.
15	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	No audit report prepared for the reporting period as no requests have been received from the department for independent audit.
16	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	Not applicable	<p>Construction of the Geelong Bacchus Marsh road is currently still in progress.</p> <p>After completion notification will be provided to the Department as per the condition.</p>

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7. ACKNOWLEDGEMENT

SMEC: Andrew Taylor – Associate Scientist - Ecologist

RRV: Denise Montgomery

BushBlocks: Paul Guest and Emma Wilkin

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8. APPENDIX A - PROJECT MAP

The Geelong Bacchus Marsh road 22.0 km Safer Roads infrastructure Project Area covered by the EPBC Act conditions.

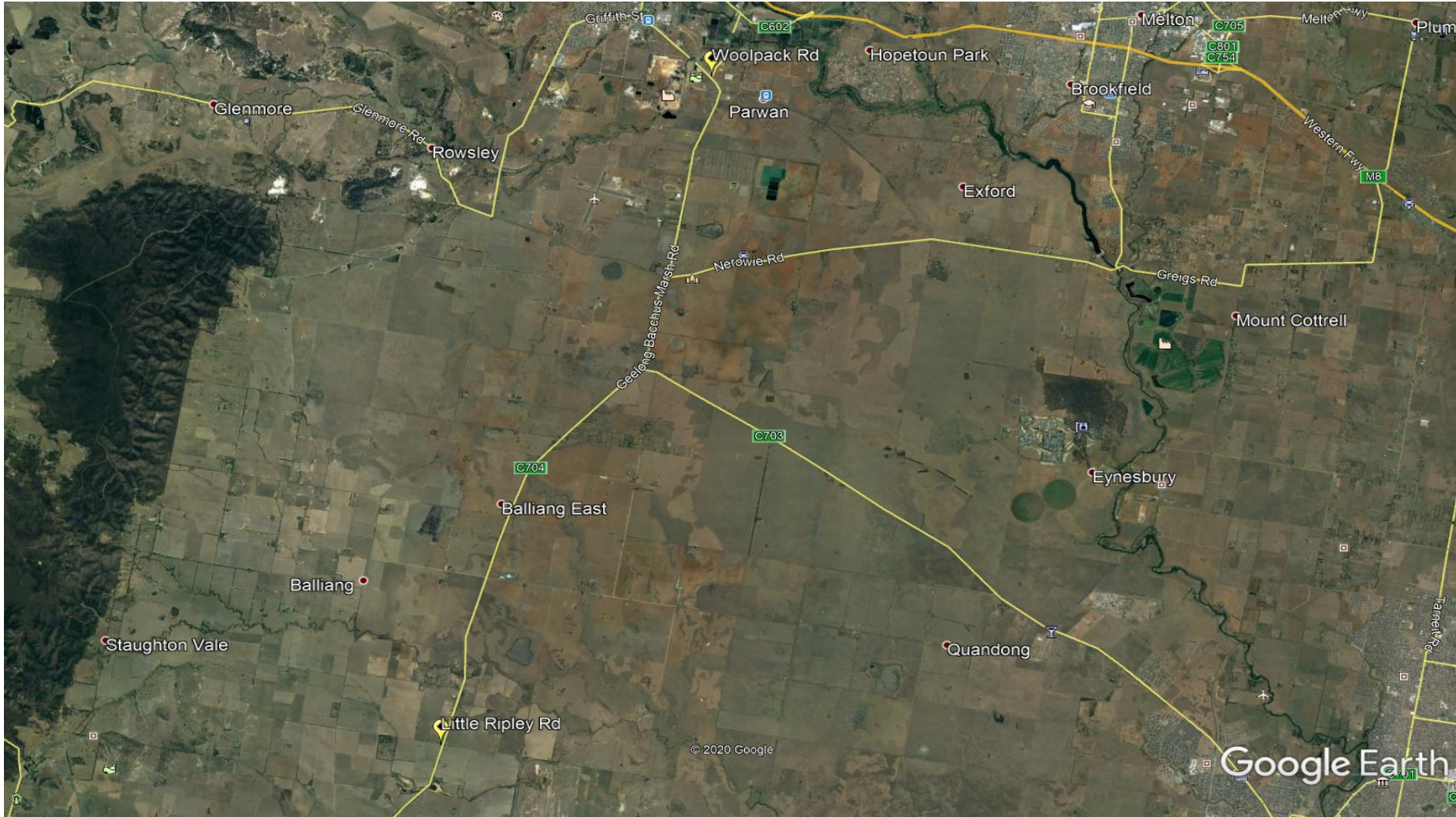







Figure 1. Aerial image of the EPBC Act project area of the Geelong Bacchus Marsh Road covered by the EPBC Act conditions (Little Ripley Rd to Woolpack Rd).

9. APPENDIX B – List of the Ecology Reports produced in 2021

Name

-  RPT_SMEC_Negri_PCS-S1_V1_10022021.pdf
-  RPT_SMEC_Negri_PCS-S2A3 (Part 2)_V1_26032021.pdf
-  RPT_SMEC_Negri_PCS-S2A3_V1_10022021.pdf
-  RPT_SMEC_Negri_PCS-S2C_V1_26042021.pdf
-  RPT_SMEC_Negri_PCS-S3_V1_08032021.pdf

10. APPENDIX C – Notice of the commencement of the Action letter



Australian Government
Department of the Environment and Energy

EPBC reference: 2017/8018
Email: epbcmonitoring@environment.gov.au

Mr Callum Walsh
Senior Delivery Engineer (Roads)
Regional Roads Victoria
For, Geelong-Bacchus Marsh Road Upgrade Project, Victoria

Email: callum.walsh@roads.vic.gov.au

Dear Mr Walsh,

Commencement of the Action – Geelong-Bacchus Marsh Road Upgrade Project, Victoria EPBC 2017/8018

I refer to your email of 21 November 2019 notifying the Department of the Environment and Energy (the Department) of commencement of the action of Geelong-Bacchus Marsh Road Upgrade Project, Victoria in accordance with condition 6 of the *Environment Protection and Biodiversity Conservation Act 1999* (the Act) approval (EPBC 2017/8018).

I note that the project commenced on 07 November 2019.

Condition 10 - Annual Compliance Report

Condition 10 of the approval requires that the approval holder must prepare Annual Compliance Reports for each 12 month period following the date of commencement of the action, and must continue to publish and submit to the Department until the expiry of the approval on 30 June 2032. The reports must be published and submitted to the Department within 60 business days of every 12 month anniversary of commencement.

Please submit the report by email including a link to where it is publically available to epbcmonitoring@environment.gov.au. The first report is due by 04 February 2021.

When preparing the report please refer to the Department's Annual Compliance Report Guidelines available on the Department's website at <http://www.environment.gov.au/epbc/publications/annual-compliance-report-guidelines>

Please note that conditions of the approval require the approval holder to maintain accurate records of all activities associated with, or relevant to, the approval conditions so that they can be made available to the Department on request. These documents may be subject to audit and be used to verify compliance. Summaries of audits may be published by the Department.

Section 142 of the Act requires an approval holder to comply with conditions attached to an approval. Penalties may apply to approval holders who contravene conditions.

More information about the Department's Monitoring and Audit program is available on the Department's website at <http://www.environment.gov.au/epbc/compliance-and-enforcement/auditing>.

If you would like to discuss this matter further, please contact Kranti Kulkarni at epbcmonitoring@environment.gov.au

Yours sincerely



Toni Hart
Assistant Director
Environment Audit Section
Office of Compliance

25 November 2019

