



Western Highway Project Section 2 - Beaufort to Ararat, Victoria
 EPBC 2010/5471 Compliance Report- 1 July 2014 to 30 June 2015

- 2A Beaufort to Buangor
- 2B Buangor to Ararat
- BB Buangor Bypass
- BW Button Wrinklewort
- DELWP Department of Environment, Land, Water and Planning
- DGTSMP Drawf Galaxias Threatened Species Management Plan
- DOE Department of Environment
- EPBC Environmental Protection and Biodiversity Conservation Act
- GEWVVP Grassy Eucalypt Woodland Victorian Volcanic Plains
- GSM Golden Sun Moth
- NTGVVP Natural Temperate Grassland Victorian Volcanic Plains
- SRF Spiny Rice Flower
- TSMP Threatened Species Management Plan

EPBC Approval Condition	TSMP Ref	Description	Complaint	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.	Yes	<p>All works have occurred within the Project Area except one area:</p> <p>An alternative alignment was identified for the southern section of Peacocks Rd during the development of the design by BMD for the Buangor Bypass.</p> <p>The alternative alignment involved shifting Peacocks Rd, together with its intersection with the Western Highway, approximately 30m to the west.</p> <p>An assessment of trees along Peacocks Rd was conducted by Ecological & Heritage Partners and concluded that:</p> <p>The proposed Peacocks Road realignment compared would result in the overall retention of 1.283 hectares of remnant vegetation and 40 Large Old Trees and would result in an overall reduction in Net Gain targets for Buangor Bypass section of the Western Highway project of 0.53 habitat hectares of remnant vegetation and 160 Large Old Trees to be protected.</p> <p>DELWP, Council and some local residents that have been made aware of the realignment of Peacocks Rd are supportive of VicRoads and BMD's effort to reduce the number of trees removed.</p>
2		The person taking the action must ensure that project activities do not impact more than five (5) Spiny Rice-flower plants.	Yes	On 30/06/14 Spiny Rice Flowers were located within Woodnaggerak Reserve. VicRoads advised DoE on 01/07/14 of the discovery and confirmed the plants will be relocated in accordance with the TSMP and EPBC Approval Conditions. DoE confirmed this approved on 07/07/14 . Plants have now been relocated.

3	SRF 1.3 BW 1.2 GSM 1.4	The person taking the action must ensure the approved Weed Management Plan is implemented.	Yes	2A The weed management plan was implemented on 3 July 2014. BB: Initiated Weed Management Plan at Commencement of Works on 15 December 2014 2B: not yet required
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 Annex 1) until the Minister approves the revised plan(s) in relation to that matter.	Yes	Revised TSMP approved by DoE on 11 June 2014 for Spiny-Rice Flower, Button Wrinklewort and Golden-Sun Moth. TSMP approval for Dwarf Galaxias has occurred on 5 November 2014. An amendment to the Dwarf Galaxias TSMP was approved on 10 April 2015. Works have occurred within 100m of newly found Dwarf Galaxias habitat. The Dwarf Galaxias were protected in accordance with the DG TSMP.
	SRF 1.1	Preclearance survey- Spiny Rice-Flower.	N/A	2A Not required - however during the preclearance survey of the BW the locations of newly found SRF were noted. BB Not required 2B: Not yet required
	SRF 1.2	Translocation- Spiny Rice- Flower.	N/A	2A Not required BB Not required 2B: Not yet required
	SRF 1.4a	Restrict Access- Spiny Rice-Flower.	N/A	2A Not required BB Not required 2B: Not yet required
	SRF 1.4b	No-go zones Spiny Rice- Flower.	N/A	2A Not required BB Not required 2B: Not yet required
	BW 1.1	Preclearance Survey- Button Wrinklewort.	Yes	2A Preclearance Survey undertaken on 30/06/2014 at Woodnaggerak Site. Results to be submitted to DoE. BB Not required 2B: not yet required
	BW 1.3a	Permanent Fencing- Button Wrinklewort.	N/A	2A: Completed as required BB: not required 2B: not yet required

	BW 1.3b	No-go zones Button Wrinklewort.	N/A	2A: Completed as required BB: not required 2B: not yet required
	GSM 1.2	Refine Detailed Design (Section 2B).	N/A	Completed
	GSM 1.6	No-go zones Golden Sun Moth habitat (Section 2A).	N/A	2A: Implemented BB: Implemented 2B: Not yet required
	SRF 1.4b BW 1.3b SRF 1.4b	Maintain no-go zones for threatened Species.	N/A	2A: Ongoing monitoring being completed by Contractor during weekly environmental checks BB: Ongoing monitoring being completed by Contractor during weekly environmental checks 2B: not yet required
	SRF 1.5	Maintain health of Spiny-Rice Flower.	N/A	2A: Ongoing monitoring being completed by Contractor during weekly environmental checks BB: Ongoing monitoring being completed by Contractor during weekly environmental checks 2B: not yet required
	SRF 1.6	Manage grazing- Spiny Rice Flower.	N/A	2A: Ongoing monitoring being completed by Contractor during weekly environmental checks to ensure no grazing is occurring BB: Ongoing monitoring being completed by Contractor during weekly environmental checks to ensure no grazing is occurring 2B: not yet required
	SRF 1.8	Manage rubbish- Spiny Rice Flower.	N/A	2A: Ongoing monitoring being completed by Contractor BB: Ongoing monitoring being completed by Contractor 2B: not yet required
	BW 1.4 BW 1.5 BW 1.6	Maintain health of Button Wrinklewort.	N/A	2A: All known Button Wrinklewort is being monitored and appears in good health. BB: Not applicable 2B: not yet required
	SRF 1.7	Manage fire regime- Spiny Rice-Flower.	N/A	Not required for expected impact of 2A, BB and 2B. Standard fire prevention measures being taken.
5		The person taking the action must ensure the approved Threatened Species Management Plan(s) is implemented.	N/A	2A: implemented BB: implemented

6		The person taking the action must ensure that construction activities do not impact more than 11.14ha of GEWVVP.	Yes	The following areas have been impacted as at June 2015 by Ecology and Heritage Partners 2A: 5.251Ha BB: 3.109Ha 2B: no impact so far
7		Unless approved by the Minister, the person taking the action must establish a 33.5ha GEWVVP Offset at the Dunkeld Property, to compensated for the loss of GEWVVP. Within 9 months of the date of this approval, the person taking the action must: a) 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 33.5ha GEWVVP Offset at the Dunkeld Property b) provide the Department with a signed copy of the Agreement and evidence of lodgement with the Titles Office, within 2 weeks of lodgement 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; and 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.	No	Currently in the final stages of purchase. Sourcing GEWVVP offset has proven to be more challenging than expected, hence the delay.

8		<p>Within 9 months of the date of this approval, the person taking the action must submit a draft GEVVVP Offset Management Plan to the Department for the Minister's approval. The GEVVVP 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 GEVVVP within the GEVVVP Offset, and must include:</p> <p>a) baseline data and other supporting evidence that documents the baseline quality of GEVVVP within the GEVVVP Offset Management Plan</p> <p>b) description, key performance indicator, and timeframe for implementing specific management actions to improve the condition of GEVVVP within the GEVVVP 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>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 GEVVVP Offset Management Plan</p> <p>d) information and commitments about monitoring and reporting on the improvements in condition of the offset site; and</p> <p>e) corrective actions and contingency measures to be implemented where monitoring under the GEVVVP Offset Management Plan indicated a degradation of the GEVVVP.</p>	N/A	<p>Offset management plan approved on 15 April 2014.</p> <p>2A: Tree clearing occurred in a GEVVVP no-go zone contrary to the offset management plan. This non-compliance occurred on 16 October 2014. The Department was notified on 17 October 2014. The Department closed the non-compliance as appropriate on 15 January 2015. No Australian flora were impacted.</p> <p>BB: Not applicable</p>
9		<p>The person taking the action must ensure the GEVVVP Offset(s) is managed in accordance with the approved GEVVVP Offset Management Plan for a period of at least 10 years from the date of execution of the Agreement.</p>	Yes	<p>GEVVVP offsets being managed in accordance with the Management Plan - except the one non-compliance detailed in EPCD approval condition 8.</p>
10		<p>The person taking the action must ensure that construction activities do not impact more than 5.25ha of NTGVVP.</p>	Yes	<p>The following areas have been impacted as at June 2015 by Ecology and Heritage Partners</p> <p>2A: 1.031Ha</p> <p>BB: Nil</p> <p>2B: no impact so far</p>

11		<p>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:</p> <p>a) 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 20.3ha NTGVVP Offset at the Dunkeld Property</p> <p>b) 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>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; and</p> <p>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.</p>	No	Currently in the final stages of purchase. Sourcing NTGVVP offset has proven to be more challenging than expected, hence the delay.
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>a) baseline data and other supporting evidence that documents the baseline quality of NTGVVP within the NTGVVP Offset Management Plan</p> <p>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>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> <p>d) information and commitments about monitoring and reporting on the improvements in condition of the offset site; and</p> <p>e) corrective actions and contingency measures to be implemented where monitoring under the NTGVVP Offset Management Plan indicated a degradation of the NTGVVP</p>	Yes	Offset management plan approved on 15 April 2014.
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.	Yes	NTGVVP offsets being managed in accordance with the Management Plan

14		The person taking the action must ensure that construction activities do not impact more than 31.56ha of Golden Sun Moth habitat.	Yes	The following areas have been impacted as at June 2015 by Ecology and Heritage Partners 2A: 0.97Ha BB: 3.64Ha 2B: no impact so far
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. Within 9 months of the date of this approval, the person taking the action must: 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 EPBC Act policy statement 3.12- significant guidelines for the critically endangered golden sun moth (Synemon plans) by a suitably qualified ecologist 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 100ha Golden Sun Moth Offset of known Golden Sun Moth habitat at the Darlington Property c) provide the Department with a signed copy of the Agreement and evidence of lodgement with the Titles Office, within 2 weeks of lodgement 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 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.	No	Currently in the final stages of purchase. Sourcing GSM offset has proven to be more challenging than expected, hence the delay.

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>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>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> <p>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>d) information and commitments about monitoring and reporting on the</p>	N/A	Offset management plan approved.
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	Yes	GSM offsets being managed in accordance with the Management Plan .
18a)		<p>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.</p> <p>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; and</p>	Yes	In final stages of purchase.

18b)		<p>b) within 24 months of the date of this approval, the person taking the action must:</p> <ul style="list-style-type: none"> 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; 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; 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 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; iv. enter into a Credit Trading Agreement with Trust for Nature and the landowner under the Nature Conservation Trust Act 1972, to secure 	N/A	Not yet required.
19		<p>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.</p>	Yes	Construction activities commenced on 5 June 2014. DoE were notified in writing on 11 June 2014.
20		<p>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.</p>	Yes	EPBC 2010/5741 approval folder has been created within VicRoads Quickdocs file storing system. All associated records are being saved at this location.

21a		<p>2013/2014</p> <p>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).</p>	Yes	This compliance report was made available on the VicRoads website on 25 September 2014.
21b		<p>2014/2015</p> <p>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).</p>	Yes	This compliance report was made available on the VicRoads website on 28 August 2015.
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.	N/A	One non-compliance occurred on 16 October 2014 and the Department was notified on 17 October 2014. The Department closed the non compliance on 15 January 2015. Details of this non-compliance are as per EPBC approval condition 8.
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.	N/A	Not requested.
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 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.	N/A	Not requested.

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.	N/A	Not requested.
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.	Complaint	This approved TSMPs were made available on the VicRoads website on 3 July 2014.
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.	Yes	The action substantially commenced on 5 June 2014.