



Latrobe River Bridge Replacement Project on Tyers Road, Traralgon, Victoria

Compliance Assessment Report April 2023

EPBC Reference 2017/8052

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Prepared for:

Department of Climate Change, Energy, the Environment and Water

Director, Environmental Audit Section

Office of Compliance

Environmental Standards Division

Melbourne VIC

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Contents

Contents.....	3
1. Terms, Abbreviations and Definitions.....	4
2. Executive Summary.....	5
3. Introduction.....	6
4. Background.....	7
4.1 Purpose of this Document.....	7
4.2 Environmental Protection & Biodiversity Conservation Act 1999 Requirements.....	8
4.2.1 EPBC Approval.....	8
4.2.2 Performance and Compliance Reporting.....	8
4.2.3 Non-Compliance Reporting.....	8
5. Project Compliance.....	9
5.1 Compliance with EPBC Conditions of Approval.....	9
6. Performance and Compliance of EPBC 2017/8052.....	10
6.1 Part A – Conditions Specific to the Action.....	10
6.2 Part B – Standard Administrative Conditions.....	13
Annexures.....	17
Annexure A – Notice of the Approval.....	17
Annexure B – List of all Ecology Reports Generated for Reporting Period.....	25

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: List of Terms and Abbreviations

Term/Abbreviation	Definition
Approval Holder	Regional Roads Victoria (Department of Transport and Planning) formerly VicRoads. ABN 61 760
Compliant	The requirements of the condition has been carried out
DAWE	Department of Agriculture, Water and Environment (now DCCEEW)
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DoT	Department of Transport (now DTP)
DEECA	Department of Energy, Environment and Climate Action (State)
DELWP	Department of Environment Land Water and Planning (now DEECA)
DTP	Department of Transport and Planning
EPBC Act	Environmental Protection and Biodiversity Conservation Act 1999
Ha	Hectare
HVP	Hancocks Victoria Plantations
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Applicable /Not Required / Noted	The requirements of conditions were not triggered during the reporting period or were no longer applicable to the reporting period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
VicRoads	Regional Roads Victoria (RRV) is a division of the Department of Transport and Planning, which was formerly VicRoads. This report refers to Regional Roads Victoria as the approval holder.
Regional Roads Victoria website – EPBC commitments for the Latrobe River Bridge Replacement Project on Tyers Road, Traralgon, Victoria	The VicRoads EPBC commitments page can be accessed via the following hyperlink: EPBC Latrobe River Bridge Replacement Project Regional Victoria

2. Executive Summary

The approval of the EPBC Act referral 2017/8052 was issued to the Head of Transport for Victoria (Regional Roads Victoria) on the 20th of May 2020 for the replacement of the Latrobe River Bridge on Tyers Road, Traralgon.

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

In accordance with Condition 12 of the *Environment Protection and Biodiversity Conservation Act 1999* approval (EPBC 2017/8052), within 60 days of every 12 month anniversary of the commencement of construction (16th May 2022) or otherwise as agreed to in writing by the Minister, the approval holder 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.

This compliance report addresses the current status of the Latrobe River Bridge Upgrade-on the Tyers Road, Traralgon against the conditions for approval of the EPBC Referral Act 2017/8052 for the environmental activities carried out between 16th May 2022 and 16th May 2023.

This is the first report to be prepared under the EPBC Act approval 2017/8052 for this Project.

3. Introduction

The Latrobe River Bridge Replacement Project is located between the Traralgon and Tyers townships, approximately 140 km east of Melbourne, Victoria (Figure 1).

The project consists of constructing a new three span concrete bridge over the Latrobe River and removing the old structure and improvements to the Tyers Road alignment at both ends of the new bridge through road widening and straightening.



Figure 1 – Project Locality Plan

4. Background

Tyers Road is used by approximately 2,600 vehicles per day and is an approved B-double route that is used by the general public, public transport, emergency services and industries in the area. The improvement of the road alignment is necessary to increase safety for road users.

The existing bridge was built in 1936, is nearing the end of its life and required significant ongoing costs to maintain. In addition, a 30-tonne load limit was imposed by VicRoads in 2012 due to its condition. The required bridge replacement will enable the load limit to be removed so that larger trucks and B-doubles can again use the crossing.

The crash history on Tyers Road includes those that have occurred on the curves in the vicinity of the Latrobe River bridge, and the existing road alignment in this area has substandard curves that require drivers to slow down significantly to safely negotiate the alignment. Five casualty crashes have been reported on the curves north of the Latrobe River between the existing bridge and the Sandbank Reserve between January 2003 and January 2018. These crashes directly involved a total of seven people and resulted in one person being killed, four people being seriously injured, one person receiving minor injuries and one person being uninjured. There have also been two reported crashes on the curve immediately south of the existing bridge during this time, involving a total of six people, resulting in three people receiving minor injuries and three people being uninjured.

The improvement of the road alignment is necessary to increase safety for road users.

The new bridge will be constructed approximately 30 meters upstream of the existing bridge to provide the ability for traffic to continue to use the road and existing bridge whilst the new bridge is constructed.

4.1 Purpose of this Document

The purpose of this document is to assess the compliance of the Latrobe River Bridge Replacement Project with the EPBC Conditions of approval EPBC 2017/8052 (Appendix A). The EPBC conditions of approval includes the Conditions specific to the action (Part A):

1. Must ensure that no more than 49 Strzelecki Gum individuals are cleared as a result of the action.
2. The approval holder must obtain, record and follow directions from an on-site, suitably qualified expert to ensure that lopping and/or root disturbance impacts are not likely to lead to the death of any Strzelecki Gum other than the 49 individuals permitted to be cleared.
3. Prior to the commencement of the action, to compensate for the loss of up to 49 Strzelecki Gum individuals, the approval holder must secure the offset area.
4. Within 14 days of the offset area being secured, the approval holder must provide the Department with:
 - a. written evidence demonstrating that the offset has been secured; and
 - b. shapefiles containing the offset attributes.
5. The approval holder must implement the Offset Management Plan, for the offset area, for the duration of the approval.
6. If the Significant OMP Milestones listed at Table 3 of the Offset Management Plan are not achieved by the end of the ten year offset implementation period, the approval holder must submit a Strzelecki

Gum Offset Plan, to supersede the Offset Management Plan and ensure that the impacts of the action are adequately offset, to the Minister for approval within three months of the end of the ten year offset implementation period. The revised Offset Management Plan must be implemented. The approval holder must implement the approved Strzelecki Gum Offset Plan in place of the Offset Management Plan.

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

4.2 Environmental Protection & Biodiversity Conservation Act 1999 Requirements

The objective of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is to provide for the protection of the environment, especially matters of national environmental significance (MNES), conserve Australia's biodiversity and protect biodiversity internationally by controlling the international movement of wildlife.

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, Strzelecki Gum, the project was referred to the then Department of Agriculture, Water and the Environment (DAWE) now known as the Department of Climate Change, Energy, the Environment and Water (DCCEEW).

A decision was issued by the Department on the 27th February 2018 determining that the proposal was a "controlled action" by the Federal Minister for the Agriculture, Water and the Environment. The proposed action was assessed by preliminary documentation as the project was 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 identified the removal of 49 Strzelecki Gums of varying sizes contained within approximately 1.5 hectares of Strzelecki Gum habitat.

Final approval for the action was issued to VicRoads on the 20th May 2020. The EPBC Approval Notice of the conditions of approval for this Project can be found in Appendix A.

4.2.2 Performance and Compliance Reporting

Under Condition 12 of the approved EPBC Act referral 2017/8052, 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 works (16th May 2022), addressing compliance with each of the conditions of the approval (See Appendix A for Commencement of the Action letter).

4.2.3 Non-Compliance Reporting

One non-compliance occurred during this reporting period (see details in Section 6 below).

5. Project Compliance

5.1 Compliance with EPBC Conditions of Approval

As required in the EPBC Act approval dated 20th May 2020 from the DAWE, this report has been prepared to provide the Department with a status update on each of the conditions of approval.

The Department of Transport and Planning has complied with the conditions referenced in the EPBC Act approval 2017/8052 for the annual reporting period.

A summary of the performance and compliance with each of the 18 conditions of approval has been provided in Section 6 of this report.

6. Performance and Compliance of EPBC 2017/8052

The table below provides details of the status of compliance with the conditions of the EPBC Act approval notice (EPBC 2017/8052) for the Latrobe River Bridge Replacement Project.

6.1 Part A – Conditions Specific to the Action

Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
1	The approval holder must ensure that no more than 49 Strzelecki Gum individuals are cleared as a result of the action.	Compliant	<p>Construction of the Latrobe River Bridge replacement commenced in May 2022 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 has been installed, the Limits of Works identified and No Go Zones (NGZ) in place for the duration of the project and no ground disturbance conducted outside of this boundary. The NGZ fencing contained all Strzelecki Gums that are to be protected and retained within the roadside reserve. This has been confirmed through periodic checking of fencing and NGZ's by routine DTP surveillance.</p> <p>The original assessment of Strzelecki Gums was undertaken as part of planning for the project in 2017 which identified 49 Strzelecki Gums lost. Once works commenced on site in mid 2022, the works contractor found a reduction in the number of Strzelecki Gums still present, with only 39 of the approved 49 remaining. This includes the following:</p> <ul style="list-style-type: none"> • Four trees having fallen over and died before works commenced (1 very large, 1 large and 2 small trees); and • Six Strzelecki Gums previously recorded no longer present. These are assumed

Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
			<p>to have been small recruits (<5.5cm dbh) that did not survive in the 5 year period between assessment and commencement of works.</p> <p>Tree data as of November 2022 has so far recorded the removal of 19 Strzelecki Gums for the project. An additional 16 are currently being monitored for impacts and tree condition as works progress but remain in situ.</p>
2	<p>The approval holder must obtain, record and follow directions from an on-site, suitably qualified expert to ensure that lopping and/or root disturbance impacts are not likely to lead to the death of any Strzelecki Gum other than the 49 individuals permitted to be cleared.</p>	Compliant	<p>Active Green Services Arboricultural were engaged in November 2022 to provide an Impact Assessment for trees that are located within or adjacent to the project boundaries. The analysis of impacts was made in accordance with Australian Standards The report concluded that 35 Strzelecki Gums are deemed as lost, with 22 impacted directly and 13 are likely to be impacted adversely by temporary works and may not remain viable. The report also produced provided recommendations to adopt to ensure those trees that are proposed for retention are successfully retained.</p> <p>A spreadsheet of data, tree cards and accurate location for each tree have been developed which provides specific details on if the tree is lost or remains viable and recommendations regarding tree protection and retention where possible. This includes extending tree protection zones, monitoring tree health and where arborist advice is required.</p>
3	<p>Prior to the commencement of the action, to compensate for the loss of up to 49 Strzelecki Gum individuals, the approval holder must secure the offset area.</p>	Compliant	<p>The offset site has been secured by a <i>Section 69 Agreement</i> under the <i>Conservation Forests and Land Act 1987 (Vic)</i> between the owner of the offset site (HVP Plantations) and the Victorian Government's Department of Environment, Land, Water & Planning (now DEECA).</p> <p>This type of agreement is known as a Landowner Agreement and has an associated annual management plan and reporting requirements to DEECA.</p>
4	<p>Within 14 days of the offset area being secured, the approval holder must provide the Department with: a) written evidence demonstrating that the offset has been secured; and</p>	Compliant	<p>Details of the offset area being secured were sent to DCCEE in a letter dated the 19 January 2022, which included the security mechanism for permanent protection on title, an allocated credit extract from DEECA and a shapefile containing the offset attributes.</p>

Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
	b) shapefiles containing the offset attributes.		
5	The approval holder must implement the Offset Management Plan, for the offset area, for the duration of the approval.	Compliant	<p>The offset management plan was written in November 2019 by ecological consultants IDEM (RRV Golden Gully Road EPBC Strzelecki Gum offset Management Plan). The offset management plan has been implemented by the landowner HVP Plantations, commencing 1 February 2023 and the entire site managed continuously.</p> <p>An audit completed in April 2023 found that the management plan is currently being executed, however additional work is required to achieve weed cover targets in the coming control season.</p>
6	If the Significant OMP Milestones listed at Table 3 of the Offset Management Plan are not achieved by the end of the ten year offset implementation period, the approval holder must submit a Strzelecki Gum Offset Plan, to supersede the Offset Management Plan and ensure that the impacts of the action are adequately offset, to the Minister for approval within three months of the end of the ten year offset implementation period. The revised Offset Management Plan must be implemented. The approval holder must implement the approved Strzelecki Gum Offset Plan in place of the Offset Management Plan.	Not applicable	The 10 year offset implementation period has not yet been reached.

6.2 Part B – Standard Administrative Conditions

Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
7	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.	Non Compliant	<p>Notice of commencement of construction works was provided to the DAWE for the Project via email on the 23 August 2022, with the action commencing on the 16th of May 2022. As stipulated by condition 7, the department must be notified within 10 days of the commencement of the action.</p> <p>DCCEEW correspondence dated 07 September 2022 identifies that condition 7 has been contravened and a written warning given.</p>
8	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister	Compliant	Notice of commencement of construction works was provided to the DAWE for the Project on the 16 May 2022, which is well within the 5 years from the date of the approval.
9	The approval holder must maintain accurate and complete compliance records.	Compliant	RRV has maintained records in accordance with this condition.
10	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	No requests have been received to date from the Department.
11	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	Compliant	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 DTP & DCCEEW (attached to the compliance email).

Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
	electronically to the Department in accordance with the requirements of the offset management plan.		
12	<p>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:</p> <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	<p>The first annual report is due to the DCCEEW by the 15 July 2023 and this report fulfils the requirement under Condition 12 for an annual report.</p> <p>This compliance report is available on our website EPBC Act Notices - 2017/8052 Annual Compliance report and until the approval expires 28 April 2045.</p>
13	The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-	Complaint	The recently completed OMP audit completed by ID Ecological found that Blackberry cover did not meet its Year 1 target of <1% and is therefore a noncompliance with a commitment made in the OMP.

Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
	<p>compliance with the commitments made in plans. 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. 		<p>This was reported to DCCEEW on 18 May 2023.</p>
14	<p>The approval holder must provide to the Department the details of any incident or noncompliance with the conditions or commitments made in the 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. 	Compliant	<p>The recently completed OMP audit completed by ID Ecological found that Blackberry cover did not meet its Year 1 target of <1% and is a noncompliance with a commitment made in the OMP. The details of the noncompliance were provided to DCCEEW on 18 May 2023.</p> <p>A management notice was received by DEECA on 5 May 2023 advising that as the year 1 target of Blackberry elimination was not met, DEECA could not assess the Landowner Agreement as being compliant. The management and reporting period under the Landowner Agreement has therefore been reset to commence from 1 February 2023. The revised date for completion of year 1 of the agreement is now the 1 February 2024 and year 10 of the agreement 1 February 2033.</p>
15	<p>The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.</p>	Not applicable	<p>No independent audit carried out during the reporting period as no requests have been received from the Department.</p>

Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
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	Construction of the Latrobe River Replacement Project is currently still in progress.

Annexures

Annexure A – Notice of the Approval



Australian Government
Department of Agriculture,
Water and the Environment

APPROVAL

Latrobe River Bridge Replacement Project on Tyers Road, Traralgon, Victoria (EPBC 2017/8052)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

Details

Person to whom the approval is granted (approval holder)	HEAD, TRANSPORT FOR VICTORIA
ABN of approval holder	97 481 088 949
Action	To replace the existing bridge over the Latrobe River, located on Tyers Road, between Traralgon and Tyers, Victoria [See EPBC Act referral 2017/8052]

Approval decision

My decision on whether or not to approve the taking of the action for the purposes of the controlling provision for the action is as follows.

Controlling Provisions

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve

Period for which the approval has effect

This approval has effect until 28 April 2045.

Decision-maker

Name and position	Andrew McNee Assistant Secretary of Assessments and Governance Branch Department of Agriculture, Water and the Environment
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Signature

Date of decision 20 May 2020

Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

1. The approval holder must ensure that no more than 49 **Strzelecki Gum** individuals are **cleared** as a result of the action.
2. The approval holder must obtain, record and follow directions from an on-site, **suitably qualified expert** to ensure that lopping and/or root disturbance impacts are not likely to lead to the death of any **Strzelecki Gum** other than the 49 individuals permitted to be cleared.
3. Prior to the **commencement of the action**, to compensate for the loss of up to 49 **Strzelecki Gum** individuals, the approval holder must **secure** the **offset area**.
4. Within 14 days of the **offset area** being **secured**, the approval holder must provide the **Department** with:
 - a. written evidence demonstrating that the offset has been **secured**; and
 - b. **shapefiles** containing the **offset attributes**.
5. The approval holder must implement the **Offset Management Plan**, for the **offset area**, for the duration of the approval.
6. If the Significant OMP Milestones listed at Table 3 of the **Offset Management Plan** are not achieved by the end of the **ten year offset implementation period**, the approval holder must submit a **Strzelecki Gum Offset Plan**, to supersede the **Offset Management Plan** and ensure that the impacts of the action are adequately offset, to the **Minister** for approval within three months of the end of the **ten year offset implementation period**. The revised **Offset Management Plan** must be implemented. The approval holder must implement the approved **Strzelecki Gum Offset Plan** in place of the **Offset Management Plan**.

Part B – Standard administrative conditions

Notification of date of commencement of the action

7. 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**.
8. If the **commencement of the action** does not occur within 5 years from the date of this approval, then the approval holder must not **commence the action** without the prior written agreement of the **Minister**.

Compliance records

9. The approval holder must maintain accurate and complete **compliance records**.
10. 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.

Note: **Compliance records** may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department's** website or through the general media.

Preparation and publication of plans

11. The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under a **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 **plan**.

Annual compliance reporting

12. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or otherwise in accordance with an annual date that has been agreed to in writing by the **Minister**. The approval holder must:
 - 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** and provide the weblink for the **compliance report** 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.

Note: **Compliance reports** may be published on the **Department's** website.

Reporting non-compliance

13. 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 **plans**. 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:
 - a. any condition which is or may be in breach;
 - b. a short description of the **incident** and/or non-compliance; and
 - c. the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.
14. The approval holder must provide to the **Department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:
 - 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.

Independent audit

15. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.
16. For each **independent audit**, the approval holder must:
 - 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.

17. 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.

Completion of the action

18. Within 30 days after the **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.

Part C - Definitions

In these conditions, except where contrary intention is expressed, the following definitions are used:

Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

Clearing (also **Clear** and **Cleared**) means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the *Australian weeds strategy 2017 to 2027* for further guidance).

Commencement of the action means the first instance of any specified activity associated with the action including **clearing** and **construction**. **Commencement of the action** does not include minor physical disturbance necessary to:

- i. undertake pre-clearance surveys, geotechnical investigations or monitoring programs;
- ii. install signage and /or temporary fencing to prevent unapproved use of the project area;
- iii. protect environmental and property assets from fire, weeds and pests, including installation of temporary fencing, and use of existing surface access tracks; and
- iv. install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the **protected matters**.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The **Department's** preferred spatial data format is **shapefile**.

Completion of the action means the time at which all approval conditions (except condition 18) have been fully met.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.

Compliance reports means written reports:

- i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plans**;
- ii. consistent with the **Department's Annual Compliance Report Guidelines** (2014);
- iii. include a **shapefile** of any clearance of any **protected matters**, or their habitat, undertaken within the relevant 12 month period; and
- iv. annexing a schedule of all **plans** and reports prepared and in existence in relation to the conditions during the relevant 12 month period.

Construction means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

High threat grassy and herbaceous weeds means all weed species referred to in *Appendix 2: High Threat weed species to control, method and timing* in the **offset management plan**.

Incident means any event which has the potential to, or does, impact on one or more **protected matter(s)**.

Independent audit: means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2019).

Monitoring data means the data required to be recorded under the conditions of this approval, including monitoring required through the implementation of the **offset management plan**.

Minister means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

Offset area means the area shown enclosed by the green line and labelled 'Offset Site Boundary' in [Appendix 2](#).

Offset attributes means relevant features of the **offset area**, including the **EPBC Act** referral reference number, the physical address of the **offset area**, coordinates of the boundary points in decimal degrees, and the **protected matter** or **protected matters** present at the **offset area**.

Offset management plan means the document *Golden Gully Road EPBC 2017/8052 Strzelecki Gum Offset Management Plan* (November 2019), which was publicly exhibited between 23 December 2019 and 16 January 2020 as Appendix 5 of the final **preliminary documentation**, and as revised in accordance with condition 6.

Plan(s) means any of the documents required to be prepared, implemented by the approval holder and/or published on the **website** in accordance with these conditions (includes action management plans and/or strategies).

Preliminary documentation means the document *EPBC Act Preliminary Documentation (2017/8052) - Latrobe River Bridge Replacement Project, Tyers Road, Traralgon* (November 2020) which was publicly exhibited between 23 December 2019 and 16 January 2020.

Project area means the location of the proposed action, as shown enclosed by the yellow line labelled 'PROJECT AREA' in [Appendix 1](#).

Protected matter means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

Secure (also **secured** and **securing**) means to establish and register a covenant for the long-term protection of the **offset area** under Section 3A of the *Victorian Conservation Trust Act 1972* or under a section 69 agreement under the *Conservation, Forests and Lands Act 1987*.

Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*.

Shapefile means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

Strzelecki Gum means the threatened plant species *Eucalyptus strzeleckii*, listed under the **EPBC Act**.

Suitably qualified expert means a person who has professional qualifications in silviculture and at least three (3) years of work experience in impacts of root disturbance and lopping on Australian native trees, and can give an authoritative assessment and advice on ensuring that lopping and/or root disturbance impacts to **Strzelecki Gum** are not likely to lead to their death.

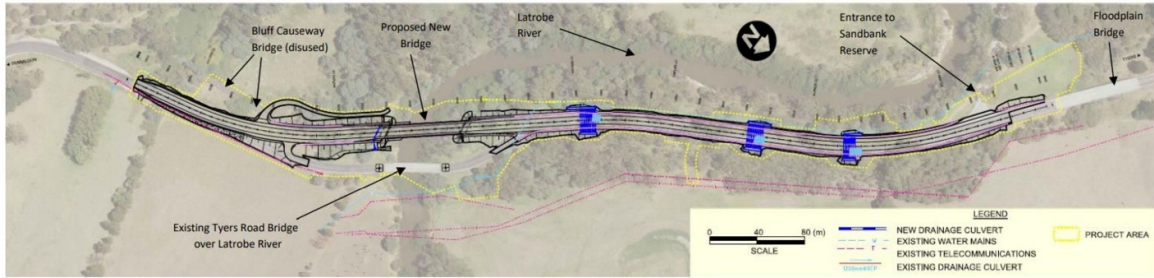
Suitably qualified person means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

Ten year offset implementation period means the ten-year period commencing from the date the **offset area** is secured.

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

APPENDICES

1. Appendix 1. Project area.





2. Appendix 2. Offset area.



Annexure B – List of all Ecology Reports Generated for Reporting Period

Active Green Services Pty Ltd (2022) *Arboricultural Impact Assessment Tyers Road – Latrobe River Bridge Upgrade*

0463 221121 Latrobe Tabulated Tree Data Spreadsheet

ID Ecological Management (2023) *Golden Gully Offset Site Audit Report*