

Princes Highway Duplication Project – Winchelsea to Colac, Victoria

Compliance Assessment Report April 2020

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1 Terms, abbreviations and definitions

Table 1.0: list of Terms and Abbreviations

Term/Abbreviation	Definition
Approval Holder	Roads Corporations (VicRoads, now Major Road Projects Victoria)
DoEE	Commonwealth Department of Environment and Energy (now DoAWE)
DoAWE	Commonwealth Department of Agriculture, Water and the Environment
DELWP	Victorian Department of Environment Land Water and Planning
EHP	Ecology and Heritage Partners Pty. Ltd.
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPA	Environmental Protection Authority
GGF	Growling Grass Frog
Ha	Hectare
MRPV	Major Road Projects Victoria

Major Road Projects Victoria is a dedicated government body charged with planning and delivering major road projects for Victoria. As part of the creation of the Major Road Projects Victoria, the delivery of major road projects previously delivered by the Major Projects Division of VicRoads were transferred to Major Road Projects Victoria.

2 Executive Summary

Approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was issued to VicRoads on 11 January 2016 for construction of the Princes Highway Duplication Project - Winchelsea to Colac, Victoria (EPBC 2012/6568). The location of the project is between west of Deans Marsh Road, Winchelsea and Corangamite Street, Colac (refer to Appendix A).

In accordance with Condition 6 of the approval, within 3 months of every 12 month anniversary of the commencement of construction (2 February 2016), the approval holder of EPBC 2012/6568 must publish a report on their website addressing compliance with each of the conditions of this approval. Documentary evidence providing proof of the date of publication and any non-compliance with any of the conditions of this approval must be provided to the Department of Agriculture, Water and the Environment (DoAWE) at the same time as the compliance report is published. In July 2018, the approval holder was transferred from VicRoads to Major Road Projects Victoria (MRPV).

This compliance report addresses the current status of the Princes Highway Duplication Project - Winchelsea to Colac against the conditions for approval under EPBC 2012/6568 for the environmental activities carried out between 2 February 2019 and 2 February 2020. This is the fourth compliance report prepared for the project.

3 Introduction

3.1 Project overview

The purpose of this project is to upgrade approximately 37 kilometres of the Princes Highway between Deans Marsh Road, Winchelsea and the Geelong – Warrnambool Rail line, Colac to an ‘M’ standard road via the construction of a new carriageway alongside the existing carriageway for the entire length of the Highway. The project is a continuation of the previously duplicated section of the Princes Highway between Waurnd Ponds and Winchelsea as part of improving traffic flow and road safety in the region through separation of traffic, improved road geometry and improved intersection design and access.

The project has been delivered in three stages:

- **Section 1 – Winchelsea to Armytage Rd:** Major works were completed in May 2018, with only minor omissions and defects remaining.
- **Section 2 – Armytage Rd to Warncoort:** Major works were completed in November 2019, with only minor omissions and defects remaining.
- **Section 3 – Warncoort to Armytage:** Major works were completed in November 2019 with only minor omissions and defects remaining.

The new carriageway comprises two sealed lanes of a width of 3.5 metres each, an external shoulder width of 3.5 metres and an internal shoulder width of 1.0 metre. A centre median of approximately 20 metres applies along most of the project. A new bridge has been constructed over the Geelong-Warrnambool railway line at Birregurra with the existing bridge retained. A new rail overpass was constructed over the Geelong-Warrnambool railway line at Warncoort comprising of two new bridge structures and the existing bridge at Birregurra Creek has been replaced in addition to being duplicated on the new lanes.

The Princes Highway is the key east-west route in south-western Victoria, providing a strategic transport link between Melbourne, south west regional Victoria and South Australia. The Highway is identified as a key freight route for various industries such as dairy, wood processing, beef and mineral sands. The Princes Highway also provides access to a number of regional towns including Winchelsea, Colac, Camperdown, Warrnambool and Portland as well as providing an alternative route to the Great Ocean Road for tourism.

The plan of the project area can be found in Appendix A of this report.

3.2 Purpose of this document

The purpose of this document is to report the compliance status of the Princes Highway Duplication Project - Winchelsea to Colac against conditions under EPBC Act approval EPBC 2012/6568. The approval relates to all three sections of the project.

Under Condition 6 of the approval, an annual compliance assessment report is required to be published on the Approval Owners website within 3 months of every 12 month anniversary of the date of commencement of construction (2 February 2016), addressing compliance with each of the conditions of the approval (refer to Section 4).

The EPBC conditions incorporate the Ecology and Heritage Partners Pty. Ltd. (EHP) report entitled 'Princes Highway Duplication Winchelsea to Colac EPBC Preliminary Documentation Response' (October 2015), which outlines measures to mitigate the impact to the EPBC Act listed Growling Grass Frog (*Litoria raniformis*).

4 Compliance assessment report

Table 2 below contains the compliance assessment against the conditions for approval under EPBC 2012/6568 for activities carried out between 2 February 2019 and 2 February 2020.

Table 2: EPBC Act Approval Notice 2012/6568 Compliance Assessment

Approval condition		Compliance assessment	Compliance status
1	The approval holder must ensure the proposed action does not remove Growling Grass Frog habitat outside of the construction footprint.	<p>No construction activity was undertaken outside the construction footprint.</p> <p>Major works completion dates:</p> <p>Section 1 – Winchelsea to Armytage Rd: 15 May 2018 with only minor omissions and defects remaining.</p> <p>Section 2 – Armytage Rd to Warncoort on 9 November 2019 with only minor omissions and defects remaining.</p> <p>Section 3 – Warncoort to Armytage on 29 November 2019 with only minor omissions and defects remaining.</p>	Compliant
2	<p>To mitigate impacts to the Growling Grass Frog, the approval holder must:</p> <p>a) Implement the mitigation measures outlined in pages 13-22 of the EHP Report</p>	<p>The EHP report titled <i>Princes Highway Duplication Winchelsea to Colac EPBC Preliminary Documentation Response</i> (October 2015) details Growling Grass Frog impact mitigation measures that must be met in accordance with this approval condition.</p> <p>The mitigation measures detailed in the EHP report were incorporated into the construction contract and implemented and monitored as part of the project. Monitoring indicated there was no deterioration in Growling Grass Frog habitat.</p>	Compliant
2	b) Implement best practice hygiene protocol(s) for control of diseases in frogs to prevent the spread of disease	Hygiene protocols detailed in the EHP report were incorporated into the construction contract and implemented and monitored as part of the project. This included a site induction program that clearly indicated hygiene protocols to be followed to prevent spread of disease in frogs.	Compliant
2	c) Establish no-go zones prior to the commencement of construction in accordance with Figures 2a-2y and Appendix 2 of the Ecology and Heritage	No-go zones were installed prior to works commencing onsite. Regular surveillance visits were conducted to ensure they were maintained.	Compliant

Approval condition		Compliance assessment	Compliance status
	Partners (EHP) Report and maintain these during construction		
2	d) Ensure pre-clearance surveys are undertaken 1 week prior to the commencement of construction	<p>A qualified ecologist from EHP conducted a survey of all water bodies in the project area prior to construction commencement. Reports were prepared indicating whether each water body was high or low-quality habitat for the Growling Grass Frog. Each water body was also identified as either requiring removal or retention, with the latter fenced to prevent disturbance during construction.</p> <p>Water bodies identified as requiring removal had another pre-clearance survey prior to disturbance by an EHP ecologist to monitor for signs of Growling Grass Frog individuals.</p>	Compliant
2	e) Ensure Growling Grass Frogs identified within the construction footprint during pre-clearance surveys and during construction are relocated in accordance with the translocation procedure at Appendix 3 of the EHP Report	<p>Requirements for Growling Grass Frog pre-clearance surveys and relocation were included in the construction contract and environmental site inductions.</p> <p>No Growling Grass Frogs were encountered in Sections 1 and 3 during pre-clearance surveys or construction.</p> <p>Growling Grass Frogs encountered in Section 2 during pre-clearance surveys and construction were relocated by an ecologist in accordance with the approved protocol. The register of sightings is attached in Appendix B.</p>	Compliant
2	f) When construction is being undertaken within 50 metres either side of Birregurra Creek, daily flow rates will be monitored and construction within 50 metres either side of Birregurra Creek will be suspended if flow rates exceed 40 mega litres per day.	This requirement was included in the construction contract and a flow rate monitoring program was subsequently established. In September 2018 works were halted on the bridge for ten days (total) as the flows of Birregurra Creek exceeded 40 mega litres per day.	Compliant
2	g) Induct site personnel prior to their commencement of work on the proposed action	<p>A site induction program was established for the project and is provided to all site personnel. The induction includes hygiene protocols to be followed to prevent spread of disease in frogs.</p> <p>Inductions include species fact sheets, no-go zones, pre-clearing protocols and relocation procedures, if required.</p>	Compliant

Approval condition	Compliance assessment	Compliance status
<p>3 a) To compensate for the removal of Growling Grass Frog habitat the approval holder must create at least 1.26 ha of Growling Grass Frog habitat offsets within 12 months of completion of construction. The creation of Growling Grass Frog habitat, including locations, size and vegetative structure, must be in accordance with the Growling Grass Frog habitat creation guidelines as described in pages 65-71 of the EHP Report. The approval holder must provide to the Minister:</p> <ul style="list-style-type: none"> i. The offset attributes and shape files for the proposed offsets; and ii. Evidence the Growling Grass Frog offset has been established within 12 months of completion of construction 	<p>A total of 1.93 ha Growling Grass Frog habitat has been created in accordance with the Growling Grass Frog habitat creation guidelines as described in pages 65-71 of the EHP Report. One habitat pond covering an area of 0.17 ha has been constructed in Section 1 of the project, and seven habitat ponds covering an area of 1.76 ha have been constructed in Section 2. In accordance with the approval conditions, there is no requirement to provide Growling Grass Frog habitat offsets within Section 3.</p> <p>Construction of the Growling Grass Frog habitat ponds occurred throughout the latter part of 2019 as part of project landscaping.</p> <p>Detailed technical drawings for the habitat were prepared prior to construction and approved by a suitably qualified ecologist. Initial monitoring and maintenance are currently underway to ensure the ponds meet the specifications described in pages 65-71 of the EHP Report.</p> <p>Evidence the Growling Grass Frog offset has been established within 12 months of completion of construction will be provided to the Department of Agriculture, Water and the Environment (DoAWE), which will include As-Constructed Drawings and shape files.</p>	Compliant
<p>3 b) Once created, maintain the Growling Grass Frog offset to the standard of the Growling Grass Frog habitat creation guidelines as described in pages 65-71 of the EHP Report for the life of the approval.</p>	<p>It is a requirement of the Roadworks contract that the Contractor maintains the Growling Grass Frog offset for three years after the works are completed. It will then become the responsibility of VicRoads as the asset owner to ensure their maintenance for the life of the approval (1 December 2032). MRPV will continue to oversee compliance for the life of the approval.</p>	Compliant
<p>4 Within 7 calendar days of the commencement of construction, the approval holder must advise the Department in writing of the actual date of commencement of construction.</p>	<p>Notification of construction commencement occurred in accordance with this approval condition.</p> <p>Works commenced as follows:</p> <ul style="list-style-type: none"> • Section 1 – Winchelsea to Armytage: 6 July 2016. • Section 2 – Armytage to Warncoort: 2 February 2016 • Section 3 – Warncoort to Colac East: 18 December 2017 	Compliant

Approval condition	Compliance assessment	Compliance status
<p>5 The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the reports required by this approval, and make them available upon 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>	<p>MRPV's Project Team is maintaining records of all activities associated with or relevant to the conditions of approval. These documents will be available to DoAWE upon request and will form the basis for provision of future compliance assessment reports. These records are available for auditing purposes.</p>	<p>Compliant</p>
<p>6 Within three months of every 12 month anniversary of the commencement of construction, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the EHP Report, 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 compliance report is published.</p>	<p>As discussed with DoAWE Compliance Monitoring Team, one compliance report will be produced annually covering all project sections. Works commenced on 2 February 2016 and hence the annual compliance report (this report) must be published no later than 2 May each year.</p> <p>All compliance reports can be found on the MRPV or VicRoads websites.</p>	<p>Compliant</p>
<p>7 Upon the direction of the Minister, the approval holder 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</p>	<p>An independent audit has not been requested by the Minister</p>	<p>Compliant</p>

Approval condition	Compliance assessment	Compliance status
	the audit report must address the criteria to the satisfaction of the Minister.	
8	<p>The approval holder may choose to revise a management report, plan or strategy approved by the Minister under Conditions 2 and 3 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised report, plan or strategy would not be likely to have a new or increased impact. If the approval holder makes this choice they must:</p> <ul style="list-style-type: none"> i. Notify the Department in writing that the approved report, plan or strategy has been revised and provide the Department with an electronic copy of the revised report, plan or strategy; ii. Implement the revised report, plan or strategy from the date that the report, plan or strategy is submitted to the Department; and iii. For the life of this approval, maintain a record of the reasons the approval holder considers that taking the action in accordance with the revised report, plan or strategy would not be likely to have a new or increased impact 	Compliant
9	The approval holder may revoke their choice under Condition 8 at any time by notice to the Department. If the approval holder revokes the choice to implement a revised report, plan or strategy without approval under section 143A of the EPBC Act, the	Not applicable during period

Approval condition	Compliance assessment	Compliance status
<p>10</p> <p>Condition 8 does not apply if the revisions to the approved report, plan or strategy include changes to environmental offsets provided under the report, plan or strategy in relation to the matter, unless otherwise agreed in writing by the Minister. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised report, plan or strategy would, or would not, be likely to have new or increased impacts.</p>	<p>Not applicable during period</p>	<p>Compliant</p>
<p>11</p> <p>If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the revised report, plan or strategy would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> i. Condition 8 does not apply, or ceases to apply, in relation to the revised report, plan or strategy; and ii. The approval holder must implement the report, plan or strategy approved by the Minister. To avoid any doubt, this condition does not affect any operation of Conditions 8, 9 and 10 in the period before the day the notice is given. 	<p>Not applicable during period</p>	<p>Compliant</p>

Approval condition		Compliance assessment	Compliance status
12	At the time of giving the notice the Minister may also notify for a specified period of time that Condition 8 does not apply for one or more specified reports, plans or strategies required under the approval.	Not applicable during period	Compliant
13	Conditions 8, 9, 10 and 11 are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised report, plan or strategy to the Minister for approval.	Not applicable during period	Compliant
14	If, at any time after 5 years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister.	Works commenced as follows: <ul style="list-style-type: none"> • Section 1 – Winchelsea to Armytage: 6 July 2016. • Section 2 – Armytage to Warncoort: 2 February 2016 • Section 3 – Warncoort to Colac East: 18 December 2017 	Compliant
15	Unless otherwise agreed to in writing by the Minister, the approval holder must publish a copy of each report, plan and strategy referred to in these conditions of approval on their website. Each report, plan and strategy must be published on the website within one (1) month of being approved.	Prior to the transfer of the Approval to MRPV, VicRoads published the Ecology and Heritage Partners (EHP) Report entitled 'Princes Highway Duplication Winchelsea to Colac EPBC Preliminary Documentation Response' (October 2015) on its website. This report is also now published on the MRPV website.	Compliant
16	Within 1 month of the completion of construction of each project stage, the approval holder must advise the Department in writing of the actual date of completion of construction of each project stage.	Correspondence advising the completion of construction was sent to DoAWE on 20 February 2020.	Compliant

5 Appendix A – project map

Princes Highway Duplication, Winchelsea to Colac

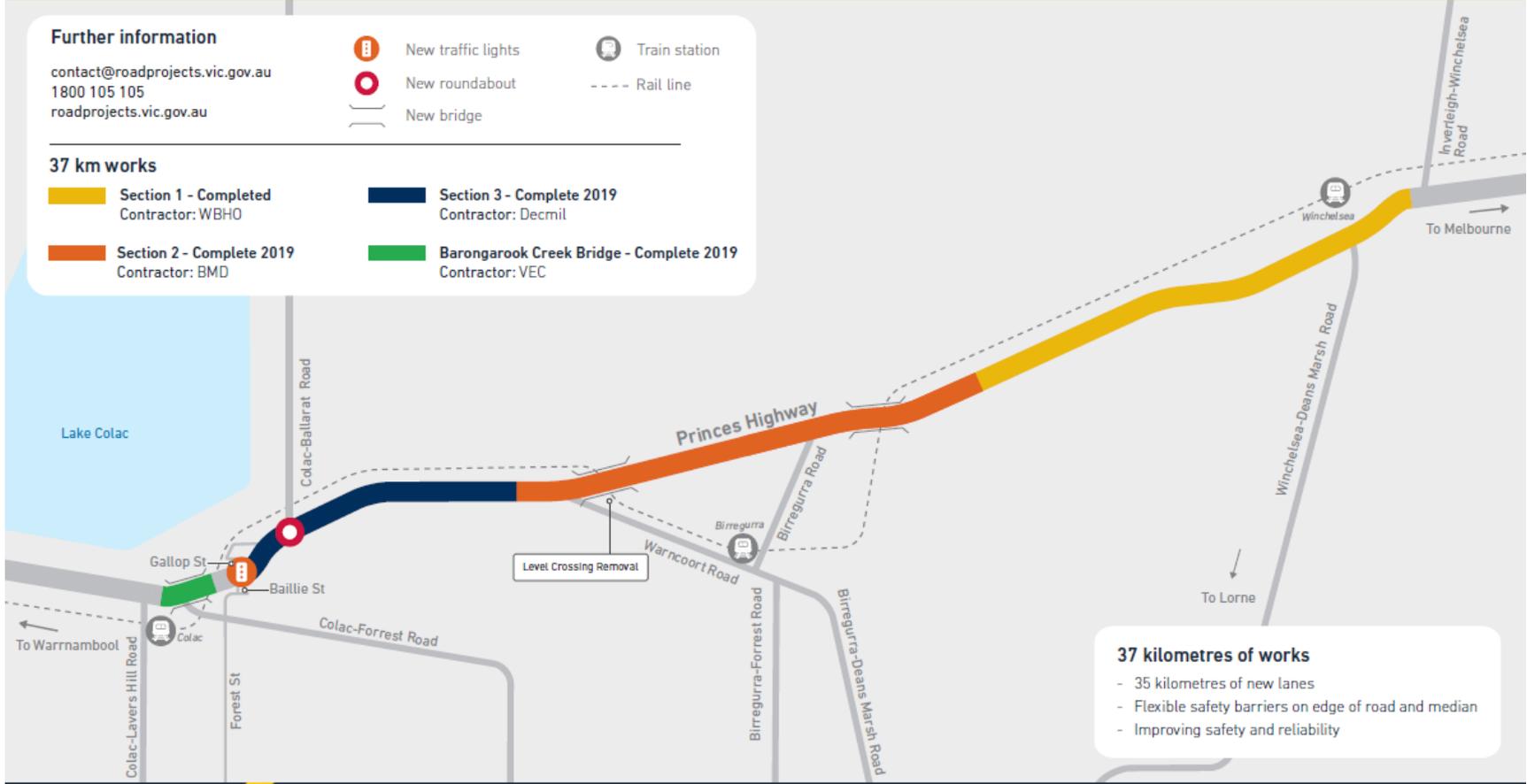
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-  New traffic lights
-  New roundabout
-  New bridge
-  Train station
-  Rail line

37 km works

-  Section 1 - Completed
Contractor: WBHO
-  Section 3 - Complete 2019
Contractor: Decmil
-  Section 2 - Complete 2019
Contractor: BMD
-  Barongarook Creek Bridge - Complete 2019
Contractor: VEC



37 kilometres of works

- 35 kilometres of new lanes
- Flexible safety barriers on edge of road and median
- Improving safety and reliability



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6 Appendix B – Growling Grass Frog Register

Table 3.0: Register of Growling Grass Frog Observations at Princes Highway Duplication – Winchelsea to Colac

Date	Location	Description	In Work Area? (Y/N)	Time of Observation	Observer	Action	Reported By
04/01/2017	Waterbody 29	Ecologist performing a day survey as a result of GGF heard in 'waterbody 29' previous day during pre-clearance survey	N	10:00 am	Chad Browning (Ecologist)	Ecologist salvaged 2 Growling Grass Frogs including 1 metamorph and 1 adult in waterbody 29 and relocated individuals to waterbody 30a approximately 100m west of waterbody 29.	Anton Ponomarenko
04/01/2017	Waterbody 29	Ecologist performing a night survey as a result of GGF heard in 'waterbody 29' previous day during pre-clearance survey	N	9:30 pm	Chad Browning (Ecologist)	Ecologist salvaged 28 Growling Grass Frogs including 3 tadpoles, 14 metamorphs and 11 adults in waterbody 29 and relocated individuals to waterbody 30a. Additional night survey to be undertaken on 5/01/2017.	Anton Ponomarenko
5/01/2017	Waterbody 29	Ecologist performing night survey and salvage activities at Waterbody 29 during pre-clearance survey	N	9:30 pm	Chad Browning (Ecologist)	Ecologist salvaged 108 Growling Grass Frogs including 49 metamorphs and 59 adults in waterbody 29 which were relocated individuals to waterbody 30a. Ecologist advised to not disturb waterbody 29 until the morning of 9/01/2017 to allow any remaining (uncaptured) frogs sufficient time and opportunity to disperse. On 9/01/2017 an ecologist was present during the excavation works in Waterbody 29 to ensure works were undertaken in a sensitive manner with no harm to any remaining frogs (if any).	Anton Ponomarenko

Date	Location	Description	In Work Area? (Y/N)	Time of Observation	Observer	Action	Reported By
9/01/2017	Waterbody 29	Ecologist supervising works in the pond.	N	7:30 am	Chad Browning (Ecologist)	Ecologist salvaged 14 Growling Grass Frogs including 1 metamorph and 13 adults at waterbody 29 and relocated to waterbody 30a. Ecologist was present until bulk of the excavations were complete.	Anton Ponomarenko
30/11/2017	300m east of Waterbody 63	Whilst stripping topsoil, a single roaming Growling Grass Frog was discovered in an unmarked drainage channel.	Y	2:00pm	Decmil Operator	Construction was halted in the area and allowed one Growling Grass Frog to move on from the works area. An ecologist was called and conducted a survey including a call back survey on the 4/12/2018. No further Growling Grass Frogs were recorded in the survey. Works were then allowed to recommence.	Jeff Mundy
17/02/2018	Chainage 228300	Individual frog encountered on worksite.	Y	2:00pm	Decmil Operator	Construction was halted in the area and one Growling Grass Frog was allowed to leave the worksite. The sighting was not reported immediately and there may have been uncertainty regarding identification. Subsequent analysis of the encounter has led Decmil to believe the frog encountered was a common or spotted Marsh Frog. A toolbox session was held on appropriate hygiene and reporting procedures should a frog be encountered and identification.	Jeff Mundy