

Princes Highway Duplication Project – Winchelsea to Colac, Victoria

Compliance Assessment Report April 2019

EPBC Reference 2012/6568

Report Number 3

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Department of the Environment

EPBC Compliance Monitoring Team

Compliance & Enforcement Branch

Environment Assessment & Compliance Division

CANBERRA ACT

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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 MRPV)
DoEE	Department of the Environment and Energy
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities
DELWP	Department of Environment Land Water and Planning
EHP	Ecology and Heritage Partners Pty. Ltd.
EPBC Act	Environmental Protection and Biodiversity Conservation Act 1999
EPA	Environmental Protection Authority
GGF	Growling Grass Frog
ha	Hectare
WBHO	WBHO
BMD	BMD
Compliant	Compliant
Not Applicable /Not Required	Not Applicable /Not Required
Non-compliant	Non-compliant
MRPV	MRPV

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 Authority, the delivery of major road projects currently being delivered by the Major Projects Division of VicRoads were transferred to the new Authority.

MRPA became Major Road Projects Victoria (MRPV) in early 2019.

2 Executive Summary

The approval of the EPBC Act referral 2012/6568 was issued to VicRoads on the 11th January 2016 for construction of the Princes Highway Duplication Project - Winchelsea to Colac, Victoria. The location of the project is between west of Deans Marsh Road, Winchelsea and Corangamite Street, Colac.

In accordance with Condition 6 of the Environment Protection and Biodiversity Conservation Act 1999 approval (EPBC 2012/6568), within 3 months of every 12 month anniversary of the commencement of construction (6th February 2016), the approval holder of the EPBC 2012/6568 approval 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 will be provided to the Department at the same time as the compliance report is published. In July 2018, approval holder was transferred from VicRoads to Major Road Projects Victoria.

This compliance report addresses the current status of the Princes Highway Duplication Project - Winchelsea to Colac against the conditions for approval of the EPBC Referral Act 2012/6568 for the environmental activities carried out between 6th February 2017 and 6th February 2019. This is the third report to be prepared under the EPBC Act approval 2012/6558 for the Princes Highway Duplication Project – Winchelsea to Colac, Victoria.

3 Introduction

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 Princes Highway duplication is a continuation of the previously duplicated section of the Princes Highway between Waurin 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 is located between the townships of Winchelsea and Colac within both the Surf Coast and Colac-Otway Shires, passing through land currently used for farming. The plan of the project area can be found in Appendix A of this report.

4 Background

The purpose of this project is to upgrade approximately 36 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 new carriageway will comprise two sealed lanes of a width of 3.5 metres each, an external shoulder width of 3.5m and an internal shoulder width of 1.0 metre. A centre median of approximately 20 metres will apply along the majority of the project. A new additional bridge will be constructed over the Geelong-Warrnambool railway line at Birregurra with the existing bridge to be retained. A new rail overpass will be constructed over the Geelong-Warrnambool railway line at Warncoort comprising of two new bridge structures and the existing bridge at Birregurra Creek will be replaced in addition to being duplicated on the new carriageway.

4.1 Purpose of This Document

The purpose of this document is to assess the compliance of the Princes Highway Duplication Project - Winchelsea to Colac to the EPBC Conditions of approval EPBC2012/6568.

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 threatened Growling Grass Frog (*Litoria raniformis*) which is listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC).

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 threatened species, the project was referred to the then Department of Sustainability, Environment, Water, Population and Communities (DSEWPac) known as the Department of Environment and Energy (DoEE) as of July 2016.

A decision was issued by the Department on the 25th November 2012 determining that the proposal was a "controlled action" thereby requiring assessment and approval under the EPBC Act before it could proceed. The relevant controlling provisions were:

- Listed threatened species and communities (sections 18 & 18A) being:
 - Growling Grass Frog (*Litoria raniformis*)

Final approval was issued to the Approval Owner on the 11th January 2016 with the Proposed Action: To duplicate approximately 36 km of the Princes Highway from Deans-Marsh Road, Winchelsea to Corangamite Street, Colac, Victoria. A copy of the EPBC Approval Notice can be found on the DoEE website:

http://epbcnotices.environment.gov.au/_entity/annotation/08052191-86bd-e511-8a4b-005056ba00a8/a71d58ad-4cba-48b6-8dab-f3091fc31cd5?t=1479166234770

4.2.2 Performance and Compliance Reporting

Under Condition 6 of the approved EPBC Act referral 2012/6568, 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 (2nd February 2016), addressing compliance with each of the conditions of the approval.

4.2.3 Non-Compliance Reporting

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

5 Project compliance

5.1 Compliance with EPBC Conditions of Approval

As requested in the letter dated 3rd February 2016 from the Department of Environment's Post Approval Section, this report has been prepared to provide the Department of Environment and Energy with a status update on each of the conditions of approval.

MRPV (prior to July 2018 VicRoads) has complied with all conditions referenced in the EPBC Act approval 2012/6568 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 4 of this report.

6 Performance and compliance of EPBC 2012/6568

The table below provides details of the status of compliance with the conditions of the EPBC Act approval notice (EPBC 2012/6568) for the Princes Highway Duplication Project - Winchelsea to Colac.

Table 2.0: EPBC Act Approval Notice 2012/6568 Compliance Results

Item	Conditions of the Approval	Section 1 – Winchelsea to Armytage Road	Section 2 – Armytage Road to Warncoort	Section 3 – Warncoort to Colac
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 outside the construction footprint is a specific requirement of the VicRoads/MRPV Contract Specification for this Section of works.</p> <p>Fencing has been installed identifying the ROW for the project with no ground disturbance to be conducted outside of this boundary. Regular surveillance visits are conducted by VicRoads to ensure that works are not being conducted outside of the ROW.</p> <p>All top-soil which is stripped was reused in order to reduce the likely spread of Chytrid fungus to surrounding habitats outside the project area.</p> <p>Section 1 – Winchelsea to Armytage Rd was completed on 15 May 2018.</p>	<p>No construction activity outside the construction footprint is a specific requirement of the VicRoads D&C Contract Specification for this Section of Works.</p> <p>Fencing has been installed identifying the ROW for the project with no ground disturbance to be conducted outside of this boundary. Regular surveillance visits are conducted by VicRoads to ensure that works are not being conducted outside of the ROW.</p> <p>All top-soil which is stripped is to be re-used in order to reduce the likely spread of Chytrid fungus to surrounding habitats outside the project area.</p>	<p>No construction activity outside the construction footprint is a specific requirement of the VicRoads Contract Specification for this Section of works.</p> <p>Fencing has been installed identifying the ROW for the project with no ground disturbance to be conducted outside of this boundary. Regular surveillance visits are conducted by VicRoads to ensure that works are not being conducted outside of the ROW.</p> <p>All top-soil which is stripped is to be re-used in order to reduce the likely spread of Chytrid fungus to surrounding habitats outside the project area.</p>

Item	Conditions of the Approval	Section 1 – Winchelsea to Armytage Road	Section 2 – Armytage Road to Warncoort	Section 3 – Warncoort to Colac
2	<p>To mitigate impacts to the Growling Grass Frog, the approval holder must:</p> <ul style="list-style-type: none"> a) Implement the mitigation measures outlined in pages 13-22 of the EHP Report b) Implement best practice hygiene protocol(s) for control of diseases in frogs to prevent the spread of disease 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 Partners (EHP) Report and maintain these during construction d) Ensure pre-clearance surveys are undertaken 1 week prior to the commencement of construction 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 f) When construction is being undertaken within 50 metres either side of Birregurra Creek, daily flow rates will be monitored and 	<ul style="list-style-type: none"> a) Mitigation measures outlined in the report have been incorporated into the Construction Contract. E&H Partners were engaged to confirm that a change to existing working hours of 7am – 6pm weekdays and Saturday could be modified to 6am – 7pm Monday – Sunday without having new or increased impact to the GGF. The EPBC was modified accordingly and sent to the DoEE 8th December 2016 with the DoEE acknowledging receipt and accepting the change via email 22nd December 2016. b) All contracts have had appropriate clauses included regarding requirements for hygiene protocols. h) Site induction clearly indicates hygiene protocols to be followed to prevent spread of disease in frogs. WBHO EHS representative conducts weekly site inspections to ensure that hygiene practices are being followed. c) No-go zones have been installed prior to works commencing 	<ul style="list-style-type: none"> a) Mitigation measures outlined in the report have been incorporated into the Design and Construction Contract. E&H Partners were engaged to confirm that a change to existing working hours of 7am – 6pm weekdays and Saturday could be modified to 6am – 7pm Monday – Sunday without having new or increased impact to the GGF. The EPBC was modified accordingly and sent to the DoEE 8th December 2016 with the DoEE acknowledging receipt and accepting the change via email 22nd December 2016. b) All contracts have had appropriate clauses included regarding requirements for hygiene protocols. Site induction clearly indicates hygiene protocols to be followed to prevent spread of disease in frogs. BMD Environmental representative conducts weekly site inspections to ensure that hygiene practices are being followed. c) No-go zones have been installed prior to works commencing onsite. Regular surveillance visits are conducted to ensure they are maintained. d) A qualified ecologist from EHP has conducted a survey on behalf of Approval Holder on all water bodies 	<ul style="list-style-type: none"> a) Mitigation measures outlined in the report have been incorporated into the Construction Contract. E&H Partners were engaged to confirm that a change to existing working hours of 7am – 6pm weekdays and Saturday could be modified to 6am – 7pm Monday – Sunday without having new or increased impact to the GGF. The EPBC was modified accordingly and sent to the DoE 8th December 2016 with the DoEE acknowledging receipt and accepting the change via email 22nd December 2016. b) All contracts have had appropriate clauses included regarding requirements for hygiene protocols. Site induction clearly indicates hygiene protocols to be followed to prevent spread of disease in frogs. Decmil EHS representative conducts weekly site inspections to ensure that

Item	Conditions of the Approval	Section 1 – Winchelsea to Armytage Road	Section 2 – Armytage Road to Warncoort	Section 3 – Warncoort to Colac
	<p>construction within 50 metres either side of Birregurra Creek will be suspended if flow rates exceed 40 mega litres per day.</p> <p>g) Induct site personnel prior to their commencement of work on the proposed action</p>	<p>onsite. Regular surveillance visits are conducted to ensure they are maintained.</p> <p>d) A qualified ecologist from EHP has conducted a survey on behalf of Approval holder on all water bodies throughout the section. A report subsequently generated indicated if each water body presented as a high or low quality environment for the GGF. In addition to this each water body was identified as either requiring removal or not with the latter fenced to prevent disturbance during construction. Water bodies identified as requiring removal had a pre clearance survey again conducted by an ecologist from EHP on behalf of WBHO to monitor for signs of GGF and deal with accordingly. Preclearance Surveys are available for the DOEE upon request.</p> <p>e) Requirements for the relocating of any frogs identified onsite has been included in the contract and environmental site inductions. No GGF have been encountered in this section of construction.</p> <p>f) Not applicable to Section 1.</p>	<p>throughout the section. A report subsequently generated indicated if each water body presented as a high or low quality environment for the GGF. In addition to this each water body was identified as either requiring removal or not with the latter fenced to prevent disturbance during construction. Water bodies identified as requiring removal had a pre-clearance survey again conducted by an ecologist from EHP on behalf of BMD to monitor for signs of GGF and deal with accordingly. Preclearance Surveys are available for the DOEE upon request.</p> <p>e) Requirements for the relocating of any frogs identified onsite has been included in Contracts and environmental site inductions. GGF's encountered in this section of construction have been relocated by an ecologist from EHP and a register of sightings compiled which can be found in Appendix B of this report.</p> <p>f) This requirement has been included in the Contract documentation for Section 2 works and flow rate monitoring in place.</p>	<p>hygiene practices are being followed.</p> <p>c) No-go zones have been installed prior to works commencing onsite. Regular surveillance visits are conducted to ensure they are maintained.</p> <p>d) A qualified ecologist from EHP has conducted a survey on behalf of Approval Holder on all water bodies throughout the section. A report subsequently generated indicated if each water body presented as a high or low quality environment for the GGF. In addition to this each water body was identified as either requiring removal or not with the latter fenced to prevent disturbance during construction. Water bodies identified as requiring removal had a pre clearance survey again conducted by an ecologist from Monarc Environmental on behalf of Decmil to monitor for signs of GGF and deal with accordingly.</p>

Item	Conditions of the Approval	Section 1 – Winchelsea to Armytage Road	Section 2 – Armytage Road to Warncoort	Section 3 – Warncoort to Colac
		<p>g) Approval Holder staff and contractors working on Section 1 have been inducted with regard to GGF. The Approval Owner along with WBHO are responsible for ensuring all new starters to the project are inducted accordingly prior to commencing work on site. Inductions include species fact sheets, no-go zones, relocation procedures and restrictions etc.</p> <p>Section 1 – Winchelsea to Armytage Road was completed on 15 May 2018</p>	<p>g) All Approval Holder staff and contractors working on Section 2 have been inducted with regard to GGF. The Approval holder along with BMD are responsible for ensuring that all new starters to the project are inducted accordingly prior to commencing work on site. Inductions include species fact sheets, no-go zones, relocation procedures and restrictions etc.</p>	<p>Preclearance Surveys are available for the DOEE upon request.</p> <p>e) Requirements for the relocating of any frogs identified onsite has been included in the contract and environmental site inductions.</p> <p>f) Not applicable to Section 3.</p> <p>g) Approval Holder staff and contractors working on Section 3 have been inducted with regard to GGF. Approval Owners along with Decmil are responsible for ensuring all new starters to the project are inducted accordingly prior to commencing work on site. Inductions include species fact sheets, no-go zones, relocation procedures and restrictions etc</p>
3	<p>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</p>	<p>a) Section 1 design included the construction of a GGF water body with minimum 0.14 ha of habitat in accordance with EHP report. Works were included in the main roadworks contract.</p> <p>Detailed technical drawings for the habitat were approved by</p>	<p>a) Section 2 design has a requirement to provide 6 GGF water bodies each with a minimum of 0.14 ha (0.84 ha total) of habitat in accordance with EHP report. Works are included in the main roadworks design and construct contract.</p>	<p>a) There is no requirement to provide GGF habitat offsets within Section 3 in accordance with EHP report.</p> <p>b) Not applicable</p>

Item	Conditions of the Approval	Section 1 – Winchelsea to Armytage Road	Section 2 – Armytage Road to Warncoort	Section 3 – Warncoort to Colac
	<p>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>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>EHP. Technical drawings including evidence of when the offset was established will be provided to the DoEE upon completion of their construction. Technical drawings will be provided for the Frog ponds once all Frog ponds across the corridor are complete.</p> <p>b) It is a requirement of the Roadworks contract that the Contractor maintains the GGF 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 (1st December 2032) Section 1 – Winchelsea to Armytage Road was completed on 15 May 2018</p>	<p>Detailed technical drawings for the habitat have been produced to be approved by a suitable Ecologist. Technical drawings including evidence of when the offset was established will be provided to the DoEE upon completion of their construction.</p> <p>b) It is a requirement of the Roadworks contract that the Contractor maintains the GGF 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 (1st December 2032)</p>	
4	Within 7 calendar days of the commencement of construction, the approval holder must advise the	Notice of commencement of construction provided for Section 1	Notice of commencement of construction provided for Section 2 – Armytage to Warncoort. Works	Notice of commencement of construction provided for Section 3 – Warncoort to Colac East.

Item	Conditions of the Approval	Section 1 – Winchelsea to Armytage Road	Section 2 – Armytage Road to Warncoort	Section 3 – Warncoort to Colac
	Department in writing of the actual date of commencement of construction.	– Winchelsea to Armytage. Works commenced on 6th July 2016. Section 1 – Winchelsea to Armytage Road was completed on 15 May 2018	commenced on 2nd February 2016 including services relocations and fencing works.	Works commenced on 18 December 2017.
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.	Section 1 – Winchelsea to Armytage Road was completed on 15 May 2018	MRPV's PH2 Section 2 Project Team is maintaining records of all activities associated with or relevant to the conditions of approval. This document will be available to DoEE upon request and will form the basis for provision of future compliance assessment reports. These records are available for auditing purposes.	MRPV's PH2 Section 3 Project Team is maintaining records of all activities associated with or relevant to the conditions of approval. This document will be available to DoEE upon request and will form the basis for provision of future compliance assessment reports. These records are available for auditing purposes.
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	As discussed with DoEE EPBC Compliance Monitoring Team, the Approval Holder will publish a Compliance Assessment Report for the whole project and not individual reports for each section, hence only one annual report is	See Section 1 comment	See Section 1 comment

Item	Conditions of the Approval	Section 1 – Winchelsea to Armytage Road	Section 2 – Armytage Road to Warncoort	Section 3 – Warncoort to Colac
	<p>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>required within three months of the 12 month anniversary of commencement of construction for Section 2. Works commenced on 2nd February 2016 and hence the third compliance report (this report) must be submitted to the Department no later than 2nd May 2019.</p>		
7	<p>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 the audit report must address the criteria to the satisfaction of the Minister.</p>	<p>Noted Section 1 – Winchelsea to Armytage Road was completed on 15 May 2018</p>	<p>Noted</p>	<p>Noted</p>
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</p>	<p>EPBC 2012/6568 noted that a mitigation for noise and light pollution affecting GGF was to limit works: <i>“Hours of work shall be between 7am and 6pm weekdays and Saturday”</i> Consultation with EHP has provided the Approval Holder with approval to conduct</p>	<p>See Section 1 comment regarding working hours In three locations culverts could not be constructed with median breaks. EHP assessed the impact which was considered to be ‘of no impact.’ This</p>	<p>See Section 1 comment regarding working hours. MRPV is working with the Decmil to provide breaks in the median where possible. EHP have been involved in the assessment to</p>

Item	Conditions of the Approval	Section 1 – Winchelsea to Armytage Road	Section 2 – Armytage Road to Warncoort	Section 3 – Warncoort to Colac
	<p>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 	<p>works outside the hours of 7am and 6pm during the summer months by working between sunrise and sunset as well as allowing ad-hoc work to be conducted at night and on Sundays as it is considered that such activities will not have a new or increased impact on the GGF. The EPBC was modified accordingly and sent to the DoEE 8th December 2016 with the DoEE acknowledging receipt and accepting the change via email 22nd December 2016.</p> <p>Section 1 – Winchelsea to Armytage Road was completed on 15 May 2018</p>	<p>information was provided to DoEE in April 2018.</p>	<p>ensure breaks are included where required.</p>
9	<p>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 plan</p>	<p>Noted</p> <p>Section 1 – Winchelsea to Armytage Road was completed on 15 May 2018</p>	<p>Noted</p>	<p>Noted</p>

Item	Conditions of the Approval	Section 1 – Winchelsea to Armytage Road	Section 2 – Armytage Road to Warncoort	Section 3 – Warncoort to Colac
	or strategy approved by the Minister must be implemented.			
10	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.	Noted Section 1 – Winchelsea to Armytage Road was completed on 15 May 2018	Noted	Noted

Item	Conditions of the Approval	Section 1 – Winchelsea to Armytage Road	Section 2 – Armytage Road to Warncoort	Section 3 – Warncoort to Colac
11	<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>Noted</p> <p>Section 1 – Winchelsea to Armytage Road was completed on 15 May 2018</p>	<p>Noted</p>	<p>Noted</p>
12	<p>At the time of giving the notice the Minister may also notify that 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.</p>	<p>Noted</p> <p>Section 1 – Winchelsea to Armytage Road was completed on 15 May 2018</p>	<p>Noted</p>	<p>Noted</p>

Item	Conditions of the Approval	Section 1 – Winchelsea to Armytage Road	Section 2 – Armytage Road to Warncoort	Section 3 – Warncoort to Colac
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.	Noted Section 1 – Winchelsea to Armytage Road was completed on 15 May 2018	Noted	Noted
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 on 6 th July 2016 Section 1 – Winchelsea to Armytage Road was completed on 15 May 2018	Works commenced on 2 nd February 2016	Work commenced on 18 December 2017.
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.	VicRoads has published the Ecology and Heritage Partners (EHP) Report entitled ‘Princes Highway Duplication Winchelsea to Colac EPBC Preliminary Documentation Response’ (October 2015) on its website. MRPV will publish this report on its website.	See Section 1 comment	See Section 1 comment
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.	Construction yet to be completed. Final planting for Frog Pond is yet to be complete. DoEE will be advised once this is complete.	Construction yet to be completed	Construction yet to be completed

7 Acknowledgement

Ecology & Heritage Partners Pty. Ltd.: Andrew Taylor

Major Road Projects Victoria, Matthew Armitstead, Dylan O'Keefe, David Jelbart

Department of the Environment and Energy : Lisa Hogan, Narelle Sutherland

The Department of Environment, Land, Water and Planning: Garry Peterson, Donna Burn

8 Appendix A – project map

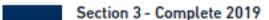
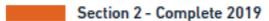
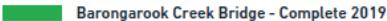
Princes Highway Duplication, Winchelsea to Colac

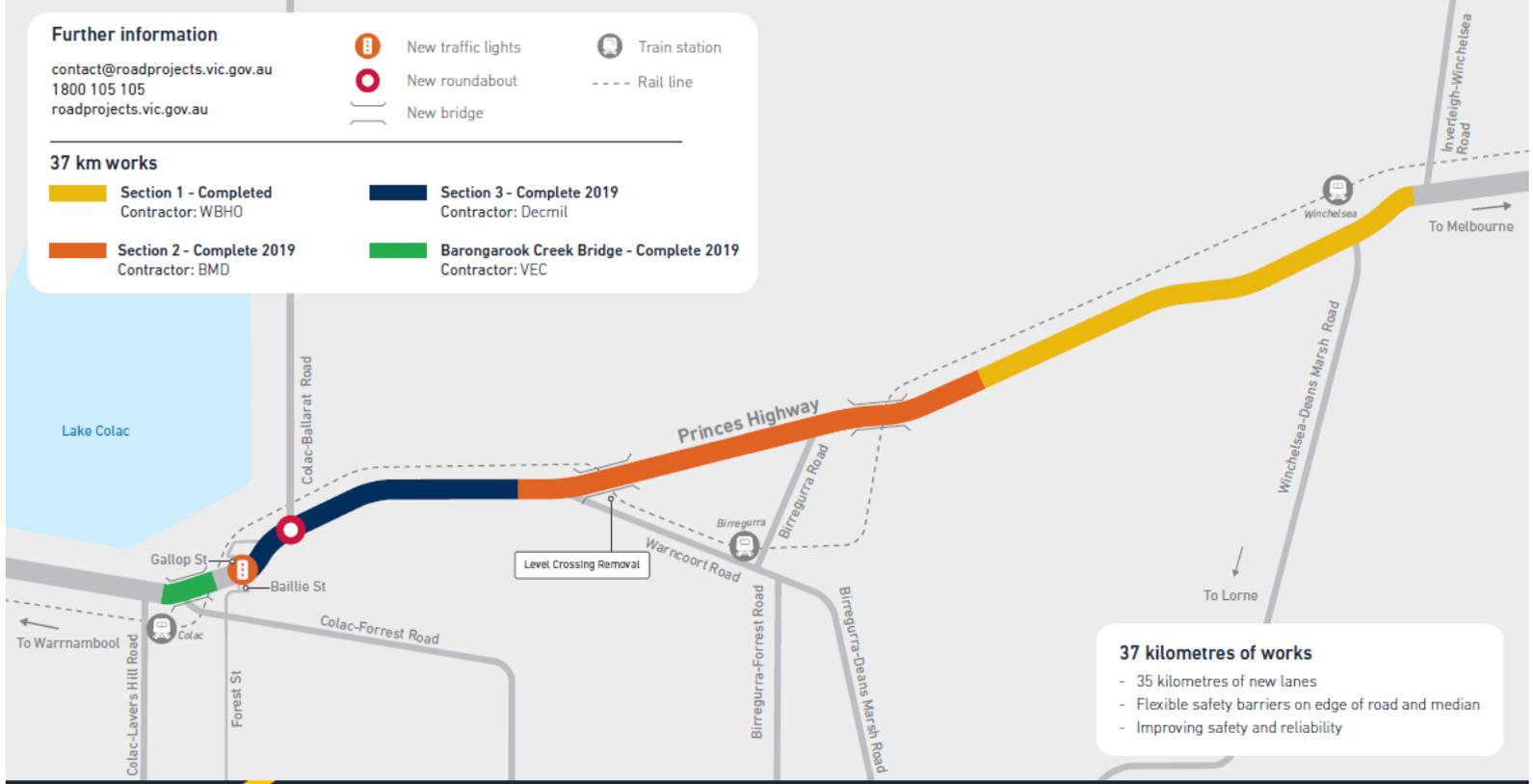
Further information

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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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9 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 and relocated to waterbody 30a – 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	N	9:30 pm	Chad Browning (Ecologist)	Ecologist salvaged 28 Growling Grass Frogs including 3 tadpoles, 14 metamorphs and 11 adults and relocated to waterbody 30a. Additional night survey to be undertaken on 5/01/2017	Anton Ponomarenko
5/01/2017	Waterbody 29	Ecologist performing a night survey	N	9:30 pm	Chad Browning (Ecologist)	Ecologist salvaged 108 Growling Grass Frogs including 49 metamorphs and 59 adults and relocated to waterbody 30a. Ecologist advised to not disturb the pond until 9/01/2017 morning to allow the frogs a chance to disperse. On 9/01/2017 the ecologist is going to be present during the excavation works in the pond to ensure no harm is done to any remaining frogs if there are any still remaining	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 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 halted in the area and allowed the GGF to move on from the works area. Ecologist was called and conducted a survey including a call back survey on the 4/12/2018. No Growling Grass Frogs were recorded in the survey. Works were then allowed to recommence.	Jeff Mundy
17/02/2018	Chainage 228300	Frog was encountered on worksite	Y	2:00pm	Decmil Operator	Construction was halted in the area and Frog was allowed to leave the worksite. The sighting wasn't reported immediately. Subsequent analysis of the encounter has lead Decmil to believe the Frog encountered was a common or spotted Marsh Frog. Regardless a toolbox session was held on appropriate hygiene and reporting procedures should a frog be encountered.	Jeff Mundy