

Commonwealth approval EPBC 2013/6963 conditions compliance tracking and management annual report

Nambucca Heads to Urunga Pacific Highway upgrade

March 2015 – January 2016

February 2016

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Glossary / Abbreviations

Acronyms used in this document

Acronym	Definition
BEM	Benchmark Environmental Management
CAR	Corrective Action Request
CEMP	Construction Environmental Management Plan
Clear Milkvine	Marsdenia longiloba
Cryptic Forest Twiner	Tylophora Woollsii
Ecos	Ecos Environmental Pty Ltd
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
ER	Environmental Representative - A suitably qualified and experienced person independent of project design and construction personnel employed for the duration of construction. The principal point of advice in relation to all questions and complaints concerning environmental performance.
NCR	Non Conformance Report
NGOMP	Norton and Griffin Offset Management Plan
SAP	Sensitive Area Plan
SES	Sandpiper Ecological Surveys
TFOMP	Threatened Flora Offset Management Plan
TFMP	Threatened Flora Management Plan
TFOS	Threatened Flora Offset Strategy

Introduction

Purpose of this document

The purpose of this document is to facilitate demonstration by Roads and Maritime Services of satisfactory compliance with the Commonwealth approval conditions for the Nambucca Heads to Urunga Pacific Highway Upgrade project with particular reference to Condition 24, which requires an annual report addressing compliance with each of the conditions of approval. The report covers the second period from March 2015 to January 2016.

For each condition, one or more actions are identified which, once implemented, will achieve satisfactory compliance with the condition. Where appropriate, the timing for completion of individual actions is identified.

For each action, the minimum relevant documentation to support demonstration of compliance is identified. This documentation would inform any future compliance audit.

Where an approval condition makes reference to information being provided to the Commonwealth Minister for the Environment, the associated action(s) assumes that this information will be provided, in the first instance, to the Commonwealth Department of the Environment.

Key dates

The timing for compliance with certain approval conditions is linked to specific dates as follows:

- Commonwealth approval: 26 November 2013
- Start of construction: 4 December 2013
- Scheduled completion of construction: 3 December 2016
- Expiry of Commonwealth approval 1 January 2031
- Publish Annual Compliance Report 4 March 2016

Responsibility for compliance

Responsibility for compliance with all approval conditions sits with Roads and Maritime.

NSW planning approval

Condition 29 (of the Commonwealth approval) provides for the use of plans, strategies or reports required under the NSW approval to satisfy the requirements of the Commonwealth approval, subject to provision of a separate document demonstrating how the document addresses the relevant Commonwealth approval requirements.

Specialists in the fields of flora and fauna have been engaged by Roads and Maritime and the construction contractor to undertake various ecology-related management activities with regard to complying with the NSW planning approval and the CEMP. The following specialist had been engaged to undertake ecology related activities prior to the EPBC approval:

- Benchmark Environmental Management (BEM) has prepared an ecological monitoring program that addresses relevant matters in the NSW planning approval. The ecological monitoring program has been incorporated into the CEMP for the contractor to implement during construction.
- Ecos Environmental (Ecos) has been engaged by Roads and Maritime to prepare and Threatened Flora Translocation Program that addresses relevant matters in the NSW planning approval and has additionally been engaged by the contractor to provide advice on the

implementation of the translocation program and provide specialist advice on flora to implement other CEMP requirements.

- Sandpiper Ecological Surveys (SES) has been engaged by the contractor to provide specialist advice on fauna to implement CEMP requirements

This document contains actions relevant to compliance with the NSW planning approval that are also considered to satisfy compliance with Commonwealth approval requirements.

Definitions for action status conditions

TBA	To Be Arranged - Further works required prior to starting action.
In progress	Action initiated but not yet complete.
Ongoing	Action in place but ongoing works required to ensure compliance.
Complete	Action completed.

Non Compliances with EPBC conditions

One non-compliance for the period was recorded. The non-compliance related to the late publication of the 2014/15 annual compliance report. The report was due for publication on 4 March 2015 and DoE was advised that the report was published on the Roads and Maritime website on 9 March 2015. Alex Taylor, Acting Director of the Compliance Monitoring Team from DoE in a letter dated 7 January 2015 noted the late notification of publication of the report but the department had elected to take no further action.

Roads and Maritime commits to ensuring all subsequent annual compliance reports will be published prior to the due date as set out in Condition 24.

Condition 1

The person taking the action must not clear more than:

- a) 171 ha of koala habitat;
- b) 184 ha of grey-headed flying-fox habitat
- c) 166 ha of spotted-tail quoll habitat;
- d) 73 ha of habitat for the swift parrot and regent honeyeater; and
- e) 36 ha of habitat for the cryptic forest twiner and clear milkvine.

Action	Timing	Status	Compliance evidence
1.1 Progressive review of area cleared	Regularly during construction	In progress	Record of clearing numbers
1.2 Review outstanding clearing requirements at 75% clearing to confirm clearing limitation targets will be met	Construction (75% clearing)	Complete	Memo provided 18-6-2014
1.3 Confirm clearing limitation targets have been met	Post-construction	TBA	As built survey of actual clearing area. Not able to action until after completion of clearing. Memo/short report

October 2015 Design Clearing Quantities (EN1 FDD + Additions)			
Habitat Type	Design quantity (ha)	Limit (ha) as per Condition 1 Approval	Current difference showing remaining habitat (ha) under Condition 1 Approval
Koala	158.13	171	12.87
Grey-headed flying-fox	171.13	184	12.87
Spotted –tail quoll habitat	71.68	166	94.32
Swift parrot and regent honeyeater	71.68	73	1.32
Cryptic forest twiner and clear milkvine	34.10	36	1.90

Mainline clearing was completed during 2014. There is potential for minor ongoing clearing associated with ancillary works to be undertaken till the completion of the project.

Clearing quantities slightly reduced as the clearing for the Old Coast Road haul road quantities were handed over to the Warrell Creek to Nambucca Heads project.

Condition 2

Within 30 days of the completion of *construction* works, the person taking action must:

- a) notify the Minister in writing of the completion of construction; and
- b) provide a report (supported by appropriate mapping) that clearly shows the location of all vegetation and EPBC species habitat cleared as a result of the action, and that demonstrates compliance with Condition 1.

Action	Timing	Status	Compliance evidence
2.1 Prepare works as executed Environmental and Clearing Plans to show extent of clearing.	2 Jan 2017	TBA	Report & supporting mapping
2.2 Calculate final clearing quantity and include in summary table.	2 Jan 2017	TBA	Report & supporting mapping
2.3 Provide written notification (letter) of completion of construction and report to Dept of the Environment	2 Jan 2017	TBA	Notification letter Completed document transmittal form or equivalent

Condition 3

The *person taking the action* must undertake progressive rehabilitation of *EPBC species' habitat* in areas where *temporary infrastructure* is to occur or, where *short term* impacts are anticipated. Where appropriate, the landscaping / rehabilitation of these areas must be done in a manner that targets the needs and requirements of *EPBC species*.

Action	Timing	Status	Compliance evidence
3.1 Finalise urban design and landscape plan to capture rehabilitation and revegetation temporary works and areas of short term impact.	Pre-construction or prior to any works in EPBC species habitat areas during construction	Approved Feb 2015	Urban design and landscape plan
3.2 Implement rehabilitation / landscaping of affected areas as per landscape design.	Following cessation of use of affected areas	Ongoing	Annual reporting. To date 90% of batters within the alignment have been treated with a hydro mulch cover crop.

Note: Urban design landscape plan was approved by NSW Department of Planning (DoP) in February 2015.

Landscape planting commenced on Wednesday 4 November 2015. The creek diversions and fauna passages are being given priority within the landscape planting program.

Condition 4

At completion of construction (and every three years thereafter for the life of this approval or until *the Minister* has agreed in writing that further revisions are no longer required) a progress report assessing the effectiveness of restoring habitat on site (in accordance with Condition 3) must be provided to *the Minister*.

Action	Timing	Status	Compliance evidence
4.1 Submit progress report 1 to Dept of the Environment	3 Dec 2016	TBA	Completed document transmittal form or equivalent
4.2 Submit progress report 2 to Dept of the Environment	3 Dec 2019	TBA	Completed document transmittal form or equivalent
4.3 Submit progress report 3 to Dept of the Environment	3 Dec 2022	TBA	Completed document transmittal form or equivalent
4.4 Submit progress report 4 to Dept of the Environment	3 Dec 2025	TBA	Completed document transmittal form or equivalent
4.5 Submit progress report 5 to Dept of the Environment	3 Dec 2028	TBA	Completed document transmittal form or equivalent

Condition 5

Prior to *commencement of the action* the person taking the action must engage a *suitably qualified expert* to:

- a) map any areas of habitat for EPBC species that lie adjacent to the construction zone;
- b) map the locations of known individuals of clear milkvine and cryptic forest twiner that lie adjacent to the construction zone;
- c) map any areas of lowland rainforest of subtropical Australia that lie adjacent to the construction zone; and
- d) clearly mark exclusion zones along (or around) these areas on site.

Action	Timing	Status	Compliance evidence
5.1 Engage suitably qualified expert	Prior to start of construction	Complete	Ecos Environmental mapped vegetation and habitat types with information included in SAPs.
5.2 SAPs to show required items	Prior to construction in affected areas	Complete	SAPs drafted prior to start of construction. SAPs – amended as required with any updated information
5.3 Exclusion zones to be marked on site as appropriate	Prior to construction in affected areas	Complete	Exclusion zone delineation installed prior to construction in affected areas and maintained as required. Ongoing compliance documented through surveillance checklist.
5.4 SAPs Updated	Construction	Ongoing (last revised October 2014)	SAPs updated following new information or removal of sensitive area. Tracked through updated revision of the SAPs. (Refer to Attachment 2)

The ER audit on the threatened Flora and Fauna Management Plan was completed in August 2015. No NCRs were raised and the project was deemed to have complied with the NSW and Commonwealth MCOA, TFMP, and Statement of Commitment requirements. Several opportunities for improvement were noted and are listed below;

- Look to modify timing for ongoing annual surveys to pick up flowering of key species and allow for hand pollination of species etc. Current surveys undertaken in mid-summer and mid-winter.
- Monitor tree branch sections to ensure plants (*Dendrobium melaleucaphilum*) attach to host. The tape utilised may need replacement regularly until attachment to the host tree occurs.
- Modify survey period to ensure monitoring period is closer to end of flowering period. Plants observed to be flowering well during site inspection. Confirm all species as being *D.melaleucaphilum* during next flowering season.

- Due to flooding, many plants (*Artanema fimbriatum*) have been lost. Ensure future translocation programs assess potential flood levels.
- Some fencing on site 1 not completed and requirement to be reviewed during next monitoring period.
- Confirm during next reporting period that plant losses were not attributed to reduced watering regime in initial months of program.
- Record watering when it occurs for future events.
- Mulching requirements to be reviewed and recorded in monitoring reports
- Include remaining data for all individuals when monitoring survey period allows recording of flowering etc.
- Suggest that flagging tape be removed from *D. melaleucaphilum* to reduce theft of this species which occurred during the initial translocation. Another method of marking these specimens with required data should be investigated.

These opportunities for Improvement are being investigated by the contactor and Roads and Maritime.

Condition 6

To mitigate and reduce indirect impacts on the *exclusion zones* identified as a requirement of Condition 5, the *person taking the action* must:

- a) ensure that temporary and high visibility fencing will be erected to restrict access to *exclusion zones*. Temporary fencing must be of a design appropriate to deter the passage of vehicles or placement of construction materials, equipment and waste, in *exclusion zones* where accidental incursion could reasonably occur;
- b) implement measures to prevent the spread or establishment of new or additional weed species, soil or plant pathogens into these *exclusion zones* as a result of *construction*;
- c) implement stormwater management measures to prevent the unintentional diversion or discharge of stormwater during both construction and operation over *exclusion zones*; and
- d) implement targeted measures for managing construction impacts to *cryptic forest twiner* and *clear milkvine* associated with dust, sedimentation and erosion.

Action	Timing	Status	Compliance evidence
6.1 Implement protection measures:			
(a) Fencing of exclusion zones	During construction	Complete	Exclusions zones installed prior to clearing. Exclusion delineation to be maintained until construction completion. Environmental surveillance checklist documenting compliance.
(b) Prevent spread of weeds, soil or pathogens	During construction	Ongoing	CEMP measures include implementation of Roads and Maritime best practice measures detailed in the biodiversity guidelines. Including plant wash down prior to entry onto site and separation and segregation of weed infested topsoil. Environmental surveillance checklist documenting compliance.
(c) Stormwater measures to prevent discharge of stormwater during construction and operation over exclusion zones	Detailed design and during construction	Ongoing	Detailed design includes the retention and treatment of road runoff adjacent to sensitive areas. CEMP measures include implementation of best practice erosion and sediment controls during construction. Environmental surveillance checklist documenting compliance

Action	Timing	Status	Compliance evidence
(d) Implement target measures to manage construction impacts to threatened flora.	During construction	Ongoing	<p>Directly and indirectly impacted threatened flora removed from site through implementation of Threatened Flora Management Plan.</p> <p>CEMP includes best practice measures to manage dust and erosion and sedimentation impacts. Environmental surveillance checklist documenting compliance.</p> <p>Progressive revegetation to be undertaken to provide dense ground cover that excludes weeds. Revegetation checklists maintained monthly.</p>
6.2 Monitor In-situ Roadside Threatened Flora	Every 6 months for the first two years and then yearly for 5 years.	Ongoing (Refer to Attachment 1 for Year Two Summary Report)	Summary of roadside threatened plant monitoring prepared and included in the annual translocation monitoring report (Attachment 1)

Monthly weed management reports are submitted by Lend Lease to Roads and Maritime. The reports identify areas of concern and track the progress of weed eradication activities.

In Situ road side threatened flora monitoring has been completed at six monthly intervals (July 2015 and February 2016) as required by ECOS Environmental. A summary of ECOS findings are provided below;

- Five in-situ Slender Marsdenia within 10 metres of the edge of clearing/construction were monitored. Three were omitted as the location is no longer required, ancillary works area (Ironbark Trail). After two years (February 2016), all individuals had leaves or new shoots and appeared to be healthy and in similar condition to before clearing of the highway corridor.

Condition 7

The *person taking the action* must engage a *suitably qualified expert* to undertake pre-clearing fauna searches within all areas proposed for disturbance, including: hollow bearing trees, logs, existing culverts and bridges, no earlier than 48 hours prior to the removal of vegetation occurring in that area to ensure that the area is free of the *koala* and *spotted-tail quoll*.

Action	Timing	Status	Compliance evidence
7.1 Engage suitably qualified expert	Prior to start of construction	Complete	Sandpiper Ecological Surveys engaged by contractor in accordance with SWTC Appendix 5. (Refer to Attachment 4 Annual Fauna Monitoring Summary Report)
7.2 Pre-clearing fauna searches identified as activity in fauna management plan (or equivalent)	Prior to start of construction	Complete	BEM Ecological Monitoring Program
7.3 Undertake pre-clearing fauna searches as required	Prior to start of construction in specified areas	Ongoing	Environmental surveillance checklist.

- Minor clearing was undertaken with 4 pre clearing inspection taking place during the reporting period. No fauna was captured or Hollow bearing trees recorded during preclear inspections.
- Sections 2.1 and 3.2 of the ecological monitoring program prepared by BEM and the approved CEMP addresses undertaking pre-clearing fauna searches and fauna relocation.
- Section 5 of the ecological monitoring program prepared by BEM addresses reporting.

Condition 8

The *person taking the action* must implement measures to relocate and/or ensure the appropriate care of individuals of *EPBC species* that are identified during searches referred to in condition 7.

Action	Timing	Status	Compliance evidence
8.1 Provide for appropriate fauna relocation measures in CEMP documentation	Prior to construction	Complete	Fauna rescue procedure contained with the FFMP. A specific koala relocation strategy has been prepared and forms an attachment to the Clearing and Grubbing Environmental Work Method Statement.
8.2 Relocate affected fauna as per procedures in ecological monitoring program	As part of pre-clearing activities	Ongoing	Environmental surveillance checklist. (refer to Attachment 6)

Note:

- CEMP contains fauna rescue procedure and a specific koala relocation strategy was developed by SES in consultation with NSW EPA Senior Threatened Species Officer.
- A koala was spotted just west of the main alignment crossing Ballards Road on 13 March and the 31 July 2015. A VMS was installed to advise drivers of the koala and to slow down. The project ecologist attended site both times and Brian Tolhurst from the EPA was notified. This koala was in a similar location on both occasions.
- Further sightings of a Kola were observed on 27/10/15 on the existing Pacific Highway immediately north of the Ballards Road interchange. An immediate review of the temporary fencing in the area was completed by the project's ecologist. The ecologist advised that small section of fence that was damaged be repaired. No further actions were recommended. LLE have been directed to repair the fence and this works has since been completed.
- On the 31/10/2015 a Koala was again spotted crossing Ballard's Rd near the main compound. Emails have gone out to the wider site team reminding them that Koalas are on the move and to be diligent when travelling around site.
- Refer to Condition 10, which details further actions taken in relation to protection of EPBC listed fauna.

Condition 9

Prior to *commencement of the action* the person taking the action must engage a *suitably qualified expert* to collect baseline data on *local populations* of the *koala* and *spotted-tail quoll*. The data must address the likely densities and distribution of these species within all habitat *adjacent to the construction* footprint that are likely to contain these species and that are likely to be adversely impacted by *the action* (as determined by a *suitably qualified expert*).

Action	Timing	Status	Compliance evidence
9.1 Engage suitably qualified expert	Prior to start of construction	Complete	Roads and Maritime engagement of BEM.
9.2 Review existing baseline data and assess adequacy with regard to specified matters for management of impacts on identified fauna species	Prior to completion of clearing.	Complete	Short report or equivalent documenting review outcomes and any identified information gaps
9.3 Where substantive information gaps are identified, develop strategy to obtain required information	Prior to construction activity in adjacent to areas containing potential habitat for either of the two species	Complete	Short report or equivalent documenting methodology used for monitoring, results of monitoring and compiling the new results with existing information.

Note:

- BEM provided the report in August 2014 that consolidates actions 9.2 and 9.3. The report concluded that the local koala population in the vicinity of the project corridor is of low density. Consequently, the available information is insufficient to determine an accurate estimate of the koala population. However, assuming there is a low density of koalas in the locality, the project corridor appears to traverse only a small number of home ranges of individual koalas. The project design incorporates a combination of fauna exclusion fencing and fauna underpass structures within 500 metres of each sample site where koala activity was recorded. The project is expected to have minimal impact on the viability of the local koala population by preventing direct mortalities during vegetation clearing and operation and by maintaining opportunities for safe koala movement across the project corridor once operational.
- In reference to spotted tail quolls, no quolls were identified during the study. This is not definitive evidence that the species does not occur in the study area. Whether there is a resident population is uncertain but the distribution of records and presence of recent (2010) records are sufficient to conclude that quolls utilise the study area. Quolls are predicted to occur at low densities and with heightened awareness records may be obtained during construction or in the operational phase. Given the predicted occurrence of quolls the implementation of specific measures, such as underpasses and fauna fencing is warranted to enable quolls to effectively cross the upgraded highway.
- Koala surveys completed by OEH (Jon Turbill) for Bellingen and Nambucca Shire Councils were also used to assess the need for fauna fencing. Following a meeting onsite, further fauna fencing was specified for the south of Oyster Creek. This followed Koala sightings to the immediate east of Oyster Creek during OEH monitoring.

Condition 10

The *person taking the action* must construct and maintain *fauna crossings* and fencing in areas that are likely to benefit the koala and *spotted-tail quoll*.

Action	Timing	Status	Compliance evidence
10.1 Provide for fauna crossings and fencing in detailed design	During design	In progress	Final design showing required fauna crossings and fencing. Refer to Attachment 5 for the underpass monitoring report.
10.2 Construct fauna crossings and fencing	Construction	In progress	Refer to Attachment 5 for the underpass monitoring report.
10.3 Undertake regular maintenance of fauna crossings and fencing	Post-construction	TBA	Annual reporting and/or maintenance inspection reports

Note:

- Construction of the permanent fauna fencing commenced in June 2015
- All combined /dedicated fauna crossing have been completed and installation works have now commenced on vertical and horizontal refuge poles that offer connection from the mitigation structures to the adjacent native vegetation. A total of 22 combined and 4 incidental crossing have been constructed on the project
- Further temporary fauna fencing was constructed on the western boundary of the Ballards Road intersection upgrade during June 2015.
- The project scope has increase to include approximately 4km of additional permanent fauna fencing to be installed around the Waterfall Way intersection. The fencing will start at the Short Cut/South Arm intersection and work its way to the northern most extent of the project. This followed the koala road kill recorded in August 2014 immediately south of the existing Waterfall Way interchange. This work is expected to be completed in the first half of 2016.

As of January 2016, approximately 75% of fauna fencing has been constructed across the project.

Condition 11

The *person taking the action* must engage a *suitably qualified expert* to advise on the design and location of *fauna crossings*, fencing and road medians, for the purpose of maintaining habitat connectivity and facilitating the safe passage of the *koala* and *spotted-tail quoll* across the Pacific Highway.

A *suitably qualified expert* must also be engaged to design a comprehensive monitoring program that tests the *long term success* of these measures.

Action	Timing	Status	Compliance evidence
11.1 Design development in consultation with NSW EPA Biodiversity Specialist	During design	Complete	Environmental Design Fauna Crossing Refinements report approved by NSW DP&I.
11.2 Engage suitably qualified expert to design monitoring program	Prior to start of construction	Complete	Roads and Maritime engagement of BEM
11.3 Prepare monitoring program	Prior to start of construction	Complete	BEM Ecological Monitoring Program

Note:

- Monitoring addressed via Section 3.5 of BEM ecological monitoring program.
- The Before-After Control Versus Impact (BACI) design of the monitoring program requires the monitoring of the fauna crossings prior to the installation of the fauna fence (i.e. before the underpass structures become operational).
- The first stage of the construction phase underpass monitoring was conducted in October and November 2014. The second stage was undertaken in February and March 2015.
- The 1st Year underpass monitoring report was received in October 2015. The report found

Construction phase monitoring of underpasses at N2U across two seasons revealed use by a similar yet smaller range of vertebrates to that reported at other Pacific Highway upgrade locations

At least one introduced predator (i.e. dog, fox, cat) was recorded in each underpass and cat was recorded in all underpasses except Dalhousie Creek despite being detected in adjacent habitat. Fox was recorded in three underpasses and dog in two. The McGraths Creek control site, the least disturbed site, recorded fox and cat using the underpasses and dog in adjacent habitat.

Condition 12

To inform the *long term success of fauna crossings*, fencing and road medians the *person taking the action* must engage a *suitably qualified expert* to prepare a strategy for monitoring and recording any road kill sightings of the *koala* and *spotted-tail quoll* along the *Pacific Highway*. Prior to *commencement of the action*, the road kill monitoring and recording strategy must be implemented.

Action	Timing	Status	Compliance evidence
12.1 Ecological Monitoring Program to include road kill monitoring and recording strategy	Prior to start of construction	Complete	Section 3.5.3 of the Ecological Monitoring Program specifies road mortality monitoring and recording strategy
12.2 Implement strategy	Prior to start of construction and ongoing during construction	In progress	Environmental surveillance checklist. Summary provided below.
12.3 Report on outcomes of monitoring strategy	Construction Post-construction	Ongoing	Annual reporting

Threatened Fauna Road Kill – Summary:

Date	Species	Location
-	-	-

There were no recorded threatened road kills for the reporting period.

- Attachment 4 details the annual fauna monitoring reports completed for the project.

2.2 Road-kill surveys

Road-kill surveys along the Pacific Highway were undertaken throughout the clearing phase (i.e. December to July). A weekly two-way vehicle traverse between the Waterfall Way interchange and the Nambucca Heads exit (Link Road) was conducted. The survey was conducted at speeds of 50-80km/h. The single traverse was supplemented by multiple shorter traverses during weekly movement throughout the site. Care was taken to avoid duplicating records and all records subsequent to the full traverse were vetted. Data collected included: survey date, species or species group (e.g. wallaby, possum, and bird), location (distance to nearest cross-road), presence of clearing within past 48 hours and presence of safety barriers or exclusion fence. Safety requirements prohibited pedestrian access onto the existing highway and therefore it was not possible to closely inspect road-killed fauna to improve accuracy of identification.

3.3 Road kill survey

A total of 102 records of road-killed fauna were obtained between 17 December 2013 and 29 September 2014 (Table B6, Appendix B). Twenty species and several species groups (i.e. snake, bird) were identified during the survey. The ability to identify species depended

on the degree to which the carcass had been degraded and location within the road alignment. Animals on the pavement were easier to identify than those on the verge.

For comparison, the sample area was divided into two sections, adjoining clearing (Link Road to 250m north Ballards Road & 600m north Short Cut Road to Waterfall Way overpass – total of 12.71km) and no clearing (250m north Ballards Road to 500m North Short Cut Road – total of 8.95km). Fifty-nine records occurred adjacent to the clearing section and 43 adjacent to non-cleared areas. In the clearing section six records occurred within 48 hours of clearing with a further 34 records after clearing but outside the 48 hour period. In total, 68% of records adjacent to the cleared section occurred after clearing. Between 4 July and 29 September 29 road-kills were recorded, 20 of which (or 69%) occurred in the cleared section. In comparison, of the 73 records between 17 December and 30 June 53% occurred in the cleared section.

Four records occurred in areas with concrete barriers and all were after clearing. Eight records occurred within or near the area with temporary koala fence, several of which occurred near the end of fencing. The two koala road-kills are not included in the data presented as neither was recorded during a road-kill survey.

The alignment was divided into nine sections based on the frequency of road-kills. Sections include:

- Deep Creek area - Chainage 63850-65600; 1750m (12 records; 67% after clearing).
- Valla Beach Road area - Chainage 66100-67700; 1600m (18 records; 100% after clearing).
- Burkes Lane area - Chainage 68200-69600; 1400m (10 records; 40% after clearing).
- Jacksons area - Chainage 69700-71300; 1600m (4 records; nil after clearing).
- Ballards Road area – Chainage 71500-72750; 1250m (8 records; 50% after clearing).
- Dalhousie Creek to Tower Road; 1500m (5 records).
- Martells Road area; 1100m (9 records).
- Urunga township; 3800m (25 records).

Condition 13

One year following the *completion of construction works*, the *person taking the action* must provide a report to *the Minister* detailing the success and/or failings of *fauna crossings*, fencing and road medians in achieving their intended purpose. The report must address (but need not be limited to):

- a) baseline data collected as a requirement of conditions 9 and 12;
- b) the number, *design* and location of *fauna crossings*, fencing and road medians, accompanied by maps and photographs;
- c) details of a monitoring program to determine the *long-term success* of *fauna crossings*, fencing and road medians (including timing, duration, methodology, and performance objectives);
- d) the success of *fauna crossings* to date; and
- e) a comparison of data / results from other projects involving upgrades to the *Pacific Highway* regarding the long-term success of fauna crossings and/or fencing;

The report must be updated on a three-yearly basis until the *long term success* of *fauna crossings* has been proven or *the Minister* has agreed in writing that further revisions are no longer required. All updated reports must be provided to *the Minister* within three years of the last report having been submitted.

Action	Timing	Status	Compliance evidence
13.1 Provide fauna crossings, fencing and road medians outcomes report to Dept of the Environment	By 3 Dec 2017	TBA	Transmittal form (and any confirmation of receipt)
13.2 Provide updated fauna crossings, fencing and road medians outcomes report to Dept of the Environment	By 3 Dec 2020	TBA	Transmittal form (and any confirmation of receipt)
13.3 Provide updated fauna crossings, fencing and road medians outcomes report to Dept of the Environment	By 3 Dec 2023	TBA	Transmittal form (and any confirmation of receipt)
13.4 Provide updated fauna crossings, fencing and road medians outcomes report to Dept of the Environment	By 3 Dec 2026	TBA	Transmittal form (and any confirmation of receipt)
13.5 Provide updated fauna crossings, fencing and road medians outcomes report to Dept of the Environment	By 3 Dec 2029	TBA	Transmittal form (and any confirmation of receipt)

Condition 14

Should monitoring associated with conditions 11 to 13 demonstrate that the use of *fauna crossings* and/or fencing is not achieving its intended purpose or is having a detrimental effect upon *EPBC species* (as determined by *the Minister*), *the Minister* may request that the *person taking the action* implement alternative forms of mitigation and/or corrective actions to address the relevant impacts to *EPBC species*. Such measures must be implemented as requested.

Action	Timing	Status	Compliance evidence
14.1 Implement additional mitigation/corrective actions	As and when directed by the Minister	TBA	Annual reporting or as directed by the Minister

Condition 15

The *person taking the action* must implement a salvage and translocation program for all individuals of *Clear Milkvine* and *Cryptic Forest Twiner* that are proposed to be cleared as a result of *the action*. Translocation procedures must be developed and implemented by a *suitably qualified expert* in accordance with *Guidelines for the Translocation of Threatened Plants in Australia* prepared by the Australian Network for Plant Conservation.

Action	Timing	Status	Compliance evidence
15.1 Engage suitably qualified expert	Prior to construction	Complete	Engagement of Ecos to prepare Threatened Flora Management Plan.
15.2 Develop translocation procedures	Prior to construction	Complete	Ecos TFMP developed in consultation with NSW EPA Biodiversity Specialist and approved by NSW DP&I.
15.3 Implement translocation procedures	During construction	Complete	Annual reporting. First report completed January 2015. Second report completed January 2016 (See Attachment 3)

Notes:

- These two species are referenced in Section 2.7 (*Establishment of translocation areas*) of the BEM ecological monitoring program by their scientific names, ie *Marsdenia longiloba* (Clear Milkvine), and *Tylophora woollsii* (Cryptic Forest Twiner).
- A Threatened Flora Translocation Program was developed by Ecos in consultation with the NSW Biodiversity Specialist and approved by the NSW DP&I. The program includes a salvage and translocation program for all individuals of *Clear Milkvine* and *Cryptic Forest Twiner* that are proposed to be cleared and the program is considered to meet the requirements of Condition 15. The translocation monitoring report is detailed in Attachment 3.
- The annual monitoring report for 2015 found that;
 - After two years the majority of species maintained relatively high survival rates. The result for Slender Marsdenia in Sector A (direct transplant, no fertiliser), survival 71.3% was considerably higher than for the Bonville project (55% and 33%), which supports the hypothesis that low survival on the Bonville was due to the negative effects of fertiliser and holding of plants in a nursery environment. The fertiliser treatments applied to propagated Slender Marsdenia in Sectors F and J are showing a consistent negative effect on plant height, but little differential effect on survival rate.
 - The Tylophora has maintained a survival rate similar to Slender Marsdenia, but plants are in poorer condition. Most surviving plants are affected by insect grazing and reduced to leafless green stems.

Condition 16

One year following the *completion of construction works*, the person taking the action must provide a report to *the Minister* detailing the long term success of the translocation program. The report must include, but need not be limited to:

- a) background information on translocated species (in relation to ecological requirements and life history);
- b) the scope of the translocation program (with respect to timing, duration, methodology, and objectives, as well as comprehensive details on the recipient translocation site(s) and how they meet the ecological requirements of each species);
- c) details of a comprehensive monitoring program to determine the *long-term success of translocation*; and
- d) the success of translocation to date.

Action	Timing	Status	Compliance evidence
16.1 Prepare translocation outcomes report addressing specified matters and other relevant matters	Prior to 3 Dec 2017	TBA	Completed report
16.2 Provide translocation outcomes report to Dept of the Environment	By 3 Dec 2017	TBA	Transmittal form (and any confirmation of receipt)

Condition 17

The report must be updated on a three-yearly basis to provide further insights on the *long-term success* of translocation. All reports must be provided to *the Minister* and made available on the *person taking the action's* website for the life of this approval or until *the Minister* has agreed in writing that further revisions are no longer required.

Action	Timing	Status	Compliance evidence
17.1 Update translocation outcomes report (update #1) and provide to Dept of the Environment	3 Dec 2020	TBA	Completed report Transmittal form (and any confirmation of receipt)
17.2 Update translocation outcomes report (update #2) and provide to Dept of the Environment	3 Dec 2023	TBA	Completed report Transmittal form (and any confirmation of receipt)
17.3 Update translocation outcomes report (update #3) and provide to Dept of the Environment	3 Dec 2026	TBA	Completed report Transmittal form (and any confirmation of receipt)
17.4 Update translocation outcomes report (update #4) and provide to Dept of the Environment	3 Dec 2029	TBA	Completed report Transmittal form (and any confirmation of receipt)

Note:

- Uploading of the reports to the project website is addressed via compliance with Condition 29.

Condition 18

With reference to the *department's offset policy*, the *person taking the action* must provide for the *Minister's* approval a threatened flora offset strategy for the *clear milkvine* and *cryptic forest twiner*, within 12 months of the date of this approval. *The Minister* will only approve the Threatened Flora Offset Strategy (TFOS), if it demonstrates how a threatened flora offset meeting no less than 90 % of the direct offset requirements (as determined *by the department* in accordance with the offset user guide) will be legally secured in perpetuity within two years of the date of this approval.

Note: At the time the offset required by condition 18 is submitted for approval, the person taking *the action* may ask the Minister to consider that the salvage and translocation program required by condition 15, meets 10% of the offset requirements for the *clear milkvine* and *cryptic forest twiner*.

Action	Timing	Status	Compliance evidence
18.1 Prepare TFOS in accordance with Dept of the Environment offset policy and addressing specified matters	By 26 Nov 2014	Completed	Completed TFOS
18.2 Submit TFOS to Dept of the Environment for approval	By 26 Nov 2014	Submitted to DoE on the 21/11/14	Transmittal form (and any confirmation of receipt)

Action 18.1:

- Prepare brief for tender (Complete)
- Tender assessment – (Complete)
- Draft for Roads and Maritime review expected (Complete)
- Roads and Maritime review (Complete)
- Final of the TFOS (Complete)

Action 18.2:

- Submitted to DoE for approval 21/11/2014
- Comments received from DoE 02/09/2015
- Amended report provided to DoE 02/10/2015
- Variation letter submitted to DoE on 20/11/2015 to request the removal of a timeframe to secure the offset property in perpetuity and tie that in with the approval of the TFOMP.
- Comments received from DoE 30/11/2015
- The TFOS is currently being reviewed by GHD and Roads and Maritime. The revised document will be submitted to DoE once the review is completed.

Condition 19

The *person taking the action* must provide a plan for the management and delivery of the offset requirements of the threatened flora offset to *the Minister* for approval no later than 30 June 2015. The Threatened Flora Offset Management Plan (TFOMP) must include, but need not be limited to:

- a) map(s) and *shapefiles* that clearly define the location and boundaries of the offset;
- b) details on the *quality* of the offset;
- c) information about *clear milkvine* and *cryptic forest twiner* (in relation to ecology, biology and conservation status) to inform appropriate management actions;
- d) performance objectives and management actions that will enable maintenance and enhancement of *clear milkvine* and *cryptic forest twiner* the offset and habitat covered by the plan;
- e) demonstration that any management actions to be undertaken will not adversely impact *EPBC species* (for example, this may apply to herbicide usage);
- f) a description of funding arrangements or agreements including work programs and responsible entities;
- g) an assessment of the baseline population and distribution for *clear milkvine* and *cryptic forest twiner* within the offset, including:
 - i) the number of plants protected and their location;
 - ii) plant and habitat condition; and
 - iii) age classes.
- h) measures for regular monitoring of the status of individuals of *clear milkvine* and *cryptic forest twiner* and their habitat as measured against the baseline population and distribution, including:
 - i) fluctuations in population size and distribution;
 - ii) life cycle patterns
 - iii) habitat requirements; and
 - iv) response to disturbances and/or management actions.
- i) Provision to revise the approved threatened flora offset management plan in response to the findings of research associated with condition 20(h).

The approved TFOMP must be implemented within seven days of its approval.

Action	Timing	Status	Compliance evidence
19.1 Prepare TFOMP addressing specified matters and other relevant matters	By 30 Jun 2015	In progress	Completed TFOMP
19.2 Provide TFOMP to Dept of the Environment for approval	By 30 Jun 2015	In Progress	Transmittal form (and any confirmation of receipt)
19.3 Implement TFOMP	Within 7 days of Minister's approval	TBA	Annual reporting
19.4 Report on outcomes of	During	TBA	Annual reporting

Action	Timing	Status	Compliance evidence
TFOMP	construction Post- construction		

Action 19.1:

- GHD engaged and property surveys completed
- An area within Boambee State Forrest has been identified and Roads and Maritime are currently negotiating with State Forests regarding protection of this area in perpetuity as a Flora Reserve.
- Roads and Maritime wrote to DoE on 30/06/2015 requesting urgent consideration of the TFOS and seeking an extension of time to submit the TFOMP by 3 months, until 30/09/2015.

Action 19.2

- TFOMP was submitted to DoE on the 02/10/2015 for approval.
- Comments received from DoE on 30/11/2015. The plan is currently being reviewed by GHD and Roads and Maritime. The revised document will be resubmitted once the review is completed.

Condition 20

Within three months from the date of this approval, the person taking the action must provide to the Minister, a strategy that details how, and when, the Norton Offset Site and Griffin Offset Site (as described in the referral documentation), will be legally secured in perpetuity by the person taking the action.

If the EPBC species habitat cleared as a result of the action is less than the impacts described in the referral documentation then any surplus biodiversity offset areas included in the offset management plans referred to in condition 19 and condition 21 could be secured as biodiversity offsets for other actions undertaken by the person taking the action and included in the offset strategies for those actions.

Action	Timing	Status	Compliance evidence
20.1 Prepare strategy to legally secure offset sites in perpetuity	By 26 Feb 2014	Complete	Both Norton and Griffin sites have been purchased by Roads and Maritime.
20.2 Provide strategy to Dept of the Environment	By 26 Feb 2014	Complete	Letter provided to Dept on 11-2-2014

Condition 21

Within 12 months from the date of this approval, the *person taking the action* must provide to the *Minister* for approval, a plan for the management of the Norton Offset Site and Griffin Offset Site. The Norton and Griffin Offset Management Plan (NGOMP) must be targeted to the ecological requirements of the *koala, grey-headed flying-fox, spotted-tail quoll, regent honey eater and swift parrot* and build upon the ideas and concepts described in the *referral*. The plan must include, but need not be limited to:

- a) map(s) and *shapefiles* that clearly define the location and boundaries of the offset sites;
- b) details on the quality of the offset with reference to all *EPBC species* this plan is intended to protect;
- c) information about the *koala, grey-headed flying-fox, spotted-tail quoll, regent honey eater and swift parrot* (in relation to ecology, biology and conservation status) to inform appropriate management actions;
- d) the results of targeted field surveys within both offset sites (undertaken at any ecologically appropriate time of the year) to assess habitat suitability and presence / absence of individuals in relation to the *koala, grey-headed flying-fox, spotted-tail quoll, regent honey eater and swift parrot*;
- e) clear performance objectives and management actions that will enable maintenance and enhancement of habitat within the offset area, as well as contribute to the better protection of individuals and/or populations of *EPBC species* onsite;
- f) an assessment of the baseline population for *EPBC species* which are detected within the offset area during field surveys;
- g) demonstration that any management actions to be undertaken will not adversely impact *EPBC species* (for example, this may apply to pest control);
- h) a description of funding arrangements or agreements including work programs and responsible entities;
- i) details of a comprehensive long term monitoring program for determining the effectiveness of management actions;
- j) commitments to undertake contingency measures and corrective actions in the event that performance objectives are not met; and
- k) anticipated timeframes for achieving performance objectives.
- l) The approved Norton and Griffin offset management plan must be implemented within seven days of its approval.

Action	Timing	Status	Compliance evidence
21.1 Prepare NGOMP addressing specified matters and other relevant matters	By 26 Nov 2014	Complete	Completed NGOMP

Action	Timing	Status	Compliance evidence
21.2 Provide NGOMP to Dept of the Environment	By 26 Nov 2014	Completed - submitted to DoE on the 11/12/14	Transmittal form (and any confirmation of receipt)
21.3 Implement NGOMP	Within 7 days of Minister's approval	Ongoing	Annual reporting

Note:

- It is assumed that satisfactory documentary evidence of implementation of the NGOMP would be provided through annual reporting.

Action 21.1:

- Prepare brief for tender (Complete)
- Tender assessment (Complete);
- Draft for Roads and Maritime review (Complete);
- Roads and Maritime review (Completed)

Action 21.2:

- Final - (Compete)
- Submitted to DoE for approval on the 11/12/14.
- Roads and Maritime wrote to DoE requesting urgent consideration of the NGOMP on 30/6/2015.

Action 21.3:

Contract documentation is currently being prepared by Roads and Maritime for the Property works as specified in the NGOMP including;

- the demolition of the existing building,
- removal of rubbish including asbestos, and
- survey works for boundary fencing.

Condition 22

Within one month after the commencement of *the action*, the *person taking the action* must advise *the Department* in writing of the actual date of commencement.

Action	Timing	Status	Compliance evidence
22.1 Provide written advice to Dept of the Environment of actual date of commencement	4 Jan 2014	Complete	Signed copy of letter on Roads and Maritime letterhead. Provided to Dept on 4-1-2014.

Condition 23

The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement any management plans or 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.

Action	Timing	Status	Compliance evidence
23.1 Quarterly review of the EPBC conditions compliance tracking program.	Quarterly	Ongoing	First review March 2014 Second review June 2014 Third Review September Forth Review October 2014. Fifth Review December 2014 Sixth Review February 2015 Seventh Review April 2015 Eighth Review June 2015 Ninth review August 2015 Tenth review October 2015
23.2 Provide records to Dept of the Environment as requested	As requested	TBA	Transmittal form (and any confirmation of receipt)

Condition 24

Within three months of every one year anniversary of the commencement of *the action*, the *person taking the action* must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and noncompliance with any of the conditions of this approval must be provided to *the Department* at the same time as the compliance report is published.

Action	Timing	Status	Compliance evidence
24.1 Prepare compliance report and upload to project website	By 4 Mar 2015	Complete	Report uploaded to project website. Advice provided to Dept on date of publication and any non-compliances.
24.2 Prepare compliance report and upload to project website	By 4 Mar 2016	TBA	Report uploaded to project website. Advice provided to Dept on date of publication and any non-compliances.
24.3 Prepare compliance report and upload to project website	By 4 Mar 2017	TBA	Report uploaded to project website. Advice provided to Dept on date of publication and any non-compliances.
24.4 Prepare compliance report and upload to project website	By 4 Mar 2018	TBA	Report uploaded to project website. Advice provided to Dept on date of publication and any non-compliances.
24.5 Prepare compliance report and upload to project website	By 4 Mar 2019	TBA	Report uploaded to project website. Advice provided to Dept on date of publication and any non-compliances.
24.6 Prepare compliance report and upload to project website	By 4 Mar 2020	TBA	Report uploaded to project website. Advice provided to Dept on date of publication and any non-compliances.
24.7 Prepare compliance report and upload to project website	By 4 Mar 2021	TBA	Report uploaded to project website. Advice provided to Dept on date of publication and any non-compliances.
24.8 Prepare compliance report and upload to project website	By 4 Mar 2022	TBA	Report uploaded to project website. Advice provided to Dept on date of publication and any non-compliances.
24.9 Prepare compliance report and upload to project website	By 4 Mar 2023	Ongoing	Report uploaded to project website. Advice provided to Dept on date of publication and any non-compliances.
24.10 Prepare compliance report	By 4 Mar 2024	TBA	Report uploaded to project website. Advice provided to

Action	Timing	Status	Compliance evidence
and upload to project website			Dept on date of publication and any non-compliances.
24.11 Prepare compliance report and upload to project website	By 4 Mar 2025	TBA	Report uploaded to project website. Advice provided to Dept on date of publication and any non-compliances.
24.12 Prepare compliance report and upload to project website	By 4 Mar 2026	TBA	Report uploaded to project website. Advice provided to Dept on date of publication and any non-compliances.
24.13 Prepare compliance report and upload to project website	By 4 Mar 2027	TBA	Report uploaded to project website. Advice provided to Dept on date of publication and any non-compliances.
24.14 Prepare compliance report and upload to project website	By 4 Mar 2028	TBA	Report uploaded to project website. Advice provided to Dept on date of publication and any non-compliances.
24.15 Prepare compliance report and upload to project website	By 4 Mar 2029	TBA	Report uploaded to project website. Advice provided to Dept on date of publication and any non-compliances.
24.16 Prepare compliance report and upload to project website	By 4 Mar 2030	TBA	Report uploaded to project website. Advice provided to Dept on date of publication and any non-compliances.

One noncompliance for condition 24 was raised for the period. The noncompliance related to the late publication of the 2014/15 annual compliance report. The report was due for publication on the 4th March 2015 and DoE was advised that the report was published on the Roads and Maritime website on the 9th March 2015. Alex Taylor, Acting Director of the Compliance Monitoring Team from DoE in a letter dated 7th January 2015 noted the late notification of publication of the report but the department has elected to take no further action.

Roads and maritime commits to ensuring all subsequent annual compliance reports will be published prior to the due date as set out in this condition.

Condition 25

Upon the direction of *the Minister*, the *person taking the action* must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to *the Minister*. The independent auditor must be approved by *the Minister* prior to the commencement of the audit. Audit criteria must be agreed to by *the Minister* and the audit report must address the criteria to the satisfaction of *the Minister*.

Action	Timing	Status	Compliance evidence
25.1 Identify potentially suitable auditor(s)	On direction of the Minister	TBA	Tenderer(s) proposal(s) documenting expertise
25.2 Provide auditor's details to Dept of the Environment for approval	On direction of the Minister	TBA	Transmittal form (and any confirmation of receipt)
25.3 Auditor to develop audit criteria	Following receipt of Minister's approval	TBA	Completed audit criteria
25.4 Provide audit criteria to Dept of the Environment for approval	Following receipt of Minister's approval	TBA	Transmittal form (and any confirmation of receipt)
25.5 Conduct audit and document findings	Following receipt of Minister's approval	TBA	Completed audit report
25.6 Provide audit report to Dept of the Environment	At completion of audit	TBA	Transmittal form (and any confirmation of receipt)

- No independent audit of compliance has been requested from *the Minister* to date.
- Compliance review completed in December 2015 by DoE. No Corrective actions were raised during the compliance review.
- Threatened Flora audit completed by ER October 2015, No CARs issued.

Condition 26

If the *person taking the action* wishes to carry out any activity otherwise than in accordance with the TFOS, TFOMP, or NGOMP as specified in these conditions, the *person taking the action* must submit to *the Department for the Minister's* written approval a revised version of that TFOS, TFOMP, or NGOMP. The varied activity shall not commence until the Minister has approved the varied TFOS, TFOMP, or NGOMP in writing. *The Minister* will not approve a varied TFOS, TFOMP, or NGOMP unless the revised TFOS, TFOMP, or NGOMP will result in an equivalent or improved environmental outcome over time. If *the Minister* approves the TFOS, TFOMP, or NGOMP then that TFOS, TFOMP, or NGOMP must be implemented in place of the TFOS, TFOMP, or NGOMP originally approved.

Action	Timing	Status	Compliance evidence
26.1 Assess potential departure(s) from TFOS, TFOMP and/or NGOMP as relevant	As required	TBA	Consistency assessment
26.2 Revise TFOS, TFOMP and/or NGOMP as relevant	As required	TBA	Revised TFOS, TFOMP and/or NGOMP as relevant
26.3 Provide revised TFOS, TFOMP and/or NGOMP as relevant to Minister for approval	As required	TBA	Transmittal form (and any confirmation of receipt)
26.4 Implement revised TFOS, TFOMP and/or NGOMP as relevant in accordance with the Minister's written approval	Prior to any action that would not be consistent with the original approval or subsequent modified approval(s)	TBA	Annual reporting

Condition 27

If *the Minister* believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, *the Minister* may request that the *person taking the action* make specified revisions to TFOS, TFOMP, or NGOMP specified in these conditions and submit the varied TFOS, TFOMP, or NGOMP for *the Minister's* written approval. The *person taking the action* must comply with any such request. The revised approved TFOS, TFOMP, or NGOMP must be implemented. Unless *the Minister* has approved the TFOS, TFOMP, or NGOMP, then the *person taking the action* must continue to implement the TFOS, TFOMP, or NGOMP originally approved, as specified in these conditions.

Action	Timing	Status	Compliance evidence
27.1 Revise TFOS, TFOMP and/or NGOMP as relevant as per directed by the Minister	As directed by the Minister	TBA	Completed revised TFOS, TFOMP and/or NGOMP as relevant
27.2 Provide revised TFOS, TFOMP and/or NGOMP as relevant to Dept of the Environment for approval	As directed by the Minister	TBA	Transmittal form (and any confirmation of receipt)
27.3 Implement revised TFOS, TFOMP and/or NGOMP as relevant in accordance with Minister's written approval	As directed by the Minister	TBA	Annual reporting

Condition 28

If, at any time after five years from the date of this approval, the *person taking the action* has *not substantially commenced the action*, then the *person taking the action* must not *substantially commence the action* without the written agreement of *the Minister*.

Action	Timing	Status	Compliance evidence
28.1 Obtain written agreement of the Minister to substantially commence the project	As required after 25 Nov 2018	Complete	Minister's written agreement. Action substantially commenced on the 4 December 2013

Condition 29

Unless otherwise agreed to in writing by *the Minister*, the *person taking the action* must publish all management plans and reports referred to in these conditions of approval on their website. Each management plan or report must be published on the website within 1 month of being approved, or where approval is not required, on the same day as the report is provided to *the Minister*.

Note

Any plan, strategy or report that has been prepared as a requirement of a state legislation approval (in relation to *the action*) may be used to satisfy the requirements of any of the above conditions, providing the relevant criteria have been met (as specified in these conditions). Where the option is employed, the plan, strategy or report must be accompanied by a standalone document detailing where each of the relevant criteria have been addressed within that plan, strategy or report. This note is particularly relevant to conditions 13, 16, 17, 19, 21 and 25.

Action	Timing	Status	Compliance evidence
29.1 Upload approved NGOMP to project website (21)	Within 1 month of the Minister's approval	TBA	NGOMP uploaded to project website
29.2 Upload approved TFOMP to project website (19)	Within 1 month of the Minister's approval	TBA	TFOMP uploaded to project website
29.3 Upload fauna crossings, fencing and road medians outcomes report to project website (13)	3 Dec 2017	TBA	Report uploaded to project website
29.4 Upload translocation outcomes report to project website (16)	3 Dec 2017	TBA	Report uploaded to project website
29.5 Upload updated fauna crossings, fencing and road medians outcomes report to project website (13)	3 Dec 2020	TBA	Report uploaded to project website
29.6 Upload updated translocation outcomes report to project website (17)	3 Dec 2020	TBA	Report uploaded to project website
29.7 Upload updated fauna crossings, fencing and road medians outcomes report to project website (13)	3 Dec 2023	TBA	Report uploaded to project website
29.8 Upload updated translocation outcomes report to project website (17)	3 Dec 2023	TBA	Report uploaded to project website
29.9 Upload updated fauna crossings, fencing and road medians outcomes report to	3 Dec 2026	TBA	Report uploaded to project website

Action	Timing	Status	Compliance evidence
project website (13)			
29.10 Upload updated translocation outcomes report to project website (17)	3 Dec 2026	TBA	Report uploaded to project website
29.11 Upload updated fauna crossings, fencing and road medians outcomes report to project website (13)	3 Dec 2029	TBA	Report uploaded to project website
29.12 Upload updated translocation outcomes report to project website (17)	3 Dec 2029	TBA	Report uploaded to project website
29.13 Upload compliance audit report to project website (25)	Same day as provided to the Minister	As required	Report uploaded to project website

Note:

- Number in parentheses under 'Action' refers to approval condition

Report Completion Register		
January 2016		
Report	Date Completed	Date Uploaded
TFOS	21/11/2014 (not yet approved)	--
TFOMP	02/10/2015 (not yet approved)	--
NGOMP	11/12/2014 (not yet approved)	--
Fauna crossings, fencing and road medians outcomes	--	--
Translocation outcomes report	--	--
Compliance audit report	--	--

Attachment 1

In Situ Flora Monitoring Report

To protect threatened species locations this appendix will not be made publically available.

Attachment 2

Sensitive Area Plans (SAPs)

This appendix will not be made publically available to protect heritage sensitive locations.

Attachment 3

Threatened Flora Translocation Monitoring Report

To protect threatened species locations this appendix will not be made publically available.

Attachment 4

Annual Fauna Monitoring Summary Report

Attachment 5

Construction Underpass Monitoring Report

Attachment 6

November 2015 EPBC Surveillance Checklist