



Transport
**Roads & Maritime
Services**

Woolgoolga to Ballina Pacific Highway upgrade EPBC 2012/6394 Compliance Report 2017- 2018

Commonwealth Approval EPBC 2012/6394
Compliance Tracking Report 2017-2018

Roads and Maritime Services | June 2018

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Prepared by Pacific Complete and Roads and Maritime Services

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Glossary

Acronym	Definition
Approval Holder	The person to whom the approval is granted (Roads and Maritime Services (ABN 76 236 371 088), or to whom the approval is transferred under s145B of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>
Ballina Koala Population	Means the Ballina Shire Council Local Government Area Koala populations as identified in the <i>Koala Habitat and Population Assessment: Ballina Shire Council LGA Final Report to Ballina Shire Council (November 2013)</i>
Commence, Commencement and Commenced	Commencement of construction of Woolgoolga to Ballina Upgrade where threatened species and communities or suitable habitat for threatened species and communities is directly or indirectly impacted, as outlined in EPBC CoA
CEMP	Construction Environmental Management Plan
Department	The Australian Government Department administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPBC CoA	Conditions of Approval from the Commonwealth Minister under the EPBC Act.
EPBC Offsets Policy	Refers to the Department's <i>Environment Protection and Biodiversity Conservation Act 1999 Environmental Offset Policy and Offsets Assessment Guide (2012)</i> , available at http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy
MCoA	NSW Ministers Conditions of Approval for the project.
Minister	The Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and includes a delegate of the Minister
Migratory Species	Refers to Migratory Species listed under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>
NSW Approval Condition(s)	Conditions of approval specified in schedule 2 of the New South Wales Government's project approval decision, dates 24 June 2014, at Annexure 1 of this approval
Section 10	Refers to Section 10 of the Pacific Highway Upgrade as described in the documents referred to in condition A2 of the New South Wales Government's project approval decision, dated 24 June 2014, at <u>Annexure 1</u> of this approval
SSI	State Significant Infrastructure – as approved by NSW and Commonwealth governments
Stages	Refers to the stages of the action as defined in the staging plan required by Condition 1 of this approval
Suitably qualified expert	A qualified ecologist with at least 5 years of experience in the relevant field of expertise that has been approved in writing by the Minister
Threatened species and ecological communities	Includes the threatened species and communities listed under the EPBC Act. It also includes any other EPBC Act threatened species or community identified in surveys required by NSW MCoA Condition D1 that is considered by the Department as being significantly impacted by the action

Introduction

Project description

On behalf of the Australian and NSW governments, NSW Roads and Maritime Services (Roads and Maritime) is progressively upgrading the Pacific Highway to dual carriageway between the Hunter and NSW/Queensland border.

The Woolgoolga to Ballina Project was declared critical State significant infrastructure under section 115V of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and was assessed under Part 5.1 of the EP&A Act.

An environmental impact statement (EIS) was prepared to support the project application (Roads and Maritime, December 2012). The application was made under Part 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Before approving the application, the project EIS was publically displayed for 60 days between December 2012 and February 2013, inclusively. The exhibition generated 145 submissions, which were responded to in a joint Response to Submissions Report and Preferred Infrastructure Report (SPIR) issued in November 2013. The project was approved by the NSW Government on 24 June 2014.

The project has also been subject to approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Woolgoolga to Ballina Project was declared by the Commonwealth Minister for Sustainability, Environment, Water, Populations and Communities to be a controlled action under this Act on 20 June 2012. Approval was granted on 14 August 2014.

The Woolgoolga to Ballina Pacific Highway Upgrade (the project) involves upgrading approximately 155 kilometres (km) of highway to four-lane dual-carriageway road between Woolgoolga (north of Coffs Harbour) and Ballina (near the NSW/Queensland border) on the NSW north coast. The project bypasses the towns of Grafton, South Grafton, Ulmarra, Woodburn, Broadwater and Wardell. The project will include road duplication, alignment modification and new road sections. Once complete, the project will create a four-lane divided road, with two lanes in each direction. It would also allow for the road's upgrade in the future to a six-lane divided highway.

The project will be delivered by the Pacific Complete, appointed as the Delivery Partner (DP). Pacific Complete (PC) comprises Laing O'Rourke Australia Construction Pty Ltd and WSP Australia Pty Limited working in close collaboration with Roads and Maritime Services (Roads and Maritime).

Purpose of this report

The purpose of this document is to facilitate demonstration by Roads and Maritime Services (Roads & Maritime) of satisfactory compliance with the Commonwealth approval conditions for the Woolgoolga to Ballina Pacific Highway Upgrade project with particular reference to Condition 21. The report covers the third reporting period from May 2017 to April 2018.

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.

Staging

Staging Reports have been prepared in accordance with the requirements of the NSW Ministers Condition of Approval A7, which states:

The Applicant may elect to construct and/or operate the SSI in stages. Where staging is proposed, the Applicant shall submit a Staging Report to the Secretary prior to the commencement of each proposed stage. The Staging Report shall provide details of:

- a) how the SSI would be staged, including general details of work activities associated with each stage and the general timing of when each stage would commence; and*
- b) details of the relevant conditions of approval, which would apply to each stage and how these shall be complied with across and between the stages of the SSI.*

Where staging of the SSI is proposed, these conditions of approval are only required to be complied with at the relevant time and to the extent that they are relevant to the specified stage(s).

The project approval under the Commonwealth *Environment Protection and Biodiversity Act 1999* (012/6394 approval dated 14 August 2014). EPBC CoA 1 requires that:

The Staging Report as required by NSW approval conditions A7 must be submitted to the Minister prior to the commencement of each of the proposed stage(s). In accordance with NSW approval condition A7, the Staging Report must outline how the proposal will be staged. The Staging Report must also outline the threatened species and communities, and migratory species impacted in each stage.

The Staging Report(s) describe the activities associated with the project stages and how compliance will be addressed across and between the stages.

Roads and Maritime has prepared and submitted the Woolgoolga to Ballina Pacific Highway Upgrade Staging Report to the Department. An updated report – version 7 – was provided to the Department in August 2017 and is on the project website.

Timeframes for compliance

The timing for compliance with certain approval conditions is linked to specific dates. The status of each of the compliance requirements and the timeframes for action have generally been addressed in accordance with the following definitions, unless specific dates are requested.

Compliance status	Description
TBA	To be arranged – further works required prior to starting actions, or actions not triggered yet
Ongoing	Action in place but ongoing works to ensure compliance
Completed	Action completed
Pre-Construction	Activities undertake prior to main construction activities in order to facilitate construction phase of the project.
Detailed design	Detailed design phase of the project
Construction	Includes all work in respect of the SSI, other than exceptions provided in NSW MCoA definitions
Operation	Meaning the operation of the SSI, but does not include commissioning trials of equipment or temporary use of parts of the SSI during construction, or maintenance.

Key dates for the project are:

Activity	Date
Commonwealth approval	14 August 2014
Commencement of construction – Stage 1	Stage 1 commenced on 19 May 2015
Commencement of construction – Stage 2	Stage 2 commenced on 8 April 2016
Scheduled completion of construction	2020 (weather permitting)
Expiry of approval	31 December 2064

Non-compliance with EPBC conditions

There have been no non-compliance with EPBC conditions during the reporting period.

EPBC Condition 1

Staging of the action

The Staging Report as required by NSW approval condition A7 must be submitted to the **Minister** prior to the **commencement** of each of the proposed **stages**. In accordance with **NSW approval condition A7**, the Staging Report must outline how the proposal will be staged. The Staging Report must also outline the **threatened species and communities**, and **migratory species** impacted in each stage.

Action	Timing	Status	Compliance evidence
<p>1.1 Prepare a staging report to outline how the State Significant Infrastructure will be staged, in accordance with NSW Approval condition A7, including:</p> <ul style="list-style-type: none">• general details of work activities associated with each stage• the general timing of when each stage would commence• details of the relevant conditions of approval, which would apply to each stage and how these shall be complied with across and between the stages of the SSI <p>Noting where staging of the SSI is proposed, these conditions of approval are only required to be complied with at the relevant time and to the extent that they are relevant to the specific stage(s).</p>	Pre-construction	Complete	<p>Stage 1 Report date March 2015</p> <p>Stage 2 Report dated May 2016</p> <p>Revised Staging Report submitted on 5 July 2016 and 29 November 2016.</p> <p>Revised Staging Report submitted 21 August 2017, and approved by DPE 5 October 2017.</p>

EPBC Condition 2

Avoidance and mitigation of impacts

In order to minimise impacts to **threatened species and communities**, and **migratory species**, the **approval holder** must:

- a. Adhere to the clearance limits outlined in the **NSW approval condition B1**;
- b. Undertake pre-clearance surveys in accordance with **NSW approval condition B5**;
- c. Undertake all soil and water management measures in accordance with **NSW approval condition B34**; and
- d. Design and construct any additional ancillary facilities in accordance with the requirements of **NSW approval condition B73** to ensure that no impacts occur to **threatened species and communities, migratory species** or their habitat.

Action	Timing	Status	Compliance evidence
2.1 Ensure clearing of native vegetation is minimised with the objective of reducing impacts to any threatened species or EECs where feasible and reasonable, in accordance with NSW Approval condition B1	Detailed Design Construction	Ongoing	Reduction to clearing of native vegetation is being minimised wherever reasonable and feasible throughout the project.
2.2 Ensure that the clearing of native vegetation is limited to a total area of 931.7 hectares, within the SSI boundary as defined in NSW Approval conditions B1(b);	Detailed design Construction	Ongoing	Approved clearing limits have been determined during the detailed design phase and are monitored and managed during the construction phase. The forecast clearing quantities based on the current stage of detailed design are provided in the Table 1.1 below.
2.2 Ensure that the clearing of native vegetation for ancillary facilities specified in the NSW Approval documents is limited to 4.75 hectares	Construction	Ongoing	Noted. The forecast clearing quantities based on the current stage of detailed design are provided in the Table 1.1 below
2.3 Ensure that the clearing of threatened ecological communities is limited to the areas specified in the NSW Approval condition B1(d)	Detailed Design Construction	Ongoing	Noted. The forecast clearing quantities based on the current stage of detailed design are provided in the Table 1.1 below

2.4	Ensure that the clearing of the Littoral Rainforest in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions is limited to a total area of 0.5 hectares	Detailed Design Construction	Ongoing	Noted. The forecast clearing quantities based on the current stage of detailed design are provided in the Table 1.1 below
2.5	Ensure that the clearing of Koala (<i>Phascolarctos cinereus</i>) primary and secondary habitat is limited to a total area of 375 hectares	Detailed Design Construction	Ongoing	Noted. The forecast clearing quantities based on the current stage of detailed design are provided in the Table 1.1 below
2.6	Ensure the pre-clearing surveys are undertaken prior to construction in accordance with requirements of NSW Approval condition B5	Construction	Ongoing	Construction Flora and Fauna Management Plans have been developed, submitted and approved for the project. Pre-clearing surveys have been completed to date in accordance with the requirements of this condition. Pre-clearing survey activities will continue in all sections of the project and as such the status remains open
2.6	Ensure soil and water management measures are implemented in accordance with requirements of NSW Approval condition B34	Construction	Ongoing	Construction Soil and Water Quality Management Plans have been developed submitted and approved for the project. Soil and Water Management Plans have been implemented to ensure that soil erosion and the discharge of sediment to land or water is minimised. In addition, the project has engaged qualified Soil Conservationists to ensure compliance is achieved with the relevant guidelines
2.7	Ensure that the design and construction of any additional ancillary facilities is undertaken in accordance with the requirements of NSW approval condition B73 and that no impacts occur to threatened species and communities, migratory species or their habitat	Construction	Ongoing	All works are undertaken in accordance with the approved Ancillary Facility Management Plans for the project, approved in accordance with NSW MCoA D21 and B73

Table 1 – Vegetation clearing summary

Item	Approved quantity (ha)	Current forecast quantity (ha)*	Notes
B1(a) Total clearing of native vegetation	931.7	855	
B1(b) Clearing of native vegetation for Ancillary facilities	4.75	0	
B1(c) Clearing of Lowland Rainforest in NSW North Coast and Sydney Basin Bioregions (Endangered, TSC Act)	4.2	4.2	
Lowland rainforest in Sub-Tropical Australia (Critically Endangered, EPBC Act)	2.0	1.96	
Littoral Rainforest in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (Endangered, TSC Act)	0.2	0.18	Refer to B1(d) below. All works in accordance with approved Rainforest Management Plan.
Littoral Rainforest and Coastal Vine Thickets of Eastern Australia (Critically Endangered, EPBC Act)	0	0.18	
Coastal Cypress Pine Forest of the NSW North Coast Bioregion (Endangered TSC Act)	3.3	3.2	
Freshwater Wetlands on Coastal Floodplain Forest of the NSW North Coast Bioregion (Endangered, TSC Act)	5.1	5.1	
Subtropical Coastal Floodplain Forest of the NSW North Coast Bioregion (Endangered, TSC Act)	93.9	73.4	
Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions (Endangered, TSC Act)	112.1	108.0	
Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregions (Endangered, TSC Act)	43.1	31.8	
B1(d) Littoral Rainforest in the NSW South Wales North Coast, Sydney Basin and South East Corner Bioregions	0.5	0.18	
B1(e) Koala (<i>Phascolarctos cinereus</i>) primary and secondary habitat	375	337	
<i>* forecast at time of reporting period, noting to be confirmed at completion of construction period.</i>			

EPBC Condition 3

In order to minimise impacts to the Oxleyan Pygmy Perch, the **approval holder** must undertake the action in accordance with **NSW approval conditions B7, B8, B9, B13, B40, B41 and B42.**

Action	Timing	Status	Compliance evidence
<p>3.1 Ensure that high risk construction activities in known Oxleyan Pygmy Perch habitat are not undertaken during the Oxleyan Pygmy Perch spawning period, or on days when the relevant Bureau of Meteorology site predicts a 90% chance of 10mm of rain or more unless otherwise agreed by DPI (Fisheries) in accordance with NSW Approval condition B7.</p>	Construction	Ongoing	<p>Works have commenced in Oxleyan Pygmy Perch (OPP) habitat areas. All high risk activities and Environmental Work Method Statements have been developed and implemented in consultation with NSW DPI Fisheries.</p>
<p>3.2 In accordance with NSW Approval condition B8, use temporary bridge or arch structures in know Oxleyan Pygmy Perch habitat if the crossing is intended to be in place for more than 3 months, unless otherwise agreed by DPI (Fisheries).</p>	Construction	Ongoing	<p>All temporary structures have been installed across Oxleyan Pygmy Perch habitat in consultation with NSW DPI Fisheries.</p>
<p>3.3 In accordance with NSW Approval condition B9 determine appropriate size of culverts or pipes where temporary crossings in known Oxleyan Pygmy Perch habitat are proposed in consultation with DPI (Fisheries). Remove temporary culvert or pipe crossings, unless otherwise agreed by DPI (Fisheries).</p>	Construction	Ongoing	<p>All temporary structures have been installed across Oxleyan Pygmy Perch habitat in consultation with NSW DPI Fisheries.</p>
<p>3.4 In accordance with NSW Approval condition B3, minimise riparian vegetation clearing during construction and undertake a targeted rehabilitation program post construction to restore in-stream and riparian habitat to at least the pre-construction condition or better, unless otherwise agreed by DPI (Fisheries). Ensure all areas disturbed in the vicinity of known Oxleyan Pygmy Perch habitat waterways are stabilised prior to the Oxleyan Pygmy Perch spawning period, unless otherwise agreed by DPI (Fisheries).</p>	Construction	Ongoing	<p>Rehabilitation of riparian vegetation has been addressed in the Urban Design and Landscape Management Plans.</p> <p>Impacts to riparian impacts have been minimised wherever possible including investigation into alternative construction methodologies.</p> <p>All areas disturbed in the vicinity of OPP habitat have been stabilised prior to the OPP spawning period in consultation with NSW DPI Fisheries.</p>

3.5	<p>In accordance with NSW Approval condition B40 ensure that unless otherwise agreed by DPI (Fisheries) all crossings of Class 1 watercourses in known Oxleyan Pygmy Perch habitat are designed and constructed with a bridge or arch structure and where feasible and reasonable, no supporting structure installed within affected waterways</p>	Detailed Design	Complete	<p>All bridges within Oxleyan Pygmy Perch habitat have been designed in consultation with NSW DPI Fisheries, This includes location of piers, temporary piling pads, scour protection and landscape treatments at these locations.</p>
3.6	<p>In accordance with NSW Approval condition B41, ensure that where an Oxleyan Pygmy Perch habitat waterway is realigned or its stream profile is changed, or an in-stream structure is installed in the waterway (both permanent and temporary construction structures), the final design of that waterway does not result in water velocities exceeding 0.4m/sec under normal flow conditions.</p> <p>Determine normal flow conditions to the satisfaction of DPI (Fisheries) through baseline monitoring of know Oxleyan Pygmy Perch habitat waterways.</p>	Detailed Design Construction	Complete Ongoing	<p>All realignments of waterways within Oxleyan Pygmy Perch habitat have been design in consultation with NSW DPI Fisheries, This includes location of piers, temporary piling pads, scour protection, landscape treatments, and final flow velocities at these locations</p> <p>Consultation with DPI Fisheries regarding temporary construction measures is ongoing during construction.</p>
3.7	<p>In accordance with NSW Approval condition B42 ensure that the project does not increase afflux of waterways with known Oxleyan Pygmy Perch habitat by more than the relevant flood management objective in the project approval documents for flood events up to the 1 in 100 year event.</p>	Detailed Design	Complete	<p>Flood modelling has been undertaken in areas of OPP habitat during detailed design. Afflux levels have been assessed and are compliant upstream of these structures.</p>

EPBC Condition 4

In order to minimise impacts on the Giant Barred Frog, the **approval holder** must undertake the action in accordance with the requirements of **NSW approval condition B39**.

Action	Timing	Status	Compliance evidence
4.1 In accordance with NSW approval condition B39, ensure that all crossings of known Giant Barred Frog habitat or waterways with the confirmed presence of the species shall be designed and constructed with bridges.	Detailed Design	Complete	<p>All bridges in known Giant Barred Frog habitat have been designed and constructed as bridges.</p> <p>During pre-clearing survey works, a Giant Barred Frog was identified on the downstream side of Boney's Creek culvert in Section 1. Confirmed presence of Giant Barred Frog was only identified during the construction phase. Suitable habitat and presence of Giant Barred Frog has never been confirmed upstream of Boney's Creek culvert. Following consultation with EPA determined bridge not required at this location. . Notwithstanding this, there will be monitoring to demonstrate the maintenance of connectivity will be undertaken for three consecutive years as required by the condition.</p>
4.2 Should a bridge not be constructed, demonstrate maintained connectivity for the Giant Barred Frog upstream and downstream for a monitoring period of three consecutive years, or as otherwise agreed with Secretary in consultation with the EPA.	Construction Operation	Ongoing	Ongoing monitoring in accordance with Threatened Frog Management Plan
4.3 If advised by the Secretary, offset the loss of habitat in accordance with the NSW Approval condition B39.	Operation	TBA	This requirement has not been triggered.

EPBC Condition 5

In order to ensure the long-term viability of the **Ballina Koala population**, the **approval holder** must engage a **suitably qualified expert** to undertake population viability modelling of the **Ballina Koala population** over a time period of no less than 50 years, taking into account the impacts resulting from the road upgrade in **Section 10**. This modelling should consider the current proposed route and any proposed avoidance or mitigation measures as appropriate.

Action	Timing	Status	Compliance evidence
5.1 Engage a suitably qualified expert	Pre-Construction	Complete	Niche Environment & Heritage (Dr Rod Kavanagh) was engaged as the suitably qualified expert to address this requirement.
5.2 Undertake population viability modelling of the Ballina Koala population over a time period of no less than 50 years, taking into account the impacts resulting from the road upgrade in Section 10	Pre-Construction	Complete	Dr Kavanagh has completed the Population Viability Analysis (PVA) and Ballina Koala Plan.
5.3 Within the modelling, consider the current proposed route and any proposed avoidance or mitigation measures as appropriate	Pre-Construction	Complete	The requirements associated with this condition have been included in the Ballina Koala Plan.

EPBC Condition 6

The **approval holder** must have the modelling required by Condition 5 peer reviewed by a second **suitably qualified expert**.

Action	Timing	Status	Compliance evidence
6.1 Have the Population Viability Modelling of the Ballina Koala Population, peer reviewed by a second suitably qualified expert.	Pre-Construction	Complete	Dr Jonathan Rhodes is the Independent Reviewer and has completed the peer review to address this requirement. The peer review for the PVA has been completed and documented in the peer review endorsement letter provided by Dr Rhodes.

EPBC Condition 7

In addition to the Koala Management Plan(s) required by **NSW approval conditions** D8 and D9, to ensure that an unacceptable impact will not occur to the **Ballina Koala population**, the **approval holder** must submit for the **Minister's** approval, a Ballina Koala Plan no less than 3 months prior to **commencement** of **Section 10**. The **Minister** will only approve the plan and the **commencement** of **Section 10** of the action, if the impacts to the **Ballina Koala population** are demonstrated to be acceptable within the Ballina Koala Plan.

The Ballina Koala Plan must include:

- a. The modelling required by Condition 5 and the results of this modelling and in the peer review required by Condition 6;
- b. Discussion of the future viability of the **Ballina Koala population**;
- c. the context of relevant environmental, social and economic considerations, any additional avoidance, mitigation or offsets, beyond those required by the NSW approval conditions, proposed to minimise the impacts to the Ballina Koala population; and
- d. Evidence that any additional avoidance and mitigation measures proposed have been considered in the modelling required in Condition 5.

Action	Timing	Status	Compliance evidence
7.1 Prepare a Ballina Koala Plan which includes: <ol style="list-style-type: none"> a) The modelling required by Condition 5 and the results of this modelling, and the peer review required by Condition 6; b) Discussion of the future viability of the Ballina Koala population; c) In the context of relevant environmental, social and economic considerations, any additional avoidance, mitigation or offsets, beyond those required by the NSW approval conditions, proposed to minimise the impacts to the Ballina Koala population; and Evidence that any additional avoidance and mitigation measures proposed have been considered in the modelling required in Condition 5	Pre-Construction	Complete	Niche Environment and Heritage (Dr Rod Kavanagh), has been engaged to complete the plan to address the requirements of this condition. Dr Jonathan Rhodes is the Independent Reviewer and has completed the peer review to address this requirement. The peer review for the PVA has been completed and documented in the peer review endorsement letter provided by Dr Rhodes.
7.2 Submit the plan for the Minister's approval, no less than 3 months prior to commencement of Section 10	Pre-Construction	Complete	The Plan was submitted for approval and was approved on 19 July 2016.

EPBC Condition 8

The **approval holder** must develop a Koala Management Plan(s) pursuant to the requirements of **NSW approval conditions** D8 and D9 for each relevant stage(s). The Koala Management Plan must minimise impacts to the Koala to the satisfaction of the **Minister** and must be submitted to the **Minister** for approval. The relevant **stage(s)** cannot **commence** until the Koala Management Plan for that **stage** is approved by the **Minister**. The approved plan(s) must be implemented.

Action	Timing	Status	Compliance evidence
<p>8.1 Prepare Threatened Species Management Plans in accordance with MCoA D8 and approval documentation. Plans are to be developed in consultation with EPA, DPI (Fisheries) and DoE to the satisfaction of the Secretary.</p> <p>The Threatened Species Management Plans must include details of:</p> <ul style="list-style-type: none"> • survey effort and identification of habitat areas • Potential impacts on threatened species • Management measures • Ongoing monitoring program <p>Plans must be submitted and approved prior to commencement of Construction of relevant stages unless otherwise agreed by Secretary.</p>	Pre-Construction	Complete	<p>The Koala Management Plan was approved for Section 1 and Section 2 on 11 May 2015</p> <p>Update 2 was developed to address Sections 1 to 8 and 11 not including the Iluka / Woombah populations and was approved on 29 February 2016.</p> <p>The Koala Management Plan for the remaining sections was submitted for approval on the 20 July 2016.</p> <p>The Koala Management Plan (Section 1 to 11) was approved by DPE on 4 August 2016 and DoEE on 11 August 2016.</p>
<p>8.2 Prepare a Koala Management Plan in accordance with MCoA D9 and approval documentation. Plans are to be developed in consultation with EPA, DPI (Fisheries) and DoE to the satisfaction of the Secretary.</p> <p>The Koala Management Plan must include details of:</p> <ul style="list-style-type: none"> • Population surveys of key koala habitat areas • Assessment of impacts to identified Koala populations • Avoidance and mitigation measures • Justification, location and design of mitigation measures • Details of Revegetation strategy • Monitoring measures <p>The Koala Management Plan must be submitted and approved prior to commencement of Construction of relevant stages.</p>	Pre-Construction	Complete	<p>The Koala Management Plan Update 2 has been developed to address (Sections 1 to 8 and 11 not including the Iluka/Woombah populations) and was approved on 29 February 2016.</p> <p>The Koala Management Plan for the remaining sections was submitted for approval on the 20 July 2016.</p> <p>The Koala Management Plan (Section 1 to 11) was approved by DPE on 4 August 2016 and DoEE on 11 August 2016.</p>

EPBC Condition 9

The Koala Management Plan, relevant to **Section 10**, must be consistent with the approved Ballina Koala Plan and can only be submitted to the **Minister** for approval after the Ballina Koala Plan has been approved by the **Minister**.

Action	Timing	Status	Compliance evidence
9.1 Ensure consistency between the Approved Ballina Koala Plan and the Koala Management Plan, relevant to Section 10.	Pre-Construction	Complete	The Koala Management Plan has been reviewed in accordance with the requirements of the condition and is considered consistent with the Ballina Koala Plan.
9.2 Submit the Koala Management Plan, relevant to Section 10, to the Minister for approval, after the Ballina Koala Plan has been approved by the Minister.	Pre-Construction	Complete	The Ballina Koala Plan has been approved by the Minister on 19 July 2016. The Koala Management Plan was submitted for approval on the 20 July 2016. . The Koala Management Plan (Section 1 to 11) was approved by DPE on 4 August 2016 and DoEE on 11 August 2016.

EPBC Condition 10

Should further offsets be required in accordance with **NSW approval condition D9(d)** or be proposed as part of the Ballina Koala Plan, these must be in accordance with the **EPBC Offsets Policy**.

Action	Timing	Status	Compliance evidence
10.1 If further offsets are considered to apply, implement in accordance with EPBC offsets policy.	Operation	TBA	Action not yet triggered

EPBC Condition 11

The **approval holder** must develop a Threatened Mammal Management Plan(s) pursuant to the requirements of **NSW approval condition D8** for each **stage** impacting on the Spotted-tail Quoll and the Long-nosed Potoroo. The Threatened Mammal Management Plan must minimise impacts on the Spotted-tail Quoll and Long-nosed Potoroo to the satisfaction of the **Minister** and must be submitted to the **Minister** for approval. The relevant **stage(s)** cannot **commence** until the Threatened Mammal Management Plan for that **stage** is approved by the **Minister**. The approved Plan(s) must be implemented.

Action	Timing	Status	Compliance evidence
<p>11.1 Prepare Threatened Mammal Management Plans in accordance with MCoA D8 and approval documentation. Plans are to be developed in consultation with EPA, DPI (Fisheries) and DoE to the satisfaction of the Secretary.</p> <p>The Threatened Mammal Management Plans must include details of:</p> <ul style="list-style-type: none"> • survey effort and identification of habitat areas • Potential impacts on threatened species • Management measures • Ongoing monitoring program <p>Plans must be submitted and approved prior to commencement of Construction of relevant stages unless otherwise agreed by Secretary.</p>	Pre-Construction	Complete	<p>The Threatened Mammal Management Plan has been developed, submitted and approved in accordance with the requirements of the condition.</p> <p>Threatened Mammal Management Plan Update 1 DPE Approval 7 May 2015, DoE Approval 12 May 2015.</p> <p>Threatened Mammal Management Plan Update 2 DPE Approval 21 October 2015, DoE Approval 25 October 2015.</p> <p>Threatened Mammal Management Plan Update 3 was updated in September 2017 to incorporate requirements from approved Borrow Site Management Plan requirements. This plan was approved by the NSW ER on 5 October 2017 and provided to DoEE on 22 September 2017.</p>

EPBC Condition 12

The **approval holder** must develop a Threatened Flora Management Plan(s) pursuant to the requirements of **NSW approval condition D8** for each **stage** impacting on **EPBC Act** listed flora species. The Threatened Flora Management plan must minimise impacts to **EPBC Act** listed flora species to the satisfaction of the **Minister** and be submitted to the **Minister** for approval. The relevant **stage(s)** cannot **commence** until the Threatened Flora Management Plan for that **stage** is approved by the **Minister**. The approved Plan(s) must be implemented.

Action	Timing	Status	Compliance evidence
<p>12.1 Prepare Threatened Flora Management Plans in accordance with MCoA D8 and approval documentation. Plans are to be developed in consultation with EPA, DPI (Fisheries) and DoE to the satisfaction of the Secretary.</p> <p>The Threatened Mammal Management Plans must include details of:</p> <ul style="list-style-type: none"> • survey effort and identification of habitat areas • Potential impacts on threatened species • Management measures • Ongoing monitoring program <p>Plans must be submitted and approved prior to commencement of Construction of relevant stages unless otherwise agreed by Secretary.</p>	Pre-Construction	Complete	<p>Threatened Flora Management Plan Update 1 (Section 1, Section 2, Waves 1, 2 and 3) DPE Approval 30 April 2015, DoE Approval 5 May 2015.</p> <p>Threatened Flora Management Plan Update 2 (Sections 3 to 11) DPE Approval 21 August 2015, DoE Approval 4 September 2015.</p> <p>Threatened Rainforest Plants Management Plan (Section 10) DPE Approval 11 September 2015.</p>

EPBC Condition 13

The **approval holder** must develop a Connectivity Strategy(ies) pursuant to the requirements of the **NSW approval conditions** D2 for each **stage** impacting on **Threatened species and ecological communities**. The Connectivity Strategy must minimise impacts to **Threatened species and ecological communities** to the satisfaction of the **Minister** and must be submitted to the **Minister** for approval. **Commencement** of the relevant **stage(s)** cannot occur until the Connectivity Strategy for that **stage** is approved by the **Minister**. The approved strategy(ies) must be implemented.

Action	Timing	Status	Compliance evidence
<p>13.1 Prepare a Connectivity Strategy in accordance with MCoA D2 and approval documentation. Plans are to be developed in consultation with EPA, DPI (Fisheries) and DoE to the satisfaction of the Secretary.</p> <p>The Connectivity Strategy must include details of:</p> <ul style="list-style-type: none"> • survey effort and identification of habitat areas • details of crossings for terrestrial and aquatic fauna • justification for location of connectivity structures • details of fencing strategy <p>Connectivity Strategy must be submitted and approved prior to commencement of Construction. The strategy may be submitted in stages to suit the staging of the project.</p>	Pre-Construction	Complete	<p>The Connectivity Strategy for Woolgoolga to Glenugie (Stage 1) has been approved, by DoEE and DPE on 11 May 2015.</p> <p>The Connectivity Strategy for Glenugie to Ballina (Sections 3 to 11) was approved by DPE on 27 April 2017 and DoEE on 16 May 2017</p>

EPBC Condition 14

In order to minimise impacts to **threatened species and communities**, and **migratory species**, the **approval holder** must develop and implement all Frameworks, Strategies, Plans or Programs, in accordance with the requirements of the following **NSW approval conditions**:

- a) The Mitigation Framework required by **NSW approval condition D1**;
- b) The Connectivity Strategy required by **NSW approval condition D2** and the requirements of **NSW approval condition B12**;
- c) The Threatened Species Management Plans required by **NSW approval condition D8** and **D9**;
- d) The Construction Soil and Water Quality Management Plan required by **NSW approval condition D26(c)**;
- e) The Construction Flora and Fauna Management Plan required by **NSW approval condition D26(e)**;
- f) The Borrow Site Management Plan required by **NSW approval condition D22**;
- g) The Water Quality Monitoring Program required by **NSW approval condition D12**; and
- h) The Ancillary Activities Management Plan required by **NSW approval condition D21**.

Action	Timing	Status	Compliance evidence
14.1 Develop a Mitigation Framework required by NSW approval condition D1.	Pre-Construction	Complete	The Mitigation Framework was approved by DP&E on 8 May 2015
14.2 Develop a Connectivity Strategy required by NSW approval condition D2 and the requirements of NSW approval condition B12	Pre-Construction	Complete	The Connectivity Strategy for Woolgoolga to Glenugie (Stage 1) has been approved by DoEE and DPE on 11 May 2015. The Connectivity Strategy for Glenugie to Ballina (Sections 3 to 11) was approved by DPE on 27 April 2017 and DoEE on 16 May 2017
14.3 Develop Threatened Species Management Plans required by NSW approval condition D8 and D9	Pre-Construction	Complete	Threatened Species Management Plans as required by the NSW approval have been developed and approved by DoE. Threatened Frog Management Plan approved 7 May 2015 Coastal Emu Management Plan approved 3 June 2015 Threatened Flora Management Plan approved 5 May 2015 Threatened Invertebrate Management Plan approved 30 July 2015

				Threatened Bat Management Plan approved 25 May 2015 Threatened Mammal Management Plan approved 21 October 2015 Koala Management Plan (Update 2) approved 3 February 2016 Threatened Glider Management Plan approved 5 May 2015 Threatened Fish Management Plan approved 30 July 2015
14.4	Develop Construction Soil and Water Quality Management Plan required by NSW approval condition D26(c);	Pre-Construction	Complete	Construction Soil and Water Management Plans have been developed and approved as part of Stage 1 and Stage 2 of the project. These plans were approved by DP&E on 23 October 2015 and are being implemented during the construction phase
14.5	Develop Construction Flora and Fauna Management Plan required by NSW approval condition D26(e);	Pre-Construction	Complete	Construction Flora and Fauna Management Plans have been developed and approved as part of Stage 1 and Stage 2 of the project. These plans were approved by DP&E on 23 October 2015 and are being implemented during the construction phase
14.6	Develop a Borrow Site Management Plan required by NSW approval condition D22	Pre-Construction	Complete	Individual Borrow Site Management Plans have been approved throughout the project, prior to commencement of works at the Borrow Sites. Tyndale Borrow Site Management Plan – approved August 2016 Lang Hill Borrow Site Management Plan – approved 23 November 2016 Lumleys Hill Borrow Site Management Plan – approved 8 September 2017 Gibsons Borrow Site Management Plan – approved 11 September 2017 Jali Borrow Site Management Plan - approved 11 September 2017 These plans and are being implemented during the construction phase
14.7	Develop a Water Quality Monitoring Program required by NSW approval condition D12	Pre-Construction	Complete	A Water Quality Monitoring Program was developed and approved for the Stage 1 and State 2 of the project. Water Quality Monitoring Program Stage 1 – approved 8 May 2015. Water Quality Monitoring Program Stage 2 – approved 24 August 2015

14.8	Develop an Ancillary Facilities Management Plan required by NSW approval condition D21.	Pre-Construction	Complete	Ancillary Facilities Management Plans have been developed and approved as part of Stage 1 and Stage 2 of the project. Ancillary Facilities Management Plan Stage 1 – approved by the ER Ancillary Facilities Management Plan Stage 2 – approved 10 February 2016
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EPBC Condition 15

The **approval holder** must prepare and implement a Biodiversity Offset Strategy and Biodiversity Offset Package that compensates for any residual significant impacts on **threatened species and communities**. The Biodiversity Offset Strategy and Biodiversity offset package must meet the requirements of the **EPBC Offsets Policy** and must be submitted to the **Minister** for approval.

Action	Timing	Status	Compliance evidence
15.1 Prepare a Biodiversity Offset Strategy that meets the requirements of the EPBC Offsets Policy and compensates for any residual significant impacts on threatened species and communities	Pre-Construction	Complete	Biodiversity Offset Strategy approved by DPE 6 January 2016 and DoEE 7 January 2016.
15.2 Prepare a Biodiversity Offset Package that meets the requirements of the EPBC Offsets Policy and compensates for any residual significant impacts on threatened species and communities	Within 24 months of approval of the Biodiversity Offset Strategy	TBA	A Biodiversity Offset Package has been prepared and submitted to DoEE in December 2017.

EPBC Condition 16

The Biodiversity Offset Strategy and Biodiversity Offset Package must be prepared in accordance with the requirements **NSW approval conditions** D3, D4 and D5.

Action	Timing	Status	Compliance evidence
<p>16.1 Prepare a Biodiversity Offset Strategy that meets the requirements of the NSW Approval D3. Strategy to be developed in consultation with EPA, DPI Fisheries, and DoE to the satisfaction of the Secretary.</p> <p>Prepare strategy prior to commencement of construction that would result in disturbance of relevant existing ecological communities, threatened species or their habitats unless otherwise agreed by the Secretary.</p>	Pre-Construction	Complete	Biodiversity Offset Strategy approved by DPE 6 January 2016 and DoEE 7 January 2016.
<p>16.2 Provide details of the offset sites in accordance with NSW Approval D4 for the following species</p> <p>(i) Koala populations in Coolgardie/Bagotville, Broadwater and Woombah/Iluka;</p> <p>(ii) Moonee Quassia (<i>Quassia sp. Moonee Creek</i>);</p> <p>(iii) Sandstone Rough-Barked Apple (<i>Angophora robur</i>);</p> <p>(iv) Singleton Mint Bush (<i>Prostanthera cineolifera</i>); and</p> <p>(v) Lowland Rainforest in Sub-tropical Australia;</p> <p>The selection of sites must be undertaken in consultation with EPA, , DPI Fisheries, and DoE.</p>	Pre-Construction	Complete	<p>Threatened Biodiversity Offset Status Report Update 2 approved by DPE 6 January 2016 and DoE 7 January 2016. This covered the Woombah/Iluka Koala population, Moonee Quassia, Sandstone Rough-Barked Apple and Singleton Mint Bush.</p> <p>Update 3 was approved by DPE 30 June 2016 and DoE 18 July 2016, covering the remaining priority species/communities, Broadwater and Coolgardie/Bagotville koala populations and Lowland Rainforest.</p>
<p>16.3 Prepare a Biodiversity Offset Package that meets the requirements of the EPBC Offsets Policy and compensates for any residual significant impacts on threatened species and communities</p>	Within 24 months of approval of the Biodiversity Offset Strategy	TBA	A Biodiversity Offset Package has been prepared and submitted to DoEE in December 2017.

EPBC Condition 17

Commencement cannot occur until the Biodiversity Offset Strategy required by Condition 15 is approved by the **Minister**. **Commencement** of the relevant **stage(s)** cannot occur until the information required by **NSW approval condition D4** is approved by the **Minister**.

Action	Timing	Status	Compliance evidence
17.1 Not commence construction that causes disturbance of relevant existing ecological communities, threatened species or their habitats unless otherwise agreed by the Secretary, in accordance with NSW Approval condition D4.	Pre-Construction	Complete	Biodiversity Offset Strategy and Threatened Biodiversity Offset Status Report, Update 2 approved by DPE 6 January 2016 and DoE 7 January 2016. Threatened Biodiversity Offset Status Report, Update 3 covering the remaining three priority species/communities approved by DPE 30 June 2016 and DoE 18 July 2016.

EPBC Condition 18

The Biodiversity Offset Package required by Condition 15 must be approved by the **Minister** and the approved Biodiversity Offset Package must be implemented within 24 months of the approval of the Biodiversity Offset Strategy.

Action	Timing	Status	Compliance evidence
18.1 Submit the Biodiversity Offset Package to the Minister for approval.	Pre-Construction	TBA	A Biodiversity Offset Package has been prepared and submitted to DoEE in December 2017.
18.2 Implement the approved Biodiversity Offset Package within 24 months of the approval of the Biodiversity Offset Strategy.	Construction (by 7 January 2018)	TBA	A Biodiversity Offset Package has been prepared and submitted to DoEE in December 2017.

EPBC Condition 19

Any survey data collected for the project must be collected and recorded so as to confirm to a reasonable standard such that it can be readily used by a third party or to data standards notified from time to time by the **Department**. When requested by the **Department**, the proponent must provide to the **Department** all species and ecological survey data and related survey information from ecological surveys undertaken for matters of national environmental significance. This survey data must be provided within 30 business days of request, or in a timeframe agreed by the **Department** in writing. The **Department** may use the survey data for other purposes..

Action	Timing	Status	Compliance evidence
19.1 Maintain survey data and related survey information to a reasonable standard such that it can be readily used by a third party or to data standards notified from time to time by the Department	Ongoing	Ongoing	Survey data and associated information is maintained within Proponents document management system.
19.2 Implement the approved Biodiversity Offset Package within 24 months of the approval of the Biodiversity Offset Strategy.	Construction (by 7 January 2018)	TBA	A Biodiversity Offset Package has been prepared and submitted to DoEE in December 2017

EPBC Condition 20

Within 14 days after the **commencement** of the action, the **approval holder** must advise the **Department** in writing of the actual date of **commencement**.

Action	Timing	Status	Compliance evidence
20.1 Advise Department in writing of actual date of commencement	14 days after commencement of Action	Complete	The Department was notified of the commencement of the project as follows: Stage 1 date 5 June 2015 Stage 2 date 8 April 2016

EPBC Condition 21

Within three months of every 12 month anniversary of the **commencement** of the action, the **approval holder** must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any Frameworks, Strategies, Plans, or Package 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. The **approval holder** must continue to publish the report until such time as agreed in writing by the **Minister**.

Action	Timing	Status	Compliance evidence
21.1 Publish a report on Roads and Maritime Service website addressing compliance with each of the conditions of the approval, including any implementations	Within 3 months of 12 month anniversary	Ongoing	The first annual compliance report was published on the W2B project web site on the 19/08/216. The second annual compliance report was published on the RMS website on 19 August 2017. This, the third annual compliance report, will be published on the RMS website according to this requirement.
21.2 Provide to the Department documentary evidence, providing proof of the date of publication and non-compliance of any of the conditions of this approval	Within 3 months of 12 month anniversary	Ongoing	This information provided at time of submission of annual report
21.3 Provision of report until time as agreed in writing by the Minister	Construction Operation	TBA	Not yet triggered

EPBC Condition 22

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**.

Action	Timing	Status	Compliance evidence
22.1 Conduct independent audit of compliance with the conditions of approval	Upon direction of the Minister	TBA	A direction from the Minister has not been received during the reporting period.
22.2 Have independent auditor approved by the Minister.	Upon direction of the Minister	TBA	A direction from the Minister has not been received during the reporting period.
22.3 Submit audit criteria to the satisfaction of the Minister.	Upon direction of the Minister	TBA	A direction from the Minister has not been received during the reporting period.
22.4 Submit independent audit of compliance to the Minister.	Following audit as required	TBA	A direction from the Minister has not been received during the reporting period.

EPBC Condition 23

If the **approval holder** wishes to carry out any activity otherwise than in accordance with Frameworks, Strategies, Plans, Report or Package required by Conditions 7, 8, 10, 11, 12, 14, 15, 16 and 17, the **approval holder** must submit to the **Department** for the **Minister's** written approval a revised version of those Frameworks, Strategies, Plans, Report or Package. The varied activity shall not **commence** until the **Minister** has approved the revised plan or agreement in writing. The **Minister** will not approve a revised plan or agreement, unless the revised plan or agreement would result in an equivalent or improved environmental outcome. If the **Minister** approves the revised plan or agreement, that plan or agreement must be implemented in place of the plan or agreement originally approved.

Action	Timing	Status	Compliance evidence
23.1 If required, develop a revised version of a Framework, Strategy, Plan, Report or Package which results in an equivalent or improved environmental outcome	Ongoing	Ongoing	Where required, all framework, strategies, plans, reports or packages have been submitted for approval. Minor revisions have been updated where required and approved by the NSW Environmental Representative in accordance with NSW Approval condition D25. These are considered minor changes that do not increase magnitude of environmental impacts or ability to meet project approval requirements.
23.2 Submit revised version of a Framework, Strategy, Plan, Report or Package to the Minister for approval	Ongoing	Ongoing	Noted.

EPBC Condition 24

If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species or communities to do so, the **Minister** may request that the **approval holder** submit for the **Minister** approval, or make revisions to any Frameworks, Strategies, Plans, Package, or Program specified in the conditions and submit the revised Frameworks, Strategies, Plans, Package, or Program for the **Minister's** written approval. The **approval holder** must comply with any such request. The approved or revised approved Frameworks, Strategies, Plans, Package, or Program must be implemented. Unless the **Minister** has approved the revised management plans, then the **approval holder** must continue to implement the management plans originally approved, as specified in the conditions.

Action	Timing	Status	Compliance evidence
24.1 On request from the Minister, revise the Framework, Strategy, Plan, Package or Program specified in the conditions and submit for approval	Ongoing	TBA	A request from the Minister was not received during the reporting period
24.2 Implement the revised and approved Framework, Strategy, Plan, Package or Program.	Ongoing	TBA	A request from the Minister was not received during the reporting period

EPBC Condition 25

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**.

Action	Timing	Status	Compliance evidence
25.1 If the action has not commenced within 5 years of date of approval, request written agreement from the Minister to commence the action.	5 years after date of approval	Complete	The action has commenced.

EPBC Condition 26

Publication of plans

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 Frameworks, Strategies, Plans, or Package required by this approval, and then 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
26.1. Maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the Frameworks, Strategies, Plans, or Package required by this approval, and then make them available upon request to the Department.	Ongoing	Ongoing	Records of activities associated with conditions of approval is maintained within Proponents document management system.
26.2. Make records available to the Department upon request.	TBA	TBA	A request from the Department was not received during the reporting period

EPBC Condition 27

Unless otherwise agreed to in writing by the **Minister**, the **approval holder** must publish all Frameworks, Strategies, Plans, or Package referred to in these conditions of approval on their website. Each management plan must be published on the website within 1 month of being approved.

Action	Timing	Status	Compliance evidence
27.1. Publish all Frameworks, Strategies, Plans, or Package referred to in the conditions on the Roads and Maritime Service website within 1 month of receipt of approval	Ongoing	Ongoing	All Frameworks, Strategies and Plans have been published to the Roads and Maritime project website http://www.rms.nsw.gov.au/projects/northern-nsw/woolgoolga-to-ballina/index.html



<http://www.rms.nsw.gov.au/projects/northern-nsw/woolgoolga-to-ballina/index.html>



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