

EPBC 2003-1143 - Annual Compliance Report 2021

Toowoomba Second Range Crossing

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Acronym Definitions

Term	Definition
DEHP	Department of Environment and Heritage Protection
DoE	Department of Environment
DTMR	Department of Transport and Main Roads (Queensland)
EMP (C)	Environmental Management Plan Construction
EMS	Environmental Management System
EP Act	Environmental Protection Act 1994
EPBC	Environment Protection and Biodiversity Conservation Act 1999
EVNT	Endangered, Vulnerable and Near Threatened
NC Act	Nature Conservation Act 1992
SSMP	Significant Species Management Plan
TSRC	Toowoomba Second Range Crossing
VDec	Voluntary Declaration
VMA	Vegetation Management Act 1999

1 Introduction

1.1 Background

The Toowoomba Second Range Crossing (TSRC) Project (known hereafter as the Toowoomba Bypass) is a 41km road bypass to the north of Toowoomba, Queensland. It connects the Warrego Highway at Helidon Spa in the east to the Gore Highway at Athol in the west, via Charlton. The key features of the road design include grade separated interchanges at Warrego Highway west, Warrego Highway east, Toowoomba-Cecil Plains Road and the Gore Highway. The Toowoomba Bypass also includes a grade separated connection to Mort Street, an approximately 30 metre deep cutting at the top of the Toowoomba Range and an 800 metre long viaduct built over the existing Queensland Rail line.

This compliance report has been prepared in accordance with approval condition 10 of the EPBC Act Approval, which outlines all project conditions identified in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) referral determination (EPBC 2003/1143) for the Toowoomba Second Range Crossing, and currently employed measures and evidence to demonstrate compliance with each of the conditions.

The Department of Transport and Main Roads (DTMR) has identified properties for conservation (voluntary declaration) under the Vegetation Management Act 1999 (VM Act) to offset impacts to flora and fauna, which are the relocation areas for *Delma torquata* as per the approved Translocation Management Plan.

2 Approval Conditions

As per the 2003/1143 EPBC Referral, the following section identifies approval conditions and current measures demonstrating compliance with the approval.

2.1 Condition 1

The person taking the action may only construct the Toowoomba Bypass within the area bounded by the bold purple line labelled 'Project Boundary' as shown in the maps Annexure 1.

Compliant. Construction activities for the Toowoomba Bypass have been maintained to EPBC approved boundaries (bold purple line).

It is noted that a variation to replace Annexure 1 was requested from the Department of Environment by DTMR for minor amendments to the EPBC boundary. This was as a result of minor design amendments. (Letter dated 11 May 2016).

2.2 Condition 2

The person taking the action must submit an Offset Plan (OP) to the Minister for approval a minimum of two months prior to construction. The OP must address the following requirement: The relevant agency of the Queensland State Government to hold Lot 13 on SP186713, Lot 1 on SP206634, Lot 262CC316 and Lot 8 SP206636 exclusive of the areas

resumed for road purposed for conservation and management under the Nature Conservation Act 1992. The approved OP must be implemented within 12 months of the commencement of construction.

Compliant. The Offset Management Plan was initially submitted to the Department for approval on 26 February 2016.

A request to amend condition 2a was made on 13 January 2017, for the purpose of amending the conservation of the listed properties under the Nature Conservation Act 1992 to the Vegetation Management Act 1999 which was approved on the 23 February 2017.

Offset properties have been secured for conservation by the DTMR as per condition 2. The DTMR submitted an application to establish a Voluntary Declaration for the listed properties under the provisions of the *Vegetation Management Act 1999* to the Department of Natural Resources and Mines (NRM), which was formally accepted on 21 March 2014 (DAM 2017/001268; PMAV 2017/001276).

2.3 Condition 3

The person taking the action must submit a Translocation Management Plan for *Delma torquata* (translocation plan) to the Minister for approval a minimum of two months prior to construction. The translocation plan must address the following requirements:

Compliant. The Translocation Management Plan was provided to the Department of Environment for approval on 12 February 2016 (*reference 2490300*) with approval received by DTMR on 5 May 2016. The approved plan addresses the requirements listed below with specific examples for each.

- **Minimisation of impacts on habitat and individuals in the road design and alignment**

Significant Species Management Plan (SSMP) TSRC-PENEM01-PMP-00001_2A for the Toowoomba Bypass addresses the minimisation of impact to *Delma torquata* individuals and the translocation program aims to minimise impact to individuals and habitat.

During the vegetation clearing phase, the search methodology was modified to reduce impact to individuals, following reported deaths in June 2016. These changes involved the delay of plant and machinery, and increasing the number of fauna spotters and ecologists using hand tools to carefully search through leaf litter and other habitat areas.

Further to management measures identified within the Translocation Management Plan, clear delineation of surveyed habitat was implemented to reduce potential impact to habitat. Delineation was installed prior to any disturbance of vegetation using orange barrier mesh (habitat areas with zero disturbance) and flagging rope (habitat areas requiring vegetation clearance and other disturbance. Orange barrier mesh will remain in place until there is no further threat of potential disturbance.

Project based environmental permits were also issued to the construction team prior to disturbance to document that all requirements had been met.

- **Scientific monitoring by an appropriately qualified ecologist of translocated individuals for a period of two years**

Scientific monitoring by an appropriately qualified ecologist of translocation individuals is covered within Section 5.1 of the Translocation Management Plan TSRC-PENGE-PLA-00002. This monitoring program was completed on 26 June 2018 and was undertaken on a fortnightly basis as per the approved plan.

In total, 114 specimens were salvaged as part of translocation activities undertaken between 4 April 2016 and 26 June 2018. *Delma torquata* were translocated into one of 10 constructed 'soft release enclosures' within 24 hours of their initial capture. Upon translocation, morphometric measurements

(ie size and weight) were recorded, as was a log of the animals' unique '*chin pattern*' used to subsequently identify *Delma torquata* upon recapture. All data related to captured and translocated *Delma torquata* is contained within the Delma register (document number: TSRC-PENGE01-REG-00001) attached in Appendix A.

- **A report to be provided within six months of the completion of the monitoring program on the results of the scientific monitoring.**

Compliant. The two-year monitoring program concluded on 26 June 2018 as per EPBC conditions with the monitoring report submitted to the Department in December 2018 (document reference TSRC-PENGE01-REP-00032).

2.4 Condition 4

The person taking the action must undertake the construction and revegetation works as outlined in the Environmental Management Plan (Planning) for the Toowoomba Bypass Version 4 or subsequent management plan as approved by the department.

Compliant – All construction and revegetation works have been undertaken as per approved Management Plans, with no non-conformances recorded during this reporting period.

- Environmental Management Plan (Planning)
- Environmental Management Plan (Construction) and associated sub plans.

2.5 Condition 5

If the person taking the action wishes to carry out any activity other than in accordance with the plans required under conditions 1 to 4, the person taking the action must submit for the Ministers written approval a revised version of that plan. If the Minister approves the revised plan so submitted, the person taking the action must implement that plan instead of the plan as originally approved.

Compliant. No other activities have been undertaken to date.

2.6 Condition 6

If the Minister believes that it is necessary or desirable for the better protection of the matters of national significance to do so, the Minister may request the person taking the action to make specific revisions to the plans specified in the conditions of this approval, and to submit the revised plan for the Ministers written approval. The person taking the action must comply with any such request. Unless the Minister has approved the revised plan, then the person taking the action must implement the plan originally approved.

Noted. There have been no additional requirements requested by the Minister to date.

2.7 Condition 7

If, at any time after 5 years from the date of this approval, the Minister notifies the person taking the action in writing that the Minister is not satisfied that there has been commencement of the Toowoomba Bypass, the action must thereafter be commenced without the written agreement of the Minister.

Noted. Construction commencement notification provided in writing, letter dated 13 May 2016.

2.8 Condition 8

Record keeping

The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of the 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 the approval. Summaries of audits will be posted on the Departments website. The results of audits may also be publicised through the general media.

Compliant. Records have been maintained in accordance with Condition 8 which are securely stored within servers electronically and hard copies also available. Examples of records maintained include but not limited to:

- Habitat assessment records are kept and identified within the Translocation Management plan.
- Combined proformas for Delma pre-clearance surveys undertaken prior to habitat disturbance.
- Monitoring event records are regularly updated with an assessment of all data undertaken following each monitoring event undertaken. New data is included and the Delma register amended, which includes morphometric data for all captured individuals. This occurs on a fortnightly basis in line with scheduled scientific monitoring events.
- Refer to Delma Register (TSRC-PENGE01-REG-0001) located within Appendix A for register updated as at 30 June 2018.
- Internal environmental permits were completed for clearing activities undertaken within each of the identified *Delma torquata* habitat areas, identifying requirements for any disturbance within those areas.

2.9 Condition 9

Independent audit

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 and audit criteria must be approved by the Minister. The audit report must address the criteria to the satisfaction of the Minister.

Noted. To date, there has been no such request from the Minister.

2.10 Condition 10

Compliance reporting

Within three months of every 12 month anniversary of the commencement of construction, the person taking the action must publish a report (the report) on its website addressing compliance with each of the conditions of the approval, including implementation of any management plans as specified within the conditions. The obligation to report on condition 3 ceases on the date when the final report required under condition 3 is published. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval (the Evidence) must be provided to the Department at the same time as the compliance report is published. The person taking the action must continue to produce the report until the expiry of the Approval or an earlier date as agreed in writing by the Minister.

This compliance report covers the period up to December 2021. The Annual Report (2020–2021) Management of Environmental Offsets is attached as Appendix B 2021.

2.11 Condition 11

Notification of commencement

Within 14 days after the commencement of construction the person taking the action must advise the Department in writing of the actual date of commencement.

Compliant. A letter dated 13 May 2016 (ref TSRC-EN-DOE-LET-0001) was provided to the Department with regards to the commencement of construction of the Toowoomba Bypass.