

Compliance Report – Eton Range Realignment Project, May 2017

EPBC Approval 2015/7552

April 2016 - April 2017



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Document control options

Departmental approvals

Refer to the appropriate Risk Assessment Tool for relevant reviewer and approver

Date	Name	Position	Action required (Review/endorse/approve)
05/05/17	Tim Dalton	Environmental Officer	Document for Review and Approval
18/05/17	Mark Weatherley	Project Manager	Endorsed
25/05/17	Patrick Aprile	District Director (Mackay/Whitsunday)	Approved

Prepared by	Tim Dalton
Title	Environmental Officer
District & Region	Mackay/Whitsunday
Branch & Division	PDO
Project/program	Eton Range Realignment Project
Project number	242/33B/8
Project location	Mackay Regional Council
Status	Revision 1
DMS	450/642

Proponent and Approved Action

Detail	Applicable details
EPBC Reference Number:	2015/7552
Project Name:	Eton Range Realignment Project
Proponent:	Department of Transport and Main Roads
ABN:	39 407 690 291
Proposed Action:	To realign the Peak Downs Highway at Eton Range between Mackay and Nebo, Queensland
Reporting Period:	April 2016 – April 2017
Date Prepared:	May 2017

Declaration of Accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed



Full name

Patrick Aprile

Position District Director (Mackay/Whitsunday District)

Organisation

Department of Transport and Main Roads (ABN - 39 407 690 291)

Date

26/05/17

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1. Introduction

The Department of Transport and Main Roads (TMR) is currently constructing Eton Range Realignment Project (herein referred to as 'the Project'). TMR submitted a referral for the Project to the former federal Department of the Environment (DoE) (now Department of Environment and Energy) for impacts to matters of national environmental significance (MNES) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 27 August 2015.

In September 2015 DoE determined the Project a controlled action under the EPBC Act due to potential significant impacts MNES protected under Section 18 and 18A, Part 3 of the EPBC Act. In March 2016 DoE granted the Project approval with conditions. Construction commenced on the 4 April 2016.

Condition 16 of the approval requires that TMR prepares and publishes an annual report that assesses compliance with each of the conditions of the approval. This Report is prepared for the period from April 2016 - April 2017.

2. Description of Activity

2.1 Project location

The Project is located approximately 35km south west of Mackay on the Peak Downs Highway. The Peak Downs Highway is part of the State Strategic Road Network in recognition of its importance to the economy of both Mackay and Queensland. The highway is part of the Emerald to Mackay freight corridor supporting the mining and agricultural industries of the Bowen and Galilee Basins (refer to Figure 1). The Eton Range is the main transport corridor across the Clarke – Connors Range.

2.2 Description of the Project

Key elements of the Project include the following:

- Sequential clearing of vegetation and ground preparation works to accommodate construction activities;
- Installation of drainage infrastructure including new culverts ranging in size from 1/600RCP to 3/2100RCP, as well as a culvert specifically for use as a fauna passage;
- General bulk earthworks which include approximately 400,000m³ of road excavation and 280,000 m³ of road embankment;
- Installation of complex longitudinal drainage systems in the centre median ranging in size from 1/450 RCP to 1/1500RCP, approximately 1 km long, with numerous branch pits and grated inlet pits;
- Excavation and concrete lining of an elaborate surface catch and batter drainage system to intercept and direct overland flow to controlled outlet points, over 3200 m³ of reinforced concrete;
- Rehabilitation of approximately 950 m of existing roadway;
- Installation of an elaborate barrier system which includes w-beam, thriebeam and concrete barriers and other road furniture including road signs; and
- 6.4 hectares of landscaping/revegetation works, with approximately 4 hectares of 1:1 slope to stabilise and vegetate.

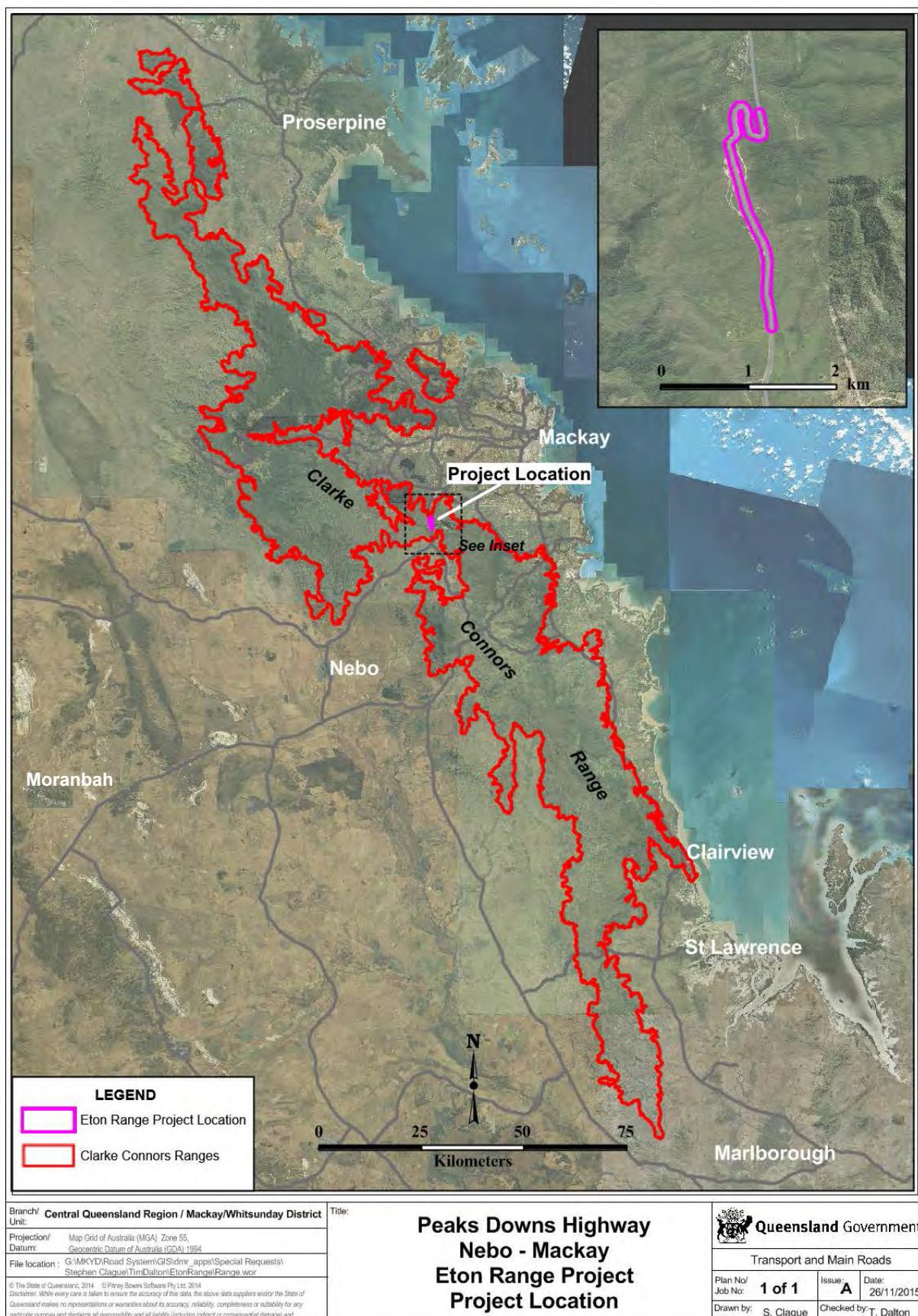


Figure 1: Project Locality

2.3 Project progress

Project progress between April 2016 and April 2017 includes:

- Completion of over 90% of clearing activities;
- Installation of six (6) drainage structures out of 22 in total;
- Completion of 60% of temporary stabilisation and 25% of permanent stabilisation works;
- Erection of 801m (approximately 50%) of permanent fauna exclusion fence;
- 14 blasts at various locations across the Project;
- Completion of 30% of earthworks with 6300 tonnes of material imported and over 20000m³ of insitu material processed;
- Utilisation of over 2500m³ of imported concrete to date; and
- Significant site rehabilitation and clean-up activities after Cyclone Debbie crossed the Mackay and Whitsunday Coast in March 2017.

2.4 Matters of national environmental significance (MNES)

The Project was assessed as having the potential to have a significant impact on the following MNES:

- Koala (*Phascolarctos cinereus*).

3. Compliance with Approval Conditions

Table 1 provides details of the compliance with the Project's EPBC Act approval conditions.

Table 1 Compliance with EPBC Approval

Condition number	Condition	Compliance				Evidence/comments/notable events
		Compliant	Observation	Non-Compliant	Non Applicable	
1	During construction , there must be no koala mortality attributable to construction activity .	✓	✓			<p>No koala fatalities have occurred during clearing activities. On the 30th April 2016 a female koala and its joey were identified during a pre-clearing inspection within an area to be cleared. A 30 metre buffer zone of temporary fauna fencing was installed around the tree containing the koalas and into retained vegetation. Their movements were monitored throughout the day, and an inspection of the area was undertaken on 3rd May 2016 which determined that the koalas had moved on. Clearing works then recommenced.</p> <p>A number of koalas have been sighted within the Project extent during earthworks and other construction activities. Management actions specified within the Project's Fauna Management Plan have been enacted and in each case the animal has self-relocated voluntarily.</p> <p>Three koala fatalities occurred on the existing Peak Downs Highway in the vicinity of the Project (30/05/2016, 26/10/2016 and 21/11/2016). All three roadkill incidents happened during the night while no activities were occurring onsite. One record occurred adjacent to temporary safety barriers installed as a part of the Project at the range's most significant hairpin. During the subsequent investigation it was supposed that the public safety barriers may have impacted the animal's ability to exit the active highway so parawebbing was retrofitted to the barriers in this location to minimise further roadkill risks.</p>
2	The approval holder must not clear koala habitat outside the project clearing limits shown in the clearance plans at Appendix 1.	✓	✓			<p>29.961ha of the approved 30.741ha has been cleared (97.5%). All clearing has been undertaken within areas specified in the approved Project clearance plans.</p> <p>On the 28th March Cyclone Debbie crossed the Queensland coast and intense rainfall associated with the system cause a number of slips on the existing Peak Downs Highway in the vicinity of the Project. Some native vegetation was damaged as a result of these slips. The stabilisation of these areas is ongoing. Refer to Site Photos (Section 4).</p>

Condition number	Condition	Compliance				Evidence/comments/notable events
		Compliant	Observation	Non-Compliant	Non Applicable	
3	For the ongoing protection of the koala in the project area , the approval holder must design, construct and implement koala protection measures, including fencing and a fauna underpass, prior to completion . These protection measures must be maintained by the approval holder for the life of approval .	✓				Construction has commenced on the dedicated fauna underpass. The erection of fauna exclusion fencing is ongoing. Refer to Site Photos (Section 4).
4	To inform adaptive management after completion , the approval holder must monitor the use of the fauna underpass and road kill within the project area , sufficient to assess the level of koala mortality from road strike and the ability of koalas to safely cross the Peak Downs Highway within the project area .				✓	Required to be undertaken after Project completion.
5	For the duration of the monitoring undertaken under Condition 4, the approval holder must publish the results of the monitoring for koala at least annually on the approval holder's website.				✓	Required to be undertaken after Project completion.

Condition number	Condition	Compliance				Evidence/comments/notable events
		Compliant	Observation	Non-Compliant	Non Applicable	
6	To compensate for residual impacts to the koala , the approval holder must within two years of commencement , provide a financial contribution of not less than \$270,942 for research and research related work by suitably qualified experts that will contribute to the better protection and long term conservation of the koala . The research and research related work must include, but is not limited to: <ol style="list-style-type: none"> The provision of \$47,300 to study koala population management units across the Clarke-Connors Range. The provision of \$64,468 to undertake landscape analysis and modelling to predict future koala road-kill hotspots along the Nebo stretch of the Peak Downs Highway. The provision of \$138,014 to study koala habitat use and movement patterns in the vicinity of the Eton-Nebo stretch of the Peak Downs Highway. The provision of \$21,160 for investment planning for the installation of wildlife barriers and underpasses on the Peak Downs Highway between Eton and Nebo. 	✓				<p>Research and research related work commenced on the 21st July 2016. On-ground surveys began in August 2016 and are continuing.</p> <p>Ten (10) adult animals are currently being tracked adjacent to the Peak Downs Highway and preliminary data has shown that road crossings at repeat locations is common. Collection and analysis of DNA samples across the wider Clarke-Connors Ranges in ongoing.</p> <p>Expenditure of the financial contribution has commenced in line with TMR's time-line of proposed expenditure previously provided to DoE.</p>
7	Within six months of commencement , the approval holder must provide to the Department a time-line of the proposed expenditure on research and research related work described in Condition 6.	✓				The time-line of proposed expenditure was provided to DoE on the 16 th June 2016.
8	During the conduct of the research and research related work, progress must be reported to the Department annually and published on the approval holder's website.				✓	Research commenced in July 2016. The first annual report is due to be published in July 2017.

Condition number	Condition	Compliance				Evidence/comments/notable events
		Compliant	Observation	Non-Compliant	Non Applicable	
9	The approval holder must provide the results of the research and research related work to the Department and publish a summary of the results of the research on the approval holder's website within 12 months of the completion of the research. The summary of the results of the research must remain on the approval holder's website for the life of approval .				✓	Required to be undertaken after research completion.
10	The research described under Condition 6 must be peer reviewed.				✓	Required to be undertaken after research completion.
11	To compensate for residual impacts to the koala , the approval holder must, within 12 months of the research being completed, expend not less than \$200,000 in applying the findings of the research and research related work described under Condition 6 by designing, constructing, and implementing wildlife protection and/or diversion infrastructure on existing parts of the Peak Downs Highway between Eton and Nebo.				✓	Required to be undertaken after research completion.
12	Within 12 months of expending funds to design, construct and implement wildlife protection and/or diversion infrastructure as described under Condition 11, the approval holder must provide to the Department and publish on the approval holder's website, a report on the nature of the wildlife protection and/or diversion infrastructure funded and a plan for monitoring and assessing the effectiveness of this infrastructure in delivering a conservation gain for the koala. The published report must remain on the approval holder's website for the life of approval.				✓	Required to be undertaken after research completion.

Condition number	Condition	Compliance				Evidence/comments/notable events
		Compliant	Observation	Non-Compliant	Non Applicable	
13	Within six months of the conclusion of monitoring activity under the plan described under Condition 12, the approval holder must provide to the Department and publish on the approval holder's website, a report on the outcomes of the monitoring and assessment in delivering conservation gain (if any) for the koala. The published report must remain on the approval holder's website for the life of approval.				✓	Required to be undertaken after research completion.
14	Within 20 days after the commencement of construction, the proponent must advise the Department in writing of the actual date of commencement of construction.	✓				TMR advised DoE on the 4 th April 2016 of the date of construction commencement.
15	The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of 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.	✓				All records are maintained by the construction contractor and are being summarised and reported to TMR on a monthly basis. At completion of construction all documentation will be transferred to TMR. The records are available for review at any time and TMR's Contract Administrator and Environmental Officer regularly inspect and audit the documentation.
16	Within three months of every 12 month anniversary of the commencement of construction, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval over the previous 12 months. The published report must remain on the approval holder's website for the life of approval. Non-compliance with any of the conditions of this approval must be reported to the Department at the same time as the compliance report is published.	✓				This report is the first compliance report for the Project and will be published on TMR's website.

Condition number	Condition	Compliance				Evidence/comments/notable events
		Compliant	Observation	Non-Compliant	Non Applicable	
17	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.				✓	To date, there has been no direction from the Minister to complete an independent audit.
18	If, at any time after five years from the date of this approval, the approval holder has not commenced construction, then the approval holder must not commence construction without the written agreement of the Minister.	✓				The Project commenced on the 4 th April 2016.

4. Site Photos



Plate 1: Ch 50.82km where significant excavation and blasting has been required to achieve finish grade, 10/02/17



Plate 2: Eton Range lower hairpin embankment stabilisation, 03/02/17



Plate 3: Koala and joey identified during pre-clearing surveys, 30/04/16



Plate 5: Temporary exclusion fencing erected to divert koala and joey into retained vegetation, 30/04/16



Plate 4: One of many koala sightings within the project extent during construction. Note the closeness to the existing active Peak Downs Highway, 11/10/16



Plate 7: Koala and joey self-relocating to retained vegetation, 19/08/16



Plate 6: Erected fauna exclusion fencing, 23/11/16



Plate 8: Construction of the fauna underpass (left in picture) is ongoing



Plate 9: Slip uphill of the Eton Range as a result of Cyclone Debbie (31/03/17)