

Annual Compliance Report 2024 Toowoomba Second Range Crossing

EPBC 2003/1143

December 2023 – December 2024



Document Control

Departmental approvals

| Date | Name | Position | Action |
|----------|-----------------|----------------------------------|-------------------------|
| 1/11/24 | Peter Sparshott | Senior Environmental Officer | Initial draft |
| 26/11/24 | Shirley Jackson | A/Communications Advisor | Final issue |
| 16/01/25 | Adam Garvin | District Director, Darling Downs | Declaration of Accuracy |

Risk level

High risk (but not GACC)

Prepared by Peter Sparshott
Title Senior Environmental Officer
District & Region Darling Downs District, Southern Queensland
Branch & Division Program Delivery and Operations
Project/program Toowoomba Bypass
Project number 11972
Project location Toowoomba
Status Maintenance phase
DMS ref. no. 450/03287

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If you require them in an alternative format, please email info@tmr.qld.gov.au or telephone 13 74 68.

Please provide your name, contact information, and a detailed description of the issue you encounter or the format you require.

Proponent and Approval Action

| | |
|---------------------|---|
| EPBC Act Reference | 2003/1143 |
| Project Name: | Toowoomba Second Range Crossing |
| Proponent: | Department of Transport and Main Roads |
| ABN: | 39 407 690 291 |
| Proposed Action: | To construct and operate a new highway within a corridor, linking the Warrego and Gore Highways, and bypassing Toowoomba in southern Queensland |
| Location of Action: | Toowoomba |
| Reporting Period: | December 2023 – December 2024 |
| Date Prepared: | 11 th September 2007 |

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 Adam Garvin

Position District Director, Darling Downs

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

Date 16/01/2025

Table of Contents

| | |
|-----------------------------------|-----------|
| Document Control | 2 |
| Departmental approvals | 2 |
| Risk level | 2 |
| Accessibility Statement | 1 |
| Proponent and Approval Action | 1 |
| Declaration of Accuracy | 2 |
| Table of Contents | 3 |
| 1. Introduction | 1 |
| 1.1 Project Background | 1 |
| 1.2 Purpose of this Report | 2 |
| 2. Description of Activity | 3 |
| 2.1 Project Location | 3 |
| 2.2 Description of the Project | 3 |
| 2.3 Project Status | 5 |
| 2.4 Approval History | 5 |
| 3. Summary of Compliance | 6 |
| 3.1 Corrective measures | 6 |
| 4. List of Appendices | 11 |

Acronym Definitions

| Term | Definition |
|---------|---|
| DEHP | Department of Environment and Heritage Protection |
| DoE | Department of Environment |
| DCCEEW | Department of Climate Change, Energy, the Environment and Water |
| 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 Project Background

The Toowoomba Second Range Crossing Project 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 Toll Road will also include a grade separated connection to Mort Street, an approximately 30 m deep cutting at the top of the Toowoomba Range and an 800 m 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 secured 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.

The Project was referred to the Federal Department of Climate Change, Energy, the Environment and Water (DCCEEW) during 2003 for determination of whether the Project is likely to have a significant impact on Matters of National Environmental Significance (MNES). Projects likely to cause a significant impact on MNES require approval under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Project was deemed a controlled action and was approved, subject to conditions, on 11th September 2009 (EPBC 2003/1143).

1.2 Purpose of this Report

Condition 10 of approval EPBC 2003/1143 requires the approval holder (TMR) to prepare and publish an annual compliance report for each 12-month period following Action commencement date.

This report is the 5th and final annual compliance report for the project due to all conditions now being fulfilled.

This report has been prepared in accordance with DCCEEW annual compliance report guidelines.

2. Description of Activity

2.1 Project Location

The Toowoomba Second Range Crossing Project 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.

2.2 Description of the Project

In August 2015 Nexus was awarded the contract to design and construct the 41-kilometre motorway, including road and pavements, cuttings, structures, and underground services, plus the 25 year operations and maintenance contract.

The Second Range Crossing will play a key role in accelerating the growth of regional Australia. Toowoomba is a key, strategic link in the National Land Transport Network with almost half of all exports from the Port of Brisbane originating from regions accessed via the existing Warrego Highway Toowoomba Range section. This route requires almost 22,000 vehicles (including 2900 heavy vehicles) to pass through the city's Central Business District each day.

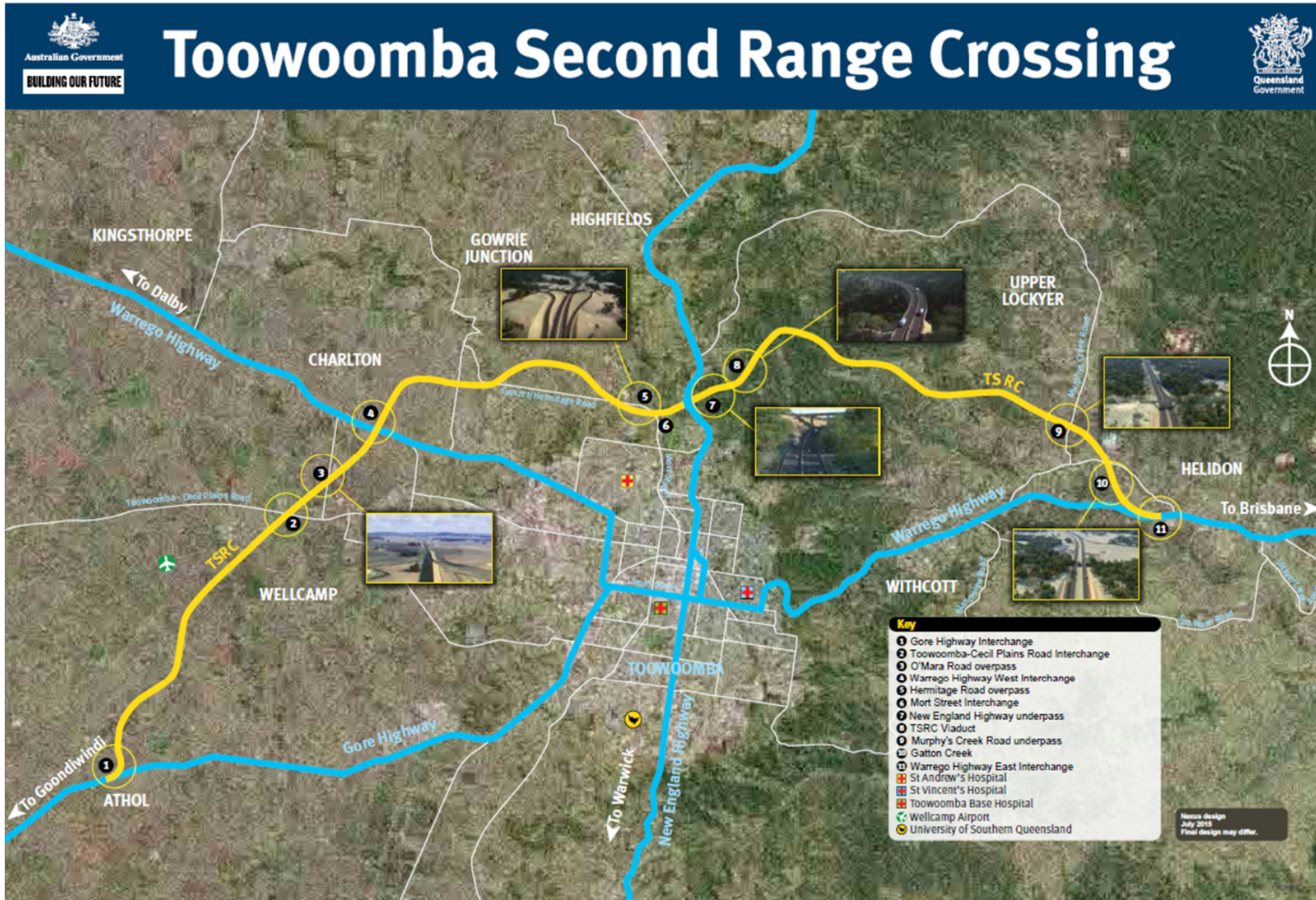


Figure 1: Project Location

2.3 Project Status

The project is currently in the operation and maintenance phase.

2.4 Approval History

EPBC approval and approval documentation dates, compliance reporting dates and status of the annual compliance reports are provided in Table 2 and Table 3.

Table 1: Relevant Dates for EPBC Act Approval

| Approval Document | Date of Decision | Expiry Date |
|------------------------------|---------------------------------|-------------|
| EPBC 2003/1143 | 11 th September 2007 | |
| <i>Extension of boundary</i> | 27 th May 2015 | |
| <i>Extension of boundary</i> | 11 th May 2016 | |
| <i>Amend condition 2a</i> | 23 rd February 2017 | |
| <i>Extension of boundary</i> | 6 th December 2017 | |
| <i>Extension of boundary</i> | 13 th February 2023 | |

Table 2: Chronology of Annual Compliance Reports

| Reporting Dates | Report No. | Status |
|---------------------|------------|---|
| <i>2019 - Nexus</i> | 1 | Completed and published on Nexus web page |
| <i>2020</i> | 02 | Completed and published on TMR web site |
| <i>2021</i> | 03 | Completed and published on TMR web site |

| | | |
|------|----|---|
| 2022 | 03 | Completed and published on TMR web site |
| 2023 | 04 | Completed and published on TMR web site |
| 2024 | 05 | Completed |

3. Summary of Compliance

Table 3 details the Project’s compliance status for each approval condition over the 12-month reporting period: December 2023 – December 2024.

Where required, reference has been made to relevant Appendices for further evidence of compliance. Appendix A – Delma register, Appendix B – Annual Report 2024

The Project was found to be fully compliant with the requirements of the EPBC Approval 2003/1143.

3.1 Corrective measures

No non-compliances were recorded during the reporting period.

Table 3: Compliance with conditions of EPBC Approval 2003 / 1143

| No. | Condition | Status | Compliance Status | Evidence / Comments |
|-----|--|----------|-------------------|---|
| 1 | <p>The person taking the action may only construct the Toowoomba Second Range Crossing within the area bounded by the bold purple line labelled ‘Project Boundary’ as shown in the maps Annexure 1.</p> | Complete | Compliant | <p>It is noted that a variation to replace Annexure 1 was requested from DoE by DTMR for minor amendments to the EPBC boundary.</p> |
| 2 | <p>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 <i>Nature Conservation Act 1992</i>. The approved OP must be implemented within 12 months of the commencement of construction.</p> | Complete | Compliant | <p>A request to amend condition 2a was made on 13th January 2017, for the purpose of amending the conservation of the listed properties under the <i>Nature Conservation Act 1992</i> to the <i>Vegetation Management Act 1999</i> which was approved on the 23rd February 2017.</p> <p>Offset properties have been secured by the Queensland Department of Transport and Main Roads as per condition 2 for conservation. The Department of Transport and Main Roads submitted an application to establish a Voluntary Declaration for the listed properties under the provisions of the <i>Vegetation Management Act 1999</i> to the Department of Natural Resources and Mines (NRM), which was formally accepted on the 21st March 2014 (DAM 2017/001268; PMAV 2017/001276).</p> <p>All management obligations have been completed for the offset management plan in 2024 and can be seen in Appendix B – Annual Report 2024</p> |
| 3 | <p>The person taking the action must submit a translocation management plan for <i>Delma torquata</i> (translocation plan) to the Minister for approval a minimum of two months prior to construction. The translocation plan must address the following requirements:</p> | Complete | Compliant | <p>The Translocation Management Plan was provided to DoE for approval on the 12th February 2016 (Reference 2490300) with approval received by DTMR on the 5th May 2016. The approved plan addresses the requirements listed below with specific examples for each. The 2 year monitoring program concluded on 26th June 2018 as per EPBC conditions with the monitoring report submitted to the Department in December 2018 (document reference TSRC-PENGE01-REP-00032)</p> |

| No. | Condition | Status | Compliance Status | Evidence / Comments |
|-----|---|----------|-------------------|---|
| 4 | The person taking the action must undertake the construction and revegetation works as outlined in the Environmental Management Plan (Planning) for the Toowoomba Second Range Crossing Version 4 or subsequent management plan as approved by the department. | Complete | Compliant | All construction and revegetation works have been undertaken as per approved Management Plans, with no non-conformances recorded during this reporting period. <ul style="list-style-type: none"> - Environmental Management Plan (Planning) - Environmental Management Plan (Construction) and associated sub plans |
| 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. | Complete | Compliant | Compliant, no other activities have been undertaken to date. |
| 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. | Complete | Compliant | This condition is noted – There have been no additional requirements requested by the Minister to date. |
| 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 Second Range Crossing, the action must thereafter be commenced without the written agreement of the Minister. | Complete | Compliant | Construction commencement notification provided in writing. Letter dated 13 th May 2016. |

| No. | Condition | Status | Compliance Status | Evidence / Comments |
|-----|---|----------|-------------------|---|
| 8 | 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. | Complete | 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; <ul style="list-style-type: none"> - Habitat assessment records are kept and identified within the Translocation Management plan. - Combined proformas for Delma preclearance 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 th June 2018. <ul style="list-style-type: none"> - Internal Environmental permits were completed for clearing activities undertaken within each of the identified <i>Delma torquata</i> habitat areas, identifying requirements for any disturbance within those areas. |
| 9 | 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. | Complete | Compliant | To date, there has been no such request from the Minister to date. |
| 10 | 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 | Complete | Compliant | This compliance report covers the period up to December 2024. |

| No. | Condition | Status | Compliance Status | Evidence / Comments |
|-----|--|----------|-------------------|---|
| | 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. | | | |
| 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. | Complete | Compliant | A letter dated 13 th May 2016 (ref TSRC-EN-DOE-LET-0001) was provided to the Department with regards to the commencement of construction for the Toowoomba Second Range Crossing |

4. List of Appendices

Appendix A: *Delma torquate* (Collared Delma) Capture Register

Appendix B: Annual Report – (2023-2024) Management of Environmental Offsets

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