

# **Bruce Highway (Cooroy to Curra) Upgrade Section C (Traveston Road to Keefton Road) Project Job No. 232/10A/2**

**EPBC Ref: 2014/7394 Preliminary Documentation**

August 2015

# Contents

<b>Proponent and Proposed Action</b>	<b>0</b>
<b>Declaration of Accuracy</b>	<b>0</b>
<b>Document Control</b>	<b>1</b>
<b>Glossary</b>	<b>1</b>
<b>1. Introduction</b>	<b>2</b>
1.1 Project Overview	2
1.2 Environment Protection and Biodiversity Conservation Act Referral	4
1.2.1 Request for Additional Information and Preliminary Documentation	4
1.2.2 Public Notification Period	5
1.2.3 Update to Preliminary Documentation following Public Notification Period	8
<b>2. Preliminary Documentation</b>	<b>9</b>
2.1 General	9
2.2 Item 1 - Fauna Management Plan – Koala and Grey-headed Flying-fox	10
2.3 Item 2 - Erosion and Sediment Control Plan – Mary River turtle, Mary River cod and the White-Throated Snapping Turtle	10
2.4 Item 3 - Residual Impact Assessment Offsets Proposal	11
2.5 Item 4 - Principles of Ecologically Sustainable Development	11
2.6 Item 5 - Department of Transport and Main Roads' Environmental Record	13
2.7 Item 6 - Social and Economic Record	13
2.8 Item 7 - Other Approvals and Conditions	15
<b>3. References</b>	<b>21</b>
<b>4. Appendices</b>	<b>22</b>
Appendix A - Request for Additional Information – Preliminary Documentation, Department of the Environment	22
Appendix B - TMR's ' <i>Least Concern Protected Plant Exemption</i> ' and ' <i>Species Management Program for Tampering with Animal Breeding Places</i> '	23
<b>5. Attachments</b>	<b>24</b>
Attachment 1 - Fauna Management Plan – Koala and Grey-headed Flying fox	24
Attachment 2 - Impact Assessment and Erosion and Sediment Control Plan – Mary River turtle, Mary River cod and White-Throated Snapping Turtle	24
Attachment 3 - Residual Impact Assessment and Offset Proposal	24

## Table of Figures

Figure 1 Bruce Highway Upgrade (Cooroy to Curra) Locality Plan	3
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# Table of Tables

Table 1	Summary of report structure	9
Table 2	Environmental approvals and conditions	16

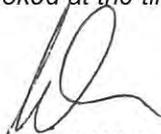
## Proponent and Proposed Action

Detail	Applicable details
EPBC Reference Number:	2014/7394
Project Name:	Bruce Highway Upgrade Project (Cooroy to Curra) Section C (Traveston Road to Keefton Road)
Proponent:	Department of Transport and Main Roads
ABN:	39 407 690 291
Proposed Action:	The Department of Transport and Main Roads proposes to re-align approximately 11.5 km of the Bruce Highway between Traveston Road and Keefton Road between Traveston and Woondum in Queensland.
Location of the Action:	Between Traveston and Woondum, south of Gympie, South East Queensland
Date Prepared:	August 2015

## Declaration of Accuracy

*In making this declaration, I am aware that section 491 of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) makes it an offence in certain circumstances to knowingly provide false or misleading information or documents to specified persons who are known to be performing a duty or carrying out a function under the EPBC Act or the Environment Protection and Biodiversity Conservation Regulations 2000 (Cth). The offence is punishable on conviction by imprisonment or a fine, or both. 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: Scott Whitaker

Organisation: Department of Transport and Main Roads

Date:

26/8/15

# Document Control

Version No.	Date of Issue	Reason for Issue	Issued By
1	18/6/2015	Submission of Preliminary Documentation	Scott Whitaker
2	13/8/2015	Amendment to Preliminary Documentation after comments received during the Public Notification Period.	Scott Whitaker
3	26/8/2015	Addition of details about the submissions during the public notification period.	Scott Whitaker

## Glossary

Term	Description
DAF	Department of Agriculture and Fisheries
DoE	Commonwealth Department of the Environment
DNPSR	Department of National Parks, Sports and Racing
DNRM	Department of Natural Resources and Mines
DSD	Department of State Development
EHP	Department of Environment and Heritage Protection
EMP(C)	Environmental Management Plan (Construction)
EPBC Act 1999	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
ESCP	Erosion and Sediment Control Plan
GED	General environmental duty
IECA Manual	Erosion Control Association (IECA) Best Practice Sediment and Erosion Manual
MNES	Matter of National Environmental Significance
PESCP	Progressive Erosion and Sediment Control Plan
RFI	Request for Additional Information
SMP	Species Management Program
TMR	Department of Transport and Main Roads

# 1. Introduction

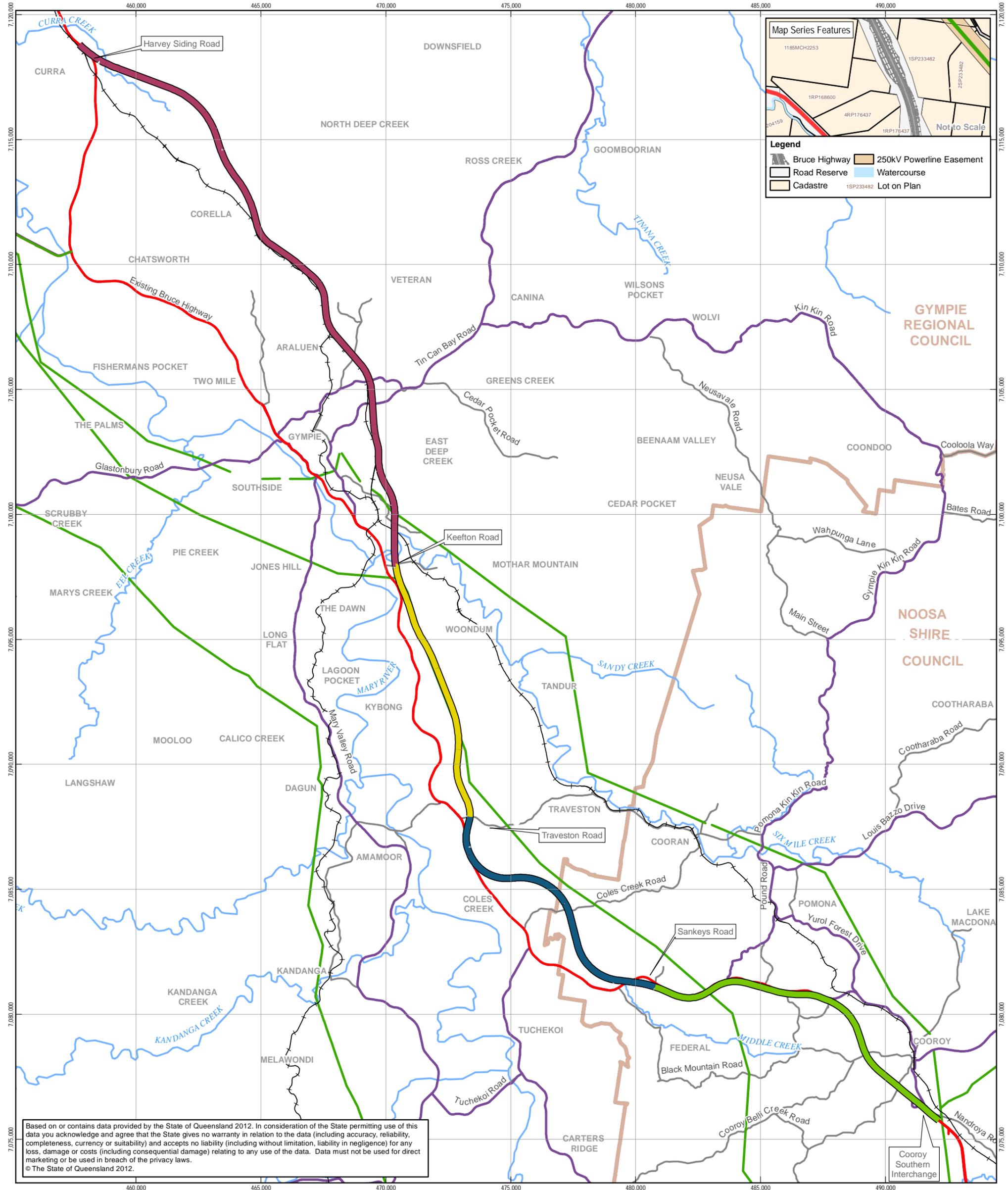
## 1.1 Project Overview

The Department of Transport and Main Roads (TMR) proposes to re-align approximately 11.5 km of the Bruce Highway between Traveston Road and Keefton Road south of Gympie in Queensland, referred to as the Bruce Highway (Cooroy to Curra) Upgrade Section C (Traveston Road to Keefton Road) Project (herein referred to as 'Section C Project'). Section C forms part of a 61 km upgrade of the Bruce Highway between the townships of Cooroy and Curra, refer to Figure 1. The Bruce Highway Upgrade is one of Queensland State Government's highest priority road projects aiming to provide an effective transport link as part of the National highway network and improved safety and flood immunity for all infrastructure users.

Specifically the key elements of Section C Project include the following:

- Northbound and southbound ramps connecting from the proposed alignment to the existing roundabouts at the Traveston Road Interchange
- 8.8 km's of four lane formation to accommodate four lanes of pavement and associated earthworks from Traveston Road Interchange to the proposed Woondum Road overpass with allowance for a future six-lane formation.
- Land acquisition for ultimate six-lane formation
- 1.7 km's of upgrade of the existing Bruce Highway to the southern approach of the existing Six Mile Creek bridge
- Partial realignment and reconstruction of Woondum and Tandur Roads to accommodate the newly formed Bruce Highway
- Grade separation at Tandur and Woondum Roads, with the highway bridging over the local roads
- Three span bridge over Traveston Creek requiring realignment of 142 m of Traveston Creek
- Two span bridge over Kybong Creek requiring the realignment of 173 m of Kybong Creek
- Three span bridge over Cobbs Gully requiring realignment of 163.4m of Cobbs Gully
- Three span bridge over Jackass Creek requiring realignment of 119m of Jackass Creek.

Detailed design of Section C commenced in July 2014 and has been divided into two components – Section C Northern Works (Woondum to Keefton Road) and Section C (Traveston Road to Woondum Road). Construction of Section C Northern Works (Woondum to Keefton Road) will commence mid 2015 with construction of Section C (Traveston Road to Woondum Road) expected to commence in early-2016. The referral and this preliminary documentation specifically relates to works in Section C (Traveston Road to Woondum Road) (herein referred to as the 'Project').



Based on or contains data provided by the State of Queensland 2012. In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.  
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- Legend**
- █ Section A: Cooroy Southern Interchange to Sankeys Rd
  - █ Section B: Sankeys Rd to Traveston Rd
  - █ Section C: Traveston Rd to Keefton Rd
  - █ Section D: Keefton Rd to Harvey Siding Rd (Curra)
  - █ Existing Bruce Highway
  - █ Other State Controlled Road
  - █ Local Road
  - + Railway
  - █ Powerline 250kV
  - █ Watercourse
  - Local Government Area

Paper Size A3 1:140,000

0 1 2 3 4 5  
Kilometres

Map Projection: Universal Transverse Mercator  
 Horizontal Datum: GDA 1994  
 Grid: GDA 1994 MGA Zone 56



Department of Transport and Main Roads  
**Bruce Highway Upgrade  
 (Cooroy to Curra)**  
 Key Plan

Job Number 41-24401  
 Revision B  
 Date 27 Nov 2012

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 © 2012. Whilst every care has been taken to prepare this map, GHD, DNRM, GA, and TMR make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and cannot accept liability and responsibility of any kind (whether in contract, tort or otherwise) for any expenses, losses, damages and/or costs (including indirect or consequential damage) which are or may be incurred by any party as a result of the map being inaccurate, incomplete or unsuitable in any way and for any reason.  
 Data source: GHD: Road Design (2012), DNRM: Place Names, LGA, Cadastre (2012), Railway (2007), GA: Watercourses V3 (2007), Ergon Energy: 250kV Powerline (2007), TMR: SC Roads (2012), Project Extent (2012). Created by: SM

## 1.2 Environment Protection and Biodiversity Conservation Act Referral

### 1.2.1 Request for Additional Information and Preliminary Documentation

The TMR submitted a referral to the Commonwealth Department of the Environment (DoE) for impacts on matters of national environmental significance (MNES) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 3 December 2014 for the Project.

A decision on the assessment of the referral was delivered by the DoE on 7 January 2015 which determined the Project (the proposed action) to be a 'controlled action' due to the likelihood of significant impacts on MNES protected under Section 18 and 18A, Part 3 of the EPBC Act. Section 18 and 18A relate to actions with significant impact on listed threatened species. The determination required the proposed action to be assessed by the submission of preliminary documentation. A request for additional information (RFI) outlining the documentation to be submitted to the DoE for assessment was provided on 20 February 2015 (refer to Appendix A - Request for Additional Information – Preliminary Documentation, Department of the Environment for a copy of the RFI).

This document has been prepared to provide the preliminary documentation requested in the RFI as follows:

- a) *A Fauna Management Plan addressing the likely significant impact of the proposed action on the vulnerable koala (*Phascolarctos cinereus*) and vulnerable grey-headed flying-fox (*Pteropus poliocephalus*)*
- b) *An Erosion and Sediment Control Plan addressing the likely significant impact of the proposed action on the Mary River turtle (*Elusor macrurus*) and Mary River cod (*Maccullochella mariensis*)*
- c) *An assessment of the likelihood of residual significant impacts of the Project, and where residual significant impacts are determined likely to occur, submit an offset proposal in accordance with the EPBC Act Environmental Offsets Policy October 2012*
- d) *A discussion on how the proposal will conform to the principles of Ecologically Sustainable Development*
- e) *Details of the Department of Transport and Main Roads' environmental record*

Notification of an amendment to the decision notice was received from the DoE on 21 May 2015 requesting the following additional preliminary documentation:

- (1) *Social and economic*

*The economic and social impacts of the action, both positive and negative, must be analysed. Matters of interest may include:*

- (a) *details of any public consultation activities undertaken, and their outcomes;*
- (b) *details of any consultation with Indigenous stakeholders;*
- (c) *projected economic costs and benefits of the project, including the basis for their estimation through cost/benefit analysis or similar studies; and*
- (d) *employment opportunities expected to be generated by the project (including construction and operational phases).*

*Economic and social impacts should be considered at the local, regional and national levels.*

(2) *Other approvals and conditions*

*The preliminary documentation must include information on any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action. This must include:*

- (a) a description of any approval that has been obtained or is required to be obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the EPBC Act), including any conditions that apply (or are reasonably expected to apply) to the action; and*
- (b) a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.*

## **1.2.2 Public Notification Period**

TMR conducted a public notification period which was completed on 23 July 2015 as required under Section 95A of the EPBC Act. The department received and replied to three submissions, details of which are provided below.

### **1.2.2.1 Public Comment 1**

This comment dealt with the potential for acquisition of land and as not relevant to matters of national environmental significance under the EPBC Act.

### **1.2.2.2 Public Comment 2**

This comment raised concerns regarding the management and mitigation measures proposed for the Koala, including the following key aspects:

- Item 1 - Potential for fragmentation of Koala populations
- Item 2 - Identification and management of koalas during vegetation clearing for the project,
- Item 3 - Incorporation of habitat rehabilitation in the research program to be delivered as part of Option 1 in the offsets proposal
- Item 4 - Provision of a direct land based offset as part of future works for the Cooroy to Curra project
- Item 5 - Availability of a koala detection dog to be based in the Gympie Region
- Item 6 - Funding for the Sunshine Coast Koala Rescue Service
- Item 7 - Provision of ongoing opportunities to be informed of and involved in, environmental mitigation activities

TMR provided the following response to each of these items.

#### **Item 1 – Potential fragmentation of koala populations**

Provision of fauna passage is a key mitigation measure included in the design of the highway upgrade to maintain habitat connectivity, counter the effect of habitat fragmentation and reduce the risk of vehicle strike. In this regard fauna fencing, furniture and underpasses will be provided at the following locations:

- Fauna fencing
  - Fauna fencing will be installed along the majority of both sides of the new highway.
- Fauna crossings:
  - Fauna crossings will be provided at the four major creek bridges - Traveston Creek, Kybong Creek, Cobbs Gully and Jackass Creek.

- Dedicated fauna underpasses will also be located at Traveston State Forest and north of Kybong Creek.
- Furniture
  - Furniture, including refuge poles and horizontal logs, will be included in the dedicated fauna culverts.

Rehabilitation of the creek crossings/ fauna underpasses will be undertaken as quickly as possible to restore habitat connectivity and cover, and re-establish habitat connections to enable koalas and other fauna to move between the east and west. Further details of these measures are provided in Section 2.6 of *Attachment 1 Fauna Management Plan Koala and Grey-headed Flying Fox* included as part of the Preliminary Documentation.

### **Item 2 - Identification and management of koalas during vegetation clearing**

A number of management measures will be implemented to minimise impacts to koalas during the clearing stages of the Project as detailed in Section 2.6 and Table 6 of *Attachment 1 Fauna Management Plan Koala and Grey-headed Flying Fox*. These measures include the following:

- Pre-clearing surveys - Prior to clearing in each stage, a fauna spotter/catcher will undertake a pre-clearing survey to identify any species present in the Project area. These surveys will be required to be documented and a report provided to TMR's representative prior to any works commencing.
- Fauna spotter/catcher – A suitably qualified fauna spotter/catcher will be required to be present during clearing activities to identify, monitor and implement control measures to minimise impacts to koalas and other fauna. Specific roles of the fauna spotter/ catcher are included in Section 2.6 of the Fauna Management Plan.
- Clearing will be limited to the disturbance area required for the Construction and Operation phases of the Project only. This will be managed throughout the Construction phase through the requirements of the contract.
- Clearing will be undertaken in a staged and sequential process along the Project area to provide the best opportunity for resident fauna to move on their own accord prior to clearing activities commencing.

### **Item 3 - Incorporation of habitat rehabilitation in the research program to be delivered as part of Option 1 in the Offset Proposal**

As far as reasonably practical, the research proposal will be undertaken in areas of differing stages of rehabilitation. From preliminary discussions with the KAG Gr and the Mary River Catchment Co-ordinating Committee (MRCCC) it is anticipated that rehabilitated areas within close proximity to the new highway will be available for use in the research program. At this stage the research areas have not been confirmed as the EPBC Act approval application for this Project is currently in the assessment phase. If the offset proposal is accepted by the Federal Department of the Environment, more specific details of the research program, including the location of the research areas will be confirmed.

#### **Item 4 - Provision of a direct land offset as part of future works for the Cooroy to Curra Project.**

One of the aims of the research project is for the findings to be used to inform the design of future offset proposals. Should the Bruce Highway – Cooroy to Curra (Section D: Woondum to Curra) Project proceed to Detailed Design and an offset be required, the outcomes of the research proposal will be applied.

Furthermore it is proposed that the research area will encompass appropriate locations along the proposed alignment of Section D.

As noted in your email, this approach is likely to result in the identification of more suitable sites for koala offsets with a greater long term benefit for regional koala populations.

#### **Item 5 - Availability of a koala detection dog to be based in the Gympie Region.**

The koala detection dogs will be managed by the Koala Detection Dog Centre at the University of the Sunshine Coast (USC) and will be available for use in surveys by the public in a manner similar to how the current resident dogs are employed. The permanent location of the two new koala detection dogs will need to be discussed with the Koala Detection Dog Centre and will likely be dependent on the availability of a suitable home and carer. TMR is happy to continue these discussions with USC.

#### **Item 6 - Funding for the Sunshine Coast Koala Rescue Service**

TMR made a commitment to the Gympie Regional Council to provide funding for their wild dog abatement program, which will assist in the prevention of wild dog attacks on koalas and other wildlife. TMR understands there are many worthy wildlife protection and carer groups that would also benefit from additional funding, however at this stage we are unable to provide funding to any additional groups.

#### **Item 7 – Provision of ongoing opportunities to be informed of and involved in, environmental mitigation activities associated with Section C**

TMR understands and appreciates the valuable work of local interest groups in advocating on behalf of, and actively preserving, Queensland native fauna. We recognise that KAG Gr are already working with council to develop an improved knowledge of the local koala populations and we feel strongly that KAG Gr can contribute positively to the Section C and Section D projects.

#### **1.2.2.3 Public Comment 3**

This comment raised concerns about offsets for EPBC listed threatened species, as follows:

- Item 1 - Offsets for Koalas – this issue is addressed as per the public comment 2, above.
- Item 2 - White throated snapping turtle.

TMR's response to Item 2 is provided below.

TMR has been in consultation with the Department of the Environment with regard to the recent listing of the White-throated Snapping Turtle (*Elseya albagula*) and are preparing a significant impact assessment and identifying suitable mitigation measures to minimise any residual impact to the species during the construction of the Project. This information will be included in the revised Preliminary Documentation, specifically in *Attachment 2 – Impact Assessment and Erosion and Sediment Control Plan – Mary River Turtle and Mary River Cod*. TMR has also been in consultation with Dr. Col Limpus, Chief Scientist of the Threatened Species Unit for the Queensland Department of the Environment and Heritage Protection with regard to management requirements for this and other turtle species during the Construction phase of the Project.

### **1.2.3 Update to Preliminary Documentation following Public Notification Period**

The Preliminary Documentation has been updated as a result of comments received during the Public Notification Period. The update to the documentation comprises the following:

- Amendment and update to *Attachment 2 – Bruce Highway (Cooroy to Curra) Upgrade Section C (Traveston Road to Keefton Road) Project Job No. 232/10A/2 Impact Assessment and Erosion and Sediment Control Plan– Mary River turtle and Mary River cod* to include a significant impact assessment for the white-throated snapping turtle (*Elseya albagula*) listed as critically endangered under the EPBC Act.
- Associated updates to this report to reflect the above change.

## 2. Preliminary Documentation

### 2.1 General

This report serves to provide the necessary preliminary documentation requested by the DoE in their RFI. Where appropriate individual documents are provided as separate appendices as outlined in Table 1 below:

**Table 1 Summary of report structure**

RFI Reference	Document	Location in Report
Item 1	A Fauna Management Plan addressing the likely significant impact of the proposed action on the vulnerable koala ( <i>Phascolarctos cinereus</i> ) and vulnerable grey-headed flying-fox ( <i>Pteropus poliocephalus</i> )	Section 2.2 and Attachment 1
Item 2	An Erosion and Sediment Control Plan addressing the likely significant impact of the proposed action on the Mary River turtle ( <i>Elusor macrurus</i> ) and Mary River cod ( <i>Maccullochella mariensis</i> ). This has been updated to include the white-throated snapping turtle ( <i>Elseya albagula</i> ).	Section 2.3 and Attachment 2
Item 3	An assessment of the likelihood of residual significant impacts of the Project, and where residual significant impacts are determined likely to occur, submit an offset proposal in accordance with the EPBC Act <i>Environmental Offsets Policy October 2012</i>	Section 2.4 and Attachment 3
Item 4	A discussion on how the proposal will conform to the principles of Ecologically Sustainable Development	Section 2.5
Item 5	Details of the Department of Transport and Main Roads' environmental record	Section 2.6
Item 6	Social and economic record	Section 2.7
Item 7	Other approvals and conditions	Section 2.8

Where appropriate the documents have been prepared with reference to the following guidelines as required by the DoE:

- *Environmental Management Plan Guidelines*, Commonwealth of Australia 2014
- *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy October 2012*, Commonwealth of Australia 2012
- *National Strategy for Ecologically Sustainable Development 1992*, Commonwealth of Australia 1992

## 2.2 Item 1 - Fauna Management Plan – Koala and Grey-headed Flying-fox

A Bruce Highway (Cooroy to Curra) Upgrade Section C (Traveston Road to Keefton Road) Project Job No. 232/10A/2 Fauna Management Plan – Koala and Grey-headed Flying-fox (Fauna Management Plan) has been prepared for the koala (*Phascolarctos cinereus*) and grey-headed flying-fox (*Pteropus poliocephalus*) addressing the likely significant impact of the Project to these species. The Fauna Management Plan has been included as Attachment 1 of this document.

Specifically, DoE considered that the Project may result in habitat fragmentation and increased occurrence of vehicle strike for the koala and grey-headed flying-fox resulting in a likely significant impact. The Fauna Management Plan has been prepared in accordance with the *Environmental Management Plan Guidelines* (DoE, 2014) and includes the following items, as required in the RFI:

- a) *Details of the connectivity of Koala and Grey-headed Flying-fox habitat within and surrounding the project site*
- b) *Assessment of the risk of koala vehicle strike as a result of the proposed project*
- c) *Mitigation and management measures that reflect an adaptive approach to the management of koala and grey-headed flying-fox habitat*
- d) *Methods to monitor the impact and effectiveness of the mitigation and management measures described above*
- e) *Clear and concise outcomes and performance indicators against which achievement of the outcomes identified will be measured*
- f) *Identification of the contingency measures and appropriate corrective actions that will be undertaken if the performance indicators or outcomes are not being met*
- g) *A timeframe for the implementation of the plan*
- h) *How the Fauna Management Plan addressed the requirements of the EPBC Act referral guidelines for the vulnerable koala*

The Fauna Management Plan provides specific monitoring regimes and management actions, sets performance indicators, and details corrective actions to be implemented by TMR to minimise impacts of the Project on these two species during and following the construction phase in a manner that is compliant with the requirements of the EPBC Act requirements.

## 2.3 Item 2 - Erosion and Sediment Control Plan – Mary River turtle, Mary River cod and the White-Throated Snapping Turtle

A Bruce Highway (Cooroy to Curra) Upgrade Section C (Traveston Road to Keefton Road) Project Job No. 232/10A/2 Impact Assessment and Erosion and Sediment Control Plan– Mary River turtle, Mary River cod and White-throated Snapping Turtle (Erosion and Sediment Control Plan) has been prepared for the construction and operation phases of the Project to address potential impacts to these species from changes in water quality as a result of the construction of the Highway. This document has been included as Attachment 2 of this document.

Specifically, DoE considered that the Project may impact upon water quality of the adjacent waterways and could impact upon habitat for the Mary River turtle, Mary River cod and the white-throated snapping turtle. The Erosion and Sediment Control Plan has been prepared in accordance with DoE's *Environmental Management Plan Guidelines* (DoE, 2014), the International Erosion Control Association (IECA) *Best Practice Sediment and Erosion Manual* (IECA Manual) and TMR's *Technical Specification MRTS52 Erosion*

and Sediment Control. The Erosion and Sediment Control Plan includes the following items, as outlined in the RFI included in Appendix A - Request for Additional Information – Preliminary Documentation, Department of the Environment:

- a) *An Erosion and Sediment Control Plan for the construction and operational phases of the Project which includes specific measures to mitigate and manage impacts to the Mary River turtle and Mary River cod*
- b) *Methods to monitor the impact and effectiveness of the mitigation and management measures described above*
- c) *Clear and concise outcomes and performance indicators against which achievement of the outcomes identified will be measured*
- d) *Identification of the contingency measures and appropriate corrective actions that will be undertaken if the performance indicators or outcomes are not being met*
- e) *A timeframe for the implementation of the plan*

The Erosion and Sediment Control Plan has been prepared to provide a conceptual set of overarching erosion and sediment control principles to be used by the Construction Contractor to guide the development of the Construction Contractor's Progressive Erosion and Sediment Control Plans (PESCP). The control principles and management techniques outlined in the Erosion and Sediment Control Plan will be included in the contract documentation for the Project and will be required to be used as a guide by the Construction Contractor during construction to minimise/eliminate potential for sediment laden runoff to be discharged into the receiving environment.

## **2.4 Item 3 - Residual Impact Assessment Offsets Proposal**

An *Bruce Highway (Cooroy to Curra) Upgrade Section C (Traveston Road to Keefton Road) Project Job No. 232/10A/2 Residual Impact Assessment and Federal Environmental Offsets Proposal for the Koala and Grey-Headed Flying-Fox (Residual Impact Assessment and Offsets Proposal)* has been prepared for the Project and includes a discussion on significant impacts to listed threatened species and includes an assessment of the likelihood of residual impacts to these species and their habitat. The residual impact assessment has been undertaken based on the impacts anticipated to occur following the mitigation and management measures proposed for the Project (i.e direct vegetation clearing). The Residual Impact Assessment and Offsets Proposal documentation has been included as Attachment 3 of this document.

As a residual significant impact has been determined as likely to occur for MNES (listed threatened species and their habitat) the following has been undertaken as required by the preliminary documentation:

- a) *Details of an offset package proposed to be implemented to compensate for the residual significant impacts of the Project*
- b) *An analysis of how the offset meets the requirements of the Department's Environmental Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy October 2012 (EPBC Act Offset Policy)*

## **2.5 Item 4 - Principles of Ecologically Sustainable Development**

Ecologically sustainable development (ESD) is defined in the *National Strategy for Ecologically Sustainable Development* (Commonwealth of Australia, 1992) (the National Strategy) as 'development which aims to meet the needs of Australians today, while conserving our ecosystems for the benefit of future generations... to develop ways of using those environmental resources which form the basis of our economy in a way

*which maintains and, where possible, improves their range, variety and quality. At the same time we need to utilise those resources to develop industry and generate employment* (Commonwealth of Australia, 1992). The National Strategy requires government departments to develop institutional arrangements to ensure that the principles and objectives of ESD are delivered.

TMR adheres to the principles of ESD through their Environment and Heritage Policy and Strategy. The strategy has been developed with consideration of the Queensland Government's priorities and community outcomes to build Queensland's economy, strengthen Queensland's communities and protect Queensland's environment and achieves these via a defined set of strategic opportunities, priorities and challenges and the following objectives and key result indicators:

- Objective 1 - Be a leader in stakeholder engagement and community and industry relations
  - Key Result Indicators:
    - Established relationships with key internal and external stakeholders
    - Main Roads environmental performance recognised and valued by stakeholders
- Objective 2 - Lead integrated road system planning across the transport sector
  - Key Result Indicators:
    - A clear, consistent and concise direction for environmental and heritage management for Main Roads
    - A strategic approach to environmental and heritage management in road system planning
- Objective 3 - Develop and deliver the roads program effectively
  - Key Result Indicators:
    - Integration of environmental and heritage management in the delivery of road programs
    - Road construction and maintenance activities do not result in unnecessary negative impacts on environmental or heritage values
    - Adequate financial resources available for environmental and heritage management
- Objective 4 - Lead the sustainable management of road corridor land
  - Key Result Indicator:
    - Environmental and heritage values within the State-controlled road network managed in a strategic and proactive manner
- Objective 5 - Provide a safe, efficient and reliable road network
  - Key Result Indicator:
    - State-controlled road and traffic operations minimise impacts on environmental and heritage values where possible
- Objective 6 - Achieve excellence through the performance of our people, systems and practices
  - Key Result Indicators:
    - Main Roads environmental and heritage capability and performance is continually enhanced
    - Adequate resources available for environmental and heritage management

The Project has been developed with due consideration of TMR's Environment and Heritage Policy and Strategy and objectives as outlined below:

- Strategic planning of the road alignment and continual review through each design phase has been undertaken to minimise impacts to the environmental and heritage values of the region

- Detailed environmental desktop assessments and field investigations have been undertaken throughout the lifetime of the project to inform the design and minimise impacts to environmental and heritage values.
- Regular consultation has been undertaken with stakeholders including other government departments, community groups, the local Aboriginal party and local business and private landholders as outlined in Section 2.7 of this report.
- The offset proposal has been prepared to achieve the most suitable environmental outcome for the impacted species by providing a land offset and funding of research into the impact of habitat fragmentation on the health of the koala and rehabilitation of viable populations in the region.
- The Project will provide economic resources to the community by the way of providing employment as outlined in Section 2.7 and use of local suppliers where possible,

Furthermore the Project has been designed to achieve the following economic, social and environmental objectives:

- Provide a roadway of sufficient standard, capacity and flexibility to meet future road user requirements
- Improve safety along the corridor for all roads users with provision of a national highway that complies with contemporary operational and design standards
- Provide an efficient roadway that enhances road network function
- Provide appropriate connectivity (free flowing) that in particular meets the needs of broader regional freight movements
- Minimise disruption through closures and delay by adhering to acceptable flood immunity standards to enhance network resilience
- Enhance the amenity and liveability of local communities and adjacent land users through design and amelioration treatments and the removal of unwanted traffic intrusions into local urban areas
- Encourage the use of alternate transport modes
- Provide enhanced local connectivity and accessibility to support social inclusion within the local community
- Provide improved capacity and efficiency of the road freight network to contribute to Queensland's continued economic growth (prosperity) in south east Queensland
- Mitigate and/or manage any negative environmental impacts along the motorway corridor.

## 2.6 Item 5 - Department of Transport and Main Roads' Environmental Record

TMR has not been subject to proceedings under the Commonwealth Environmental Protection and Biodiversity Act 1999.

## 2.7 Item 6 - Social and Economic Record

The economic and social impacts of the Section C Project have been outlined below.

### **(a) Details of any public consultation activities undertaken, and their outcomes;**

The TMR engaged with key project stakeholders including David Gibson MP, former state member for Gympie, Warren Truss MP, federal member for Wide Bay, representatives from Gympie Regional Council

and directly impacted property owners and lessees, between 2012 and 2015, to discuss the corridor alignment and key features of the Section C Project.

Feedback received to date has been largely positive, with stakeholders indicating acceptance of the need for the Section C Project and strong support for the Project's anticipated outcomes.

TMR has also met with environmental interest groups including Mary River Catchment Coordinating Committee and the Gympie Region Koala Action Group to discuss environmental management for the Section C Project, including erosion and sediment control, creek diversions and flora and fauna management. Experiences from previous construction on the Cooroy to Curra project were discussed and will be adapted to this Project. Pre-construction water quality monitoring is currently being undertaken by the Mary River Catchment Coordinating Committee at locations upstream and downstream of the proposed crossing structures on the four main waterways traversed by the Project. Interim results from this monitoring will be available late 2015. TMR will maintain contact with these stakeholders throughout the remainder of the design and the Construction phase of the Section C Project.

Consultation is continuing with adjacent property owners and residents regarding the Section C Project's general progress, resumption of property, access arrangements and maintaining of service connections throughout construction and cessation of lease agreements.

The department will continue to consult with key stakeholders as the Section C Project progresses. Contact will be made with adjacent residents and businesses, state and federal elected representatives, Gympie Regional Council and other key stakeholders prior to construction commencing, to provide details on construction time-frames, activities impacts and mitigation options. A media statement will be released to provide the public with general information on the Section C Project and construction time-frames.

#### **(b) Details of any consultation with Indigenous stakeholders**

Initial consultation on the Section C Project was undertaken in September 2013, between representatives of TMR and the Kabi Kabi First Nation Native Title Claimants. The group were advised of the Section C Project and the stages that would be taken. Below is a brief outline of consultation and cultural heritage assessment:

- Initial meeting between TMR and Kabi Kabi First Nation Native Title Applicants in September 2013
- Preliminary cultural heritage risk assessment (desktop)
- Final cultural heritage risk assessment (desk top), which was undertaken by archaeological consultants
- Preliminary geotechnical investigations with the presence of Kabi Kabi cultural heritage monitors from 6th March – 7th March 2014; 28th July – 7th August 2014; 23rd September – 24th September 2014
- An archaeological report relating to the geotechnical works produced for the Department by the Kabi Kabi People and their Technical Advisors
- Request for participants in a cultural heritage field assessment in September 2014 sent to the Kabi Kabi in August 2014
- Field assessment undertaken by Niche Heritage Consultants and TMR on 15th – 17th September 2014. Kabi Kabi representatives did not attend
- 17th September 2014 consultation held with two Kabi Kabi representatives on results of field assessment

- Ongoing negotiations and consultation in progress.

**(c) Projected economic costs and benefits of the project, including the basis for their estimation through cost/benefit analysis or similar studies**

The Bruce Highway provides important connections for local communities in accessing services; its capacity, reliability and safety are key factors impacting on Queensland's overall economy and productivity. The existing Bruce Highway in this area has a poor safety record and susceptibility to flood events which do not meet the standards of a national highway.

The highway upgrade project will deliver a safer road by decreasing interactions between heavy vehicles and other road users, removing the potential for conflict between local traffic and high-speed, high volume highway traffic at unsuitable at-grade intersections and property accesses, and providing improved road conditions. The transfer of traffic from the old alignment will also significantly improve accessibility and amenity for local users. Haulage, tourist and general vehicle operators will benefit from improvements in travel time savings as well as running costs including vehicle wear and tear as a result of an approved vertical and horizontal alignment and enhanced road conditions and reduced emissions.

A detailed cost benefit analysis has found the Section C Project offers significant benefits in terms of increased link capacity to support growth in the region, reduction in congestion supporting efficient freight and local traffic movement, enhanced road safety and improved flood immunity. Results indicate the Section C Project is economically viable with a net present value of \$353 million and a Benefit Cost Ratio of 1.8 which exceeds the hurdle rate.

**(d) Employment opportunities expected to be generated by the project (including construction and operational phases)**

An average of 684 direct jobs will be supported over the life of the Section C Project.

## **2.8 Item 7 - Other Approvals and Conditions**

Table 2 has been prepared to outline the environmental statutory approvals applicable to the Project as required by Section 7 of the RFI. Table details the required statutory approval, relevant regulatory authority, approval conditions (where gained), description of the monitoring requirements, enforcement and review procedures that apply, or are proposed to apply to the approval.

**Table 2 Environmental approvals and conditions**

Legislation	Approval	Regulatory Authority	Monitoring Requirements	Enforcement	Review Procedures
<p><i>Environmental Protection Act 1994</i> (EP Act)</p>	<p>No specific approval is required for the Project under the EP Act. However, Section 319 of the EP Act sets out the general environmental duty (GED) for proponents. In order for TMR and its Contractor to meet its GED an Environmental Management Plan (Construction) (EMP(C)) and Erosion and Sediment Control Plan (ESCP) will be required to be prepared prior to works commencing. These documents will be required to be prepared by the Contractor in accordance with the following TMR's Technical Specification:</p> <p><i>MRTS51 Environmental Management – January 2015</i></p> <p><i>MRTS52 Erosion and Sediment Control – January 2015</i></p>	<p>Department of Environment and Heritage Protection (EHP), TMR</p>	<p>Environmental monitoring for required to be included in the EMP (C) is included in Clause 7 of MRTS51 which requires the Contractor to undertake the following monitoring as a minimum:</p> <ul style="list-style-type: none"> <li>• Daily site inspections for the purpose of verifying compliance with the EMP (C).</li> <li>• Rainfall monitoring of each rainfall event.</li> <li>• Monitoring of water discharged from the site. Waters are required to be monitoring for pH, turbidity and/or total suspended solids, visual inspections for hydrocarbons and litter.</li> </ul> <p>At a minimum monitoring of receiving waters (environment) is required to be undertaken in accordance with the <i>Monitoring and Sampling Manual</i> (DEHP, 1999) and include the following:</p> <ul style="list-style-type: none"> <li>• Monitoring shall be undertaken of the four main waterways impacted by the Project, Traveston Creek Kybong Creek, Cobbs Gully and Jackass Creek. Monitoring shall be undertaken weekly during</li> </ul>	<p>These documents are required to be prepared by the Contractor in accordance with the following TMR's Technical Specification:</p> <p><i>MRTS51 Environmental Management – January 2015</i></p> <p><i>MRTS52 Erosion and Sediment Control – January 2015</i></p> <p>Administrator and Principal (TMR) may undertake compliance audits of the works area to ensure the ESCP and an EMP(C) are being appropriately implemented.</p> <p>The Contract Administrator will oversee the compliance of the Contractor with the contract documentation including statutory approvals and conditions granted for the Project.</p>	<p>The ESCP will be reviewed and deemed suitable by an independent verifier who is an Appropriately Qualified Person prior to approval by TMR.</p> <p>The EMP(C) will be reviewed by TMR prior to construction commencing.</p>

*Fisheries Act 1994*

The preparation of an ESCP and an EMP (C) are holdpoints under the above nominated technical standards. Construction works are unable to commence until the relevant documents are approved by TMR.

construction , and immediately following a discharge from a sediment basin and/or a rain event causing runoff into creek.

- Monitoring shall be undertaken at a representative location upstream and downstream of the works on each of the four creeks Where possible the downstream monitoring location should be no more than 100 metres downstream of the works.
- Water shall be analysed for pH, turbidity and/or suspended solids, dissolved oxygen, electrical conductivity and visually for hydrocarbons and litter.

Waterway barrier works approval (operational works) under the *Sustainable Planning Act 2009* is required for the placement of permanent waterway barriers along the length of the Project alignment. Waterway barrier works approvals are currently being prepared for structures to be placed over Traveston Creek, Kybong Creek, Cobbs Gully, Jackass Creek and a number of

Department of State Development (DSD)  
Department of Agriculture and Fisheries (DAF)

Monitoring requirements specified in the waterway barrier works approvals references water quality monitoring which is to be undertaken in accordance with the monitoring program and water quality performance criteria specified in the EMP(C) and contract documentation.

Compliance with the waterway barrier works approvals will be required as specified in the contract documentation prepared for the Project. Specifically, this requirement will be included in *Annexure MRTS51.1 Environmental Management* and *Annexure MRTS52.1 Erosion and Sediment Control*.  
  
The Contract Administrator will oversee the compliance of the Contractor with the

Not applicable.

	minor unnamed drainage lines.			contract documentation including statutory approvals and conditions granted for the Project.	
<i>Forestry Act 1959</i>	<p>Traveston State Forest (SF 950 FTY1293) is listed as a State Forest under the Schedule of the <i>Forestry (State Forest) Regulation 1987</i>.</p> <p>Therefore, consent is being sought from Forestry Queensland and Queensland Parks and Wildlife Service as custodians to undertake works in a State Forest in the form of a Section 56 Permit to Occupy a State Forest.</p>	Department of National Parks, Sport and Racing (DNPSR)	No monitoring is required under Section 56 Permit to Occupy a State Forest.	<p>Compliance with the Section 56 Permit to Occupy a State Forest will be required by the Contractor during all works. This requirement will be included in <i>Annexure MRTS51.1 Environmental Management</i> developed for the Project.</p> <p>The Contract Administrator will oversee the compliance of the Contractor with the contract documentation including statutory approvals and conditions granted for the Project.</p>	Not applicable.
<i>Nature Conservation Act 1992</i>  <i>Nature Conservation (Wildlife Management) Regulation 2006</i>	A species management program (SMP) for disturbing active breeding places of conservation significant fauna under Section 332 of the <i>Nature Conservation (Wildlife Management) Regulation 2006</i> will be required to be prepared by TMR prior to earthworks	EHP	Pre-construction, during construction and post construction fauna and water quality monitoring will be included in the SMP. The purpose of this monitoring will be to provide baseline data on the species and habitat conditions present prior to construction and to also measure the success of the management strategies included in the SMP.	Compliance with the SMP will be required by the Contractor for the duration of the Project. Compliance with the SMP will be included in Clause 1 of the <i>Annexure MRTS51.1 Environmental Management</i> developed for the Project. In addition, specific fauna mitigation	Review of the fauna management strategies included in the approved SMP will be required where a non-conformance occurs.

	<p>commencing. The SMP has currently not been developed and is anticipated to include conservation significant fauna species listed under the <i>Nature Conservation Act 1992</i>.</p> <p>Following the development of the SMP approval will be sought from EHP.</p>			<p>and management measures relating to the handling of fauna onsite will be included in contract documentation.</p> <p>The Contract Administrator will oversee the compliance of the Contractor with the contract documentation including statutory approvals and conditions granted for the Project.</p>	
	<p>TMR hold a '<i>Least Concern Protected Plant Exemption</i>' and '<i>Species Management Program for Tampering with Animal Breeding Places</i>' (agreement between the former DERM and TMR).</p>	EHP	Not applicable.	<p>The Contractor will be required to comply with the '<i>Least Concern Protected Plant Exemption</i>' and '<i>Species Management Program for Tampering with Animal Breeding Places</i>'. This exemption will expiry in March 2016. TMR is currently in negotiation with the regulatory authority (EHP) to extend/renew the MOU. It is envisaged that the MOU will be contain either the same or similar exemptions. A copy of the current MOU is in Appendix B. Compliance with this agreement will be included in <i>Annexure MRTS51.1 Environmental</i></p>	Not applicable.

*Water Act 2000*

<p><i>License to interfere with the course of flow of a watercourse</i> under Part 6, Section 204 of the <i>Water Act 2000</i> has been sought by the Department of Natural Resources and Mines (DNRM) for the permanent diversion of Traveston Creek and Kybong Creek.</p>	<p>DNRM</p>	<p>The <i>license to interfere with the course of flow of a watercourse</i> for both Traveston Creek and Kybong Creek includes the following environmental monitoring requirements:</p> <ul style="list-style-type: none"> <li>• Monitoring of revegetation areas disturbed as a result of construction works adjacent to the watercourse. Monitoring specifics will be undertaken in accordance with Clause 9.2.1 of <i>MRTS16 Landscape and Revegetation Works</i>.</li> <li>• Daily inspections during construction of diversion work to monitor the works area for the presence of fauna.</li> </ul>	<p>Compliance with the <i>License to interfere with the course of flow of a watercourse</i> will be required as specified in the contract documentation prepared for the Project. Specifically, this requirement will be included in <i>Annexure MRTS51.1 Environmental Management</i> and <i>Annexure MRTS52.1 Erosion and Sediment Control</i>.</p> <p>The Contract Administrator will oversee the compliance of the Contractor with the contract documentation including statutory approvals and conditions granted for the Project.</p>	<p>Not applicable.</p>
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*Management* developed for the Project.

The Contract Administrator will oversee the compliance of the Contractor with the contract documentation including statutory approvals and conditions granted for the Project.

### 3. References

Commonwealth of Australia (1992) *National Strategy for Ecologically Sustainable Development*. Available from: <http://www.environment.gov.au/about-us/esd/publications/national-esd-strategy>. Accessed: 18/05/2015.

Department of the Environment (DoE) (2014) *Environmental Management Plan Guidelines*. Available from: <http://www.environment.gov.au/system/files/resources/21b0925f-ea74-4b9e-942e-a097391a77fd/files/environmental-management-plan-guidelines.pdf>. Accessed: 18/05/2015.

Department of the Environment (DoE) (2012) *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy October 2012*. Available from: <http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy>. Accessed: 18/05/2015.

Department of Transport and Main Road's (TMR) (2015) *Technical Specification MRTS52 Erosion and Sediment Control*. Available from: <http://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Specifications/3-Roadworks-Drainage-Culverts-and-Geotechnical.aspx>. Accessed: 18/05/2015.

International Erosion Control Association (IECA) (2008) *Best Practice Erosion and Sediment Control*. International Erosion Control Association.

## **4. Appendices**

### **Appendix A - Request for Additional Information – Preliminary Documentation, Department of the Environment**



**Australian Government**  
**Department of the Environment**

EPBC Ref: 2014/7394

Mr Scott Whitaker  
District Director  
Department of Transport and Main Roads  
Locked Bag 486  
Bundaberg QLD 4670

Dear Mr Whitaker

**Request for additional information – Preliminary Documentation  
Bruce Highway upgrade and realignment – Cooroy to Curra – Section C, south of Gympie,  
Queensland (EPBC 2014/7394).**

As you are aware, on 7 January 2015, the Ministers delegate determined that the proposed action to upgrade and re-align approximately 11.5 km of the Bruce Highway between Traveston Road and Keefton Road, south of Gympie, Queensland was a controlled action and would be assessed by preliminary documentation. Further information was requested to enable the Department to assess the relevant impacts of the proposed action.

Unfortunately, a recent review of the information sent at this time has highlighted several mistakes and omissions in this documentation. Therefore, an updated request for information is attached to this letter which has addressed mistakes and includes the additional further information required.

The further information requested includes a discussion on the social and economic impacts of this action and details of any other approvals and conditions this project is subject to in addition to the EPBC Act.

If you have any questions about the assessment process or the further information required, please contact Ross McMillan, by email to [ross.mcmillan@environment.gov.au](mailto:ross.mcmillan@environment.gov.au), or telephone 02 6274 1458 and quote the EPBC reference number shown at the beginning of this letter. I regret any inconvenience that this has caused you.

Yours sincerely

Victoria Press  
Director  
Policy Implementation and Qld Assessments Section  
27 May 2015

**Bruce Highway upgrade and realignment – Cooroy to Curra – Section C, south of Gympie, Queensland (EPBC 2014/7394)**

**Additional information required for assessment by Preliminary Documentation**

It has been determined that the proposed action is likely to have a significant impact on the following controlling provision which is protected under Part 3 of the EPBC Act:

- Sections 18 & 18A (listed threatened species and communities).

It has also been determined that the proposed action will be assessed by preliminary documentation. The information about the action and its relevant impacts, as outlined in the referral and in the additional information described below, will make up the required information.

**GENERAL CONTENT, FORMAT AND STYLE**

The preliminary documentation, which includes the referral information and the additional information described below, should be contained as one document with attachments, and include sufficient information to avoid the need to search for supplementary reports. The documentation must enable interested stakeholders and the Minister to understand the environmental consequences of the proposed development on matters of national environmental significance (MNES). The information provided should be objective, clear and succinct and where appropriate, supported by maps, plans, diagrams or other descriptive detail.

Detailed technical information, studies or investigations necessary to support the main text should be included. It is recommended that any supporting documentation and studies, reports or literature, from which information has been extracted and which are not normally available to the public, be attached as appendices to the main document and made available at appropriate locations during the period of public display of the preliminary documentation. The proponent should also make the documentation and supporting information available on the internet.

If it is necessary to make use of material that is considered to be of a confidential nature, the proponent should consult with the Department of the Environment (the Department) on the preferred presentation of that material, before submitting the documents to the Minister for approval for publication.

The level of analysis and detail in the documentation should reflect the level of expected impacts on the environment. Any variables or assumptions made in the assessment must be clearly stated and discussed. The extent to which the limitations, if any, of available information may influence the conclusions of the environmental assessment should be discussed.

The documentation should be written so that any conclusions reached can be independently assessed. To this end, all sources must be appropriately referenced using the Harvard standard. The reference list should include the address of any internet “web” pages used as data sources.

The additional information should include a list of persons and agencies consulted and the names of, and work done by, the persons involved in preparing the documentation. Maps, diagrams and other illustrative material should be included where appropriate. The additional information should be produced on A4 size paper capable of being photocopied with maps and diagrams on A4 or A3 size and in colour where possible. The Proponent should consider the format and style of the document appropriate for publication on the internet. The capacity of the website to store data and display the material may have some bearing on how the document is constructed.

The additional information must include a copy of these guidelines and a table indicating where the information fulfilling the guidelines is included in the preliminary documentation.

## **SPECIFIC CONTENT OF THE ADDITIONAL INFORMATION**

### **1. Fauna Management Plan:**

As well as the clearing of Koala and Grey-headed Flying-fox habitat, the Department considers that the proposed action may result in habitat fragmentation and increased occurrence of vehicle strike resulting in a likely significant impact. To assist in our assessment of these potential impacts, please provide a Fauna Management Plan that includes:

- (a) details of the connectivity of Koala and Grey-headed Flying-fox habitat within and surrounding the project site;
- (b) assessment of the risk of koala vehicle strike as a result of the proposed project;
- (c) mitigation and management measures that reflect an adaptive approach to the management of Koala and Grey-headed Flying-fox habitat;
- (d) methods to monitor the impact and effectiveness of the mitigation and management measures described above;
- (e) clear and concise outcomes and performance indicators against which achievement of the outcomes identified will be measured;
- (f) identification of the contingency measures and appropriate corrective actions that will be undertaken if the performance indicators or outcomes are not being met;
- (g) a timeframe for the implementation of the plan;
- (h) how the Fauna Management Plan addressed the requirements of the *EPBC Act referral guidelines for the vulnerable Koala*; and

The fauna management plan must be prepared in accordance with the Department's *Environmental Management Plan Guidelines (2014)*  
<http://www.environment.gov.au/epbc/publications/environmental-management-plan-guidelines>.

## 2. Erosion and Sediment Control Plan

To assist in our assessment of water quality impacts on adjacent waterways and implications for habitat of the Mary River Turtle and Mary River Cod, please provide:

- (a) an Erosion and Sediment Control Plan for the construction and operational phases of the project which includes specific measures to mitigate and manage impacts to the Mary River Turtle and Mary River Cod;
- (b) methods to monitor the impact and effectiveness of the mitigation and management measures described above;
- (c) clear and concise outcomes and performance indicators against which achievement of the outcomes identified will be measured;
- (d) identification of the contingency measures and appropriate corrective actions that will be undertaken if the performance indicators or outcomes are not being met;
- (e) a timeframe for the implementation of the plan;

The Erosion and Sediment Control Plan must be prepared in accordance with the Department's *Environmental Management Plan Guidelines* (2014)  
<http://www.environment.gov.au/epbc/publications/environmental-management-plan-guidelines>.

## 3. Offsets

The discussion on impacts to listed threatened species and communities must include an assessment of the likelihood of residual significant impacts occurring, after mitigation and management measures relating to the project have been applied. If residual significant impacts to listed threatened species and communities are determined likely, please provide:

- (a) details of an offset package proposed to be implemented to compensate for the residual significant impacts of the project; and
- (b) an analysis of how the offset meets the requirements of the Department's *Environmental Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy October 2012* (EPBC Act Offset Policy)  
(<http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy>).

Offset/s required by the State/Territory can be applied if the proposed offset/s meet the Department's EPBC Act Environmental Offset Policy.

## 4. Ecologically Sustainable Development (ESD):

Please include a brief discussion of how the proposal will conform to the principles of Ecological Sustainable Development. To assist you, the National Strategy for Ecologically Sustainable Development (1992) is available on the following web site:

<http://www.environment.gov.au/resource/national-strategy-ecologically-sustainable-development>.

## 5. Environmental record:

Please include details of any past or present proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:

- (a) the person proposing to take the action; and
- (b) for an action for which a person has applied for a permit, the person making the application.

## 6. Social and economic

The economic and social impacts of the action, both positive and negative, must be analysed. Matters of interest may include:

- (a) details of any public consultation activities undertaken, and their outcomes;
- (b) details of any consultation with Indigenous stakeholders;
- (c) projected economic costs and benefits of the project, including the basis for their estimation through cost/benefit analysis or similar studies; and
- (d) employment opportunities expected to be generated by the project (including construction and operational phases).

Economic and social impacts should be considered at the local, regional and national levels.

## 7. Other approvals and conditions

The preliminary documentation must include information on any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action. This must include:

- (a) a description of any approval that has been obtained or is required to be obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the EPBC Act), including any conditions that apply (or are reasonably expected to apply) to the action; and
- (b) a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

***Appendix B - TMR's 'Least Concern Protected Plant Exemption' and 'Species Management Program for Tampering with Animal Breeding Places'***



Department of  
**Environment and  
Heritage Protection**

10 December 2013

Mr David Stewart  
Director General  
Department of Transport and Main Roads  
GPO Box 1412  
BRISBANE QLD 4001

### **Extension of protected plant class exemption**

Dear Mr Stewart

Your organisation's section 41 class exemption is due to expire on 31 January 2014.

The chief executive of the Department of Environment and Heritage Protection (EHP) has decided to amend the expiry date of the section 41 class exemption to 30 June 2014.

The section 41 class exemption expiry date is being extended to account for delays to the review of the protected plants legislative framework. It is anticipated that the review will be complete and a new legislative framework in place by June 2014. This will involve repealing the *Nature Conservation (Protected Plants) Conservation Plan 2000* and moving modified provisions into the *Nature Conservation (Wildlife Management) Regulation 2006*.

All other conditions of your section 41 class exemption remain unchanged.

If you do not wish the expiry dates of your section 41 class exemption to be extended, you must reply in writing by 20 December 2013, otherwise the section 41 class exemption will automatically be extended to 30 June 2014.

Should you have any queries, please contact Ms Katrina Prior, Manager, Wildlife Management of the department on telephone 3330 5373.

Yours sincerely

A handwritten signature in black ink, appearing to read "R D Williams".

R D Williams  
**Director Wildlife Management**

**Protected plant exemption**  
under

Section 89 of the *Nature Conservation Act 1992* and Section  
41(1)(a)(ii) of the *Nature Conservation (Protected Plants)*  
*Conservation Plan 2000*

**An approval for taking a protected plant in the course of an  
activity under a roads implementation program approved  
under section 11 of the *Transport Infrastructure Act 1994*  
By the Chief Executive, Department of Environment and  
Heritage Protection**

May 2013

## **Contents**

- 1. Scope of the exemption**
- 2. Conditions of the exemption and approval**
- 3. Reference Legislation**
- 4. Definitions**
- 5. EHP contacts**
- 6. Appendix A – Reporting requirements**

## 1. Scope of the exemption

This exemption applies to plants defined as “protected plants” under the *Nature Conservation Act 1992 (NCA)*.

The Chief Executive of the Department of Environment and Heritage Protection (EHP) grants an approval to the Department of Transport and Main Roads (the Authority Holder) for an exemption in relation to obtaining a clearing permit when taking a Protected Plant under sections 89 of the NCA and 41(1)(a)(ii) of the *Nature Conservation (Protected Plants) Conservation Plan 2000* (the Conservation Plan)(the exemption).

Only those entities who have received written confirmation from EHP of their eligibility to operate under this exemption are considered *authority holders* for the purposes of this exemption.

EHP will maintain a register of all *authority holders* operating under protected plant exemptions to facilitate auditing and compliance functions.

The exemption applies to the taking of protected plants by the Authority Holder in the course of an activity undertaken in accordance with a roads implementation program approved under section 11 of the *Transport Infrastructure Act 1994*. This exemption also applies to executive officers, employees and agents of the Authority Holder, if the officer, employee or agent is acting within the scope of the roads implementation program.

The exemption does not apply to protected plants within a “forest reserve” or “protected area” as defined under the NCA.

The exemption does not apply to the taking of whole or parts of plants defined as “extinct in the wild wildlife” under the *Nature Conservation (Wildlife) Regulation 2006*.

The exemption does not exempt the Authority Holder from complying with any other legislation.

In particular, the exemption does not authorise clearing that is regulated by other legislation nor does it authorise tampering with an animal breeding place under section 332 of the *Nature Conservation (Wildlife Management) Regulation 2006*.

The exemption is granted subject to compliance with the conditions provided in this document, and may be revoked or suspended by EHP at any time according to the following process:

- a) EHP must first give notice to the Authority Holder that the conditions of the exemption have not been complied with by the Authority Holder; and
- b) the Authority Holder then fails to rectify the breach within the time period specified to do so by EHP , being at least 15 business days.

The exemption does not prevent any reasonable action being taken by the Authority Holder to safeguard public and staff safety in the case of an emergency situation. EHP agrees that in an emergency situation, public and staff safety considerations will take precedence. Where possible, the Authority Holder will discuss actions that the Authority Holder proposes to take with EHP on a case-by-case basis by contacting the relevant Regional Team Leader Wildlife (EHP). The Authority Holder will notify in writing (via email) the relevant Regional Team Leader Wildlife (EHP) of actions taken under this clause within 48 hours.

EHP's approval under section 41(1)(a)(ii) of the Conservation Plan is valid and in effect until 31 January 2014 (unless earlier revoked or suspended), and thereafter expires. A review of the effectiveness and impact of the exemption will be undertaken by EHP prior to the expiry date.

## 2. Conditions of the exemption and approval

### 2.1 Least Concern Plants

EHP grants the Authority Holder an approval for the taking of “least concern plants” as prescribed under the NCA in areas which have not been previously cleared by the Authority Holder or a landholder, subject to the following conditions:

- a) For projects under this exemption, an environmental assessment must be undertaken prior to disturbing the plants. Where appropriate, this shall include on-ground ecological assessments, in addition to desk-top analysis. On-ground ecological assessment must be conducted by *a suitably qualified and experienced person* as defined in section 4. Where such an assessment identifies that whole “near threatened, vulnerable or endangered plants” as prescribed under the NCA are to be taken and the taking is not otherwise exempt under the terms of this approval, the Authority Holder must seek a clearing permit under the NCA, unless another exemption under the NCA or the Conservation Plan applies.
- b) In operating under the approval, the Authority Holder must, to the extent possible, mitigate the damage of taking whole least concern plants. Mitigation measures should be appropriate to the local circumstances (including relevant land tenure) and will include:
  - (i) utilising native endemic species (of local provenance where possible) in landscaping and revegetation components of the projects, provided this does not compromise public safety; and
  - (ii) promoting natural regeneration of native ecosystems, by ongoing weed control, management of soil erosion, the stabilisation of soil seed banks and wildfire management, provided this does not compromise public safety.
  - (iii) reasonable and practicable efforts to salvage or utilise in replanting, least concern Type A restricted plants. Individuals and organisations involved in salvage must be appropriately licensed.

Natural regeneration and revegetation must aim to achieve a self-sustaining endemic plant community which includes the least concern plant species cleared, provided this does not compromise public safety.

- c) A record of all clearing activities where whole least concern plants are taken under this approval, and associated mitigation measures, must be kept by the Authority Holder. This record must be kept in accordance with Appendix A to this approval, which must as a minimum identify the area cleared and describe any mitigation activities undertaken.
- d) The record must be made available to EHP following a request by EHP. Failure to provide the information in the agreed form within 20 business days of request will constitute a breach of the conditions of the approval by the Authority Holder and may result in the approval being revoked or suspended.

## **2.2 Endangered, Vulnerable and Near Threatened Plants**

EHP grants the Authority Holder an approval for the taking of parts of an endangered, vulnerable or near threatened plant (e.g. when slashing, mowing, lopping and trimming) where this does not and is not reasonably expected to cause the death of the plant.

## **2.3 Areas Previously Cleared**

EHP grants the Authority Holder an approval for the taking of whole endangered, vulnerable, near threatened or least concern plants in areas which have been previously cleared by the Authority Holder or a landholder, where the vegetation on the area has not regrown to a state that meets the criteria of “remnant vegetation” under the *Vegetation Management Act 1999* (i.e. clearing of regrowth).

Clearing of endangered, vulnerable, near threatened or least concern plants on the previously cleared site will not require a clearing permit under the NCA or trigger a requirement for offsets.

### 3. Reference Legislation

This section provides extracts of relevant legislative provisions as at the date of the approval. The approval does not override any subsequent modification, re-enactment or legislative substitution of these extracted provisions.

#### Section 89 *Nature Conservation Act 1992* –

Subject to section 93 [of the *Nature Conservation Act 1992*, pertaining to Aborigines' and Torres Strait Islanders' rights to take protected wildlife,] a person, other than an authorised person, must not take a protected plant that is in the wild, other than under

- (a) a conservation plan applicable to the plant; or
- (b) a licence, permit or other authority issued or given under a regulation; or
- (c) an exemption under a regulation

Maximum penalty—

- (a) for a class 1 offence—3000 penalty units or 2 years imprisonment; or
- (b) for a class 2 offence—1000 penalty units or 1 year's imprisonment; or
- (c) for a class 3 offence—225 penalty units; or
- (d) for a class 4 offence—165 penalty units.

#### Section 8 of the *Nature Conservation (Protected Plants) Conservation Plan 2000* –

8(1) A person must not take a protected plant other than in a way that minimises-

- (a) damage to the soil; or
- (b) for the taking of—
  - (i) a whole plant – damage or injury to other wildlife; or
  - (ii) a plant part – damage or injury to wildlife

Maximum penalty— 80 penalty units.

8(2) However, a person does not commit an offence against sub section (1) if—

- (a) the person complies with the following, to the extent they are relevant to the way in which the plant is taken—
  - (i) the 'Code of Practice for the taking and use of protected plants', published by the department;
  - (ii) an applicable harvest period notice;
  - (iii) the 'Management program for protected whole plants in Queensland' or the 'Management program for protected plant parts in Queensland'; or
- (b) the plant is taken under a clearing permit; or
- (c) the plant is taken under section 41; or
- (d) the plant is taken under salvage; or
- (e) exceptional circumstances apply to the taking.

#### Under section 41 of the *Nature Conservation (Protected Plants) Conservation Plan 2000*

41(1) A clearing permit is not needed for taking a protected plant if—

- (a) the taking happens in the course of an activity under an authority made, granted or given under another Act by—
  - (i) the Governor in Council; or
  - (ii) someone else and the chief executive approves the taking in the course of the activity; or

(b) for a least concern plant on private land—the person taking the plant is the land-holder of the land.

41(2) For subsection 1(1)(a)(ii), the chief executive's approval may be given—

(a) for a particular activity or class of activity; and

(b) with or without conditions; and

(c) only if the chief executive is satisfied the taking will not adversely affect the survival in the wild of the plant.

Under the *Vegetation Management Act 1999* “remnant vegetation” means –  
vegetation, part of which forms the predominant canopy of the vegetation –

(a) covering more than 50% of the undisturbed predominant canopy; and

(b) averaging more than 70% of the vegetation's undisturbed height; and

(c) composed of species characteristic of the vegetation's undisturbed predominant canopy.

#### 4. Definitions

<i>Agent</i>	includes contractors and sub-contractors.																
<i>Endemic species</i>	means species native to the locality (i.e. the locality is within the natural distribution of the species).																
<i>Suitably qualified and experienced</i>	means a person with formal qualifications and/or experience in ecological assessment and environmental management, including flora survey and identification skills.																
<i>Take</i>	<p>The <i>Nature Conservation Act 1992</i> defines “take” as including</p> <ul style="list-style-type: none"><li>(a) in relation to an animal -<ul style="list-style-type: none"><li>(i) hunt, shoot, wound, kill, skin, poison, net, snare, spear, trap, catch, dredge for, bring ashore or aboard a boat, pursue, lure, injure or harm the animal; or</li><li>(ii) attempt to do an act mentioned in subparagraph(i).</li></ul></li><li>(b) in relation to a plant—<ul style="list-style-type: none"><li>(i) gather, pluck, cut, pull up, destroy, dig up, fell, remove or injure the plant or any part of the plant; or</li><li>(ii) attempt to do an act mentioned in subparagraph (i).</li></ul></li></ul>																
<i>Type A restricted plant</i>	<p>means all species and other taxa and naturally occurring hybrids of the following groups:</p> <table><tr><td>Family Orchidaceae</td><td>orchids (excluding <i>Spathoglottis plicata</i>)</td></tr><tr><td><i>Genus Xanthorrhoea</i></td><td>grass trees</td></tr><tr><td><i>Genus Myrmecodia</i></td><td>ant plants</td></tr><tr><td><i>Genus Hydnophytum</i></td><td>ant plants</td></tr><tr><td>Family Cycadaceae</td><td>cycads</td></tr><tr><td>Family Zamiaceae</td><td>cycads</td></tr><tr><td><i>Genus Huperzia</i></td><td>tassel ferns</td></tr><tr><td><i>Genus Platycerium</i></td><td>elkhorns, staghorns</td></tr></table>	Family Orchidaceae	orchids (excluding <i>Spathoglottis plicata</i> )	<i>Genus Xanthorrhoea</i>	grass trees	<i>Genus Myrmecodia</i>	ant plants	<i>Genus Hydnophytum</i>	ant plants	Family Cycadaceae	cycads	Family Zamiaceae	cycads	<i>Genus Huperzia</i>	tassel ferns	<i>Genus Platycerium</i>	elkhorns, staghorns
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Family Zamiaceae	cycads																
<i>Genus Huperzia</i>	tassel ferns																
<i>Genus Platycerium</i>	elkhorns, staghorns																

### 5. EHP contacts (Wildlife Rangers)

<b>EHP Region</b>	<b>Office</b>	<b>Phone number</b>
<b>Northern</b>	Team Leader (Wildlife)	4796 7777
	Atherton	4091 8121
	Cairns	4222 5208
	<b>Townsville</b>	4796 7777
<b>Central</b>	Team Leader (Wildlife)	4936 0529
	Airlie Beach	4967 7365
	Charleville	4654 4725
	Longreach	Contact Team Leader
	Mackay	4944 7817
	<b>Rockhampton</b>	4936 0525
	Roma	4624 3523
<b>Southern</b>	<b>Team Leader (Wildlife)</b>	3330 5258
	Bundaberg	4151 9507
	Burleigh	5520 9637
	Gympie	5489 0903
	Maroochydore	5459 6152
	Maryborough	41211622
	Brisbane	3202 0275
	Toowoomba	4699 4364

## **Appendix A - Reporting requirements**

1. As set out in conditions 2.1(b) and (c) of the exemption, clearing activity records are to be kept and supplied by the Authority Holder when requested by EHP.  
There will be no requirement for supplying reports or records on a regular basis.
2. A record of the clearing undertaken will include:
  - a. a copy of the environmental assessment, including any ecological assessment undertaken (as per condition 2.1(a) of the exemption);
  - b. a GIS shapefile of the area cleared (projected in GDA94);
  - c. a description of the location (sufficient to allow EHP officers to locate the cleared area); and
  - d. the date or dates over which the clearing occurred.
3. A record of mitigation activities will include:
  - a. a shapefile of any area proposed to be revegetated;
  - b. a shapefile of any area proposed to be managed for natural regeneration; and
  - c. the species, and number of plants of each species, to be used in any revegetation.
4. Records for each project for which this exemption is being used are to be made available to EHP upon their request within 3 months of the completion of clearing and in relation to major road implementation projects some other time as agreed to by the parties prior to clearing commencing.

**Species management program for tampering with animal breeding  
places**

under

Section 88 of the *Nature Conservation Act 1992* and  
Section 332 of the *Nature Conservation  
(Wildlife Management) Regulation 2006*

May 2013

## **CONTENTS**

- 1. SCOPE OF THE SPECIES MANAGEMENT PROGRAM**
- 2. TERMS OF THE SPECIES MANAGEMENT PROGRAM**
- 3. UNDERTAKINGS BY THE APPROVED ENTITY**
- 4. CONDITIONS OF THE SPECIES MANAGEMENT PROGRAM**
- 5. REFERENCE LEGISLATION**
- 6. DEFINITIONS**
- 7. EHP CONTACTS**

## **1. SCOPE OF THE SPECIES MANAGEMENT PROGRAM**

The Department of Environment and Heritage protection (EHP) accepts that this document is an approved species management program (SMP) under section 332 (5) of the Nature Conservation (*Wildlife Management*) Regulation 2006 (Wildlife Management Regulation) for “least concern wildlife” as defined in the Nature Conservation Act 1992 Act (NCA), with the exception of some specified least concern species, for the purposes of section 332(4) of the Wildlife Management Regulation. The Chief Executive of EHP consents to the Approved Entity removing or otherwise tampering with an animal’s breeding place provided that the Approved Entity complies with this SMP.

This SMP provides a working arrangement for activities that may require the tampering with animal breeding places in a way that meets the legislative requirements of the NCA.

Animal species defined as ‘extinct in the wild wildlife’, ‘endangered wildlife’, ‘vulnerable wildlife’ or ‘near threatened wildlife’ under the *Nature Conservation (Wildlife) Regulation 2006* (Wildlife Regulation) are not subject to this SMP.

The SMP does not apply within a “forest reserve” or “protected area” as defined under the NCA.

The SMP does not obviate the operation of any other legislation.

This SMP may only be applied by an entity that has obtained written approval from EHP to operate under this SMP (the Approved Entity), and the entity’s executive officers, employees and agents.

## **2. TERMS OF THE SPECIES MANAGEMENT PROGRAM**

- 2.1 This SMP does not prevent any reasonable action being taken by the Approved Entity to safeguard public and staff safety in the case of an emergency situation. EHP agrees that in an emergency situation, public and staff safety considerations will take precedence. Where possible, the Approved Entity will discuss actions that the Approved Entity proposes to take with EHP on a case-by-case basis by contacting the relevant Regional Team Leader Wildlife (EHP). The Approved Entity will notify in writing (via email) the relevant Regional Team Leader Wildlife (EHP) of actions taken under this clause within 48 hours.
- 2.2 EHP’s approval of this SMP is valid and in effect until 30 June 2016, and thereafter expires. A review of the effectiveness and impact of the SMP will be undertaken by EHP prior to the expiry date.
- 2.3 The SMP is granted subject to the Approved Entity complying with the conditions provided in this SMP, and the SMP may be revoked by EHP at any time according to the following process:
  - a) EHP must first give notice to the Approved Entity that the conditions of this SMP have not been complied with by the Approved Entity; and
  - b) the Approved Entity then fails to rectify the breach within the time period specified by EHP, being at least 15 business days.
- 2.4 If tampering with an animal breeding place occurs in contravention of any conditions of the SMP, such taking or tampering is not approved.

### **3. UNDERTAKINGS BY THE APPROVED ENTITY**

#### **The Approved Entity must:**

- 3.1 Abide by the SMP conditions provided in this document to ensure protected wildlife and their respective breeding places are appropriately managed.
- 3.2 The Approved Entity must seek to achieve procedural uniformity across its organisation in terms of understanding and implementation of the SMP across its operations.
- 3.3 The Approved Entity must use its reasonable endeavours to incorporating the SMP into contract specifications.
- 3.4 The Approved Entity will use its discretion to consult with EHP where it identifies breeding places of species that might have heightened community interest.

### **4. CONDITIONS OF SPECIES MANAGEMENT PROGRAM**

- 4.1 The SMP is subject to compliance with the conditions stated in this document.
- 4.2 The Approved Entity must maintain a register of instances when it has tampered with animal breeding places (the register). For projects where the SMP applies, the Approved Entity must ensure that the register must record the number of obvious animal breeding places destroyed. Where the SMP does not apply and the NCA applies, EHP's authority is required for tampering with breeding places of species.
- 4.3 The register must be made available within 20 business days of EHP making a request.
- 4.4 In relation to all new construction and maintenance activities undertaken in accordance with the SMP, the Approved Entity must minimise impacts on fauna by:
  - a) Inspecting trenches, culverts and other structures prior to works being undertaken within an area to determine whether there are any trapped or injured native fauna species present and taking action as appropriate.
  - b) Where temporary fencing is required, giving consideration to fauna movement, current land uses and worker safety requirements.
  - c) Considering mechanisms to facilitate fauna movement through construction project sites.
  - d) Educating staff, including contractors, in relation to the risks of fauna injury and deaths and how to manage animals which are injured or displaced, including threatened species.
- 4.5 Subject to 2.1, where required under the NCA, a separate authority is required from EHP where the Approved Entity interferes with breeding places for animals that are:
  - i. *special least concern animals* (as defined in section 6 of this SMP); or

- ii. least concern (as listed in the Wildlife Regulations), and are *colonial breeders* (as defined in section 6 of this SMP), and therefore whose broader populations are at greater risk from the impacts of events at a single location.

- 4.6 Where there is a likely presence of a breeding place of species listed in section 4.5, a suitably qualified and experienced person must be employed by the Approved Entity to undertake the field work required to identify potential, likely and known animal breeding places and separate authority must be obtained from EHP where necessary.
- 4.7 Disturbance of flying fox (grey-headed, spectacled, little red or black) roosts (breeding places) is dealt with specifically in the NCA (section 88C) and the Wildlife Management Regulation (sections 181, 182 and 187A). This SMP does not authorise disturbance of flying fox roosts. EHP must be contacted when the Approved Entity undertakes any activity that may disturb such roosts.
- 4.8 For construction projects under this SMP, the Approved Entity must:
  - a. Undertake a prior environmental assessment regarding animal breeding places. Where appropriate, this shall include on-ground ecological assessments, in addition to desk-top analysis. On-ground ecological assessment must be conducted by *a suitably qualified and experienced person* as defined in section 6 of this SMP.
  - b. Consider the value of permanent and temporary water sources as possible breeding habitat for aquatic protected wildlife including platypus, turtles, frogs and fish, and where appropriate and practicably safe, undertake an assessment of these values in view of impacts and mitigation strategies.
- 4.9 For maintenance activities an environmental assessment is not required. However where likely or new animal breeding places are identified the Approved Entity will comply with the actions identified within Table 1 and ensure details of the breeding place/s are recorded in the register maintained under section 4.2 of this SMP.

**Table 1. Authorised species management actions with respect to animal breeding places**

Species group	Breeding place status	Action
Least concern – special least concern animal or colonial breeding	All	Consult with EHP. Specific authority to take <sup>#</sup> is required (either by way of a damage mitigation permit or separate SMP under the <i>Nature Conservation (Wildlife Management) Regulation 2006.</i>
Other least concern species	Contains young or eggs	Avoid unnecessary disturbance. Breeding place may be removed and eggs/young handed over to a licensed wildlife carer/facility. It is preferable to allow eggs to hatch and/or young to mature and move away from a breeding place. As a last resort, eggs may be destroyed <sup>o</sup> .
Other least concern species	No eggs or young	Proceed with caution. Remove breeding place if applicable.

## Table Notes:

- <sup>#</sup> Where the removal or translocation of wildlife is required, the ‘take’ must be facilitated by a suitably licensed and experienced person.
- <sup>o</sup> There are two acceptable methods for destroying or terminating eggs: quickly breaking an egg and crushing its contents; or reducing the temperature of the egg to less than 4 degrees Celsius for at least 4 hours.

4.10 The following species management practices will be considered and, where reasonably practicable, will be applied by the Approved Entity to all activities independently or in combination to minimise disturbance to breeding animals and/or their young (higher order options are preferred):

- a. Option 1: Design, plan and locate project to avoid the need for tampering with animal breeding places, taking into consideration results of the environmental assessment and any other information available.
- b. Option 2: Avoid the need for tampering through the timing of the project (avoiding breeding seasons to allow young to mature and leave breeding places, delaying operations if breeding identified).
- c. Option 3: Remove or relocate a breeding place without eggs or young (conditions apply - see Table 1).
- d. Option 4: Remove or relocate a breeding place and place eggs/young with a wildlife carer/facility (conditions apply – see Table 1).
- e. Option 5: Remove or relocate a breeding place and destroy/terminate eggs (conditions apply – see Table 1).

4.11 Where the tampering with a known breeding place of a least concern species other than the species listed in 4.5 would also *take* protected wildlife, the Approved Entity must attempt to enlist the assistance of a licensed spotter-catcher and/or wildlife carer/facility.

- 4.12 If the Approved Entity can show that the engagement of a spotter catcher was not practical and/or safe to do so, then a suitably qualified and experienced person must be engaged by the Approved Entity to facilitate any taking (including for rehabilitation purposes) and Table 1 must be complied with.
- 4.13 Where the removal of eggs/animals is required, the Approved Entity must engage a suitably qualified and licensed wildlife carer/facility to incubate all eggs removed and to raise any young animals.
- 4.14 Where the destruction of a breeding structure will impact on the future breeding success of an animal (for instance, a breeding season will be foregone while a large nest is reconstructed, or no or limited potential breeding structures exist in the vicinity), and where a suitably qualified and experienced person deems it appropriate, the Approved Entity must provide the necessary support to allow for the relocation of the breeding structure.
- 4.15 Removal and relocation of breeding structures must be undertaken by suitably qualified and experienced persons and advice sought from EHP where reasonably necessary.
- 4.16 Large mature trees must be retained to provide wildlife habitat (e.g. roosting, foraging and breeding opportunities) unless their removal is warranted for safety or maintenance reasons. Trees, particularly *Eucalypt* and *Corymbia* species, often have hollows that are valuable habitat for glider, bird and bat species.

## 5. REFERENCE LEGISLATION

- 5.1 This section provides extracts of relevant legislative provisions as at the date of this SMP. This SMP does not override any subsequent modifications, re-enactment or legislative substitution of these extracted provisions.
- 5.2 NCA section 88(2) – A person must not take a protected animal unless the person is authorised under the Act.  
Maximum penalty-
- (a) for class 1 offence -3000 penalty units or 2 years imprisonment: or
  - (b) for class 2 offence -1000 penalty units or 1 years imprisonment: or
  - (c) for class 3 offence -225 penalty units: or
  - (d) for class 4 offence -100 penalty units.
- 5.3 NCA section 88 (3) - It is a defence to a charge of taking a protected animal in contravention of subsection (1) to prove
- (a) the taking happened in the course of a lawful activity that was not directed towards the taking; and
  - (b) the taking could not have been reasonably avoided.
- 5.4 *Nature Conservation (Wildlife Management) Regulation 2006* section 332 –  
Tampering with animal breeding place
- (1) A person must not, without a reasonable excuse, tamper with an animal breeding place that is being used by a protected animal to incubate or rear the animal’s offspring.  
Maximum penalty—165 penalty units.
  - (2) For subsection (1), an animal breeding place is being used by a protected animal to incubate or rear the animal’s offspring if—
    - (a) the animal is preparing, or has prepared, the place for incubating or rearing the animal’s offspring; or
    - (b) the animal is breeding, or is about to breed, and is physically occupying the place; or
    - (c) the animal and the animal’s offspring are physically occupying the place, even if the occupation is only periodical; or
    - (d) the animal has used the place to incubate or rear the animal’s offspring and is of a species generally known to return to the same place to incubate or rear offspring in each breeding season for the animal.
  - (3) It is a reasonable excuse for a person to tamper with the breeding place if—
    - (a) the tampering happened in the course of a lawful activity that was not directed towards the tampering; and
    - (b) the tampering could not have been reasonably avoided.
  - (4) Also, subsection (1) does not apply to a person removing or otherwise tampering with the breeding place if—
    - (a) the removal or tampering is part of an approved species management program for animals of the same species; or
    - (b) the person holds a damage mitigation permit for the animal and the permit authorises the removal or tampering.

## 6. DEFINITIONS

**agents** includes—

contractors and sub-contractors.

**animal breeding place** means—

a bower, burrow, cave, hollow, nest or other thing that is commonly used by the animal to incubate or rear the animal's offspring'.

**approved species management program** means—

For a species of animal, means a program about managing the population and habitat of the species of animal that is approved by the EHP chief executive.

**colonial breeders** means—

a group of animals of the same kind co-existing in close association for breeding purposes. (NB for the purposes of this SMP, where only a single nest or other breeding place of a usually colonially breeding animal is present, the animal will not be considered to be a colonial breeder).

**construction** means construction as defined in Schedule 6 of the *Transport Infrastructure Act 1994*. It includes—

each of the following for the infrastructure, to the extent it involves the development of the infrastructure –

- (a) initial construction ;
- (b) improvement of its standard;
- (c) realignment;
- (d) widening;
- (e) extension to accommodate the extension of a busway, light rail or road.

and for the purposes of this SMP, includes field investigations, relocation of services, surveys and provision and extension of other infrastructure and/or associated assets.

**licensed wildlife carer** means—

A person qualified to take and keep protected wildlife under a current rehabilitation permit in accordance with the *Nature Conservation (Administration) Regulation 2006*.

**maintenance** means maintenance as defined in Schedule 6 of the *Transport Infrastructure Act 1994*. It includes—

- (a) rehabilitation; and
- (b) replacement; and
- (c) repair; and
- (d) recurrent servicing; and
- (e) preventative and remedial action; and
- (f) removal; and
- (g) alteration; and
- (h) maintaining systems and services for transport infrastructure.

**protected wildlife** means—

native wildlife prescribed under the *Nature Conservation Act 1992* as—

- (a) extinct in the wild wildlife; or
- (b) endangered wildlife; or
- (c) vulnerable wildlife; or

- (d) near threatened wildlife; or
- (e) least concern wildlife.

***special least concern animal*** means the following—

- (a) the koala (*Phascolarctos cinereus*);
- (b) the echidna (*Tachyglossus aculeatus*);
- (c) the platypus (*Ornithorhynchus anatinus*);
- (d) a least concern bird to which any of the following apply—
  - (i) the agreement called ‘Agreement Between the Government of Australia and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment’ and signed at Tokyo on 6 February 1974;
  - (ii) the agreement called ‘Agreement Between the Government of Australia and the Government of the People’s Republic of China for the Protection of Migratory Birds and their Environment’ and signed at Canberra on 20 October 1986;
  - (iii) the convention called ‘Convention on the Conservation of Migratory Species of Wild Animals’ and signed at Bonn on 23 June 1979.

***suitably qualified and experienced*** means—

A person with formal qualifications and/or experience in fauna identification and life ecology and environmental management. A person is considered to be suitably qualified and experienced if they meet one or more of the following criteria:

- An ecological consultant with experience in conducting fauna surveys;
- A person who possesses a degree in natural science or similar with experience in conducting fauna surveys;
- A person who is a spotter-catcher under a rehabilitation permit issued under the NCA;
- A person who can demonstrate significant experience in the removal of trees and spotting for wildlife to ensure they are not harmed during vegetation clearing.

***spotter-catcher*** means—

A person qualified to take and keep protected wildlife under a current rehabilitation permit extended to authorise the take, keep or use of an animal whose habitat is about to be destroyed by human activity in accordance with the *Nature Conservation (Administration) Regulation 2006*.

***tamper*** means—

Tamper with an animal breeding place, means damage, destroy, mark, move or dig up the breeding place.

***take*** includes—

- (a) in relation to an animal -
  - (i) hunt, shoot, wound, kill, skin, poison, net, snare, spear, trap, catch, dredge for, bring ashore or aboard a boat, pursue, lure, injure or harm the animal; or
  - (ii) attempt to do an act mentioned in subparagraph(i).

## 7. EHP CONTACTS (WILDLIFE RANGERS)

<b>EHP Region</b>	<b>Office</b>	<b>Phone number</b>
<b>Northern</b>	Team Leader (Wildlife)	4796 7777
	Atherton	4091 8121
	Cairns	4222 5208
	<b>Townsville</b>	4796 7777
<b>Central</b>	Team Leader (Wildlife)	4936 0529
	Airlie Beach	4967 7365
	Charleville	4654 4725
	Longreach	Contact Team Leader
	Mackay	4944 7817
	<b>Rockhampton</b>	4936 0525
	Roma	4624 3523
<b>Southern</b>	<b>Team Leader (Wildlife)</b>	3330 5258
	Bundaberg	4151 9507
	Burleigh	5520 9637
	Gympie	5489 0903
	Maroochydore	5459 6152
	Maryborough	41211622
	Brisbane	3202 0275
	Toowoomba	4699 4364

## **5. Attachments**

**Attachment 1 - Fauna Management Plan – Koala and Grey-headed Flying fox**

**Attachment 2 - Impact Assessment and Erosion and Sediment Control Plan – Mary River turtle, Mary River cod and White-Throated Snapping Turtle**

**Attachment 3 - Residual Impact Assessment and Offset Proposal**

