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| Compliance Report 04 (December 2024) – Bruce Highway Upgrade – Cooroy to Curra, Section D (Gympie Bypass)  EPBC Approval 2017/7941  October 2023 – October 2024 |



## Document Control

### **Departmental approvals**

|  |  |  |  |
| --- | --- | --- | --- |
| **Date** | **Name** | **Position** | **Action** |
| 11/12/2024 | Cameron Vacher | Senior Environmental Officer | Initial draft |
| 13/12/2024 | Cameron Vacher | Senior Environmental Officer | Final issue |
| 13/12/2024 | Mark Asang | Project Director  (Cooroy to Curra) | Declaration of Accuracy - signed |

### **Risk level**

GACC major  GACC minor  High risk (but not GACC)  Medium risk

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| --- | --- |
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| **District & region** | Wide Bay Burnett, Southern Queensland Region |
| **Branch & division** | PDO |
| **Project name** | Bruce Highway Upgrade – Cooroy to Curra, Section D (Gympie Bypass) |
| **Project number** | 686965 |
| **Project location** | Gympie |
| **Status** | Revision 01 – Final |
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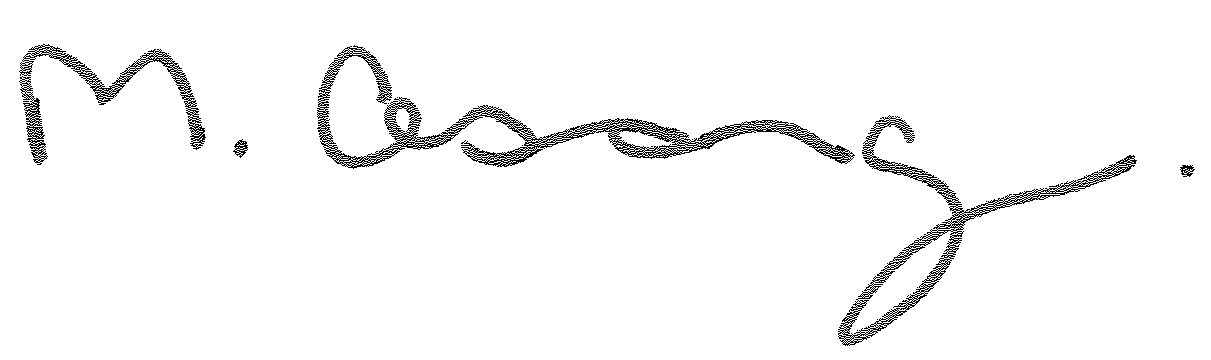
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## Proponent and Approval Action

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| --- | --- |
| **EPBC Act reference** | 2017/7941 |
| **Project name** | Bruce Highway Upgrade – Cooroy to Curra, Section D (Gympie Bypass) |
| **Proponent** | Department of Transport and Main Roads |
| **ABN** | 39 407 690 291 |
| **Proposed action** | To upgrade and realign 26-kilometres of the Bruce Highway, including a bypass between Woondum and Curra, east of Gympie, Queensland |
| **Location of action** | Between Woondum and Curra, east of Gympie, Queensland |
| **Reporting period** | October 2023 – October 2024 |
| **Date prepared** | 13/12/2024 |

## Declaration of Accuracy

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

****

**Signed** (Project Director signature)

**Full name** Mark Asang

**Position**  Project Director

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

**Date** 13/12/2024

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1. Introduction

* 1. Project background

The Department of Transport and Main Roads (TMR) has constructed a 26km upgrade of the Bruce Highway between Woondum and Curra, east of Gympie, termed the Bruce Highway Upgrade – Cooroy to Curra, Section D (Gympie Bypass) project (hereafter referred to as “the Project”). The Project consists of a four-lane divided highway bypassing the Gympie township to the east and is the final stage of a broader program to upgrade the Bruce Highway between Cooroy and Curra.

Under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act), a project must be referred for actions that are likely to have a significant impact on matters protected under Chapter 2. These are known as controlling provisions.

This Project triggered one controlling provision – potential impacts to *‘listed threatened species and ecological communities'* (Section 18 and Section 18A). The action is likely to have a significant impact on the following matters protected by the EPBC Act:

* Lowland Rainforest of Subtropical Australia
* Koala (*Phascolarctos cinereus*)
* Black-breasted Button-quail *(Turnix melanogaster*)
* Pineapple zamia *(Macrozamia pauli-guilielmi).*

The Project was referred to the Department of Environment in May 2017 for determination of whether it was likely to have a significant impact on Matters of National Environmental Significance (MNES). Projects likely to cause a significant impact on MNES require approval under the EPBC Act.

The Project was deemed a controlled action in June 2017 and was approved, subject to conditions, on 24 September 2019 (reference number 2017/7941). Subsequently, the approval conditions were varied, effective on 7 September 2020. The variation of conditions is provided in Appendix A of this report.

1.2 Purpose of this report

Condition 20 of the EPBC Act Approval 2017/7941 requires the approval holder (TMR) to prepare and publish an annual compliance report for each 12-month period following the date of construction commencement.

This report is the fourth annual compliance report for the Project for the period October 2023 to October 2024.

This report has been prepared in accordance with the Department of Climate Change, Energy, the Environment and Water’s (DCCEEW) annual compliance report guidelines.

1. Description of Activity

2.1 Project location

The Project area is located within the Gympie Regional Council (GRC) local government area. The upgrade to the Bruce Highway is a new bypass of the Gympie township between Woondum and Curra, to the east of Gympie, Queensland (Figure 1).

2.2 Description of the Project

The Project consists of a new 26km, four-lane divided highway between Woondum and Curra, and includes major upgrades to local roads. The Project includes the following key features:

* Improved traffic flow, with the upgrade avoiding 53 intersections (including 9-signalised intersections) and 106 property accesses which contribute to current safety and congestion issues on the existing Bruce Highway through Gympie.
* Improved safety and capacity through the separation of long-distance traffic from local traffic reducing traffic volumes on the highway travelling through Gympie, with approximately 50% less heavy vehicles.
* Greatly reduced head-on crashes by providing a divided four-lane highway.
* Significantly improved flood immunity compared with the old highway that has experienced frequent closures in the Gympie Central Business District and north and south of Gympie due to flooding.
* Improved travel times by having the new highway posted at 110km/h (the old highway is 80km/h and 60km/h through Gympie).

#### A map of a mountain range Description automatically generated with medium confidence

#### Figure 1: Final layout of the Project

2.3 Project status

Vegetation clearing, bulk earthworks, landscaping, pavement, drainage and structures activities were completed across the Project in October 2024.

2.4 Approval history

#### The dates of the EPBC Act approval and annual compliance reports are provided in Tables 1 and 2.

#### Table 1: EPBC Act approval dates

|  |  |  |
| --- | --- | --- |
| **Approval document** | **Date of decision** | **Expiry date** |
| EPBC 2017/7941 | 24 September 2019 | 30 June 2040 |
| EPBC 2017/7941 – variation 01 | 07 September 2020 | 30 June 2040 |

#### 

#### Table 2: Annual compliance report dates

|  |  |  |
| --- | --- | --- |
| **Reporting dates** | **Report number** | **Status** |
| October 2020 – October 2021 | 01 | Completed and published |
| October 2021 – October 2022 | 02 | Completed and published |
| October 2022 – October 2023 | 03 | Completed and published |
| October 2023 – October 2024 | 04 | Completed (this report) |

1. Summary of compliance

Table 3 details the Project’s compliance status for each approval condition over the 12-month reporting period from October 2023 to October 2024.

Where required, reference has been made to relevant appendices for further evidence of compliance.

The Project was found to be non-compliant with Condition 12(d) of EPBC 2017/7941 following monitoring undertaken in April 2024, representing the Year 3 monitoring following baseline survey as per the condition to assess the progression towards Conditions 9 and 12 of the approval. Results from the monitoring recorded an average reduction of 31.83% from the baseline level (short of the 50 per cent under Condition 12(d)(i)).

3.1 Corrective measures

Compliance Condition 12(d) states:

*Demonstrate the following reductions in weed infestation in all of the Koala offset areas and the Black-breasted Button-quail offset area compared to the baseline data reported as required under Condition 11(a):*

*i. 50% reduction within 3 years of completing the baseline surveys required by Condition 11(a).*

The offset area covers 280.6 hectares of hilly terrain and the region received significant rainfall in the five months up to the monitoring period (December 2023 to April 2024), partly due to the influence of tropical cyclones Jasper and Kirrily. The terrain and weather conditions had restricted access for weed management activities and provided good conditions for weed growth.

Non-compliance findings will be managed through the following corrective measures.

It is not possible to effectively treat the entire offset site each year and TMR has segregated its weed control activities from the monitoring activities, so that the control is not just concentrating on the monitoring sites. Instead, TMR and its weed control contractor have adopted a systematic approach, with control commencing at a number of locations based on guidance from initial baseline assessments that includes focus on weed species with greater impact on the habitat and ecosystems of the area (for example, Lantana and Cat’s Claw Creeper), focus on areas of higher importance for species movement (particularly koala movement, for example, drainage lines) and protecting and promoting restoration (koala fodder trees) plantings.

In each subsequent year, depending on weather and other environmental factors, there is a balance between maintenance of the weed reduction in the ‘controlled’ (highly targeted) areas, and extending the area of control.

TMR has had considerable success with these methods in the controlled areas, with weed reduction at monitoring sites of up to 97 per cent (from baseline levels) and in the highly targeted areas, containing 18 per cent of the monitoring sites, having already achieved the 10-year target of greater than 90 per cent weed reduction. To date, 43 per cent of the monitoring sites have achieved great than 50 per cent weed reduction, and a total of 65 per cent of monitoring sites having achieved a net weed reduction.

However, this rational has meant that some monitoring sites have not received any treatment and accordingly the weed concentration at these sites has worsened. This has negatively impacted the reportable weed reduction to the stated 31.83 per cent. In addition, in the southern sites, Cats Claw Creeper is present which requires greater effort to control, and progress weed clearance activities, reducing the progress of overall weed reduction activities.

The 31.83 per cent reduction was noted as a significant improvement from the reduction of only 5.89 per cent between baseline and results reported during the Year 1 (2022) monitoring. Koala and Black Breasted Button-quail habitat conditions have improved across the offset areas but the slower than targeted reduction in weed reduction has restricted the level of improvement. The weed presence and density continue to be an ongoing management requirement to prevent a deterioration of the habitat within the offset areas.

Biennial monitoring is to be undertaken in 2026 to assess the offset area against the baseline levels (representing five years after baseline).

TMR proposes to continue with the current systematic approach to weed management. Based on performance to date it is expected that at least 60 per cent of monitoring sites will have achieved greater than 50 per cent weed reduction at the next biennial monitoring with the majority of these at a monitoring and maintenance with greater than 80 per cent weed reduction (currently 32 per cent of monitoring sites have achieved this level).

In addition, as the weed control areas expand over the next year or two, it is projected that 90 per cent of the monitoring sites will be included in the treated area.

#### Table 3: Compliance with conditions of EPBC Approval 2017/7941

| **No.** | **Condition** | **Status** | **Compliance status** | **Evidence / comments** |
| --- | --- | --- | --- | --- |
| 1 | Project requirements  1. Within the impact site, the approval holder must not clear more than:   1. 2 hectares of Lowland rainforest 2. 8.08 hectares of Black-breasted Button-quail habitat 3. 135.83 hectares of Koala habitat. | Completed | Compliant | Clearing of MNES habitat is complete.  Clearing quantities to October 2023:   1. Lowland rainforest: 0 hectares 2. Black-breasted Button-quail habitat: 8.04 hectares 3. Koala habitat: 133.29 hectares.   *Section 4.1 provides additional information.* |
| 2 | Prior to commencement, a suitably qualified person must undertake a baseline survey to determine the extent (in hectares) and quality of Lowland rainforest in the riparian area of Six Mile Creek. Surveys must be undertaken in accordance with the best practice guidelines in effect at the time of the surveys. The approval holder must publish the results of the baseline surveys in the first annual compliance report required under Condition 20. | Completed | Compliant | The baseline survey was undertaken in May 2020. The report concluded that the Lowland rainforest ecological community was no longer present in the riparian area of Six Mile Creek as it did not meet the Lowland rainforest listing advice.  *Refer to Compliance Report 01 for further information.* |
| 3 | To encourage the continued ecological value of the lowland rainforest in the riparian area of Six Mile Creek, the approval holder must, within four years of commencement, provide at least $75,000 of funding to extend the duration and/or extent of the Cat’s Claw Creeper Survey and Control Program. | Completed with further funding commitment provided through to June 2025. | Compliant | The existing contract with the Mary River Catchment Coordination Committee (MRCCC) for Cats Claw Creeper control in the Six Mile Creek catchment was increased by $394,020 (incl of GST) on 09/06/2021.  *Refer to Compliance Report 01 for further information.* |
| 4 | Prior to operation of the Action, the approval holder must establish fauna connectivity structures and fauna exclusion fencing. Once established, the fauna connectivity structures, and fauna exclusion fencing must be maintained by the approval holder for the duration of the approval. Exclusion fencing must include gates that are secured at all times with padlocks or a similar break-proof securing mechanism. | All fauna structures completed (16/10/2024).  Ongoing maintenance for Approval period. | Compliant | Fauna connectivity structures and fauna exclusion fencing completed prior to operation of the Project on 16/10/2024. These components are part of the permanent design and ongoing maintenance is scheduled for the Approval period. |
| 5 | Prior to any translocation of Pineapple Zamia plants, the approval holder must:   1. record the number of viable adult Pineapple Zamia plants at the impact site 2. collect enough seeds from Pineapple Zamia plants at the impact site and, if necessary, from alternative sites, to enable replacement of no less than 48 per cent of the number of adult Pineapple Zamia plants at the impact site 3. legally secure the translocation site. | Completed | 1. Compliant 2. Compliant 3. Compliant | 1. 35 viable adult Pineapple Zamia plants were recorded at the impact site. Note several 'clumps' of adult plants were separated during translocation resulting in a total of 40 adult plants. 2. Prior to translocation commencing, 235 seed had been collected from the impact site and alternate sites (2018-2019). Collection of seed and seedling propagation is ongoing to meet Conditions 7 and 8. 3. The recipient site lot 878 MCH1061 was legally secured via Voluntary Declaration under the *Vegetation Management Act 1999* on 21/08/2020.   *Refer to Compliance Reports 01, 02 and 03 for further information.* |
| 6 | Prior to commencement of Contract 2, the approval holder must translocate every Pineapple Zamia plant from the impact site to the translocation site. Within 20 business days of removing the last Pineapple Zamia plant from the impact site, the approval holder must notify the Department of Environment of the date the last Pineapple Zamia plant was removed, and the total number of Pineapple Zamia plants removed (specifying the number of adult Pineapple Zamia plants removed and the number of seedling Pineapple Zamia plants removed). | Completed prior to commencement of Contract 2 with notification provided within 20 business days from removing the last Pineapple Zamia plant from the impact site. | Compliant | A total of 35 adults and 242 seedlings were translocated from the impact site to the recipient site. The translocation was completed on 16/12/2020. Note several 'clumps' of adult plants were separated during translocation resulting in a total of 40 adult plants.  Notification was provided to the department via email on 16/12/2020.  *Refer to Compliance Report 01 for further information.* |
| 7 | The approval holder must ensure any adult Pineapple Zamia plant that suffers mortality at the translocation site, within 5 years of the date the last Pineapple Zamia plant was removed from the impact site, is replaced by 4 Pineapple Zamia plants. Replacement plants must be sourced from propagation of seeds collected from the impact site or from alternative sites. Replacement plants must be planted within 3 years of the mortality of the plant they are replacing. | Ongoing assessment of mortality rates and propagation of replacement plants.  Review of mortality within 5 years of translocation operation required for 2025 compliance report. | Compliant | Monitoring of the translocated Pineapple Zamia plants is ongoing.  Replacement planting to commence in 2025 for initial adult mortality to comply with condition of replacement within three years of mortality of translocated adult plants*.*  *Year 4 Monitoring Report provided in Appendix B.*  *Refer to Compliance Report 01, 02 and 03 for further information.* |
| 8 | By one year before the end date of this approval, the approval holder must ensure that the number of Pineapple Zamia plants that exist at the translocation site is at least 1.5 times the number of Pineapple Zamia plants translocated from the impact site, as reported under Condition 6. | Ongoing - Assessment required one year before (or prior to) the end date of the approval (2039). | Compliant | Translocation monitoring and seed propagation ongoing. Refer to Condition 6. |
| 9 | To compensate for the loss of 135.83 hectares of Koala habitat and 8.08 hectares of Black-breasted Button-quail habitat, the approval holder must, prior to commencement, legally secure a minimum of 280.36 hectares at the Koala offsets areas and 32.15 hectares at the Black-breasted Button-quail offset area. Within 20 business days of securing the Koala offset areas and Black-breasted Button-quail offset area, and prior to commencement, the approval holder must provide the Department of Environment with evidence of the date(s) on which the Koala offset areas and Black-breasted Button-quail offset area were legally secured and electronic spatial data (shapefiles) and offset attributes of the Koala offset areas and Black-breasted Button-quail offset area. | Completed prior to commencement with notification provided within 20 business days of securing the offset areas and prior to commencement. | Compliant | The offset areas were legally secured via Voluntary Declaration under the *Vegetation Management Act 1999* on 21/08/2020.  Existing koala habitat secured: 280.61 hectares.  Existing Black-breasted Button-quail habitat secured: 32.68 hectares.  Notification and evidence were provided to the department via email on 31/08/2020.  *Refer to Compliance Report 01 for further information.* |
| 10 | Within six months of legally securing the Koala offset areas and Black-breasted Button-quail offset area, the approval holder must complete baseline surveys of the entire Koala offset areas and Black-breasted Button-quail offset area. The baseline surveys must be conducted by a suitably qualified person in accordance with the most recently published version of the department ’s survey guidelines and include details of:   1. the quality of Black-breasted Button-quail habitat and Koala habitat 2. weed infestation 3. Koala density and Black-breasted Button-quail presence 4. pest abundance. | Completed within 6 months of legally securing offset areas. | Compliant | 1. Habitat quality surveys undertaken in September 2020 2. Weed infestation surveys undertaken in September 2020 3. Koala density thermal drone surveys were undertaken between June 2020 and January 2021. Black-breasted Button-quail presence surveys undertaken September 2020 4. Pest animal abundance surveys undertaken February 2021.   Baseline Assessment Report provided to the department via email on 25/08/2021.  *Refer to Compliance Report 01 for further information.* |
| 11 | Within one year of legally securing the Koala offset areas and Black-breasted Button-quail offset area, the approval holder must publish on the website and provide to the Department of Environment a report detailing:   1. the results of the baseline surveys required under Condition 10 2. management measures, prepared by a suitably qualified person and subsequently reviewed by an independent suitably qualified person, (including timing, frequency and longevity) that will be implemented to deliver the outcomes required by Condition 12, including:   i. performance and completion criteria for evaluating the success of the management measures and criteria for triggering remedial action (if necessary)  ii. a program, including timelines, to monitor (capable of timely detection of triggers for corrective action) and report on the effectiveness of the management measures, and progress against the performance and completion criteria  iii. remediation measures to be implemented where monitoring of the performance criteria indicate failure to achieve the outcomes of Condition 12  iv. a description of potential risks to the successful implementation of the management measures and a description of the control measures that would be implemented to mitigate against these risks and residual risk ratings. | Completed within 1 year of legally securing offset areas. | Compliant | 1. Baseline Assessment Report published on the Project website and provided to the department via email on 25/08/2021. 2. Offset Management Plan published on the Project website and provided to the department via email on 25/08/2021.   Link to the Project website:  <https://www.tmr.qld.gov.au/projects/bruce-highway-cooroy-to-curra/bruce-highway-cooroy-to-curra-section-d> |
| 12 | The approval holder must:   1. For the duration of the approval, ensure no net loss in the quality and extent of Black-breasted Button-quail habitat and the Koala habitat within the Koala offset areas and Black-breasted Button-quail offset area compared to the baseline survey data reported under Condition 11(a). 2. Within 12 months of completing the baseline surveys required by Condition 11(a) for the Koala offset areas, commence implementation of an ongoing Koala food tree replanting program in the Koala offset areas. The replanting program must be undertaken by a suitably qualified person and include measures to ensure the maintenance and survival of new Koala food trees in the Koala offset areas. 3. Within 15 years of completing the baseline surveys required by Condition 11(a), demonstrate a 20% increase in Koala food tree recruitment over the entire Koala offset areas compared to the baseline survey results reported as required under Condition 11(a). 4. Demonstrate the following reductions in weed infestation in all of the Koala offset areas and the Black-breasted Button-quail offset area compared to the baseline data reported as required under Condition 11(a):    1. 50% reduction within 3 years of completing the baseline surveys required by Condition 11(a)    2. 90% reduction within 10 years of completing the baseline surveys required by Condition 11(a). 5. Within 15 years of completing the baseline surveys required by Condition 11(a), demonstrate than an increase of at least 50% of Koala density has been achieved across the entirety of the Koala offset areas compared to the baseline data reported under Condition 11(a). To determine progress towards this outcome, Koala density surveys must be undertaken across the entirety of the Koala offset areas by a suitably qualified person within both 5 and 10 years respectively of completing the baseline surveys required by Condition 11(a). Contingency measures must be implemented to increase Koala density across the entire Koala offset areas where the results of these surveys indicate no or minimal increases in Koala density. 6. Demonstrate a reduction across each of the Koala offset areas and the Black-breasted Button-quail offset area, maintained for at least 10 consecutive years from completion of the baseline surveys required by Condition 11(a), in pest abundance compared to the baseline data reported under Condition 11(a). 7. Report to the department in each compliance report required under Condition 20, matters required under Condition 11(b), and progress towards and achievement of the outcome milestones specified in this Condition 12. | 1. For the duration of the approval. 2. Within 12 months of completing baseline surveys. 3. Within 15 years of completing baseline surveys.    1. Within 3 years of completing baseline surveys.    2. Within 10 years of completing baseline surveys. 4. Within 15 years of completing the baseline surveys.   Within 5 and 10 years respectively of competing the baseline surveys.   1. Annually for 10 consecutive years. 2. Annually for duration of approval. | 1. Ongoing 2. Ongoing 3. Ongoing 4. Non-compliant 5. Ongoing 6. Ongoing 7. Ongoing 8. Ongoing | 1. An ecological restoration contract is ongoing with Ecosure for weed management, assisted regeneration and koala food tree planting across the offset areas. 2. An ecological restoration contract is ongoing with Ecosure for koala food tree planting across the offset areas. *Refer to Compliance Report 01 for further information.* 3. An ecological restoration contract is ongoing with Ecosure for assisted regeneration and koala food tree planting across the offset areas. In addition to the secured 280.61 hectares of existing koala habitat, approximately 28 hectares non-remnant vegetation has been secured for assisted regeneration of koala food trees and a further 29 hectares of cleared land secured for koala food tree planting. *Refer to Compliance Report 01 for further information.* 4. An ecological restoration contract is ongoing with Ecosure for weed management across the offset areas. 5. Results from the monitoring recorded an average reduction of 31.83% from the baseline level (below the 50% reduction within 3 years of baseline survey results). Background information and corrective measures provided in Section 3.1. *Year 3 Monitoring Report provided in Appendix C.* 6. TMR have undertaken a Koala Monitoring Program as part of the Project’s construction phase. This program will provide insight into the health of the local koala population and the carrying capacity of the local environment. As the program is ongoing this data will be considered in future compliance reports.   Density surveys will be undertaken at 5, 10 and 15 years respectively.  Contingency measures are discussed in the Offset Management Plan submitted to the Department under Condition 11.   1. A pest animal control and monitoring contract is ongoing with Ecosure across the offset areas. *Year 3 Monitoring Report provided in Appendix D.* 2. Contracts to implement the management measures required under Condition 11(b) and progress towards the Condition 12 milestones are ongoing. Year 1 offset monitoring event has been completed. |
| 13 | To compensate for the loss of 2 hectares of lowland rainforest, the approval holder must submit an Offset Strategy prepared by a suitably qualified person in accordance with the Environmental Management Plan Guidelines and the principles of the EPBC Act Environmental Offsets Policy. The action must not commence until the Offset Strategy has been approved by the Minister in writing. The approved Offset Strategy must be implemented and published on the website. The Offset Strategy must:   1. provide a written description and map that clearly defines the location and boundaries of the proposed offset area(s) for lowland rainforest and includes offset attributes and shapefiles 2. include timelines and mechanisms for legally securing the offset area(s) 3. demonstrate the presence of lowland rainforest in the proposed offset area(s) and the quality of the lowland rainforest in the proposed offset area(s), including evidence that it meets the threshold criteria for lowland rainforest 4. commit to ecological outcomes and offset completion criteria for lowland rainforest and the timeframes in which these will be achieved 5. include time bound performance and completion criteria for evaluating that ecological outcomes have been achieved and criteria for triggering remedial action 6. commit to a program to monitor and report on progress against the performance and completion criteria. | Approved prior to commencement of the action. | Compliant | The Lowland Rainforest Offset Strategy was approved by the department on the 31/08/2020 and subsequent revision approved on the 30/04/2021.  The offset strategy is published on the Project website:  <https://www.tmr.qld.gov.au/projects/bruce-highway-cooroy-to-curra/bruce-highway-cooroy-to-curra-section-d>  An Offset Management Plan was subsequently developed from the approved strategy.  Sunshine Coast Council and Ecosure have been engaged to manage the lowland rainforest offset areas an accordance with the Offset Strategy and Offset Management Plan.  *Year 3 Monitoring Report provided in Appendix E.*  *Refer to Compliance Reports 01, 02 and 03 for further information.* |
| 14 | If, at any time during the life of the approval, the Minister is not satisfied that the outcomes required under Conditions 3, 8 or 12 are likely to be achieved, or is not satisfied there is sufficient evidence that the outcomes required under Conditions 3, 8 or 12 are likely to be achieved (including on the basis of information provided in compliance reports and or audit(s) under these Conditions of approval), the Minister may require the approval holder to submit a corrective action plan for the Minister’s approval, to monitor, manage, avoid, mitigate, offset, record or report on, impacts to Pineapple zamia, Lowland rainforest, the Black-breasted Button-quail and/or the Koala.   1. The Minister may set a timeframe in which the corrective action plan must be submitted and may specify that the corrective action plan must be prepared or reviewed by a suitably qualified person (or another specified person). 2. If the Minister approves the corrective action plan, the approval holder must implement the approved corrective action plan. | Duration of the approval. | Not applicable | The Minister has not requested a corrective action plan to date. |
| 15 | The approval holder must notify the department in writing of the date of commencement within 10 business days after the date of commencement. | Within 10 business days of commencement. | Compliant | The action commenced on the 19/10/2020 and the department was notified via email on the 20/10/2020. |
| 16 | The approval holder must maintain accurate and complete compliance records. | Duration of the approval. | Compliant | Compliance records for all activities to date have been provided with this compliance report.  Additional contract material such as offset agreements, progress reports, progress meeting minutes and other correspondence is also maintained and available upon request. |
| 17 | If the Department of Environment makes a request in writing, the approval holder must provide electronic copies of compliance records to TMR within the timeframe specified in the request. | Duration of the approval. | Not applicable | The department has not requested compliance records to date. |
| 18 | The approval holder must:   1. submit plans electronically to the department for approval by the Minister 2. publish each plan on the website within 20 business days of the date the plan is approved by the Minister or of the date a revised plan is submitted to the Minister, unless otherwise agreed to in writing by the Minister 3. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public 4. keep plans published on the website until the end date of this approval. | Publish within 20 business days of approval of a plan by the Minister. | Compliant | The Lowland Rainforest Offset Strategy was the only plan required to be approved by the Minister under this approval. Refer to Condition 13. |
| 19 | The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required the conditions of this approval, is prepared in accordance with the department ’s guidelines for biological survey and mapped data (2018) and submitted electronically to the Department of Environment with the relevant plan. | Duration of the approval. | Compliant | Monitoring data to date has been prepared in accordance with the department’s guidelines and submitted electronically. |
| 20 | The approval holder must prepare a compliance report for each 12-month period following the date of commencement, or as otherwise agreed to in writing by the Minister. The approval holder must:   1. publish each compliance report on the website within 60 business days following the relevant 12-month period 2. notify the Department of Environment by email that a compliance report has been published on the website within 5 business days of the date of publication 3. keep all compliance reports publicly available on the website until this approval expires 4. exclude or redact sensitive ecological data from compliance reports published on the website 5. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication. | Annually for the duration of the approval. | Compliant | This is the fourth compliance report for the approval. As such this report will be published on the project website concurrently with notification to the department.  There is no sensitive ecological data excluded from the report. |
| 21 | The approval holder must notify the department in writing of any incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than 5 business days after becoming aware of the incident or non-compliance. The notification must specify:   1. the condition which is or may be in breach 2. a short description of the incident and or non-compliance. | Duration of the approval. | Compliant | Report of non-compliance submitted on 26/09/2024 in relation to offset area habitat monitoring report (Appendix C, received 20/09/2024) indicating non-compliance against Condition 12(d)(i). Results from the monitoring recorded an average reduction of 31.83% from the baseline level (short of the 50% under Condition 12(d)(i)). |
| 22 | The approval holder must provide to the Department of Environment the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:   1. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future 2. the potential impacts of the incident or non-compliance 3. the method and timing of any remedial action that will be undertaken by the approval holder. | Duration of the approval. | Compliant | Report of non-compliance investigation and corrective actions submitted on 03/10/2024 in relation to offset area habitat monitoring report (Appendix C, received 20/09/2024) against Condition 12(d)(i). |
| 23 | The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister. | Duration of the approval. | Not applicable | The Minister has not requested an independent audit to date. |
| 24 | For each independent audit, the approval holder must:   1. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department of Environment 2. only commence the independent audit once the audit criteria have been approved in writing by the Department of Environment 3. submit an audit report to the Department of Environment within the timeframe specified in the approved audit criteria. | Duration of the approval. | Not applicable | The Minister has not requested an independent audit to date. |
| 25 | The approval holder must publish the audit report on the website within 10 business days of receiving the department’s approval of the audit report and keep the audit report published on the website until the end date of this approval. | Within 10 business days of the department ‘s approval of audit report. | Not applicable | The Minister has not requested an independent audit to date. |
| 26 | The approval holder may choose to revise a plan or strategy approved by the Minister under Condition 13, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves the plan, then, from the date specified, the approval holder must implement the plan in place of the previous plan. | From the date specified. | Compliant | The Lowland Rainforest Offset Strategy revision 01 was approved by the Minister and has been implemented. Refer to Condition 13. |
| 27 | Within 20 business days after completion, the approval holder must notify the department in writing and provide completion data. | Within 20 business days after completion. | Compliant | The action is due for completion on 30/06/2040. |

1. Additional supporting information

4.1 Condition 1

Condition 1 of the EPBC Act approval states:

*Within the impact site, the approval holder must not clear more than:*

* 1. *2 hectares of Lowland rainforest*
  2. *8.08 hectares of Black-breasted Button-quail habitat*
  3. *135.83 hectares of Koala habitat.*

**4.1.1 Lowland rainforest**

The baseline survey to determine the extent and quality of lowland rainforest in the riparian area of Six Mile Creek determined that the ecological community was no longer present as it did not meet the lowland rainforest listing advice. This was largely due to the 82 per cent ground cover and 54 per cent canopy cover of exotic species (Cats Claw Creeper).

The lowland rainforest impact area was solely contained within the Contract 1 area and clearing has been completed. Despite the lack of the threated ecological community lowland rainforest the project has restricted clearing in the riparian area of Six Mile Creek to 2.0 hectares (as-built data) of direct and indirect (within 50 metres) impact with regards to the former area of lowland rainforest. Further information is contained within Compliance Report 01.

**4.1.2 Black-breasted Button-quail**

The Black-breasted Button-quail habitat impact area was solely contained within the Contract 1 area and this clearing has been completed, the as-built post clearing survey confirmed 8.04 hectares of habitat was cleared, compliant with Condition 1.

A sketch of the impact area is provided in Appendix F.

**4.1.3 Koala**

Koala habitat is contained across both contract areas and clearing is now complete. The total as-built quantity of koala habitat clearing is 133.29 hectares, compliant with Condition 1.

A sketch of the impact area is provided in Appendix F.

1. List of appendices
2. EPBC Act Post Approvals Variation Notice 01
3. Pineapple Zamia Translocation Monitoring Report Year 4
4. Offset Area Habitat Monitoring Report Year 3
5. Offset Pest Animal Monitoring Report Year 3
6. TEC Lowland Rainforest Offset Area Monitoring Year 3
7. MNES Clearing Impact Area Sketch

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