

Contents

Glossary of Terms.....	ii
1. About.....	1
1.1 Key Dates	1
2. Compliance	2
Condition 1.....	2
Condition 2.....	2
Condition 3.....	2
Condition 4.....	3
Condition 5.....	3
Condition 6.....	4
Condition 7.....	4
Condition 8.....	5
Condition 9.....	5
Condition 10.....	5
Condition 11.....	6
Condition 12.....	6
Condition 13.....	6
6. Conclusion.....	6
Appendix A – Approval – Rokeby Main Road Upgrade EPBC 2011/6061.....	7

Glossary of Terms

The Approval – The approval granted under Sections 130(1) and 133 of the *EPBC Act: Rokeby Main Road Upgrade (EPBC 2011/6061)*

Bicheno proposed offset site – The site proposed as an offset for swift parrot habitat, as contained within the Preliminary Documentation (PD). This site is also referred to as *Appendix F* of the Approval (see Appendix A of this Report)

Blue ‘Roadside’ Wallaby Grass – the species formerly described as *Rytidosperma popinensis* (formerly *Austrodanthonia popinensis*), now widely accepted as common Wallaby Grass (*Rytidosperma fulvum*).

The Conditions – The conditions of approval, as per the approval granted under Sections 130(1) and 133 of the *EPBC Act: Rokeby Main Road Upgrade (EPBC 2011/6061)*

The Department – Tasmanian Department of State Growth (formerly the Department of Infrastructure, Energy and Resources)

DotE – Commonwealth Department of the Environment (formerly the Department of Sustainability, Environment, Water, Population and Communities)

DPIPWE – Tasmanian Department of Primary Industries, Parks, Water and the Environment

EPBC Act – *Environment Protection and Biodiversity Conservation Act 1999*

Mangalore proposed offset site – The site located at Mangalore, as identified within the PD. This site is also referred to as *Appendix D* of the Approval (see Appendix A of this Report)

PCAB – Policy and Conservation Assessment Branch, Tasmanian Department of Primary Industries, Parks, Water and the Environment

PD – Preliminary Documentation, submitted as part of the EPBC Referral

The Report – Rokeby Main Road Upgrade Annual Compliance Report 2014

Swift Parrot Habitat – Those vegetation communities classified under TASVEG mapping as DOV (*Eucalyptus ovata* forest and woodland) and DGL (*Eucalyptus globulus* dry forest and woodland), being favoured for foraging and nesting by the swift parrot (*Lathamus discolor*)

The Project – Rokeby Main Road Upgrade

1. About

The *Rokeby Main Road Upgrade Annual Compliance Report 2014* is the first annual report (the Report) addressing compliance with federal approval EPBC 2011/6061 (the Approval). Condition 11 of the Approval states:

“Within three months of every 12 month anniversary of the commencement of construction of the action, annually until the expiry date of this approval, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be notified to the department as soon as they occur.”

Construction on the Rokeby Main Road Upgrade commenced on 25th November 2013 and is still under construction. The Department of State Growth is committed to ensuring that the upgrading of Rokeby Main Road will have minimal impacts on local populations of native animals, plants and the surrounding environment. The Department is also committed to achieving the highest practicable environmental outcomes and takes its responsibilities seriously. The Report addresses each condition of the Approval specifically, outlining how compliance has been met. At the time of writing this Report, the Rokeby Main Road Upgrade project is still under construction. Some conditions have yet to be triggered, and thus compliance with these conditions will be addressed in future reports as appropriate.

Section 2 of this Report addresses compliance with the Approval and will re-state each condition of the Approval (*in bold and italics*) followed by statements of compliance. Where any of the Conditions of Approval refer to an attachment, this refers to those attachments as contained within the Approval itself. A copy of the Approval is provided in *Appendix A* of this Report.

1.1 Key Dates

Activity	Date (Due)
Date of EPBC Act Approval	19 th August 2013
Construction commenced	25 th November 2013
First annual report for blue ‘roadside’ wallaby grass offset at Rokeby site	25 th February 2014
Assessment of Bicheno proposed offset due	24 th November 2014
New proposed swift parrot offset required	24 th November 2016
Blue ‘roadside’ wallaby grass offsets required	24 th November 2015
First annual compliance report due	24 th February 2015
Expiry date of EPBC Act Approval	25 th June 2033

Table 1. Key dates relevant to this compliance report

2. Compliance

The Department of State Growth has endeavoured to fully comply with, and strictly adhere to, the Conditions of the Approval. Table 2 details the status of each of the Conditions of Approval.

Condition #	Conformed	Yet to be Completed	Non-Conformance	Not Triggered	Other
1	x				
2	x				
3				x	
4		x			
5	x				
6	x				
7		x			
8		x			
9	x				
10	x				
11	x				
12				x	
13				x	

Table 2. Which conditions have been triggered, and how they have been managed.

Condition 1

1. **For the better protection of the swift parrot, the person taking the action must:**
 - a. **not remove more than 86 *Eucalyptus ovata* trees and one *Eucalyptus globulus* tree from inside the development footprint as shown in Appendix A;**
 - b. **only clear the *Eucalyptus ovata* trees referred to in condition 1(a) above, between the months of March to July, to avoid disturbance to swift parrot individuals; and**
 - c. **immediately prior to undertaking tree removal works on the *Eucalyptus globulus* tree referred to in condition 1(a), engage a suitably qualified expert to ensure no swift parrot individuals are present.**

The removal of these 87 trees of potential swift parrot habitat occurred at two separate times due to the schedule of works and the location of each of the trees.

- a. & b. The 86 *Eucalyptus ovata* trees were re-identified and marked prior to their removal in the final week of July 2014. These trees were selectively removed to ensure that the timing for felling did not interfere with expected seasonal use by swift parrots for nesting or foraging.
- c. During the removal of the single *Eucalyptus globulus* tree referred to in sub-condition (c) above, an ecologist from PCAB was in attendance with two representatives from the Department to ensure that no swift parrots (or other species) were present at the time of felling. No fauna was present using the tree prior to or during the time of felling.

Condition 2

2. *To compensate for the residual loss of swift parrot foraging habitat, prior to the one (1) year anniversary of commencement of construction, the person taking the action must engage a suitably qualified expert to undertake ecological surveys and an assessment, during an optimal ecological time, of the Bicheno proposed offset site to determine:*
 - a. *the intensity and extent of impacts of the 2013 fire event on the Bicheno proposed offset site. These surveys must provide a discussion of the results in relation to:*
 - i. *the historical fire frequency and intensity at the site; and*
 - ii. *the ecological role of fire at the site.*
 - b. *prospects for recovery (including recovery milestones and estimated timing) of the Bicheno proposed offset site in terms of quality and extent of swift parrot foraging habitat;*
 - c. *ongoing management measures (including methods, standards and schedules wherever relevant) required to maintain or improve swift parrot foraging habitat at this site.*

The results of the surveys and assessment must be provided to the department within three (3) months of completion of the surveys.

Investigations into the viability of the initially proposed Bicheno offset site for swift parrot habitat was re-assessed to determine the status of its recovery following the January 2013 Tasmanian bushfires. A report was produced on 16 December 2013 detailing the findings of these investigations. This report was provided to DotE via email correspondence on 16 December 2013.

In brief, the report identified that the proposed Bicheno offset site would no longer present a suitable option given the absence of evident recovery following the bushfires. Notwithstanding the details of the report, the following findings are relevant to this condition:

- a. The fire which burnt the area in January 2013 was of a high intensity.
 - i. While fires have historically affected these forests, there was sufficient evidence to suggest that those were of lower intensities and with better prognosis of recovery in the short-term; and
 - ii. Eucalyptus ovata forest and woodland is a dry forest type which benefits from semi-frequent lower intensity fires to promote multi-aged diversity in over- and under-storey species development.
- b. While it is anticipated that the forest community present at Bicheno will recover insofar as regeneration of forest stand is concerned, there is evidence of significant tree mortality coupled with rapid onset of weed infestation. While this area has the potential to, in the long-term, provide important habitat for swift parrot populations into the future, the area is likely to fail to meet the basic requirements needed for establishing a conservation covenant which can provide benefit to swift parrot populations in the short- to medium-term. This view was supported by DPIPW – the state regulator which oversees the formalisation of conservation covenants;
- c. This point is not relevant without a proposal to offset this site.

Condition 3

3. *In the event that the surveys required in condition 2 above show that the Bicheno proposed offset site does contain adequate swift parrot foraging habitat (as advised by the Minister), to compensate for the residual loss of swift parrot foraging habitat, prior to the three (3) year anniversary of the commencement of construction, the person taking the action must:*
 - a. *establish a reserve within the Bicheno proposed offset site, of no less than ten (10) hectares of swift parrot foraging habitat, using a legal mechanism appropriate to the long-term conservation of the site and approved in advance by the Minister;*
 - b. *commence implementation of the management measures, identified by the suitably qualified expert to maintain or improve swift parrot foraging habitat at this site under condition 2(c),*
 - c. *commence monitoring of the reserve, to be conducted by a suitably qualified expert during an optimal ecological time, annually until the expiry date of this approval, to determine:*
 - i. *the success of the management measures to maintain or improve the swift parrot foraging habitat against the baseline condition; and*

- ii. *changes in the quality of the swift parrot foraging habitat in the reserve against the baseline condition.*
- d. *commence reporting to the department, annually until the expiry date of this approval, on surveys conducted under c) above; and*
- e. *outline any additional offsets or measures to maintain or enhance the swift parrot foraging habitat in the reserve against the baseline condition.*

As assessed under Condition 2 of this Approval, the originally-proposed Bicheno offset was deemed unsuitable for protection as an offset for suitable swift parrot habitat. Given this, Condition 3 is not triggered.

Condition 4

4. *In the event that the surveys required in condition 2 above show that the Bicheno proposed offset site does not contain adequate swift parrot foraging habitat (as advised by the minister), to compensate for the residual loss of swift parrot foraging habitat, prior to the three (3) year anniversary of this approval, the person taking the action must:*
 - a. *identify a reserve of swift parrot foraging habitat in eastern Tasmania, or a location of equivalent or greater conservation measure, as agreed to by the Minister, that complies with the department's offset policy;*
 - b. *secure the site identified under a) above using a legal mechanism appropriate to the long-term conservation of the site and approved in advance by the Minister;*
 - c. *commence ongoing management measures (including methods, standards and schedules wherever relevant) as determined by a suitably qualified expert, required to maintain or improve foraging habitat for the swift parrot within the reserve;*
 - d. *commence monitoring of the reserve, to be conducted by a suitably qualified expert during an optimal ecological time, annually until the expiry date of this approval, to determine:*
 - i. *the success of the management measures to maintain or improve the swift parrot foraging habitat against the baseline condition; and*
 - ii. *changes in the quality of the swift parrot foraging habitat on the reserve against the baseline condition.*
 - e. *commence reporting to the department, annually until the expiry date of this approval, on surveys conducted under d) above: and*
 - f. *outline additional offsets or measures to achieve the swift parrot foraging habitat against the baseline condition*

As assessed under Condition 2 of this Approval, the originally-proposed Bicheno offset was deemed unsuitable for protection as an offset for suitable swift parrot habitat. Given this, the Department has been investigating alternative sites of suitable habitat and has identified another site which it believes contains the necessary values, as per sub-condition (a). The values have been detailed in a report for the establishing of a conservation covenant; this report is, as the time writing, currently being reviewed by DotE for approval from the Minister (as per sub-condition (b)). Further updates on the establishment of a suitable offset will be provided in future compliance reports.

Condition 5

5. *For the better protection of the blue (roadside) wallaby grass, the person taking the action must not remove more than 0.6 hectares of blue (roadside) wallaby grass from inside the development footprint as shown in Appendix B.*

The total construction footprint contained no more than 0.6ha of blue roadside wallaby grass, as per the initial assessment by ecologists. All works were limited to within this identified construction footprint. At the time of writing this report, all works which were expected to impact on this 0.6ha of individuals have now been completed. Additional ecological investigations following works in these areas identified that construction activities were contained within the defined area. It also noted that the species formally identified as *Rytidosperma popinensis* is, in fact, *Rytidosperma fulvum* (common wallaby grass). Notwithstanding the commonality and endemism of this species to mainland Australia, and the plausibility that this species is likely an introduced species to Tasmania, impacts to populations of this species were limited to within the construction footprint; impacts to this population was similarly limited to the 0.6ha as per Appendix B of the Approval.

Condition 6

6. **For the better protection of the blue (roadside) wallaby grass, during construction, the person taking the action must:**
 - a. **implement construction exclusion zones of all blue (roadside) wallaby grass outside the development footprint as shown in Appendix 8 to prevent disturbance of the avoided populations. Construction exclusion zones must be:**
 - i. **identified on contractor drawings and provided to the department prior to construction; and**
 - ii. **marked with a flag line and signs during construction.**

As per statements addressing Condition 5 above, all impacts to wallaby grasses were confined to within the permitted construction footprint, as identified in Appendix B of the Approval. To ensure this condition was met, construction exclusion zones were erected around all previously identified populations outside of the construction footprint. This was in the form of flagging tape tied to wooden stakes. These exclusion zones were demarcated clearly on construction drawings provided to contractors prior to the commencement of works. These drawings – and evidence of the erection of exclusion zones – were provided to DotE.

Condition 7

7. **To compensate for the loss of blue (roadside) wallaby grass, prior to the two (2) year anniversary of the commencement of construction, the person taking the action must:**
 - a. **establish a reserve at the Mangalore proposed offset site using a legal mechanism appropriate to the long-term conservation of the site and approved in advance by the Minister;**
 - b. **plant no fewer than 24,000 blue (roadside) wallaby grass plants on site at Rokeby as shown in Appendix C;**
 - c. **commence implementation of the management measures, identified by a suitably qualified expert, to ensure maintenance of the blue (roadside) wallaby grass population within both the reserve at the Mangalore proposed offset site, referred to in condition 6(a) above, and planted blue (roadside) wallaby grass plants at Rokeby, referred to in condition 6(c) above.**
 - d. **commence monitoring of the reserve at the Mangalore proposed offset site and established blue (roadside) wallaby grass plants at Rokeby, to be conducted by a suitably qualified expert during an optimal ecological time, annually until the expiry date of this approval, to determine:**
 - i. **the success of the management measures to maintain no less than 7310 blue (roadside) wallaby grass plants at the Mangalore proposed offset site, referred to in condition 6(a) above, and to ensure establishment of no less than 75% of the planted blue (roadside) wallaby grass plants at Rokeby, referred to in condition 6(c) above.**
 - e. **commence reporting to the department, annually until the expiry date of this approval, on surveys conducted under d) above; and**
 - f. **outline any additional offsets or measures to maintain or enhance the blue (roadside) wallaby grass population within both the reserve at the Mangalore proposed offset site, referred to in condition 6(a) above, and planted blue (roadside) wallaby grass plants at Rokeby, referred to in condition 6(c) above.**

As stated in previous condition statements, *R. popinensis* is no longer recognised as this species within Tasmania, now being subsumed under a different species *R. fulvum*. This identification change poses significant challenges for meeting the requirements of this condition.

- a. The Mangalore proposed offset site is an already-established conservation covenant secured under EPBC 2009/4762 and EPBC 2009/4757. Half of this offset was allocated to EPBC 2009/4762 and EPBC 2009/4757, with the remainder secured for future use if needed. The Department proposed that this additional area could be allocated as part of the offset requirements for this Approval (EPBC 2011/6061) in the PD submitted as part of the EPBC referral process. Therefore the establishment of the Mangalore offset site has met this condition?
- b. A site was prepared within the works footprint for the planting of this species, as per the *Progress Report* submitted to DotE via email on 27th February 2014. It is required to be planted by 24th November 2015 and as yet it has not been established due to the determination that *R. popinensis* has been subsumed by *R. fulvum* as previously described elsewhere in this report.

- c. As *R. popinensis* is no longer recognised within the state, all plants currently contained within the covenant at Mangalore are now considered to be *R. fulvum* (common wallaby grass).
Plantings at the Rokeby site have been delayed following the change in identity of *R. popinensis* to *R. fulvum*. Furthermore, there are additional complications with planting this species due to previously germinated tube stock now being considered *R. fulvum* and therefore introduced (not native) to the state; notwithstanding the fact that *R. popinensis* seed stock is no longer available due to its new status. As such, management measures regarding *R. popinensis*/*R. fulvum* are currently on hold given identification issues.
- d. & e. Ecologically optimal times for surveying for wallaby grasses is spring and summer. As early as August 2014, botanists in Tasmania began identifying grass specimens formerly known as *R. popinensis* as *R. fulvum*. As a result of this, all spring and summer surveys conducted on behalf of the Department (across all of its construction program) make no reference to *R. popinensis*; they have instead identified this species as *R. fulvum*. Similarly, across the Tasmanian Government, all records of *R. popinensis* have been updated to *R. fulvum* to reflect the new identification of the species.
- f. As with all of the above statements, there are no additional measures which could possibly achieve better protection for *R. popinensis*.
Note: Formal correspondence relating to this matter has recently been submitted to DotE for consideration

Condition 8

- 8. ***The person taking the action must provide the department with offset attributes, shapefiles, textual descriptions and maps to clearly define the location and boundaries of the offsets required as a result of this approval. These must be provided within 30 days of the offsets being secured in perpetuity.***

Mangalore Offset Site

As per Condition 7, the Mangalore offset is an already-established conservation covenant, secured under EPBC 2009/4762 and EPBC 2009/4757. Half of this offset was allocated to EPBC 2009/4762 and EPBC 2009/4757, with the remainder secured for future use if needed. This remaining area was already approved by DotE as part of the referral process.

Bicheno Proposed Offset Site

As detailed in statements responding to conditions 3 and 4 of the Approval, the offset site proposed at Bicheno was deemed unsuitable for use as an offset at this time. As further detailed in the responding statement to condition 4 in this report, a report proposing a new site for offsetting is currently with DotE awaiting approval from the Minister. As such, this report clearly demarcates the location, offset attributes and textual descriptions of the site. Shape files will be provided once this offset is established in secured perpetuity.

Condition 9

- 9. ***Within 30 days after the commencement of construction of the action, the person taking the action must advise the department in writing of the actual date of commencement.***

Construction works relating to Rokeby Main Road commenced on 25th November 2013. The Department sent written email correspondence to DotE officers, informing DotE of the commencement date, on 3rd December 2013.

Condition 10

- 10. ***The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, and make them available upon request to the department. Such records may be subject to audit by the department or an independent auditor in accordance with section 458***

of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the department's website. The results of audits may also be publicised through the general media.

Notwithstanding the details of compliance relating to Condition 6 of this Approval, the Department practises accurate record maintenance for all activities related to this Approval. On this occasion, whilst evidence of correspondence was not produced as per information detailing the provision of construction drawings prior to works commencing, upon request from DotE, all relevant documentation was produced and was done so within 24 hours of the request. In all other ways, this condition has been complied with.

Condition 11

- 11. *Within three months of every 12 month anniversary of the commencement of construction of the action, annually until the expiry date of this approval, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be notified to the department as soon as they occur.***

The purpose of this Report is to satisfy this condition. This report contains statements addressing compliance with each of the conditions of the Approval. Each of the conditions referring to the implementation of management plans or programs has already been addressed in the respective statements of compliance throughout this Report. Upon publishing this Report on the Department's website, evidence will be provided to DotE of this fact at the time of publishing.

Condition 12

- 12. *Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.***

This condition has not been triggered.

Condition 13

- 13. *If, at any time after three (3) years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.***

Works on this project commenced on 25th November 2013. This condition can no longer be satisfied.

6. Conclusion

This Report is intended to meet the full requirements of condition 11 of the Approval. All statements made in the Report are true and evidence-based. Further information can be provided as required. This Report will be publicly available on the Department's website within the three month anniversary of the commencement of works.

**Appendix A – Approval – Rokeby Main Road Upgrade EPBC
2011/6061**