


# Latrobe River Bridge Replacement Project on Tyers Road, Traralgon, Victoria

 Compliance Assessment  
Report May 2025

EPBC Reference 2017/8052

**VICTORIA**  
State  
Government

Department  
of Transport  
and Planning

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# 1. Terms, Abbreviations and Definitions

The terms, abbreviations and definitions that have been used in this document are listed in the below table.

*Table 1: List of Terms and Abbreviations*

Term/Abbreviation	Definition
Approval Holder	Department of Transport and Planning formerly VicRoads. ABN 69 981 208 782
Compliant	The requirements of the condition have been carried out
DAWE	Department of Agriculture, Water and Environment (now DCCEEW)
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DoT	Department of Transport (now DTP)
DEECA	Department of Energy, Environment and Climate Action (State)
DELWP	Department of Environment Land Water and Planning (now DEECA)
DTP	Department of Transport and Planning
EPBC Act	Environmental Protection and Biodiversity Conservation Act 1999
Ha	Hectare
HVP	Hancock Victorian Plantations
MiBS	Ministerial Briefing System
Not Applicable /Not Required / Noted	The requirements of conditions were not triggered during the reporting period or were no longer applicable to the reporting period
Non-compliant / NC	Implementation of the condition has not been carried out in accordance with condition
NVR	Native vegetation removal
OMP	Offset Management Plan
RRV	Regional Roads Victoria
VicRoads	Department of Transport and Planning, which was formerly VicRoads. This report refers to the Department of Transport and Planning as the approval holder.
Transport Victoria website – EPBC commitments for the Latrobe River Bridge Replacement Project on Tyers Road, Traralgon, Victoria	The VicRoads EPBC commitments page can be accessed via the following hyperlink: <a href="https://www.vic.gov.au/epbc-commitments#latrobe-river-bridge-replacement">https://www.vic.gov.au/epbc-commitments#latrobe-river-bridge-replacement</a>

## 2. Executive Summary

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The approval of the EPBC Act referral 2017/8052 was issued to the Head of Transport for Victoria (Regional Roads Victoria) on the 20th of May 2020 for the replacement of the Latrobe River Bridge on Tyers Road, Traralgon.

Regional Roads Victoria (RRV), formerly VicRoads, is now a part of the Department of Transport and Planning (formerly Department of Transport). This report recognizes the Department of Transport and Planning (DTP) as the approval holder and authority for the project.

In accordance with Condition 12 of the *Environment Protection and Biodiversity Conservation Act 1999* approval (EPBC 2017/8052), within 60 days of every 12 month anniversary of the commencement of construction (16<sup>th</sup> May 2022) or otherwise as agreed to in writing by the Minister, the approval holder must publish a report on the DTP website addressing compliance with each of the conditions of this approval, including implementation of the conditions under the EPBC Act set out in Annexure A of the Approval Decision notices.

This compliance report addresses the current status of the Latrobe River Bridge Upgrade-on the Tyers Road, Traralgon against the conditions for approval of the EPBC Referral Act 2017/8052 for the environmental activities carried out between 16<sup>th</sup> May 2024 and 16<sup>th</sup> May 2025.

This is the third report to be prepared under the EPBC Act approval 2017/8052 for this Project.

### 3. Introduction

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The Latrobe River Bridge Replacement Project is located between the Traralgon and Tyers townships, approximately 140 km east of Melbourne, Victoria (Figure 1).

The project consists of constructing a new three span concrete bridge over the Latrobe River and removing the old structure and improvements to the Tyers Road alignment at both ends of the new bridge through road widening and straightening.

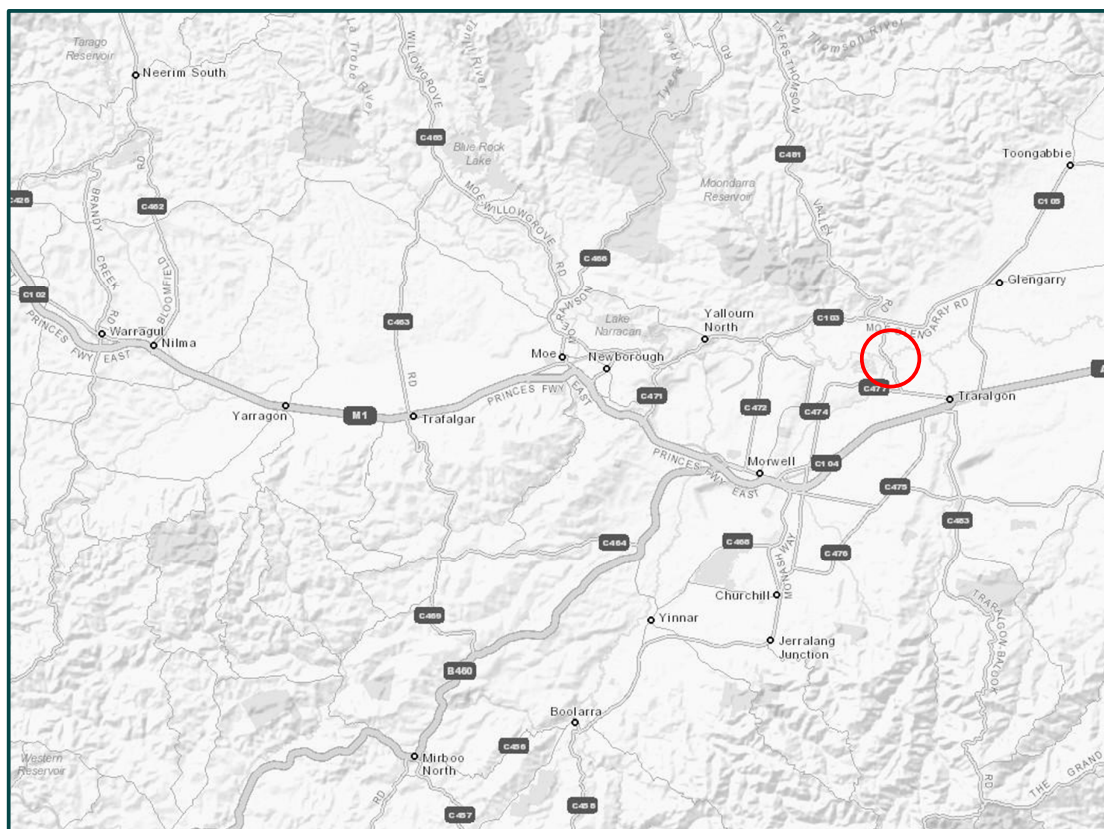


Figure 1 – Project Locality Plan

## 4. Background

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Tyers Road is used by approximately 2,600 vehicles per day and is an approved B-double route that is used by the general public, public transport, emergency services and industries in the area. The improvement of the road alignment is necessary to increase safety for road users.

The existing bridge was built in 1936, is nearing the end of its life and required significant ongoing costs to maintain. In addition, a 30-tonne load limit was imposed by VicRoads in 2012 due to its condition. The required bridge replacement will enable the load limit to be removed so that larger trucks and B-doubles can again use the crossing.

The crash history on Tyers Road includes those that have occurred on the curves in the vicinity of the Latrobe River bridge, and the existing road alignment in this area has substandard curves that require drivers to slow down significantly to safely negotiate the alignment. Five casualty crashes have been reported on the curves north of the Latrobe River between the existing bridge and the Sandbank Reserve between January 2003 and January 2018. These crashes directly involved a total of seven people and resulted in one person being killed, four people being seriously injured, one person receiving minor injuries and one person being uninjured. There have also been two reported crashes on the curve immediately south of the existing bridge during this time, involving a total of six people, resulting in three people receiving minor injuries and three people being uninjured.

The improvement of the road alignment is necessary to increase safety for road users.

The new bridge will be constructed approximately 30 meters upstream of the existing bridge to provide the ability for traffic to continue to use the road and existing bridge whilst the new bridge is constructed.

### 4.1 Purpose of this Document

The purpose of this document is to assess the compliance of the Latrobe River Bridge Replacement Project with the EPBC Conditions of approval EPBC 2017/8052 (Appendix A). The EPBC conditions of approval includes the Conditions specific to the action (Part A):

1. Must ensure that no more than 49 Strzelecki Gum individuals are cleared as a result of the action.
2. The approval holder must obtain, record and follow directions from an on-site, suitably qualified expert to ensure that lopping and/or root disturbance impacts are not likely to lead to the death of any Strzelecki Gum other than the 49 individuals permitted to be cleared.
3. Prior to the commencement of the action, to compensate for the loss of up to 49 Strzelecki Gum individuals, the approval holder must secure the offset area.
4. Within 14 days of the offset area being secured, the approval holder must provide the Department with:
  - a. written evidence demonstrating that the offset has been secured; and
  - b. shapefiles containing the offset attributes.
5. The approval holder must implement the Offset Management Plan, for the offset area, for the duration of the approval.

If the Significant OMP Milestones listed at Table 3 of the Offset Management Plan are not achieved by the end of the ten year offset implementation period, the approval holder must submit a Strzelecki Gum Offset Plan, to supersede the Offset Management Plan and ensure that the impacts of the action are adequately offset, to the Minister for approval within three months of the end of the ten year offset implementation period. The revised Offset Management Plan must be implemented. The approval holder must implement the approved Strzelecki Gum Offset Plan in place of the Offset Management Plan.

The approval then refers to standard administrative conditions outlined in Part B.

## 4.2 Environmental Protection & Biodiversity Conservation Act 1999 Requirements

The objective of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is to provide for the protection of the environment, especially matters of national environmental significance (MNES), conserve Australia's biodiversity and protect biodiversity internationally by controlling the international movement of wildlife.

### 4.2.1 EPBC Approval

Approval of the Commonwealth Minister for the Environment is required under the EPBC Act if an 'action' will have or is likely to have a significant impact on a matter of national environmental significance. Due to potential impacts on a threatened species, Strzelecki Gum, the project was referred to the then Department of Agriculture, Water and the Environment (DAWE) now known as the Department of Climate Change, Energy, the Environment and Water (DCCEEW).

A decision was issued by the Department on the 27<sup>th</sup> of February 2018 determining that the proposal was a "controlled action" by the Federal Minister for the Agriculture, Water and the Environment. The proposed action was assessed by preliminary documentation as the project was likely to have a significant impact on listed threatened species and communities (section 18 and 18A) protected under Part 3 of the EPBC Act.

The proposed action under the EPBC Act identified the removal of 49 Strzelecki Gums of varying sizes contained within approximately 1.5 hectares of Strzelecki Gum habitat.

Final approval for the action was issued to VicRoads on the 20<sup>th</sup> of May 2020. The EPBC Approval Notice of the conditions of approval for this Project can be found in Appendix A.

### 4.2.2 Performance and Compliance Reporting

Under Condition 12 of the approved EPBC Act referral 2017/8052, an annual compliance assessment report is required to be published on VicRoads website within 60 business days of every 12 month



anniversary of the date of commencement of works (16<sup>th</sup> May 2022), addressing compliance with each of the conditions of the approval (See Appendix A for Commencement of the Action letter).

#### 4.2.3 Non-Compliance Reporting

One non-compliance occurred during the year 1 reporting period (see details in Section 6 below).

## 5. Project Compliance

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### 5.1 Compliance with EPBC Conditions of Approval

As required in the EPBC Act approval dated 20<sup>th</sup> May 2020 from the DAWE, this report has been prepared to provide the Department with a status update on each of the conditions of approval.

The Department of Transport and Planning has complied with the conditions referenced in the EPBC Act approval 2017/8052 for the annual reporting period.

A summary of the performance and compliance with each of the 18 conditions of approval has been provided in Section 6 of this report.

## 6. Performance and Compliance of EPBC 2017/8052

The table below provides details of the status of compliance with the conditions of the EPBC Act approval notice (EPBC 2017/8052) for the Latrobe River Bridge Replacement Project.

### 6.1 Part A – Conditions Specific to the Action

Item	Conditions of the Approval	Compliant/Non Compliant/Not Applicable	Comments / Evidence
1	The approval holder must ensure that no more than 49 Strzelecki Gum individuals are cleared as a result of the action.	Compliant	<p>Construction of the Latrobe River Bridge replacement commenced in May 2022, and reached Practical Completion on 15 August 2024 and is currently in the Defects Liability period.</p> <p>No construction activity outside the construction footprint (Limits of Works) is a specific requirement of the VicRoads contract specification for these works. Reports prepared by the contractors engaged to deliver these works provide evidence that from prior to the commencement of works, fencing with signage has been installed, the Limits of Works identified and No Go Zones (NGZ) in place for the duration of the project and no ground disturbance conducted outside of this boundary. The NGZ fencing contained all Strzelecki Gums that are to be protected and retained within the roadside reserve. This has been confirmed through periodic checking of fencing and NGZ's by routine DTP surveillance.</p> <p>The original assessment of Strzelecki Gums was undertaken as part of planning for the project in 2017 which identified 49 Strzelecki Gums lost. Once works commenced on site in mid-2022, the works contractor found a reduction in the number of</p>

Item	Conditions of the Approval	Compliant/Non Compliant/Not Applicable	Comments / Evidence
			<p>Strzelecki Gums still present, with only 39 of the approved 49 remaining. This includes the following:</p> <ul style="list-style-type: none"> <li>- Four trees having fallen over and died before works commenced (1 very large, 1 large and 2 small trees); and</li> <li>- Six Strzelecki Gums previously recorded no longer present. These are assumed to have been small recruits (&lt;5.5cm dbh) that did not survive in the 5 year period between assessment and commencement of works.</li> </ul> <p>Tree data as of November 2022 has so far recorded the removal of 19 Strzelecki Gums for the project. An additional 16 are currently being monitored for impacts and tree condition but remain in situ.</p>
2	The approval holder must obtain, record and follow directions from an on-site, suitably qualified expert to ensure that lopping and/or root disturbance impacts are not likely to lead to the death of any Strzelecki Gum other than the 49 individuals permitted to be cleared.	Compliant	<p>Active Green Services Arboricultural were engaged in November 2022 to provide an Impact Assessment for trees that are located within or adjacent to the project boundaries. The analysis of impacts was made in accordance with Australian Standards The report concluded that 35 Strzelecki Gums are deemed as lost, with 22 impacted directly and 13 are likely to be impacted adversely by temporary works and may not remain viable. The report also produced provided recommendations to adopt to ensure those trees that are proposed for retention are successfully retained.</p> <p>A spreadsheet of data, tree cards and accurate location for each tree have been developed which provides specific details on if the tree is lost or remains viable and recommendations regarding tree protection and retention where possible. This includes extending tree protection zones, monitoring tree health and where arborist advice is required.</p>
3	Prior to the commencement of the action, to compensate for	Compliant	The offset site has been secured by a <i>Section 69 Agreement</i> under the <i>Conservation Forests and Land Act 1987 (Vic)</i> between the owner of the offset site (HVP

Item	Conditions of the Approval	Compliant/Non Compliant/Not Applicable	Comments / Evidence
	the loss of up to 49 Strzelecki Gum individuals, the approval holder must secure the offset area.		Plantations) and the Victorian Government's Department of Environment, Land, Water & Planning (now DEECA).  This type of agreement is known as a Landowner Agreement and has an associated annual management plan and reporting requirements to DEECA.
4	Within 14 days of the offset area being secured, the approval holder must provide the Department with: a) written evidence demonstrating that the offset has been secured; and b) shapefiles containing the offset attributes.	Compliant	Details of the offset area being secured were sent to DCCEEW in a letter dated the 19 January 2022, which included the security mechanism for permanent protection on title, an allocated credit extract from DEECA and a shapefile containing the offset attributes.
5	The approval holder must implement the Offset Management Plan, for the offset area, for the duration of the approval.	Compliant	The offset management plan was written in November 2019 by ecological consultants IDEM (RRV Golden Gully Road EPBC Strzelecki Gum offset Management Plan).  Administrative changes to the Golden Gully Road EPBC Strzelecki Gum offset Management Plan, version 6.2, dated January 2024 were approved by the delegate on 10 February 2025.  The offset management plan has been implemented by the landowner HVP Plantations, commencing 1 February 2023 and the entire site managed continuously.
6	The approval holder must achieve the Significant OMP Milestones specified in Table	Not applicable	The 10 year offset implementation period has not yet been reached.

Item	Conditions of the Approval	Compliant/Non Compliant/Not Applicable	Comments / Evidence
	3 of the Offset Management Plan at the offset area by 1 February 2032.		This condition and two definitions attached to EPBC Act approval 2017/80852 under section 143(1)(c) of the EPBC Act was varied on 10 February 2025 to align the Offset Management Plan implementation period with the date that offset management activities commenced at the offset site.

## 6.2 Part B – Standard Administrative Conditions

Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
7	The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.	Non-compliant	<p>Notice of commencement of construction works was provided to the DAWE for the Project via email on the 23 August 2022, with the action commencing on the 16<sup>th</sup> of May 2022. As stipulated by condition 7, the department must be notified within 10 days of the commencement of the action.</p> <p>DCCEEW correspondence dated 7 September 2022 identifies that condition 7 has been contravened and a written warning given.</p>
8	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister	Compliant	Notice of commencement of construction works was provided to the DAWE for the Project on the 16 May 2022, which is well within the 5 years from the date of the approval.

Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
9	The approval holder must maintain accurate and complete compliance records.	Compliant	DTP has maintained records in accordance with this condition.
10	If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.	Not applicable	No requests have been received to date from the Department.
11	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and meta data required under the offset management plan, is prepared in accordance with the Department's Guidelines for biological survey and mapped data (2018) and submitted electronically to the Department in accordance with the requirements of the offset management plan.	Compliant	<p>All monitoring data, surveys, maps and other spatial and metadata are being collected and recorded as per the monitoring schedule in the Offset Management Plan (OMP).</p> <p>The second year's offset management plan annual report evaluating its effectiveness has been received and provided to DTP &amp; DCCEEW (attached to the compliance email).</p>

Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
12	<p>The approval holder must prepare a compliance report for each 12-month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must:</p> <ul style="list-style-type: none"> <li>a. publish each compliance report on the website within 60 business days following the relevant 12-month period;</li> <li>b. notify the Department by email that a compliance report has been published on the website within five business days of the date of publication;</li> <li>c. keep all compliance reports publicly available on the website until this approval expires;</li> <li>d. exclude or redact sensitive ecological data from compliance reports published on the website; and</li> </ul>	Compliant	<p>The third annual report is due to the DCCEEW by the 15 July 2025 and this report fulfils the requirement under Condition 12 for an annual report.</p> <p>This compliance report is available on DTP's website EPBC Act Notices - 2017/8052 Annual Compliance report and until the approval expires 28 April 2045.</p>

Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
	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.		
13	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 two business days after becoming aware of the incident or non-compliance. The notification must specify: a. the condition which is or may be in breach; and a short description of the incident and/or non-compliance.	Compliant	The first year OMP audit completed by ID Ecological found that Blackberry cover did not meet its Year 1 target of <1% and is therefore a noncompliance with a commitment made in the OMP.  This was reported to DCCEEW on 18 May 2023.
14	The approval holder must provide to the Department the details of any incident or	Compliant	The first year OMP audit completed by ID Ecological found that Blackberry cover did not meet its Year 1 target of <1% and is a noncompliance with a commitment made in the OMP. The details of the noncompliance were provided to DCCEEW on 18 May 2023.



Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
	<p>noncompliance with the conditions or commitments made in the plan as soon as practicable and no later than 10 business days after becoming aware of the incident or noncompliance, specifying:</p> <ul style="list-style-type: none"> <li>a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</li> <li>b. the potential impacts of the incident or non-compliance; and</li> </ul> <p>the method and timing of any remedial action that will be undertaken by the approval holder.</p>		<p>A management notice was received by DEECA on 5 May 2023 advising that as the year 1 target of Blackberry elimination was not met, DEECA could not assess the Landowner Agreement as being compliant. The management and reporting period under the Landowner Agreement has therefore been reset to commence from 1 February 2023. The revised date for completion of year 1 of the agreement is now the 1 February 2024 and year 10 of the agreement 1 February 2033.</p>
15	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	Not applicable	No independent audit carried out during the reporting period as no requests have been received from the Department.

Item	Conditions of the Approval	Compliant/Non-Compliant/Not Applicable	Comments / Evidence
16	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	Not applicable	Construction of the Latrobe River Replacement Project has reached Practical Completion and is currently in the Defects Liability Period.



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