

# Pakenham East Train Stabling & Maintenance Depot, Pakenham East, Victoria

## Annual EPBC Act Approval Compliance Report

Reporting period: 17 February 2020 – 16 February 2021

Date of report: 01 July 2021

<b>Approval number</b>	2014/7263
<b>Approval holder</b>	Public Transport Victoria (PTV)
<b>ABN</b>	37 509 050 593
<b>Approved action</b>	To construct and operate a train stabling and maintenance Depot at Pakenham East in Victoria.  [See EPBC Act referral 2014/7263 and variation notices dated 16 March 2016 and 3 April 2019]

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## DECLARATION OF ACCURACY

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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.

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.

**Signed:**



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**Full Name:**

NICHOLAS FOA

**Position:**

DELEGATE FOR HEAD, TRANSPORT FOR VICTORIA

**Organisation:**

HEAD, TRANSPORT FOR VICTORIA (ABN 97 481 088 949)

**Date:**

4/10/2021

# DOCUMENT VERSION CONTROL

Document Preparation and Control	Document Review
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**Declaration**

I declare that all the information and documentation supporting this compliance report is true and correct in every particular.

**Signed:**




<b>Full Name:</b>	PHILLIP WALKER	ROBERT DUVEL
<b>Position:</b>	CHIEF EXECUTIVE OFFICER	EXECUTIVE DIRECTOR, SAFETY & PEOPLE
<b>Organisation:</b>	EVOLUTION RAIL	METRO TRAINS MELBOURNE
<b>Date:</b>	21-09-2021	20-09-2021

Document Version	Date
1.0	17-09-2021

Document Version History			
Version No.	Date	Document Status	Brief Description of Change(s) from Previous Version
Downer-V1	17/02/2021	Draft	First Downer draft following reporting period closure
MTM-V1	20/08/2021	Draft	First MTM draft following reporting period closure
MTM-V2	17/09/2021	Draft	Second MTM draft following reporting period closure
1.0	17/09/2021	Final	Final consolidated report for publication

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# 1 PURPOSE OF REPORT

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The purpose of this document is to demonstrate that there has been compliance with the conditions of the EPBC approval for the Project (EPBC 2014/7263) and to satisfy Condition 14 of that approval, which states:

*Unless otherwise agreed to in writing by the Minister, within three months of every 12 month anniversary of the commencement of the action, 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 provided to the Department at the same time as the compliance report is published. Reports must remain published for the life of the approval. The person taking the action must continue to publish this report each year until such time as agreed to in writing by the Minister.*

The action commenced on 17 February 2017.

# 2 DESCRIPTION OF ACTIVITIES

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## Overview of Project

The State of Victoria, with the consent of Public Transport Victoria (PTV), has developed a stabling yard and maintenance facility in Pakenham, Victoria as part of the new High Capacity Metro Trains (HCMT) Project. The State of Victoria selected Evolution Rail to deliver the High Capacity Metro Trains Project (HCMT), which is being delivered as an availability based public-private partnership.

Downer EDI Services Pty Ltd (Downer), the (Depot contractor), as a subcontractor to Evolution Rail, are operating the Depot at Pakenham East, which includes bringing online and servicing 65 new High Capacity Metro Trains (HCMTs) using the new Train Maintenance Facility, Train wash, Stabling Yard and associated infrastructure. The infrastructure includes:

- Train Maintenance Facility
  - A drive through train maintenance building able to accommodate five HCMTs, incorporating a site office, a site control centre, staff amenity and operations
  - Auxiliary buildings: Train wash, Bio wash and Graffiti wash, Wheel Lathe, Integrated Testing Facility, Guard house, Presentation platform, High Capacity Signalling platform
- Stabling Yard
  - Stabling tracks and connecting tracks
- Civil Infrastructure
  - Vehicle access for Oakview Lane plus internal roadways, loading/ unloading areas, car parking and pedestrian walkways
  - Upgraded and widened local roads, including Bald Hill Road and Oakview Lane, to encompass increased traffic of heavy vehicles during construction and operation, including the installation of designated turning lanes into Oakview Lane from Bald Hill Road.
  - Ancillary services such as water, electricity, sewerage, gas, communications
  - Drivers Pathways for accessing and egressing HCMTs
- Approximately 17km of ballast tracks and rail systems
  - Ten stabling roads,
  - Two arrival roads, one departure road, loop and test track, 5 maintenance roads, two integrated test facility road
  - One-wheel lathe road, one bio/Graffiti wash road, one presentation road.
  - Approximately 3km of embedded track inside the building.

The Caulfield to Dandenong Level Crossing Removal Works Alliance (the Rail contractor) are delivering additional connection works within the existing rail corridor as part of the required works for the Project. This includes:

- Extension of the mainline track electrification between Pakenham Station and the Depot
- Extension of the existing and installation of new signaling infrastructure from Pakenham Station to approximately 1.5km east of the HCMT Depot
- Two track turnouts to allow rail access to and from the rail corridor

The site maps in Attachment 1 show the areas of operation of both the Depot contractor (the Depot Site) and the Rail contractor (the Rail Corridor).

### **Works undertaken during Current Reporting Period**

The following works have been undertaken in the approval area during the 2020/2021 reporting period:

- Depot Site (Downer)
  - Stabling Yard and Facilities Punchlist rectification items
  
- HCMT Train (Downer)
  - The first train set entered service on 27 December 2020
  - Trains currently being tested.

### 3 APPROVAL CONDITIONS COMPLIANCE TABLE

Condition No.	Approval Condition	Is the Project compliant with this condition?	Comments and Supporting Documentation
1	The <b>approval holder</b> must ensure <b>construction</b> does not occur outside the <b>project area</b> .	Not applicable	<b>Depot Site and Rail Corridor:</b> N/A – Construction did not occur within this reporting period.
2	The <b>approval holder</b> must establish designated <b>no-go zones</b> and a <b>growing grass frog conservation buffer</b> prior to <b>construction</b> . The <b>no-go zones</b> and a <b>conservation buffer</b> must be protected with temporary <b>fencing</b> for the duration of <b>construction</b> .	Not applicable	<b>Depot Site and Rail Corridor:</b> N/A – Construction did not occur within this reporting period.
3	Prior to <b>construction</b> , the <b>approval holder</b> must engage a <b>suitably qualified expert</b> to prepare a report detailing the <b>baseline condition</b> of <b>retained fauna habitat</b> and <b>conservation buffer</b> within the <b>project area</b> . The <b>baseline condition</b> data must include the percentage of <b>vegetative cover</b> and <b>weed cover</b> present.	Compliant	<p><b>Depot Site:</b> As previously outlined in the 2019/2020 Compliance Report, a preliminary ecological condition report was completed by AECOM in February 2016 on behalf of Public Transport Victoria during the planning phase of the Project (Attachment 2).</p> <p>Further to the ecological condition report dated February 2016 and as outlined in the 2019/2020 Compliance Report, an additional assessment of the Depot site was completed in January 2017 by Ecology and Heritage Partners to detail the baseline condition of retained fauna habitat and conservation buffer within the Depot site (Attachment 3).</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Attachment 2 HCMT Ecological Existing Conditions Report – AECOM (February 2016).</li> <li>• Attachment 3 Baseline Condition Report for the Pakenham East Train Maintenance Depot, Victoria – Ecology &amp; Heritage Partners (January 2017)</li> </ul> <p><b>Rail Corridor:</b> Habitat Management Services (HMS) baseline conditions report from 23 Nov</p>



Condition No.	Approval Condition	Is the Project compliant with this condition?	Comments and Supporting Documentation
4	<b>Best practice hygiene protocol(s) for control of diseases in frogs</b> must be employed throughout <b>construction</b> within the <b>project area</b> , to prevent the spread of disease.	Not applicable	2016 remained current for duration of works. <b>Depot Site and Rail Corridor:</b> N/A – Construction did not occur within this reporting period.
5(a)	The <b>approval holder</b> must ensure that:  <b>Habitat reduction works</b> are undertaken in the manner specified in the <b>Threatened Species Management Plan</b> prior to construction	Compliant	<p><b>Depot Site:</b> The Flora and Fauna Management Sub-Plan (see Attachment 4) outlines the Threatened Species Management Plan requirements and controls for vegetation removal and habitat reduction across the project to ensure that only the approved reduction occurs.</p> <p>Under the Flora and Fauna Management Sub-Plan, a Vegetation Disturbance Permit (Attachment 5) must be completed and internally approved prior to the commencement of any vegetation disturbance. These permits detail the specific areas to be disturbed as well as the associated risks and controls.</p> <p>Controls for vegetation disturbance include but are not limited to, flagging of specific vegetation to be removed and demarcation of vegetation to be retained, fauna spotting/ ecologist supervision where applicable and biosecurity wash-downs of machinery. The implementation of these controls is communicated through the Vegetation Disturbance Permit process, site specific induction and through fortnightly toolbox talks with involved work crews. Vegetation Disturbance controls are verified through the Monthly Environmental and Sustainability Inspection (Attachment 6).</p> <p>Ongoing weed control will be completed as per the Weed Control Management Plan (Attachment 7). All habitat reduction works for the 2020/2021 reporting period were undertaken in accordance with the requirements as outlined in the Threatened Species Management Plan (Attachment 8).</p> <p>This included:</p> <ul style="list-style-type: none"> <li>• Targeted spot spraying of weeds in Flora Zone 2, Fauna Zones 1, 2 and 3;</li> <li>• Woody weed control (spot spraying of regrowth, maintenance spraying and cut and paint in sensitive areas) in Fauna Zones 1, 2 and 3;</li> <li>• Spraying of noxious weeds within the depot site; and</li> </ul>

Condition No.	Approval Condition	Is the Project compliant with this condition?	Comments and Supporting Documentation
			<ul style="list-style-type: none"> <li>Slashing as required.</li> </ul> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>Attachment 4 Flora and Fauna Management Sub Plan (May 2017)</li> <li>Attachment 5 Vegetation Disturbance Permit</li> <li>Attachment 6 Environmental Inspection Template (Downer)</li> <li>Attachment 7 Weed Control Action Plan – Downer (March 2021)</li> <li>Attachment 8 Threatened Species Management Plan – Stage 1 – AECOM (Jun 2018)</li> </ul> <p><b>Rail Corridor:</b> For the reporting year there were no habitat removal works undertaken.</p>
5(b)	The <b>approval holder</b> must ensure that: <b>Protected matters</b> do not disperse into the <b>construction footprint</b> .	Not applicable	<b>Depot Site and Rail Corridor:</b> N/A – Construction did not occur within this reporting period.
5(c)	The <b>approval holder</b> must ensure that: Annual <b>fox control</b> is undertaken in the manner specified in the <b>Threatened Species Management Plan</b> .	Non-compliant	<p><b>Depot Site:</b> Fox control was undertaken February – March 2020 as outlined in the 2019/2020 compliance report (Attachment 9). Due to Covid 19 related delays, fox control did not commence again until June 2021 (Attachment 10) and will be ongoing through July 2021.</p> <p>Fox control was undertaken as per the attached map in Attachment 10.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>Attachment 9 ITP for Fox Baiting Works – DOW-HCMT-ITP-CV-0051 (February – March 2020)</li> <li>Attachment 10 Evidence of Fox Baiting (June 2021)</li> </ul> <p><b>Rail Corridor:</b> Not applicable – The Threatened Species Management Plan (Table 18 – Action 2.5 &amp; 2.8) specifies that fox control programs are required within Fauna Zone’s 1, 2 &amp; 3 (Depot Site).</p>
6(a)	To reduce impacts to <b>protected matters</b> , the <b>approval holder</b> must, for the life of the approval:	Compliant	The extent of retained fauna habitat and conservation buffer within the project area was maintained during the 2020/2021 reporting period as identified in table 1-1 in Attachment 1.

Condition No.	Approval Condition	Is the Project compliant with this condition?	Comments and Supporting Documentation
	Maintain the extent of <b>retained fauna habitat</b> and <b>conservation buffer</b> within the <b>project area</b> .		<p>No-Go zones are delineated with fencing and separated from the operations footprint.</p> <p>As per the requirements of the Flora and Fauna Management Sub-Plan (Attachment 4), fencing was established in January / February 2017 prior to the commencement of Project works.</p> <p>As per the requirements of the Flora and Fauna Management Sub- Plan (see Attachment 4), fencing is inspected monthly as part of the Environmental Inspection (Attachment 6). These fenced areas have not been altered since the commencement of the action.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Attachment 1 Post-Construction Ecology Baseline Assessment HCMT Depot Pakenham – Cardno (March 2021).</li> <li>• Attachment 4 Flora and Fauna Management Sub-Plan</li> <li>• Attachment 6 Environmental Inspection Template.</li> </ul> <p><b>Rail Corridor:</b>                      During the reporting year there were no works which impacted the retained fauna habitat and conservation buffer along the mainline, which continues to be managed as a NGZ with restricted operational access.</p>
6(b)	To reduce the impacts to <b>protected matters</b> , the <b>approval holder</b> must, for the life of the approval:  Maintain the extent of <b>vegetative cover</b> over 1m in height within the <b>retained fauna habitat</b> and <b>conservation buffer</b> .	Compliant	<p>No vegetation removal occurred during the reporting period. Weed control did occur as per the Weed Control Action Plan (Attachment 7) however weed structure was maintained for the purposes of fauna habitat. As outlined in the Post-Construction Ecology Baseline Assessment (Attachment 1) there is no reduction in the extent of protected habitat for this reporting period.</p> <p>All vegetative cover over 1m in height within the retained fauna habitat and conservation buffer was maintained during the 2020/21 reporting period.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Attachment 1 Post-Construction Ecology Baseline Assessment HCMT Depot Pakenham – Cardno (March 2021)</li> <li>• Attachment 7 Weed Control Action Plan</li> </ul>

Condition No.	Approval Condition	Is the Project compliant with this condition?	Comments and Supporting Documentation
			<p><b>Rail Corridor:</b>                      During the reporting year there were no works which impacted the retained fauna habitat and conservation buffer along the mainline, which continues to be managed as a NGZ with restricted operational access.</p>
6(c)	<p>To reduce the impacts to <b>protected matters</b>, the <b>approval holder</b> must, for the life of the approval:</p> <p>Undertake <b>revegetation and habitat enhancement</b> within the <b>retained fauna habitat</b> and <b>conservation buffer</b> within 1 month of the completion of <b>habitat reduction works</b>.</p>	Compliant	<p>As outlined in the Post-Construction Ecology Baseline Assessment (Attachment 1), revegetation occurred as per the TSMP however additional corrective actions are required to ensure survival of replanting.</p> <p>As outlined in the 2018/2019 Compliance Report, the requirements for revegetation and habitat enhancement works are captured in the Project's Flora and Fauna Management Sub-Plan (see Attachment 4) and Weed, Pests and Pathogens Management Sub-Plan (see Attachment 11).</p> <p>The Weed Control Action Plan (Attachment 7) outlines the habitation reduction and revegetation works which will occur in 2021.</p> <p>Revegetation and habitat enhancement work within the retaining habitat and habitat enhancement works were completed during the 2020/2021 period. Habitat logs, piles of debris and a 10m x 10m enhancement area were installed during this period.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Attachment 1 Post-Construction Ecology Baseline Assessment HCMT Depot Pakenham – Cardno (March 2021)</li> <li>• Attachment 4 Flora and Fauna Management Sub-Plan – Downer (May 2017)</li> <li>• Attachment 7 Weed Control Action Plan (March 2021)</li> <li>• Attachment 11 Weed, Pests and Pathogens Management Sub-Plan – Downer (May 2018)</li> </ul> <p><b>Rail Corridor:</b>                      Not applicable – The Threatened Species Management Plan (Table 18 – Action 2.4) specifies that replacement planting of habitat areas treated for woody weeds is required within Fauna Zone 1 (Depot Site).</p>

Condition No.	Approval Condition	Is the Project compliant with this condition?	Comments and Supporting Documentation																														
7	<p>The <b>approval holder</b> must maintain and improve the condition of the <b>retained fauna habitat</b> and <b>conservation buffer</b>. By the 15 year anniversary of the commencement of the action, relative to the baseline condition there must be:</p> <p>a) an increase in <b>vegetative cover</b> of at least 20%; and</p> <p>b) a decrease in <b>weed cover</b> of at least 20%.</p>	Update for year 5 of 15	<p><b>Depot Site:</b>                      Then tables below represent the current vegetation and weed cover against baseline cover observations for Flora Zone 2 and Fauna Zone's 1, 2 &amp; 3 (Depot Site). Note that maintenance and improvement targets outlined in approval condition 7 relate to fauna habitat and conservations buffers only (Depot Site)).</p> <p>Vegetation Cover</p> <table border="1" data-bbox="1182 467 1854 770"> <thead> <tr> <th>Area</th> <th>Baseline Vegetation Cover</th> <th>Current Vegetation Cover</th> </tr> </thead> <tbody> <tr> <td>Flora Zone 2</td> <td>80-100%</td> <td>94.15%</td> </tr> <tr> <td>Fauna Zone 1</td> <td>80-100%</td> <td>100%</td> </tr> <tr> <td>Fauna Zone 2</td> <td>80-100%</td> <td>91.74%</td> </tr> <tr> <td>Fauna Zone 3</td> <td>90%</td> <td>98%</td> </tr> </tbody> </table> <p>Weed Cover</p> <table border="1" data-bbox="1182 866 1854 1169"> <thead> <tr> <th>Area</th> <th>Baseline Vegetation Cover</th> <th>Current Vegetation Cover</th> </tr> </thead> <tbody> <tr> <td>Flora Zone 2</td> <td>20%</td> <td>53.95%</td> </tr> <tr> <td>Fauna Zone 1</td> <td>70%</td> <td>78.63%</td> </tr> <tr> <td>Fauna Zone 2</td> <td>20%</td> <td>86.47%</td> </tr> <tr> <td>Fauna Zone 3</td> <td>50%</td> <td>97.5%</td> </tr> </tbody> </table> <p>Interpretation of results:                      Vegetation cover                      As shown in the vegetation cover table, the target percentages of vegetation cover (increase of at least 20% cover on baseline levels by 15 year anniversary (2032)) has either been meet or well on track to be meet by the 2032.</p>	Area	Baseline Vegetation Cover	Current Vegetation Cover	Flora Zone 2	80-100%	94.15%	Fauna Zone 1	80-100%	100%	Fauna Zone 2	80-100%	91.74%	Fauna Zone 3	90%	98%	Area	Baseline Vegetation Cover	Current Vegetation Cover	Flora Zone 2	20%	53.95%	Fauna Zone 1	70%	78.63%	Fauna Zone 2	20%	86.47%	Fauna Zone 3	50%	97.5%
Area	Baseline Vegetation Cover	Current Vegetation Cover																															
Flora Zone 2	80-100%	94.15%																															
Fauna Zone 1	80-100%	100%																															
Fauna Zone 2	80-100%	91.74%																															
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Fauna Zone 2	20%	86.47%																															
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Condition No.	Approval Condition	Is the Project compliant with this condition?	Comments and Supporting Documentation
			<p>Weed cover</p> <p>Cardno (2021) reports that weed cover percentages have increased in the Flora and Fauna Zone's as detailed below:</p> <ul style="list-style-type: none"> <li>• Flora Zone 2 weed cover has increased by 170%</li> <li>• Fauna Zone 1 weed cover has increased by 11%</li> <li>• Fauna Zone 2 weed cover has increased by 330%</li> <li>• Fauna Zone 3 weed cover has increased by 95%</li> </ul> <p>Downer, 2021 indicates the 2020/2021 reporting period has been optimum conditions for the growth of high threat weeds, in particular blackberry due to the wet and humid conditions.</p> <p>In accordance with the corrective actions for increased weed growth listed in Threatened Species Management Plan (AECOM, 2018), a Weed Control Action Plan (Downer, 2021) has been prepared and carried out to address aggressive weed growth over the 2020/2021 reporting period. The Weed Control Action Plan reports that following corrective actions the weed cover is back below or remains slightly above baseline levels, however the corrective actions listed indicated that a reduction of 20% weed cover is achievable across all Fauna Zone's within the next reporting period.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Attachment 1 Post-Construction Ecology Baseline Assessment HCMT Depot Pakenham – Cardno (March 2021)</li> <li>• Attachment 7 Weed Control Action Plan – Downer (March 2021)</li> </ul> <p><b>Rail Corridor:</b></p> <p>Vegetation and weed cover requirements specified in approval condition 7 have not been report against in the rail corridor in past annual reports, as retained fauna habitat and conservation buffer's (Fauna Zone's 1, 2 &amp; 3) occur within the Depot Site only.</p> <p>The rail corridor is now in operation phase and in the process of being handed over to the Franchisee (MTM). As such, baseline data will be collected in the 2021-22 reporting period so as to monitor against actions listed in Threatened Species Management Plan (AECOM, 2018) as well as EPBC Act approval condition 7.</p>

Condition No.	Approval Condition	Is the Project compliant with this condition?	Comments and Supporting Documentation
8	The increase in <b>vegetative cover</b> required in Condition 7 must be verified in writing by a <b>suitably qualified expert</b> in a report detailing the results of an assessment. The report must be provided to the <b>Department</b> and be published on the <b>approval holder's</b> website within 20 business days of the 15 year anniversary of the <b>commencement of the action</b> .	Not applicable	<p><b>Depot Site:</b> Attachment 2 and 3 will be used as baseline for the confirmation of compliance with this condition by the 15-year anniversary of the action. Attachment 1 provides an update on vegetative cover for year 5.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>Attachment 1 Post-Construction Ecology Baseline Assessment HCMT Depot Pakenham – Cardno (March 2021)</li> <li>Attachment 2 HCMT Ecological Existing Conditions Report – AECOM (February 2016).</li> <li>Attachment 3 Baseline Condition Report for the Pakenham East Train Maintenance Depot, Victoria – Ecology &amp; Heritage Partners (January 2017)</li> </ul> <p><b>Rail Corridor:</b> Not applicable – as condition 7 relates to retained fauna habitat and conservation buffer (Flora Zone 2 and Fauna Zone's 1, 2 &amp; 3 (Depot Site)).</p>
9	Prior to the <b>commencement of the action</b> , the <b>approval holder</b> must, for the long-term protection of the <b>growing grass frog</b> , enter into a <b>legal mechanism to secure</b> an offset containing 5.66 ha of <b>growing grass frog habitat</b> at <b>Fernbank</b> as identified in <b>Annex B</b> . Within 14 days of the offset being <b>secured</b> the <b>approval holder</b> must provide the <b>Department</b> with:  a) Written evidence demonstrating that the offset has been <b>secured</b> ; and b. <b>Shapefiles</b> and <b>offset attributes</b> that clearly define the location and boundaries of the offset site.	Compliant	<p>As outlined in the 2019/2020 Compliance Report, the Fernbank offset was procured by Public Transport Victoria on 17 November 2016, prior to the commencement of the action, when a Surplus Credit Trading Agreement was signed by the relevant parties (see Attachment 12).</p> <p>Written evidence demonstrating the sourcing of the offset (including relevant shapefiles and offset attributes) was provided to the Department on 6 and 7 December 2016</p> <p><b>Supporting Documentation</b></p> <ul style="list-style-type: none"> <li>Attachment 12 Surplus Credit Trading Agreement</li> </ul> <p><b>Rail Corridor:</b> Not applicable.</p>
10	If, at any time after 6 months from the date of this approval, the <b>approval holder</b> has not entered into a <b>legal mechanism to secure</b> the offset at	Not applicable	<p><b>Depot Site:</b> As outlined in the 2019/2020 Compliance Report, the Fernbank offset was procured within 6 months of the date of the project approval.</p>

Condition No.	Approval Condition	Is the Project compliant with this condition?	Comments and Supporting Documentation
	<p><b>Fernbank</b>, the <b>approval holder</b> must submit an alternative offset strategy to the <b>Department</b>. The <b>approval holder</b> must ensure any proposal for alternative offsets is agreed to in writing with the <b>Department</b> prior to the <b>commencement of the action</b>.</p>		<p>As such, this condition is deemed non applicable.</p> <p><b>Rail Corridor:</b> Not applicable.</p>
11	<p>The <b>approval holder</b> must ensure the offset is managed in accordance with the <b>offset management measures at Fernbank</b> as identified in <b>Annex B</b> for a period of at least 10 years commencing from the day the offset is <b>secured</b>.</p>	Year 4 update out of 10 years	<p><b>Depot Site and Rail Corridor:</b> As outlined in the 2019/2020 Compliance Report, the Fernbank offset is being managed in accordance with the executed Deed of Covenant for the site.</p> <p>The fourth annual Landowner Offset Management Report is included as an attachment to demonstrate compliance with this Condition (see Attachment 13).</p> <p><b>Supporting Documentation</b></p> <ul style="list-style-type: none"> <li>Attachment 13 Annual Report – End of Year 4 – Growling Grass Frog Offset at 3300 Princes Hwy, Fernbank, Victoria- Bush Blocks (February 2021)</li> </ul>
12	<p>Within 14 days after the <b>commencement of the action</b>, the person taking the action must advise the <b>Department</b> in writing of the actual date of commencement.</p>	Compliant	<p><b>Depot Site and Rail Corridor:</b> As outlined in the 2019/2020 Compliance Report, the commencement of the action was on 17 February 2017.</p> <p>Written confirmation of commencement was provided by Manish Pancholi, Downer to the attention of Keith Horwood from the Commonwealth Department of the Environment and Energy on 2 March 2017 – 13 days after the commencement of the action. This was acknowledged by the Department in a return letter dated 20 March 2017.</p>
13	<p>The person taking the action must maintain accurate recorded substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement any management plans and <b>offset management measures</b> required by this</p>	Compliant	<p><b>Depot Site and Rail Corridor:</b> As outlined in the 2019/2020 Compliance Report accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement any management plans and offset management measures required by this approval, are available for perusal by the Department if requested.</p>



Condition No.	Approval Condition	Is the Project compliant with this condition?	Comments and Supporting Documentation
	<p>approval, and make them available upon request to the <b>Department</b>. Such records may be subject to audit by the <b>Department</b> or an independent auditor in accordance with Section 458 of the <b>EPBC Act</b>, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the <b>Department's</b> website. The results of audits may also be publicised through the general media.</p>		
14	<p>Unless otherwise agreed to in writing by the <b>Minister</b>, within three months of every 12 month anniversary of the <b>commencement of the action</b>, 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.</p> <p>Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the <b>Department</b> at the same time as the compliance report is published. Reports must remain published for the life of the approval. The person taking the action must continue to publish this report each year until such time as agreed in writing by the <b>Minister</b>.</p>	Non-Compliant	<p><b>Depot Site and Rail Corridor:</b> This report has been prepared to satisfy this condition. It will be published on the HCMT project website.</p> <p>The commencement of the action occurred 17 February 2017, and as a result, the due date for this report is 17 May 2021.</p>
15	The person taking the action may choose to revise a management plan,	Compliant	<p><b>Depot Site and Rail Corridor:</b> Following the approved amendments to the TSMP on 3<sup>rd</sup> April 2019, there have</p>

Condition No.	Approval Condition	Is the Project compliant with this condition?	Comments and Supporting Documentation
	<p>program or strategy approved by the <b>Minister</b> under Conditions 2-11 without submitting it for approval under Section 143A of the <b>EPBC Act</b>, if the taking of the action in accordance with the revised plan, program or strategy would not be likely to have a <b>new or increased impact</b>. If the person taking the action makes this choice they must:</p> <ul style="list-style-type: none"> <li>a) Notify the <b>Department</b> in writing that the approved plan, program or strategy has been revised and provide the <b>Department</b> with an electronic copy of the revised plan. Program or strategy;</li> <li>b) Implement the revised plan, program or strategy from the date that the plan, program or strategy is submitted to the <b>Department</b>; and</li> <li>c) For the life of this approval, maintain a record of the reasons the approval holder considers that taking the action in accordance with the revised plan, program or strategy would not be likely to have a <b>new or increased impact</b>.</li> </ul>		<p>been no further changes to management plans, program or strategy within this reporting period. As such, there has been no requirement to notify the Department.</p>
16	<p>The person taking the action may revoke their choice under Condition 15 at any time by notice to the <b>Department</b>. If the person taking the action revokes the choice to implement a revised plan, program or strategy,</p>	Not applicable	

Condition No.	Approval Condition	Is the Project compliant with this condition?	Comments and Supporting Documentation
	without approval under Section 143A of the Act, the plan, program or strategy approved by the <b>Minister</b> must be implemented.		
17	<p>Condition 15 does not apply if the revisions to the approved plan, program or strategy include changes to environmental offsets provided under the plan, program</p> <p>or strategy in relation to a matter protected by a controlling provision for the action, unless otherwise agreed in writing by the <b>Minister</b>. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised plan, program or strategy would, or would not, be likely to have <b>new or increased impacts</b>.</p>	Not applicable	
18	<p>If the <b>Minister</b> gives a notice to the person taking the action that the <b>Minister</b> is satisfied that the taking of the action in accordance with the revised plan, program or strategy would be likely to have a <b>new or increased impact</b>, then:</p> <ul style="list-style-type: none"> <li>a) Condition 15 does not apply, or ceases to apply, in relation to the revised plan, program or</li> <li>b) The person taking the action must implement the plan, program or strategy approved by the <b>Minister</b>.</li> </ul> <p>To avoid any doubt, this condition does not affect any operations of Conditions 15, 16 and 17 in the period before the day the notice is given.</p>	Not applicable	

Condition No.	Approval Condition	Is the Project compliant with this condition?	Comments and Supporting Documentation
19	At the time of giving the notice the <b>Minister</b> may also notify that for a specified period of time that Condition 15 does not apply for one or more specified plans, programs or strategies required under the approval.	Not applicable	
20	Conditions 15, 16, 17 and 18 are not intended to limit the operation of Section 143A of the <b>EPBC Act</b> which allows the person taking the action to submit a revised plan, program or strategy to the <b>Minister</b> for approval.	Not applicable	
21	If, at any time after five (5) years from the date of this approval, the person taking the action has not <b>substantially commenced</b> the action, then the person taking the action must not <b>substantially commence</b> the action without the written agreement of the <b>Minister</b> . Unless otherwise agreed to in writing by the <b>Minister</b> , the person taking the action must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within 1 month of being approved by the <b>Minister</b> or being submitted under Condition 15.	Not applicable	

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#### 4 ANNEX A LIST OF SUPPORTING DOCUMENTS

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Attachment Number	Document Title
1	Post-Construction Ecology Baseline Assessment HCMT Depot Pakenham – Cardno (March 2021)
2	HCMT Ecological Existing Conditions Report – AECOM (February 2016)
3	Baseline Condition Report for the Pakenham East Train Maintenance Depot, Victoria – Ecology & Heritage Partners (January 2017)
4	Flora and Fauna Management Sub-Plan – Downer (May 2017)
5	Vegetation Disturbance Permit
6	Monthly Environmental Inspection Checklist (Downer)
7	Weed Control Action Plan – Downer (March 2021)
8	Threatened Species Management Plan – Stage 1 – AECOM (June 2018)
9	ITP for Fox Baiting Works – DOW-HCMT-ITP-CV-0051 (February – March 2020)
10	Fox Baiting Evidence (June 2021)
11	Weed, Pests and Pathogen Management Sub Plan – Downer (May 2018)
12	Surplus Credit Trading Agreement
13	Annual Report – End of Year 4 – Growling Grass Frog Offset at 3300 Princes Hwy, Fernbank, Victoria – Bush Blocks (February 2021)