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

## Annual EPBC Act Approval Compliance Report

Reporting period: 17 February 2021 – 16 February 2022

Date of report: 18 February 2022

Approval number	2014/7263
Approval holder	Public Transport Victoria (PTV)
ABN	37 509 050 593
Approved action	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]

#### **DECLARATION OF ACCURACY**

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:

Nan Fun

Full Name: NICHOLAS FOA

**Position:** DELEGATE FOR HEAD, TRANSPORT FOR VICTORIA

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

Date: 12/04/2022

## **DOCUMENT VERSION CONTROL**

Document Preparation and Control	Document Review
Ben Roberts - Biodiversity Manager; MTM	Stacey Vorwerk – Depot and LSF, Department of Transport
Alexandra Sawtell - Project Manager; Downer	Jeton Saliu – Depot and LSF Lead, Department of Transport

#### **Declaration**

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

Signed:

Full Name: PHILLIP WALKER ROBERT DUVEL

Position: CHIEF EXECUTIVE OFFICER EXECUTIVE DIRECTOR, SAFETY &

**PEOPLE** 

**Organisation:** EVOLUTION RAIL METRO TRAINS MELBOURNE

**Date:** 05 / 04 / 2022 30 / 03 / 2022

Document Version	Date
1.0	21-03-2022

Document Version History									
Version No.	Date	Document Status	Brief Description of Change(s) from Previous Version						
State	8/03/2022	Draft	Document outline						
MTM-V1	10/03/2022	Draft	First MTM draft following reporting period closure						
Downer-V1	21/03/2022	Draft	First Downer draft following reporting period closure						
1.0	29/03/2022	Final	Final consolidated report for publication						

## **TABLE OF CONTENTS**

DEC	CLARATION OF ACCURACY	2
	CUMENT VERSION CONTROL	
TAB	LE OF CONTENTS	4
1	PURPOSE OF REPORT	5
2	DESCRIPTION OF ACTIVITIES	5
3	APPROVAL CONDITIONS COMPLIANCE TABLE	7
4	ANNEX A LIST OF SUPPORTING DOCUMENTS	.26

#### 1 PURPOSE OF REPORT

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

#### **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 Signaling 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 2021/2022 reporting period:

- Depot Site (Downer)
  - Stabling Yard and Facilities Punchlist rectification items
- HCMT Train (Downer)
  - o 25 HCMTs have now been delivered, with 15 trains currently operating in revenue service
  - Testing has continued to integrate high capacity signaling onto the HCMTs for service in the Metro Tunnel when opened
  - o Routine testing continues
- Rail Corridor (MTM)
  - o Commenced biodiversity management activities as specified in the Project Threatened Species Management Plan (TSMP).

#### Roles, responsibilities, and project phase

The following table outlines why in Section 3 Compliance Table at times the:

- Depot site actions can be mentioned under both the Depot Contractor and Rail Contractor and
- Rail Contractor and Rail Operator is referenced as responsible managers for the rail corridor (i.e., management responsibility was handed over during the reporting year).

Project location	Construction phase	Operation phase
Depot site	Contractor (Downer)	Contractor (Downer)
Rail corridor	Rail Contractor (C2DLXRA)	Franchisee (MTM)

### **3 APPROVAL CONDITIONS COMPLIANCE TABLE**

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
1	The approval holder must ensure construction does not occur outside the project area.	Construction	Depot site: Complete Rail Corridor: Complete	Not applicable	Depot Contractor N/A – Construction did not occur within this reporting period.  Rail Contractor Depot Site and Rail Corridor: N/A – Construction did not occur within this reporting period.
2	The approval holder must establish designated no-go zones and a growling grass frog conservation buffer prior to construction. The no-go zones and a conservation buffer must be protected with temporary fencing for the duration of construction.	Early Works & Construction	Depot site: Complete Rail Corridor: Complete	Not applicable	Depot Contractor N/A – Construction did not occur within this reporting period.  Rail Contractor Depot Site and Rail Corridor: N/A – Construction did not occur within this reporting period.
3	Prior to construction, the approval holder must engage a suitably qualified expert to prepare a report detailing the baseline condition of retained fauna habitat and conservation buffer within the project area. The baseline condition data must include the percentage of vegetative cover and weed	Early Works	Depot site: Complete Rail Corridor: Complete	Not applicable	Depot Contractor As previously outlined in the 2020/2021 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).  Further to the ecological condition report dated February 2016 and as outlined in the 2020/2021 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).

Page 7 of 29 Version: 1.0 (final)

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
	cover present.				Supporting Documentation: Attachment 2 HCMT Ecological Existing Conditions Report – AECOM (February 2016). Attachment 3 Baseline Condition Report for the Pakenham East Train Maintenance Depot, Victoria – Ecology & Heritage Partners (January 2017)
					Rail Contractor Depot Site: 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).
					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).
					Supporting Documentation: Attachment 2 HCMT Ecological Existing Conditions Report – AECOM (February 2016). Attachment 3 Baseline Condition Report for the Pakenham East Train Maintenance Depot, Victoria – Ecology & Heritage Partners (January 2017)
					Rail Corridor: Habitat Management Services (HMS) baseline conditions report from 23 Nov 2016 remained current for duration of works.

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
4	Best practice hygiene protocol(s) for control of diseases in frogs must be employed throughout construction within the project area, to prevent the spread of disease.	Construction	Depot site: Complete Rail Corridor: Complete	Not applicable	Depot Contractor N/A – Construction did not occur within this reporting period.  Rail Contractor Depot Site and Rail Corridor: N/A – Construction did not occur within this reporting period.
5(a)	The approval holder must ensure that:  Habitat reduction works are undertaken in the manner specified in the Threatened Species Management Plan prior to construction	Construction & Operation	Depot site: Ongoing Rail Corridor: Ongoing	Compliant	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.  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.  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 washdowns 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).  Ongoing weed control will be completed as per the Weed Control Management Plan (Attachment 7). All habitat reduction works for the 2021/2022 reporting period were undertaken in accordance with the requirements as outlined in the Threatened Species Management Plan (Attachment 8).

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
					Weed control actions completed in this period are outlined in Attachment 14 and include: Targeted spot spraying of weeds in the Flora Zone, and Fauna Zones 1, 2 and 3; Woody weed control (spot spraying of regrowth, maintenance spraying and cut and paint in sensitive areas) in the Flora Zone and Fauna Zones 1, 2 and 3; Spraying of noxious weeds within the depot site; and Slashing as required.  Supporting Documentation: Attachment 4 Flora and Fauna Management Sub Plan (May 2017)
					Attachment 5 Vegetation Disturbance Permit Attachment 6 Environmental Inspection Template (Downer) Attachment 7 Weed Control Action Plan – Downer (March 2021) Attachment 8 Threatened Species Management Plan – Stage 1 – AECOM (Jun 2018) Attachment 14 Pakenham East Depot Annual Works Report (Abzeco November 2021)
					Rail Contractor Depot Site: 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.  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

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
					areas to be disturbed as well as the associated risks and controls.
					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 washdowns 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).
					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).
					This included: Targeted spot spraying of weeds in Flora Zone 2, Fauna Zones 1, 2 and 3; Woody weed control (spot spraying of regrowth, maintenance spraying and cut and paint in sensitive areas) in Fauna Zones 1, 2 and 3; Spraying of noxious weeds within the depot site; and Slashing as required.
					Supporting Documentation: Attachment 4 Flora and Fauna Management Sub Plan (May 2017) Attachment 5 Vegetation Disturbance Permit Attachment 6 Environmental Inspection Template (Downer) Attachment 7 Weed Control Action Plan – Downer (March 2021)

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
					Attachment 8 Threatened Species Management Plan – Stage 1 – AECOM (Jun 2018)  Rail Operator (Franchisee) Rail Corridor:  As specified in the TSMP, MTM is undertaking woody weed and biomass control within Flora Zone 1 and across Southern Brown Bandicoot habitat areas. This is being undertaken gradually to replace weed infestations with native plant species that provide Southern Brown Bandicoot habitat. We are seeking to achieve a no net loss of vegetation cover over 2 meres in height with only small areas being treated annually.
5(b)	The approval holder must ensure that:  Protected matters do not disperse into the construction footprint.	Construction	Depot site: Complete Rail Corridor: Complete	Not applicable	Depot Contractor N/A – Construction did not occur within this reporting period.  Rail Contractor Depot Site and Rail Corridor: N/A – Construction did not occur within this reporting period.
5(c)	The approval holder must ensure that:  Annual fox control is undertaken in the manner specified in the Threatened Species Management Plan.	Construction & Operation	Depot site: Ongoing	Non-compliant	Depot Contractor Fox control was undertaken February – March 2020 as outlined in the 2020/2021 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 (Attachment 14).  Fox control was undertaken as per the attached map in Attachment 10.  Supporting Documentation: Attachment 9 ITP for Fox Baiting Works – DOW-HCMT-ITP-CV-0051 (February – March 2020)  Attachment 10 Evidence of Fox Baiting (June 2021)  Attachment 14 Pakenham East Depot Annual Works Report (Abzeco November 2021)

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
					Rail Contractor Depot Site:  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.  Fox control was undertaken as per the attached map in Attachment 10.  Supporting Documentation:  Attachment 9 ITP for Fox Baiting Works – DOW-HCMT-ITP-CV-0051 (February – March 2020)  Attachment 10 Evidence of Fox Baiting (June 2021)  Rail Operator (Franchisee)  Rail Corridor:  The TSMP (Table 18 – Action 2.5 & 2.8) specifies that fox control programs are required within Fauna Zone's 1, 2 & 3 (Depot Site).
					In an effort to enhance the fox baiting program being undertaken with the Depot, MTM has engaged a contractor to extent the Depot fox baiting program into the adjoining rail corridor to protect any Southern Brown Bandicoot's that may be utilising the rail corridor. The fox baiting program is scheduled to commence in late March – early April 2022.
6(a)	To reduce impacts to protected matters, the approval holder must, for the life of the approval:  Maintain the extent of retained fauna habitat and conservation buffer within the project area.	Construction & Operation	Depot site: Ongoing Rail Corridor: Ongoing	Compliant	Depot Contractor 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.  No-Go zones are delineated with fencing and separated from the operations footprint.

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
					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.
					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.
					Supporting Documentation: Attachment 1 Post-Construction Ecology Baseline Assessment HCMT Depot Pakenham – Cardno (March 2021). Attachment 4 Flora and Fauna Management Sub-Plan Attachment 6 Environmental Inspection Template.
					Rail Contractor 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.
					No-Go zones are delineated with fencing and separated from the operations footprint.
					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.
					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.

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
					Supporting Documentation:  Attachment 1 Post-Construction Ecology Baseline Assessment HCMT Depot Pakenham – Cardno (March 2021).  Attachment 4 Flora and Fauna Management Sub-Plan Attachment 6 Environmental Inspection Template.  Rail Operator (Franchisee) Rail Corridor:  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. It should be noted however, the Pakenham East Level Crossing Removal Project has removed areas of HCMT Project NGZ to facilitate the Pakenham East Station and associated rail works. Works associated with the Pakenham East project was included in EPBC Act Referral 2021/8943 - Pakenham Level Crossing Removal Project which was assessed as a Not a Controlled Action.
6(b)	To reduce the impacts to protected matters, the approval holder must, for the life of the approval:  Maintain the extent of vegetative cover over 1m in height within the retained fauna habitat and conservation buffer.	Construction & Operation	Depot site: Ongoing Rail Corridor: Ongoing	Compliant	Depot Contractor  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.  All vegetative cover over 1m in height within the retained fauna habitat and conservation buffer was maintained during the 2021/22 reporting period as outlined in Attachment 14.  Supporting Documentation: Attachment 1 Post-Construction Ecology Baseline Assessment HCMT Depot Pakenham – Cardno (March 2021)

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
					Attachment 7 Weed Control Action Plan Attachment 14 Pakenham East Depot Annual Works Report (Abzeco November 2021)
					Rail Contractor  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.
					All vegetative cover over 1m in height within the retained fauna habitat and conservation buffer was maintained during the 2020/21 reporting period.
					Supporting Documentation: Attachment 1 Post-Construction Ecology Baseline Assessment HCMT Depot Pakenham – Cardno (March 2021) Attachment 7 Weed Control Action Plan
					Rail Operator (Franchisee) Rail Corridor: 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.
6(c)	To reduce the impacts to protected matters, the approval holder must, for the life of the approval:  Undertake revegetation and habitat enhancement	Construction & Operation	Depot site: Ongoing	Compliant	Depot Contractor 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.

Page 16 of 29

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
	within the retained fauna habitat and conservation buffer within 1 month of the completion of habitat reduction works.				As outlined in the 2020/2021 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).
					The Weed Control Action Plan (Attachment 7) outlines the habitation reduction and revegetation works which will occur in 2021.
					Revegetation and habitat enhancement work within the retaining habitat and habitat enhancement works were completed during the 2021/2022 period. Habitat logs, piles of debris and a 10m x 10m enhancement area were installed during this period as outlined in Attachment 14.
					Supporting Documentation:  Attachment 1 Post-Construction Ecology Baseline Assessment HCMT Depot Pakenham – Cardno (March 2021)  Attachment 4 Flora and Fauna Management Sub-Plan –  Downer (May 2017)  Attachment 7 Weed Control Action Plan (March 2021)  Attachment 11 Weed, Pests and Pathogens Management Sub-Plan – Downer (May 2018)  Attachment 14 Pakenham East Depot Annual Works Report (Abzeco November 2021)
					Rail Contractor 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.  As outlined in the 2018/2019 Compliance Report, the requirements for revegetation and habitat enhancement works

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
					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).
					The Weed Control Action Plan (Attachment 7) outlines the habitation reduction and revegetation works which will occur in 2021.
					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.
					Supporting Documentation: Attachment 1 Post-Construction Ecology Baseline Assessment HCMT Depot Pakenham – Cardno (March 2021) Attachment 4 Flora and Fauna Management Sub-Plan – Downer (May 2017) Attachment 7 Weed Control Action Plan (March 2021)
					Attachment 11 Weed, Pests and Pathogens Management Sub- Plan – Downer (May 2018)  Rail Operator (Franchisee)
					Rail Corridor:  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).
					As part of the broader land management activities being undertaken by MTM as specified in the TSMP, a land management contractor has been engaged to undertake ecological restoration activities within HCMT NGZ areas. This includes areas in the mainline that may form habitat for Southern Brown Bandicoot as identified in the TSMP. These

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Su	pporting Docum	entation
7	The approval holder must	Construction	Depot site:	Lindete for year 5	activities are being  Depot Contractor	guided by the TSI	MP.
	maintain and improve the condition of the retained fauna habitat and conservation buffer. By the 15 year anniversary of the commencement of the action, relative to the baseline condition there must be:  a) an increase in vegetative cover of at least 20%; and b) a decrease in weed cover of at least 20%.	& Operation	Ongoing	of 15	Flora Zone 2 Fauna Zone 1 Fauna Zone 3  Weed Cover Area  Flora Zone 2 Fauna Zone 3  Weed Cover Area  Flora Zone 2 Fauna Zone 1 Fauna Zone 2 Fauna Zone 3  Supporting Docun Attachment 1 Post- Assessment HCMT 2021)  Rail Contractor Depot Site: Then tables below reserved.	Construction Ecol Depot Pakenham represent the curre	

Page 19 of 29 Version: 1.0 (final)

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Commo	ents and Su	pporting Docum	entation
					Fauna	Zone's 1, 2 &	3 (Depot Site), N	lote that maintenance and
								oval condition 7 relate to
								ers only (Depot Site)).
								, , , , , , , , , , , , , , , , , , , ,
					Vegeta	tion Cover		
					Area	<u> </u>	Baseline	Current
							Vegetation	Vegetation
							Cover	Cover
					Flora	a Zone 2	80-100%	94.15%
					Faur	na Zone 1	80-100%	100%
					Faur	na Zone 2	80-100%	91.74%
					Faur	na Zone 3	90%	98%
					Weed C		T =	
					Area	a	Baseline	Current
							Vegetation	Vegetation
					1		Cover	Cover
						a Zone 2	20%	53.95%
						na Zone 1	70%	78.63%
						na Zone 2	20%	86.47%
					Faur	na Zone 3	50%	97.5%
					late un ue		.lto.	
						etation of resu tion cover	JIIS.	
							etation cover tabl	o the target
								ease of at least 20%
								nniversary (2032)) has
								e meet by the 2032.
					0.1.1.01	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Won on track to b	5 most sy mo 2002.
					Weed o	cover		
					Cardno	(2021) repoi	rts that weed cove	er percentages have
								e's as detailed below:
					Flora Z	one 2 weed o	cover has increase	ed by 170%
							cover has increa	•
							cover has increa	
							cover has increa	

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
					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.
					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.
					Supporting Documentation: Attachment 1 Post-Construction Ecology Baseline Assessment HCMT Depot Pakenham – Cardno (March 2021) Attachment 7 Weed Control Action Plan – Downer (March 2021)
					Rail Operator (Franchisee) Rail Corridor: 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 & 3) occur within the Depot Site only.
					The TSMP specifies that annual monitoring of site conditions is to occur. Site conditions are to monitor the state of threats to ecological values; high threat weeds, biomass levels,

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					recruitment space, damage or destructi		condition and any
					current baseline co parameters, not al Management Se assessment. The 20 is still in draft when weed cover and rec this point in time. Ol & damage and dest	ndition assessmen Il of which were rvices (2016) 21 baseline condit writing this report, ruitment space mean pservations on precondition have also be the condition of the condition of th	ultant to undertake a at for the above listed assessed in Habitat baseline condition ion assessment report thus, only high threat asures are available at dation, fence condition een provided.
					High threat weed co	Baseline weed cover (2016)	Baseline weed cover (2021)
					Flora Zone 1 (south)	30%	29%
					Flora Zone 1 (north)	15%	25%
					Recruitment space		_
					Area	Baseline biomass (%) (2021)	
					Flora Zone 1 (south)	42%	
					Flora Zone 1 (north)	65%	

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
					Biomass levels  Area  Baseline biomass (%) (2021)  Flora Zone 1 (south)  Flora Zone 1 (north)  Predation:  Moderate levels of rabbit activity were evident in Flora Zone 1 on both sides of the track, particularly in association with earthen slopes in the western half of each section. Signs of rabbit activity include numerous burrows and scats, with heavy browsing of grass species in the vicinity of the burrows.  Fence condition:  Fences remained intact around all perimeters of both the northern and southern sections of Flora Zone 1.  Damage and destruction:  Vegetation along the rail corridor perimeters, on both sides of the track, showed signs of damage which potentially results from application of non-selective herbicides on adjoining properties. On the northern side of Flora Zone 1, small patches of dead Kangaroo Grass were observed beneath dead Blackberry canes, adjacent to the perimeter fence-line. More extensive patches of dead Kangaroo Grass and Blackberry were evident in the adjoining property. Similar off- target damage was observed along the southern perimeter.  MTM intends to notify adjacent land managers of potential off target herbicide damage which is impacting native vegetation in HCMT NGZs.

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
8	The increase in vegetative cover required in Condition 7 must be verified in writing by a suitably qualified expert in a report detailing the results of an assessment. The report must be provided to the Department and be published on the approval holder's website within 20 business days of the 15 year anniversary of the commencement of the action.	Operation	Depot site: Not yet started	Not applicable	The assessments discussed above in relation to Condition 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.  Supporting Documentation: Attachment 1 Post-Construction Ecology Baseline Assessment HCMT Depot Pakenham – Cardno (March 2021)  Rail Contractor Depot Site: 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.  Supporting Documentation: Attachment 1 Post-Construction Ecology Baseline Assessment HCMT Depot Pakenham – Cardno (March 2021) Attachment 2 HCMT Ecological Existing Conditions Report – AECOM (February 2016). Attachment 3 Baseline Condition Report for the Pakenham East Train Maintenance Depot, Victoria – Ecology & Heritage Partners (January 2017)  Rail Corridor: Not applicable – as condition 7 relates to retained fauna habitat and conservation buffer (Flora Zone 2 and Fauna Zone's 1, 2 & 3 (Depot Site)).
9	Prior to the commencement of the action, the approval holder must, for the long- term protection of the growling grass frog, enter	Early Works	Depot site: Complete Rail Corridor:	Compliant	Depot Contractor As outlined in the 2020/2021 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

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
	into a legal mechanism to secure an offset containing 5.66 ha of growling grass frog habitat at Fernbank as identified in Annex B. Within 14 days of the offset being secured the approval holder must provide the Department with:  a) Written evidence demonstrating that the offset has been secured; and b. Shapefiles and offset attributes that clearly define the location and boundaries of the offset site.		Complete		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  Supporting Documentation Attachment 12 Surplus Credit Trading Agreement  Rail Contractor 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).  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  Supporting Documentation Attachment 12 Surplus Credit Trading Agreement  Rail Corridor: Not applicable.
10	If, at any time after 6 months from the date of this approval, the approval holder has not entered into a legal mechanism to secure the offset at Fernbank, the approval holder must submit an alternative offset strategy to the Department. The approval holder must ensure any proposal for	Construction & Operation	Depot site: Complete	Not applicable	As outlined in the 2020/2021 Compliance Report, the Fernbank offset was procured within 6 months of the date of the project approval.  As such, this condition is deemed non applicable.  Rail Contractor Depot Site: As outlined in the 2019/2020 Compliance Report, the Fernbank offset was procured within 6 months of the date of the project approval.

Page 25 of 29

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
	alternative offsets is agreed to in writing with the <b>Department</b> prior to the <b>commencement of the action</b> .				As such, this condition is deemed non applicable.  Rail Corridor:  Not applicable.
11	The approval holder must ensure the offset is managed in accordance with the offset management measures at Fernbank as identified in Annex B for a period of at least 10 years commencing from the day the offset is secured.	Construction & Operation	Depot site: Complete	Year 4 update out of 10 years	Depot Contractor As outlined in the 2020/2021 Compliance Report, the Fernbank offset is being managed in accordance with the executed Deed of Covenant for the site.  The fourth annual Landowner Offset Management Report is included as an attachment to demonstrate compliance with this Condition (see Attachment 14).  Supporting Documentation Attachment 13 Annual Report – End of Year 4 – Growling Grass Frog Offset at 3300 Princes Hwy, Fernbank, Victoria-Bush Blocks (February 2021)  Rail Contractor Depot Site and Rail Corridor: 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.  The fourth annual Landowner Offset Management Report is included as an attachment to demonstrate compliance with this Condition (see Attachment 13).  Supporting Documentation Attachment 13 Annual Report – End of Year 4 – Growling Grass Frog Offset at 3300 Princes Hwy, Fernbank, Victoria-Bush Blocks (February 2021)

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
12	Within 14 days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.	Construction	Depot site: Complete Rail Corridor: Complete	Compliant	As outlined in the 2020/2021 Compliance Report, the commencement of the action was on 17 February 2017.  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.  Rail Contractor  Depot Site and Rail Corridor:  As outlined in the 2019/2020 Compliance Report, the commencement of the action was on 17 February 2017.  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.
13	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 offset management measures required by this approval, and make them available upon request to the Department. Such records	Construction & Operation	Depot site: Ongoing Rail Corridor: Ongoing	Compliant	As outlined in the 2020/2021 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.  Rail Contractor  Depot Site and Rail Corridor:  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

Page 27 of 29

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
	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.				measures required by this approval, are available for perusal by the Department if requested.
14	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 noncompliance with any of the conditions of this approval must be provided to the Department at the same	Construction & Operation	Depot site: Ongoing Rail Corridor: Ongoing	Non-Compliant	Depot Site and Rail Corridor: Depot Contractor This report has been prepared to satisfy this condition. It will be published on the HCMT project website.  The commencement of the action occurred 17 February 2017, and as a result, the due date for this report is 17 May 2022. This report will be provided to the State July 2022.  Rail Contractor This report has been prepared to satisfy this condition. It will be published on the HCMT project website.  The commencement of the action occurred 17 February 2017, and as a result, the due date for this report is 17 May 2021.

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
	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> .				
15	The person taking the action may choose to revise a management plan, program or strategy approved by the Minister under Conditions 2-11 without submitting it for approval under Section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan, program or strategy would not be likely to have a new or increased impact. If the person taking the action makes this choice they must:  a) Notify the  Department in writing that the approved plan, program or strategy has been revised and provide the	Construction & Operation	Depot site: Complete Rail Corridor: Complete	Compliant	Depot Contractor Following the approved amendments to the TSMP on 3rd April 2019, there have 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.  Rail Contractor Depot Site and Rail Corridor: Following the approved amendments to the TSMP on 3rd April 2019, there have 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.

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
	Department with an electronic copy of the revised plan. Program or strategy; b) Implement the revised plan, program or strategy from the date that the plan, program or strategy is submitted to the Department; and 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 new or increased impact.				
16	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, without approval	Construction & Operation	Depot site: N/A Rail Corridor: N/A	Not applicable	Depot Contractor N/A  Rail Contractor N/A

Page 30 of 29 Version: 1.0 (final)

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
	under Section 143A of the Act, the plan, program or strategy approved by the <b>Minister</b> must be implemented.				
17	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 or strategy in relation to a matter protected by a controlling provision for the action, unless otherwise agreed in writing by the Minister. 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 new or increased impacts.	Construction & Operation	Depot site: N/A Rail Corridor: N/A	Not applicable	Depot Contractor N/A  Rail Contractor N/A
18	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:	Construction & Operation	Depot site: N/A Rail Corridor: N/A	Not applicable	Depot Contractor N/A  Rail Contractor N/A

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
	a) Condition 15 does not apply, or ceases to apply, in relation to the revised plan, program or b) The person taking the action must implement the plan, program or strategy approved by the Minister.  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.				
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.	Construction & Operation	Depot site: N/A Rail Corridor: N/A	Not applicable	Depot Contractor N/A  Rail Contractor N/A
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	Construction & Operation	Depot site: N/A Rail Corridor: N/A	Not applicable	Depot Contractor N/A  Rail Contractor N/A

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
	Minister for approval.				
21	If, at any time after five (5) 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. Unless otherwise agreed to in writing by the Minister, 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 Minister or	Construction	Depot site: N/A Rail Corridor: N/A	Not applicable	Depot Contractor N/A  Rail Contractor N/A
	Each management plan must be published on the website within 1 month of being				

#### 4 ANNEX A LIST OF SUPPORTING DOCUMENTS MTM-RAIL CONTRACTOR

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)
14	Pakenham East Depot Annual Works Report (Abzeco November 2021)

Page 29 of 29