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

Annual EPBC Act Approval Compliance Report

Reporting period: 17 February 2023 – 16 February 2024

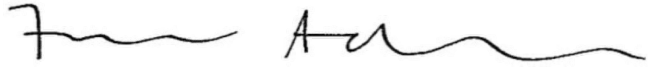
Date of report: May 2024

Approval number	2014/7263
Approval holder	State of Victoria, represented by Department of Transport
ABN	69 981 208 782
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:

Full Name:

FIONA ADAMSON

Position:

DEPARTMENT OF TRANSPORT

Organisation:

DEPARTMENT OF TRANSPORT (ABN 69 981 208 782)

Date:

12 July 2024

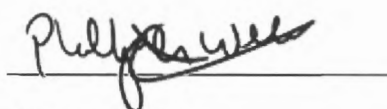
DOCUMENT VERSION CONTROL

Document Preparation and Control	Document Review
Ben Roberts - Biodiversity Manager; MTM	Natalie Bond - General Manager Metro Passenger Fleet
Caitlin Golder – Environmental Sustainability Manager, Rail and Transit Systems, Downer	Tony Cricchiola – Rolling Stock Interface & Compliance, Department of Transport and Planning. Robin Weston – Manager Network Environment, Department of Transport and Planning

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:

8 July 2024

8 July, 2024

Document Version	Date
2.0	4 July 2024

Document Version History			
Version No.	Date	Document Status	Brief Description of Change(s) from Previous Version
Downer-V1	22/05/2024	Draft	First Downer draft following reporting period closure
MTM-V1	23/03/2021	Draft	First MTM draft following reporting period closure
1.0	31/05/2021	Draft	Final consolidated report for publication
2.0	04/07/2024	Final	Updated approval holder and ABN as per correction notice 24 November 2020

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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 70 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 2023/2024 reporting period:

- Depot Site (Downer)
 - Stabling Yard and Facilities Punchlist rectification items

- HCMT Train (Downer)
 - 70 HCMTs have now been delivered, with 67 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.
 - Routine testing continues.

Rail Corridor (MTM)

- 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., Rail Contractor and Rail Operator have specific roles and responsibilities during construction and operation phases).

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 phase is complete.
2	The approval holder must establish designated no-go zones and a growing 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 phase is complete.
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 cover present.	Early Works	Depot site: Complete Rail Corridor: Complete	Compliant	Depot Contractor As previously outlined in the 2022/2023 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 2022/2023 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: <ul style="list-style-type: none"> Attachment 2 HCMT Ecological Existing Conditions Report – AECOM (February 2016).

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
					<ul style="list-style-type: none"> Attachment 3 Baseline Condition Report for the Pakenham East Train Maintenance Depot, Victoria – Ecology & Heritage Partners (January 2017) <p>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).</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>Supporting Documentation:</p> <ul style="list-style-type: none"> 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) <p>Rail Corridor: Habitat Management Services (HMS) baseline conditions report from 23 Nov 2016 remained current for duration of works.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> Attachment 13 Baseline Ecological Report – Pakenham East Train Maintenance Depot – Railway Corridor. HMS (2016)
4	Best practice hygiene protocol(s) for control of	Construction	Depot site: Complete	Not applicable	Depot Contractor N/A – Construction did not occur within this reporting period.

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	diseases in frogs must be employed throughout construction within the project area , to prevent the spread of disease.		Rail Corridor: Complete		Rail Contractor Depot Site and Rail Corridor: N/A Construction phase is complete.
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	Depot site: Complete Rail Corridor: Complete	Not applicable	N/A – Construction did not occur within this reporting period. Rail Contractor Depot Site: N/A Construction phase is complete. Rail Operator (Franchisee) Rail Corridor: Not applicable in the current reporting year. As specified in the TSMP, habitat reduction works is related to restricting Growling Grass Frog movement into the construction area during construction. The TSMP specifies that habitat reduction works is to be completed prior to construction
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 phase is complete.
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	Compliant	Depot Contractor Fox control has been undertaken annually as outlined in previous compliance reports. During the 2023-2024 reporting period fox control was undertaken at 6-weekly intervals, weather permitting, throughout 2023 (Attachment 9) . Locations of fox bait stations are shown in figure 1 of Attachment 9. Supporting Documentation: <ul style="list-style-type: none"> Attachment 9 Pakenham East Depot Annual Works Report (Abzeco April 2024)

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
					<p>Rail Operator (Franchisee) Rail Corridor: No action required - 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).</p>
6(a)	<p>To reduce impacts to protected matters, the approval holder must, for the life of the approval:</p> <p>Maintain the extent of retained fauna habitat and conservation buffer within the project area.</p>	Construction & Operation	Depot site: Ongoing Rail Corridor: Ongoing	Compliant	<p>Depot Contractor The extent of retained fauna habitat and conservation buffer within the project area was maintained during the 2023/2024 reporting period as shown in figure 2 of Attachment 9.</p> <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 5). These fenced areas have not been altered since the commencement of the action.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Attachment 9 Pakenham East Depot Annual Works Report (Abzeco April 2024) • Attachment 4 Flora and Fauna Management Sub-Plan • Attachment 5 Environmental Inspection Template. <p>Rail Operator (Franchisee) Rail Corridor: During the reporting year, targeted woody weed removal was undertaken within the rail corridor, in line with TSMP targets. The overall</p>

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
					<p>extent of retained fauna habitat was not reduced. To maintain fauna habitat extent, purpose-built habitat shelters/ refuges (3 no.) for Southern Brown Bandicoot were installed in Flora Zone 1 in FY22/23 at locations of woody weed removal and revegetation. Within Flora Zone 1 where targeted Blackberry and Gorse removal was undertaken, poorer quality sections of the site were revegetated with native grasses in winter 2022 and 2023 to improve connectivity of habitat for Southern Brown Bandicoot.</p> <p>During the reporting year there were no habitat restoration works which impacted the retained fauna habitat within the rail corridor, which continues to be managed as a NGZ with restricted operational access.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> Attachment 10 Summary of biosite management works, July 2022 - June 2023 (MCMC 2023)
6(b)	<p>To reduce the impacts to protected matters, the approval holder must, for the life of the approval:</p> <p>Maintain the extent of vegetative cover over 1m in height within the retained fauna habitat and conservation buffer.</p>	Construction & Operation	Depot site: Ongoing Rail Corridor: Ongoing	Compliant	<p>Depot Contractor No vegetation removal occurred during the reporting period. Weed control did occur as per the methodology outlined in Attachment 6 however weed structure was maintained for the purposes of fauna habitat. As outlined in Attachment 9 there is no reduction in the extent of protected habitat for this reporting period.</p> <p>Table 2b of Attachment 9 outline how vegetative cover was retained within the fauna and flora zones for the reporting period.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> Attachment 6 Threatened Species Management Plan – Stage 1 – AECOM (June 2018) Attachment 9 Pakenham East Depot Annual Works Report (Abzeco April 2024) <p>Rail Operator (Franchisee) Rail Corridor:</p>

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
					<p>During the reporting year there was woody weed removal works undertaken within Flora Zone 1 (Gorse, Blackberry, Broom) that may have extended in height greater than 1m. All woody weed removal was undertaken within the weed reduction targets specified in the TSMP. Areas of woody weed removal have been revegetated during the reporting period with native understory species which provides suitable habitat for Southern Brown Bandicoot. Woody weed removal was also undertaken within retained Southern Brown Bandicoot habitat outside of Flora Zone 1, however, this was mostly Blackberry control which did not exceed 1m in height.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> Attachment 10 Summary of bio site management works, July 2022 - June 2023 (MCMC 2023)
6(c)	<p>To reduce the impacts to protected matters, the approval holder must, for the life of the approval:</p> <p>Undertake revegetation and habitat enhancement within the retained fauna habitat and conservation buffer within 1 month of the completion of habitat reduction works.</p>	Construction & Operation	Depot site: Ongoing	Compliant	<p>Depot Contractor Revegetation and habitat enhancement work within the retaining habitat and habitat enhancement works were continued through the 2023/2024 reporting period. As outlined in the table 2b of Attachment 9, habitat shelters and gates were installed for southern brown bandicoots, additional Matted Flax-lily and indigenous species were planted to increase fauna habitat. Weed control was conducted as per the methodology specified within Attachment 6.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> Attachment 6 Threatened Species Management Plan – Stage 1 – AECOM (June 2018) Attachment 9 Pakenham East Depot Annual Works Report (Abzeco April 2024) <p>Rail Operator (Franchisee) Rail Corridor: No action required - 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	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation																							
					Appendix G – Figure 1 also shows Habitat Enhancement Area being within the Depot Fauna Zone. Additionally, the TSMP specifies that the habitat reduction works are to be undertaken prior to construction.																							
7	<p>The approval holder must 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:</p> <p>a) an increase in vegetative cover of at least 20%; and</p> <p>b) a decrease in weed cover of at least 20%.</p>	Construction & Operation	Depot site: Ongoing	Update for year 7 of 15	<p>Depot Contractor Table 2c of Attachment 9 demonstrates the reduction in weed cover by November 2023 compared to the baseline 6 years ago for both fauna and flora zones.</p> <p>High vegetation cover was recorded in the baseline assessment, the current primary objective is to systematically replace the exotic vegetation with indigenous flora species and maintain vegetation cover fauna species. Table 2b of Attachment 9 outlines the planting which occurred to ensure an increase in indigenous vegetation cover.</p> <p>Current weed cover values are not likely to change significantly over the next two years as it is necessary to wait for revegetation areas to mature. The current weed cover is required to provide interim habitat/cover for fauna species during the establishment period for revegetation areas.</p> <table border="1"> <thead> <tr> <th>Area</th> <th>Baseline Vegetation Cover</th> <th>Current Vegetation Cover</th> </tr> </thead> <tbody> <tr> <td>Flora Zone</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"> <thead> <tr> <th>Area</th> <th>Baseline Weed</th> <th>Current Weed Cover (Nov 22-</th> <th>% decrease from baseline</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Area	Baseline Vegetation Cover	Current Vegetation Cover	Flora Zone	80-100%	94.15%	Fauna Zone 1	80-100%	100%	Fauna Zone 2	80-100%	91.74%	Fauna Zone 3	90%	98%	Area	Baseline Weed	Current Weed Cover (Nov 22-	% decrease from baseline				
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					<p>target which will be maintained and further increased as required. Work within HZ 30 has been limited this past year due to vehicle access into this section of track not being available due to a washed out culvert crossing (storm damage) at Hancocks Gully. This access issue has limited weed management in this section of corridor which has subsequently prevented revegetation activities. It is MTM's understanding that Downer are rectifying the culvert defect in the 2024-25 reporting year which will improve vehicle access to HZ 30.</p> <p>Vegetation Cover</p> <table border="1"> <thead> <tr> <th data-bbox="1267 628 1473 667">Area</th> <th data-bbox="1473 628 1682 667">Baseline Vegetation Cover (HMS, 2016)</th> <th data-bbox="1682 628 1890 667">Current Vegetation Cover (Spring 2023)</th> <th data-bbox="1890 628 2085 667">% change since 2016 (baseline)</th> </tr> </thead> <tbody> <tr> <td data-bbox="1267 667 1473 705">HZ 11 (AECOM, 2016)</td> <td data-bbox="1473 667 1682 705">70%</td> <td data-bbox="1682 667 1890 705">No longer present (Removed for Pak East Station)</td> <td data-bbox="1890 667 2085 705">No longer present (Removed for Pak East Station)</td> </tr> <tr> <td data-bbox="1267 705 1473 743">HZ 13, 15, 17, 19 (AECOM, 2016)</td> <td data-bbox="1473 705 1682 743">70%</td> <td data-bbox="1682 705 1890 743">86%</td> <td data-bbox="1890 705 2085 743">22.9%</td> </tr> <tr> <td data-bbox="1267 743 1473 766">HZ 14, 16</td> <td data-bbox="1473 743 1682 766">85%</td> <td data-bbox="1682 743 1890 766">92%</td> <td data-bbox="1890 743 2085 766">8.2%</td> </tr> <tr> <td data-bbox="1267 766 1473 788">HZ 30</td> <td data-bbox="1473 766 1682 788">90%</td> <td data-bbox="1682 766 1890 788">85%</td> <td data-bbox="1890 766 2085 788">-5.6%</td> </tr> <tr> <td data-bbox="1267 788 1473 810">SBB habitat North side of track</td> <td data-bbox="1473 788 1682 810">75%</td> <td data-bbox="1682 788 1890 810">82%</td> <td data-bbox="1890 788 2085 810">9.3%</td> </tr> <tr> <td data-bbox="1267 810 1473 833">BB habitat South side of track</td> <td data-bbox="1473 810 1682 833">80%</td> <td data-bbox="1682 810 1890 833">85%</td> <td data-bbox="1890 810 2085 833">6.2%</td> </tr> <tr> <td data-bbox="1267 833 1473 871">Zone-East of Oakview Lane North & South of Rail line</td> <td data-bbox="1473 833 1682 871">85%</td> <td data-bbox="1682 833 1890 871">91%</td> <td data-bbox="1890 833 2085 871">7.1%</td> </tr> </tbody> </table> <p>Weed Cover</p> <p>All sections of retained fauna habitat showed a decrease in high-threat weed cover compared to the 2016 baseline, with the exception of HZ 30 where weed cover increased from 10% in 2016 to 14% in 2023-24. In all other zones, high-threat weed cover has decreased to at least the 20% target, and well beyond the target in the case of Flora Zone 1 (a 53.3% decrease in high-threat weed cover on the south side, and 46.7% decrease on the north side, as of early 2024). Weed management within HZ 30 has been limited this past year due to vehicle access into this section of track not being available due to a washed-out culvert crossing (storm damage) at Hancocks Gully. It is MTM's understanding that Downer are rectifying the culvert defect in</p>	Area	Baseline Vegetation Cover (HMS, 2016)	Current Vegetation Cover (Spring 2023)	% change since 2016 (baseline)	HZ 11 (AECOM, 2016)	70%	No longer present (Removed for Pak East Station)	No longer present (Removed for Pak East Station)	HZ 13, 15, 17, 19 (AECOM, 2016)	70%	86%	22.9%	HZ 14, 16	85%	92%	8.2%	HZ 30	90%	85%	-5.6%	SBB habitat North side of track	75%	82%	9.3%	BB habitat South side of track	80%	85%	6.2%	Zone-East of Oakview Lane North & South of Rail line	85%	91%	7.1%
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Zone-East of Oakview Lane North & South of Rail line	85%	91%	7.1%																																		

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					<p>the 2024-25 reporting year which will improve vehicle access to HZ 30.</p> <p>Weed Cover</p> <table border="1"> <thead> <tr> <th>Area</th> <th>Baseline Weed Cover (HMS, 2016)</th> <th>Current Weed Cover (spring 2023)</th> <th>% change since 2016 (baseline)</th> </tr> </thead> <tbody> <tr> <td>HZ 11 (AECOM, 2016)</td> <td>30%</td> <td>No longer present (Removed for Pak East Station)</td> <td>No longer present (Removed for Pak East Station)</td> </tr> <tr> <td>HZ 13, 15, 17, 19 (AECOM, 2016)</td> <td>30%</td> <td>14%</td> <td>-53.3%</td> </tr> <tr> <td>HZ 14 16</td> <td>15%</td> <td>8%</td> <td>-46.7%</td> </tr> <tr> <td>HZ 30</td> <td>10%</td> <td>14%</td> <td>40.0%</td> </tr> <tr> <td>SBB habitat North side of track</td> <td>25%</td> <td>18%</td> <td>-28.0%</td> </tr> <tr> <td>BB habitat South side of track</td> <td>20%</td> <td>15%</td> <td>-25.0%</td> </tr> <tr> <td>Zone-East of Oakview Lane North & South of Rail line</td> <td>15%</td> <td>9%</td> <td>-40%</td> </tr> </tbody> </table> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> Attachment 10 Summary of biosite management works, July 2022 - June 2023 (MCMC 2023) Attachment 11 Annual Site Condition Assessment Report Pakenham East rail corridor March 2024 	Area	Baseline Weed Cover (HMS, 2016)	Current Weed Cover (spring 2023)	% change since 2016 (baseline)	HZ 11 (AECOM, 2016)	30%	No longer present (Removed for Pak East Station)	No longer present (Removed for Pak East Station)	HZ 13, 15, 17, 19 (AECOM, 2016)	30%	14%	-53.3%	HZ 14 16	15%	8%	-46.7%	HZ 30	10%	14%	40.0%	SBB habitat North side of track	25%	18%	-28.0%	BB habitat South side of track	20%	15%	-25.0%	Zone-East of Oakview Lane North & South of Rail line	15%	9%	-40%
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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	Operation	Depot site: N/A	Not applicable	<p>Depot Contractor</p> <p>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.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> Attachment 1 Post-Construction Ecology Baseline Assessment HCMT Depot Pakenham – Cardno (March 2021) <p>Rail Corridor:</p> <p>The Habitat Management Services Baseline Ecological Report – Pakenham East Train Maintenance Depot – Railway Corridor. HMS (2016) will be used as baseline for the confirmation of compliance with</p>																																

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
	action.				<p>this condition by the 15-year anniversary of the action. The 2022 Baseline Site Condition Report (MCMC, 2022) and the 2023 baseline condition report for retained SBB habitat (MCMC 2023) within the rail corridor will provide an update on vegetation and weed cover upon handover to the Franchisee.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> Attachment 11 Annual Site Condition Assessment Pakenham East Rail Corridor Attachment 12 Baseline Site Condition Assessment Report Pakenham East rail corridor April 2022 Attachment 13 Baseline Ecological Report – Pakenham East Train Maintenance Depot – Railway Corridor. HMS (2016)
9	<p>Prior to the commencement of the action, the approval holder must, for the long-term protection of the growling grass frog, enter 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:</p> <p>a) Written evidence demonstrating that the offset has been secured; and</p> <p>b. Shapefiles and offset attributes that clearly define the location and boundaries of the offset site.</p>			Compliant	<p>Depot Contractor As outlined in the 2021/2022 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 7).</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>Supporting Documentation</p> <ul style="list-style-type: none"> Attachment 7 Surplus Credit Trading Agreement <p>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 14).</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>

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
					<p>Supporting Documentation</p> <ul style="list-style-type: none"> Attachment 7 Surplus Credit Trading Agreement <p>Rail Corridor: Not applicable.</p>
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 alternative offsets is agreed to in writing with the Department prior to the commencement of the action .			Not applicable	<p>Depot Contractor As outlined in the 2021/2022 Compliance Report, the Fernbank offset was procured within 6 months of the date of the project approval.</p> <p>As such, this condition is deemed non applicable.</p> <p>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.</p> <p>As such, this condition is deemed non applicable.</p> <p>Rail Corridor: Not applicable.</p>
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 7 update out of 10 years	<p>Depot Contractor The seventh annual Landowner Offset Management Report is included as an attachment to demonstrate compliance with this Condition (see Attachment 8).</p> <p>Supporting Documentation</p> <ul style="list-style-type: none"> Attachment 8 Annual Report – End of Year 7– Growing Grass Frog Offset at 3300 Princes Hwy, Fernbank, Victoria- Bush Blocks - <p>Rail Contractor Depot Site and Rail Corridor: N/A.</p>

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	<p>Depot Contractor As outlined in the 2021/2022 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> <p>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.</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	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 may be subject to	Construction & Operation	Depot site: Ongoing Rail Corridor: Ongoing	Compliant	<p>Depot Contractor As outlined in the 2021/2022 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> <p>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 measures required by this approval, are available for perusal by the Department if requested.</p>

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
	<p>audit by the Department or an independent auditor in accordance with Section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.</p>				
14	<p>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.</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 Department at the same time as the compliance report is</p>	Construction & Operation	<p>Depot site: Ongoing</p> <p>Rail Corridor: Ongoing</p>	Non-Compliant	<p>Depot Contractor 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 2023. This report will be provided to the State June 2024.</p> <p>Rail Contractor 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 2023.</p>

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
	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 Minister .				
15	<p>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:</p> <ul style="list-style-type: none"> a) Notify the Department in writing that the approved plan, program or strategy has been revised and provide the Department with an electronic copy of the revised plan. Program or strategy; b) Implement the revised 	Construction & Operation	Depot site: Complete Rail Corridor: Complete	Compliant	<p>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.</p> <p>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.</p>

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
	<p>plan, program or strategy from the date that the plan, program or strategy is submitted to the Department; and</p> <p>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.</p>				
16	<p>The person taking the action may revoke their choice under Condition 15 at any time by notice to the Department. If the person taking the action revokes the choice to implement a revised plan, program or strategy, without approval under Section 143A of the Act, the plan, program or strategy approved by the Minister must be implemented.</p>	Construction & Operation	Depot site: N/A Rail Corridor: N/A	Not applicable	<p>Depot Contractor N/A</p> <p>Rail Contractor N/A</p>
17	<p>Condition 15 does not apply if the revisions to the approved plan, program or strategy include changes to</p>	Construction & Operation	Depot site: N/A Rail Corridor:	Not applicable	<p>Depot Contractor N/A</p> <p>Rail Contractor</p>

Condition No.	Approval Condition	Relevant project phase	Action status	Is the Project compliant with this condition?	Comments and Supporting Documentation
	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 .		N/A		N/A
18	If the Minister gives a notice to the person taking the action that the Minister is satisfied that the taking of the action in accordance with the revised plan, program or strategy would be likely to have a new or increased impact , then: <ul style="list-style-type: none"> 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	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
	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 Minister 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 EPBC Act which allows the person taking the action to submit a revised plan, program or strategy to the Minister for approval.	Construction & Operation	Depot site: N/A Rail Corridor: N/A	Not applicable	Depot Contractor N/A Rail Contractor N/A
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	Construction	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
	approval on their website. Each management plan must be published on the website within 1 month of being approved by the Minister or being submitted under Condition 15.				

4 ANNEX A LIST OF SUPPORTING DOCUMENTS

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 (2021)
5	Monthly Environmental Inspection Checklist (Downer)
6	Threatened Species Management Plan – Stage 1 – AECOM (June 2018)
7	Surplus Credit Trading Agreement
8	Annual Report – End of Year 7 – Growling Grass Frog Offset at 3300 Princes Hwy, Fernbank, Victoria – Bush Blocks (February 2023)
9	Pakenham East Depot Annual Works Report (Abzeco April 2024)
10	Summary of biosite management works, July 2022 - June 2023 (MCMC 2023)
11	Annual Site Condition Assessment Report Pakenham East rail corridor March 2024
12	Baseline Site Condition Assessment Report Pakenham East rail corridor April 2022
13	Baseline Ecological Report – Pakenham East Train Maintenance Depot – Railway Corridor. HMS (2016)

