Main Road Level Crossing Removal Project, St Albans

Annual Compliance Report 2023 - 2024 EPBC Approval No. 2014/7203

Prepared for

Audit and Assurance Section

Compliance and Enforcement Branch

Environment Assessment and Compliance Division

Department of Climate Change, Energy, the Environment and Water

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DOCUMENT INFORMATION

EPBC Approval number: 2014/7203

Approval holder: Department of Transport and Planning (ABN 69 981 208 782)

Approved action: Main Road Level Crossing Removal Project, St Albans, Victoria (EPBC 2014/7203).

Document title: Annual Compliance Report 2023 - 2024 EPBC Approval No. 2014/7203

Version No. 1.0

Declaration of accuracy

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. 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.

Signed

Jennifer Howard

Executive Director Inner Metro Region

Department of Transport and Planning (ABN 69 981 208 782)

Date 20/12/ 2024



TERMS, ABREVIATIONS AND DEFINITIONS

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

Table 1 List of Terms and Abbreviations

Terms / Abbreviation	Definition
Approval Holder	Department of Transport and Planning, formerly VicRoads.
	ABN 61 760 960 480
Biosite	Biosite 3546, adjacent to the project area
BSR	Biosite 3546 Survey Reports
СЕМР	Construction Environmental Management Plan
СМР	Conservation Management and Button Wrinklewort Recovery Plan
DCCEEW	Department of Climate Change, Energy, the Environment and Water (formerly the Department of Environment, DoE)
DEECA	Department of Energy, Environment and Climate Action (formerly Department of Sustainability and Environment, DSE)
DTP	Department of Transport and Planning (formerly VicRoads)
DTP website for the Main Road Level Crossing Removal Project, St Albans	https://www.vic.gov.au/epbc-commitments#main-road-st-albans-level-crossing-removal-project
EPBC Act	Environmental Protection and Biodiversity Conservation Act 1999
EPA	Environmental Protection Authority
ha	Hectare
NTGVVP	Natural Temperate Grassland of the Victorian Volcanic Plain
SRF	Spiny Rice-flower



1 EXECUTIVE SUMMARY

EPBC Act Approval No. 2014/7203 was issued to VicRoads on 5 November 2014 for the construction of the Main Road Level Crossing Removal Project in St Albans, Victoria. The Project is located 16 km north-west of the Melbourne Central Business District, Victoria.

VicRoads, who is the original project approval holder, is now part of the Department of Transport and Planning (DTP). This report recognises the DTP as the approval holder and authority for the project.

This compliance report addresses the status of the Level Crossing Removal project against the approval conditions for the period between 9 October 2023 to 9 October 2024. This report finds compliance with the approval conditions, however, determines that an independent audit is required to give confidence to compliance with condition 1A.

Condition 1A of the approval requires that the construction activities do not impact of more than five Spiny Rice-flower individuals, no Button Wrinklewort individuals, or 1.5ha of the Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP) within the Biosite area. Biosite 3546 Survey Reports from October 2024 concluded that construction activities are unlikely to have contributed to the reported deficit in Spiny Rice-flower individuals.

DTP is consulting with the Department on the conclusions of the 2024 survey reports and to establish an independent audit.

2 INTRODUCTION

2.1 Purpose of this Report

This report details compliance with the conditions of Approval No. 2014/7203 under the EPBC Act, in accordance with Condition No. 11 of the decision notice. This Compliance report covers the reporting period from 9 October 2023 – 9 October 2024.

2.2 Project Background

The Main Road level crossing is located at the centre of the St Albans Major Activity area in the City of Brimbank, approximately 16 km north-west of the Melbourne Central Business District. It forms the intersection of the Sunbury and Bendigo railway lines with Main Road, which is an east west arterial road link.

This project removed the level crossing by lowering the railway line under Main Road. The location of the level crossing removal works occurred within the rail reserve along the existing Sunbury train line between Merton Street and Henry Street in St Albans. The works occurred along approximately 1.9km, covering an area of approximately 5ha.

The Main Road Level crossing removal create a more efficient transport network, improved access to services in the local area, and improved safety for all modes of transport in the vicinity of the crossing.

The locality map can be found in Appendix A of this report.

2.3 EPBC Act Requirements

The EPBC Act has several objectives, including the protection of Matters of National Environmental Significance, such as nationally threatened species and ecological communities and heritage places.

A decision issued on 11 June 2014 determined that the Main Road Level Crossing Removal Project, St Albans proposed action was a 'controlled action' requiring assessment and approval under the EPBC Act. The relevant controlling provisions were:

Listed threatened species and communities (sections 18 and 18A):

- o The listed threatened species and communities present at Biosite 3546
- o Spiny Rice-flower (Pimelea spinescens subsp. spinescens)
- o Button Wrinklewort (Rutidosis leptorhynchoides)
- o Natural Temperate Grassland of the Victorian Volcanic Plain



The project was approved by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) (the Department), previously the Department of Environment, as a controlled action, with conditions, on 5 November 2014.

On 16 June 2024, the Department issued a notification of extension to the approval period, extending the approval until 31 December 2025. The Department subsequently issued a decision to vary conditions of approval on 23 August 2024.

A copy of the EPBC Approval Notice and variations can be found on the DCCEEW website Referral summary · EPBC Act Public Portal (awe.gov.au).

3 PROJECT STATUS

3.1 Construction

Construction of the St Albans Level Crossing Removal project commenced on 9 October 2015, and was completed in November 2016.

3.2 Management Plans

As a condition of the approval, DTP created a Conservation Management and Button Wrinklewort Recovery Plan (CMP) that ensures the environmental values of a Conservation Reserve known as "Biosite 3546" adjacent to the project site are managed for a period of at least 10 years. The CMP was provided to the Department on 15 November 2015, and requires that for every year for five years after the commencement of construction activities, surveys for listed threatened species and ecological communities are to be undertake by a suitably qualified expert, and the monitoring surveys to be supplied to the Minister within 10 days of completion of the monitoring surveys.

3.3 Current requirements

Implementation of the Conservation Management and Button Wrinklewort Recovery Plan

The CMP must be implemented at Biosite 3546 for no less than ten years. The CMP identified weeds, rubbish, biomass build up and anthropogenic activities as the three highest priority threats to be controlled to conserve the Biosite's environmental values. The CMP specifies targeted management actions to achieve these goals, relating to a) weed and pest control, b) rubbish removal, c) biomass control via planned burns, d) fencing and signage, e) revegetation and f) plant health monitoring.

The CMP also specifies that for every year for five years after the commencement of the construction activities, surveys for threatened species and communities are undertaken and provided to the Minister. The Management of the Biosite in accordance with the CMP must occur until 31 December 2025.

Annual reporting for the life of the approval (effective until 31 December 2025).

Within three months of 9 October each year following the commencement of construction activities, 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/programs as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the department at the same time as the compliance report is published. Non-compliance with any of the conditions of the approval must also be reported to the department within 2 business days of becoming aware of the non-compliance.

3.4 Corrective Actions

Details of the proposed action required to give confidence to compliance with condition 1A is detailed in Table 2 of this report.

4 PERFORMANCE AND COMPLIANCE (EPBC 2014/7203)

Table 2 EPBC Act Approval Notice 2014/7203 compliance results: 2023 – 2024.

(* denotes a varied condition, dated 23 August 2024).

<u> </u>	acriotes a v	aried condition, dated 25 Adgust 2024).		
l	Condition Number/	Condition	Is the project compliant with this	Evidence/Comments
r	eference		condition?	
		Construction activities must not occur outside the project area and must be limited to existing disturbed areas.	Compliant	There has been no unauthorised access to the site in the reporting period between October 2023 – October 2024.
		The approval holder must ensure that construction activities do not result in any of the following impacts to listed threatened species and communities at Biosite 3546: a. the loss of more than 5 Spiny Rice-flower individuals. b. the loss of any Button Wrinklewort individuals. c. the loss of more than 1.5 hectares of Natural Temperate Grassland of the Victorian Vulcanic Plain.	Compliant	As required in varied condition 4, DTP engaged a suitably qualified ecological consultant to survey the Biosite to determine the number of threatened species and communities and compare this with the pre-construction conditions. These surveys were completed in October 2024. The survey reports find a deficit in the numbers of Spiny Rice-flower individuals, and in the total area of the NTGVVP, in comparison to the pre-construction numbers. Further details are reported against condition 4b of this report, and in the 2024 survey reports. The survey reports find that the deficit in the number of Spiny Rice-flower individuals is likely due to overestimation and survey technique during the preconstruction surveys, while the deficit of NTGVVP is attributed to fine-scale mapping anomalies. Proposed action DTP is consulting with the Department on the conclusions of the 2024 survey reports and propose to establish an independent audit to give confidence to compliance with condition 1A.

2*.	To protect and enhance the listed threatened species and communities present at Biosite 3546, including but not limited to the Spiny Rice-flower and the Button Wrinklewort, the approval holder must, unless otherwise agreed to in writing by the Minister, provide to the Minister for approval, within 12 months of the date of this approval, a Conservation Management Plan that ensures the environmental values of Biosite 3546 and the listed threatened species and communities within Biosite 3546 are managed until the expiry of this approval.	Compliant	See Conservation Management and Button Wrinklewort Recovery Plan, Report No. 12152 (10.5) Letter sent to Post Approval Section, DoE on 27 November 2015.
2A*.	The approval holder must implement the Conservation Management Plan approved by the Minister until the expiry of this approval.	Compliant	The Conservation Management Plan has been implemented since 2018 and management activities will continue until the expiry of this approval, 31 December 2025. Evidence of management can be found in annual monitoring reports that are published on the DTP website (https://www.vic.gov.au/epbc-commitments#main-road-st-albans-level-crossing-removal-project).
3.	To protect the listed threatened species and communities at Biosite 3546, prior to commencement of and during construction activities, the person taking the action must prepare and implement a Construction Environment Management Plan. The person taking the action must ensure that Construction Environment Management Plan includes, but is not limited to:	Compliant	Construction Environment Management Plans are published on the DTP website (https://www.vic.gov.au/epbc-commitments#main-road-st-albans-level-crossing-removal-project) in Sections 1-4. 1. LAH-EN-PLN-0001 - Project Environmental Management Plan 2. LAH-EN-PLN-0002-00- St Albans Environmental Management Sub-Plan 3. LAH-EN-PLN-0006 SEP text MAIN RD LCRP- 150918 4. St Albans Main Road SEP Sheets 1 to 6
3a.	establishing and maintaining 'no-go zones' around listed threatened species and communities as defined by Appendix B, to prevent fill,	Compliant	See Section 4 - St Albans Main Road SEP Sheets 1 to 6. Refer to Appendix C for location of No-go zones.

	equipment, materials, wastes or works facilities from entering or being stored in Biosite 3546.		
3b.	ensuring that the boundary of the 'no-go zones' is clearly marked with a 1.8 m high chain wire fence and clearly signed for the duration of construction activities to prevent any disturbance of Biosite 3546;	Compliant	See Section 4 - St Albans Main Road SEP Sheets 1 to 6. Refer to Appendix C for location of No-go zones.
3c.	ensuring that all machinery wash down, lay down and personnel rest areas are clearly defined (fenced and signed) and located in disturbed areas;	Compliant	See Section 4 - St Albans Main Road SEP Sheets 1 to 6. Refer to Appendix C for location of No-go zones and Appendix D for location of temporary storage areas.
3d.	ensuring that all on site staff and contractors involved in the construction of the proposed action attend an induction session presented by a suitably qualified ecologist prior to admittance to project area. The induction must include:	Compliant	There has been no access to the Biosite between October 2023-2024, aside from qualified ecologists and environmental management groups.
3d,i.	a brief on the identification and conservation status of listed threatened species and communities and their habitat at the proposed action,	Compliant	There has been no access to the Biosite between October 2023-2024, aside from qualified ecologists and environmental management groups.
3d,ii.	the reason for mitigation measures and practices to avoid or minimise impacts to listed threatened species and communities and their habitat;	Compliant	There has been no access to the Biosite between October 2023-2024, aside from qualified ecologists and environmental management groups.
3d,iii.	a brief to inform staff and contractors on documentation and the process for notification to the person taking the action of any identification of listed threatened species and communities and their habitat at the proposed action;	Compliant	There has been no access to the Biosite between October 2023-2024, aside from qualified ecologists and environmental management groups.
3d,iv.	a brief on stop work procedures if any listed threatened species and communities are identified during construction; and	Compliant	There has been no access to the Biosite between October 2023-2024, aside from qualified ecologists and environmental management groups.
3d,v.	the requirements of this decision notice.	Compliant	There has been no access to the Biosite between October 2023-2024, aside from qualified ecologists and environmental management groups.
3e.	establish and implement machinery and plant hygiene protocols to minimise vegetation and soil disturbance and the spread of weeds,	Compliant	See Section 4 - St Albans Main Road SEP Sheets 1 to 6

	pests, and pathogens. The protocols must include, but not be limited to:		
3e,i.	defining routes for the entrance and exit of machinery to the project area and limiting these to previously disturbed areas;	Compliant	See Section 4 - St Albans Main Road SEP Sheets 1 to 6
3e,ii.	establishing wash down points for vehicles to prevent the transportation of seeds and soil;	Compliant	See Section 4 - St Albans Main Road SEP Sheets 1 to 6
3e,iii.	undertaking inspections of all equipment (machinery, tools, vehicles) brought on site to ensure that all equipment is free of materials (such as soils and seeds); and	Compliant	See Section 3 - LAH-EN-PLN-0006 SEP text MAIN RD LCRP- 150918
3e,iv.	maintaining a record (logbook) of the activities in ii) and iii) and providing this to the Department on request.	Compliant	There have been no activities requiring record between October 2023 – 2024.
3.	This Construction Environment Management Plan must be prepared in consultation with relevant local and state authorities prior to the commencement of construction activities. The Construction Environment Management Plan must be finalised prior to the commencement of construction activities. The finalised Construction Environment Management Plan must be provided to the Department prior to the commencement of construction activities and must be published on the website of the person taking the action for the duration of construction activities. The finalised Construction Environmental Management Plan must be implemented for the duration of construction activities.	Compliant	Construction Environment Management Plan published on the DTP website (https://www.vic.gov.au/epbc-commitments#main-road-st-albans-level-crossing-removal-project)
4*.	The approval holder must ensure that between 31 August 2024 and 1 November 2024, surveys are undertaken at Biosite 3546 to determine the presence, abundance and area of listed threatened species and communities at Biosite 3546.	Compliant	DTP engaged Nature Advisory to undertake surveys at Biosite 3546 to determine the presence, abundance and area of listed threatened species and communities. Nature Advisory completed these surveys in August and October 2024. Refer to reports 18208 (8.1) and 18208 (9.0) for further detail.

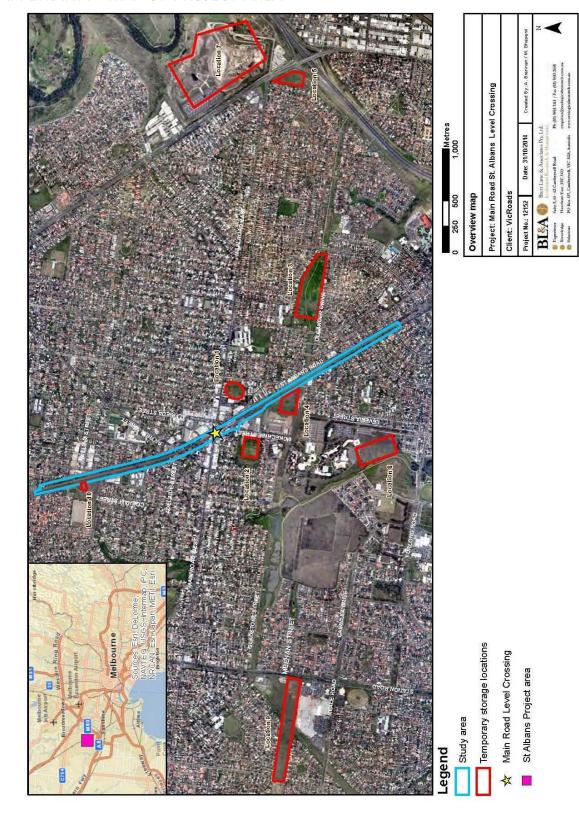
4A*.	The approval holder must ensure that the surveys undertaken at Biosite 3546 pursuant to condition 4 of this approval, are conducted by a suitably qualified expert, in accordance with the department's survey guidelines.	Compliant	The surveys pursuant to condition 4 were conducted by Nature Advisory, a suitably qualified, independent ecological consultancy. All surveys were completed by suitably qualified ecologists in accordance with the Department's survey guidelines. Refer to reports 18208 (8.1) and 18208 (9.0) for further detail.
4B.a*	On completion of the surveys undertaken pursuant to condition 4 of this approval, the approval holder must prepare a Biosite 3546 Survey Report (BSR) that: a. contains, details and summarises the survey results, including: i. the presence of Spiny Rice-flower, Button Wrinklewort and Natural Temperate Grassland of the Victorian Vulcanic Plain at Biosite 3546; ii. the total number of Spiny Rice-flower and Button Wrinklewort individuals within Biosite 3546; and iii. the total area of Natural Temperate Grassland of the Victorian Vulcanic Plain within Biosite 3546;		Nature Advisory prepared two Biosite 3546 Survey Reports, Report 18208 (8.1) addresses the Spiny Rice-flower, while Report 18208 (9.0) addresses the Button Wrinklewort and NTGVVP. The reports found the following results against each condition: i. Spiny Rice-flower, Button Wrinklewort and NTGVVP are all present within Biosite 3546; ii. The number of Spiny Rice-flower individuals recorded in the survey was 336 individuals, generally in good health. The number of Button Wrinklewort individuals recorded in the survey was 71 individuals, at various stages of health. iii. The total area of the NTGVVP was found to be 0.866 hectares, all in good health.
4B. b*	compares the information required by condition 4B.a with preconstruction details for listed threatened species and communities at Biosite 3546.	Compliant	 The survey reports compared the presence of threatened species with the preconstruction details in section 3 of both reports: The initial pre-construction surveys for Spiny Rice-flower in January and February of 2014 found 536 individuals. The August 2024 surveys found 336 individuals, a deficit of 200 Spiny Rice-flower individuals. The initial pre-construction surveys for the Button Wrinklewort in February and October 2013 found 12 individuals. The October 2024

			surveys found 71 individuals, a surplus of 59 Button Wrinklewort individuals. The initial pre-construction surveys for the NTGVVP in October 2013 found 0.978 ha. The October 2024 surveys found 0.866 ha, a deficit of 0.112 ha. The largest allowable impact to the NTGVVP within the Biosite was 1.5ha. Proposed action DTP is consulting with the Department on the conclusions of the 2024 survey reports and propose to establish an independent audit to give confidence to the findings.
4C*.	The approval holder must submit the BSR electronically to the Department by 1 December 2024.	Compliant	DTP provided the survey reports electronically to the Department on 28 November 2024.
5*.	Revoked		
6*.	Revoked		
7*.	Revoked		
8*.	Revoked		
9.	Within five (5) days after the commencement of construction activities, the person taking the action must advise the Department in writing of the actual date of commencement.	Compliant	Construction commenced on Friday 9 October 2015. Letter sent to Post Approval Section, DoE on 16 October 2015, informing DoE of the commencement of construction.
10*.	The approval holder must maintain accurate and complete compliance records and document the procedure for recording and storing compliance records.	Compliant	Records maintained in corporate filing system VRF5123284 (Flora And Fauna).
10A*.	If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.	Not applicable	Not applicable

	Note: Compliance records may be subject to audit by the department, or by an independent auditor in accordance with section 458 of the EPBC Act, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the department's website or through the general media.		
11*.	Within three months of every 12 month anniversary of the commencement of the action, the approval holder 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 must be provided to the Department at the same time as the compliance report is published.	Compliant	This annual compliance report for the period between 9 October 2023 and 9 October 2024 was published on the DTP website on 20/12/2024. Documentary evidence was provided electronically to the Department at the same time on 20/12/2024.
11A*.	The approval holder must notify the Department electronically, within 2 business days of becoming aware of any potential or actual non-compliance with the conditions of this approval. The approval holder must specify in each notification: a. the condition which has been or may not have been complied with; and b. a short description of the non-compliance.	Not applicable	No new non-compliances have been recorded against this approval in the 2023 – 24 reporting period.
12.	If, at any time after five (5) years from the date of this approval, the person taking the action has not commenced the action, then the person taking the action must not commence the action without the written agreement of the Minister,	Compliant	Grade separation works to remove the level crossing at the Main Road level crossing, at St Albans commenced on 9 October 2015.
13.	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	Compliant	All management plans are published on the DTP website (https://www.vic.gov.au/epbc-commitments#main-road-st-albans-level-crossing-removal-project)

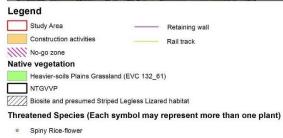
plan must be published on the website within one (1) month of being	
approved.	

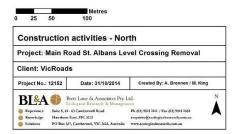
APPENDIX A - MAP OF PROJECT AREA



APPENDIX B — LOCATION OF CONSTRUCTION ACTIVITIES AND THREATENED SPECIES AND COMMUNITIES













Construction activities IIII No-go zone

Retaining wall

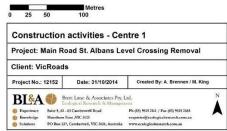
Native vegetation

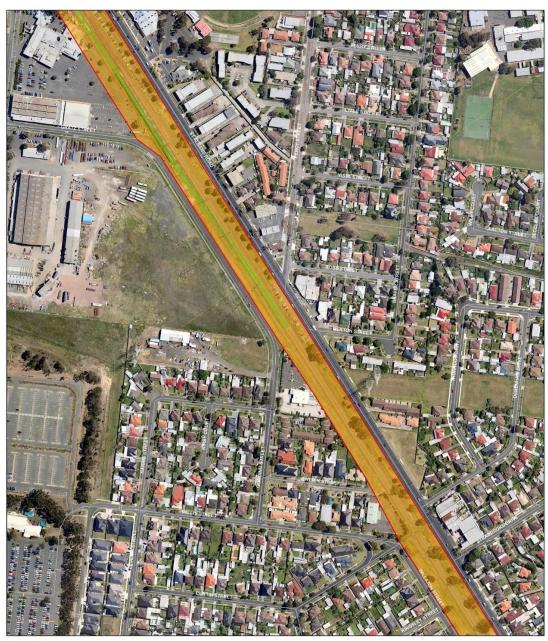
Heavier-soils Plains Grassland (EVC 132_61)

Biosite and presumed Striped Legless Lizared habitat

—— Rail track Threatened Species (Each symbol may represent more than one plant)

- * Spiny Rice-flower
- Button Wrinklewort
- Large-headed Fireweed







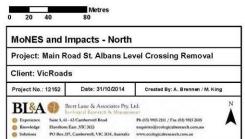




APPENDIX C – LOCATION OF NO GO ZONES









NTGVVP to be removed

IIII No-go zone

X Spiny Rice-flower to be removed



Study Area

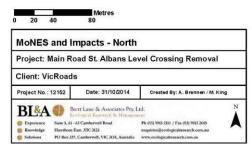
Native vegetation

Heavier-soils Plains Grassland (EVC 132_61) NTGVVP

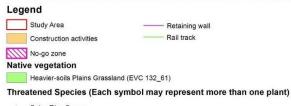
Biosite and presumed Striped Legless Lizared habitat

Threatened Species (Each symbol may represent more than one plant)

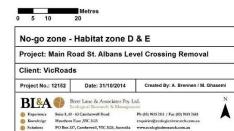
- ▲ Button Wrinklewort
- Large-headed Fireweed
- * Spiny Rice-flower



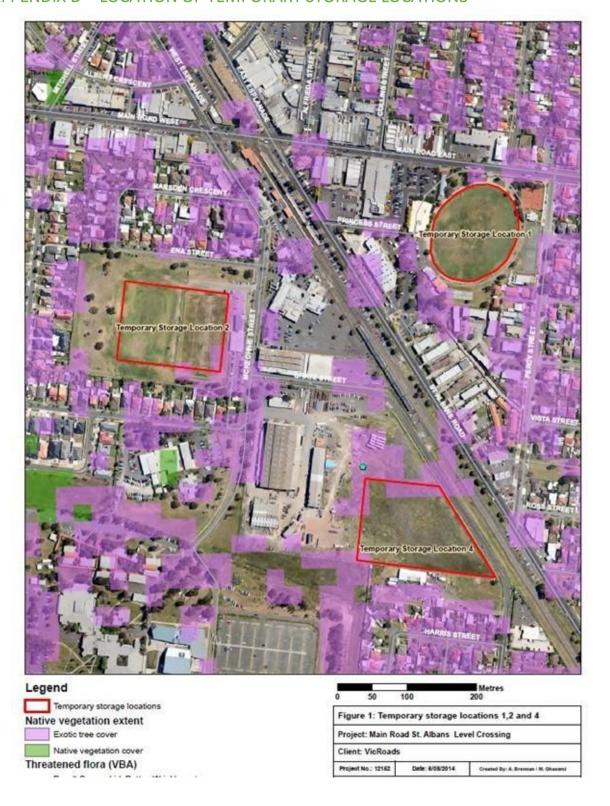


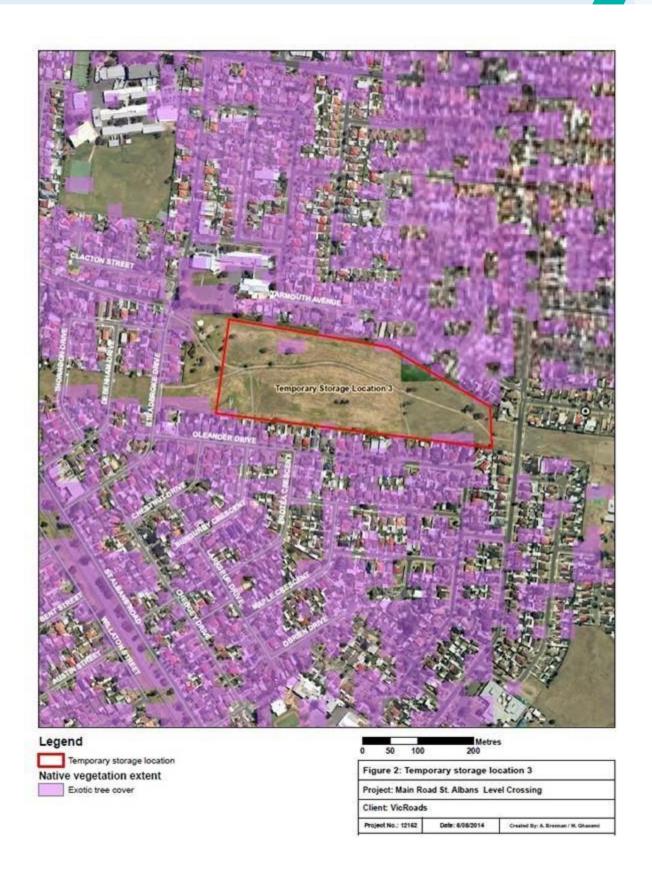


- ☆ Spiny Rice-flower
- Button Wrinklewort
- Large-headed Fireweed



APPENDIX D – LOCATION OF TEMPORARY STORAGE LOCATIONS









Temporary storage location Biosites

Native vegetation extent

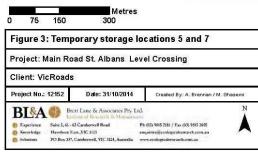
Exotic tree cover Native vegetation cover

Threatened flora (VBA)

Slender Bindweed

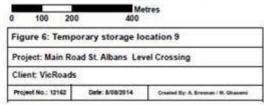
Threatened fauna (VBA)

▲ Pacific Gull















Native vegetation extent

Exotic tree cover

