



EPBC Annual Compliance Report 2023

Inland Rail - Beverage to Albury
excluding Glenrowan, Victoria
(EPBC 2020/8721)

Document Control

DOCUMENT TITLE	EPBC ANNUAL COMPLIANCE REPORT 2023, INLAND RAIL – BEVERAGE TO ALBURY EXCLUDING GLENROWAN, VICTORIA (EPBC 2020/8721)
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REVIEWED BY	Alan O’Brien, Environment Manager VIC/SA – Major Construction Projects
ENDORSED BY	Alan O’Brien, Environment Manager VIC/SA – Major Construction Projects

Revision History

REVISION	REVISION DATE	DESCRIPTION OF CHANGES
A	15/11/2023	Draft
0	17/11/2023	Final

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	
FULL NAME	Renee Durbridge
POSITION	Environment Lead – Major Construction Projects
ORGANISATION AND ABN/ACN	Australian Rail Track Corporation Limited ABN 75 081 455 754
DATE	17/11/2023

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Glossary

Specific terms and acronyms used throughout this strategy are listed and described in the **Table 1** below.

Table 1: Terminology

ACRONYM	DEFINITION
ARTC	Australian Rail Track Corporation
CEMP	Construction Environmental Management Plan
DCCEEW	Federal Department of Climate Change, Energy, the Environment and Water (formerly DAWE)
DEECA	Victorian Department of Energy, Environment and Climate Action
DELWP	Department of Environment, Land, Water and Planning (now known as DEECA)
EMF	Environmental Management Framework
EPBC 2020/8721	EPBC Act Planning Approval for Inland Rail Beverage to Albury
EPBC Act	Commonwealth Environment Protection and Biodiversity Conservation Act 1999
EPR's	Environmental Performance Requirements
IEA	Independent Environmental Auditor
OMP	Offset Management Plan
PAZs	Priority Avoidance Zones

1 Introduction

1.1 Background

Australian Rail Track Corporation (ARTC) prepared an Environment Report as a requirement under the Victorian Environment Effects Act 1979 (EE Act) and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) Assessment of the Project and the Environment Report was undertaken by the Victorian State Government under the Bilateral Agreement to avoid process duplication and enable integration and efficient consideration of relevant Commonwealth and Victoria government matters.

The Environment Report was prepared in accordance with:

- Department of Environment, Land, Water and Planning (DELWP) (now Department of Environment, Energy and Climate Action (DEECA)) scoping document
- The requirements of condition (a) of the Minister for Planning's decision on the Project, made on 23 August 2020, under section 8B (3) of the EE act
- The requirements of item 5 of schedule 1 of the Bilateral Agreement.

The primary focus of the Environment Report was to address the scoping requirements contained within *Scope for the Environment Report under EPBC Act Bilateral (Assessment) Agreement 2014 and the EE Act* (the 'scoping document') by examining the impacts of the Project on native vegetation, habitat and biodiversity values associated with listed threatened species and communities, as well as describe any feasible alternatives and mitigation measures that could avoid or reduce relevant impacts.

The Department of Climate Change, Energy, the Environment and Water (DCCEEW) issued a notice of approval for the project on 26 September 2022 and ARTC commenced works shortly after. EPBC vegetation clearing did occur during the reporting period. A copy of the approval can be found in Appendix B.

1.2 Scope

This report details the commitments outlined within EPBC 2020/8721 and assessment of compliance against conditions 1-31 for the reporting period 26 September 2022 to 25 September 2023 as per Conditions 19 through to 22 of EPBC 2020/8721, which states:

19. *The approval holder must prepare a **compliance report** for each 12-month period following the date of this approval, or as otherwise agreed by the **Minister**.*
20. *Each **compliance report** must be consistent with the **Annual Compliance Report Guidelines**.*
21. *Each **compliance report** must include:*
 - a. *Accurate and complete details of compliance and any non-compliance with the conditions and the **plans**, and any **incidents**.*
 - b. *One or more **shapefile (s)** showing all **clearing** of any **protected matters**, and/or their habitat, undertaken within the 12-month period at the end of which that **compliance report** is prepared.*
 - c. *A schedule of all **plans** in existence in relation to these conditions and accurate and complete details of how each plan is being implemented.*
22. *The approval holder must:*
 - a. *Publish each **compliance report** on the **website** within 60 **business days** following the end of the 12-month period for which that **compliance report** is required.*
 - b. *Notify the **department** electronically, within 5 **business days** of the date of publication that a **compliance report** has been published on the **website**.*
 - c. *Provide the weblink for the **compliance report** in the notification to the department.*
 - d. *Keep all published **compliance reports** required by these conditions on the **website** until the expiry date of this approval.*
 - e. *Exclude or redact **sensitive ecological data** from **compliance reports** published on the **website** or otherwise provided to a member of the public.*
 - f. *If **sensitive ecological data** is excluded or redacted from the published version, submit the full **compliance report** to the **department** within 5 **business days** of its publication on the*

*website and notify the **department** in writing what exclusions and redactions have been made in the version published on the website.*

1.3 Approved action

To conduct upgrades along the existing North East Line, Inland Rail between Beverage and Albury in Victoria. Works consist of twelve enhancement sites and multiple powerline sites and track slews. The works are being delivered in two Tranches. The first Tranche consists of Seymour-Avenel Road Seymour, Beaconsfield Parade Glenrowan, Wangaratta Station Precinct Wangaratta and Murrey Valley Highway Barnawartha North. The remaining eight sites will be delivered in Tranche 2.

Broadford – Wandong Road, Wandong

Bridge Replacement

Hamilton Street, Broadford

Bridge Replacement

Track Lowering

Short Street, Broadford

Bridge Replacement

Track Lowering

Marchbanks Road, Broadford

Bridge Replacement

Hume Freeway, Tallarook

Track Lowering

Seymour – Avenel Road, Seymour

Bridge Replacement

Hume Freeway, Seymour

Track Lowering

Euroa Station Precinct, Euroa

New platform and track realignment

Pedestrian underpass

Oversize vehicle underpass

Benalla Station Precinct, Benalla

New platform and track realignment

Pedestrian underpass

Beaconsfield Parade, Glenrowan

Bridge Replacement

Wangaratta Station Precinct, Wangaratta

Track Lowering

Bridge Replacement

New platform and track realignment

Pedestrian underpass

Murray Valley Highway, Barnawartha North

Track Lowering

The overall project footprint is presented in **Figure 1** below.

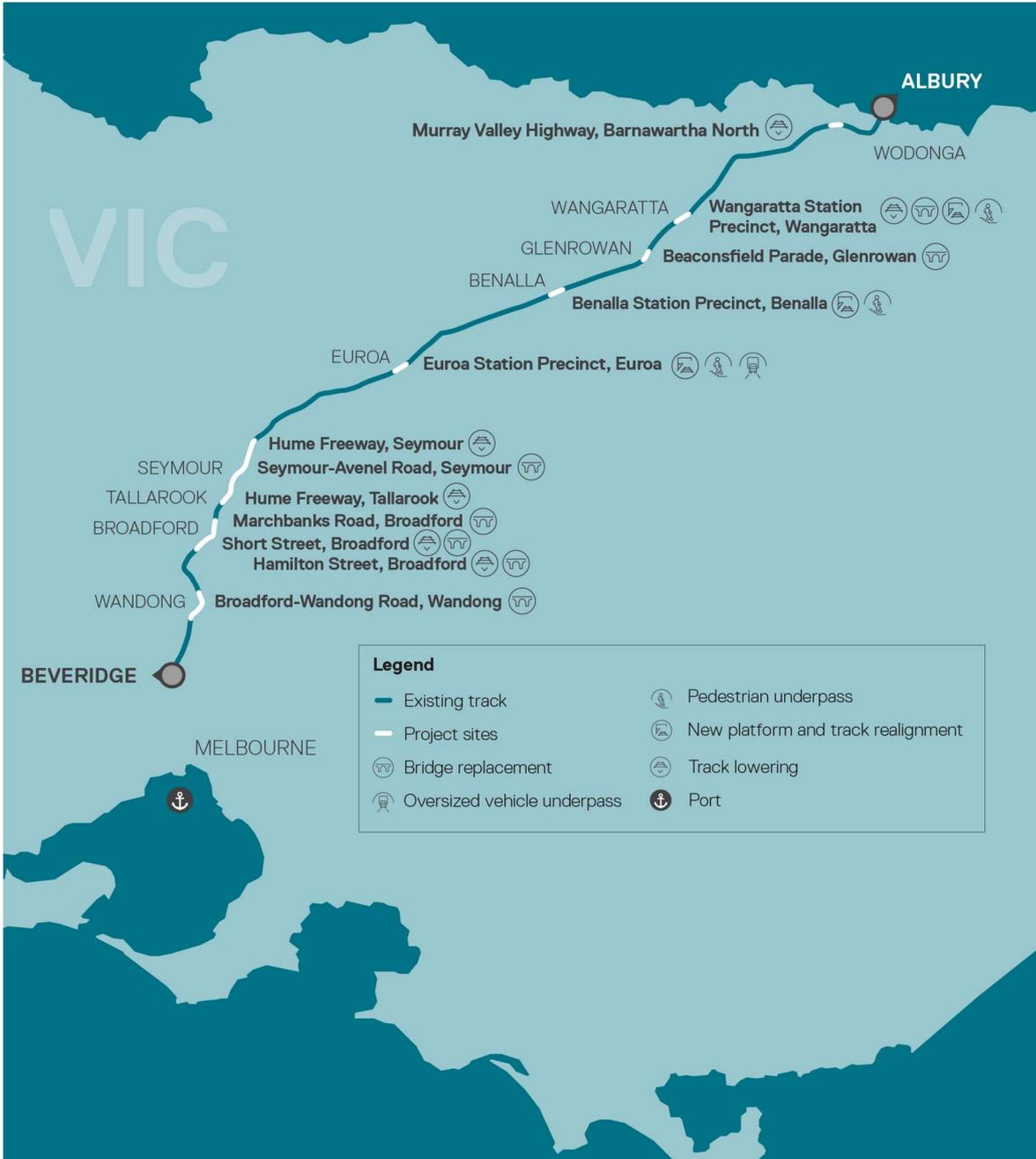


Figure 1: Beveridge to Albury section of Inland Rail project footprint

1.4 Project details

Project details for Inland Rail – Beverage to Albury excluding Glenrowan, Victoria are presented in **Table 2** below.

Table 2: Project details

EPBC NUMBER	EPBC 2020/8721
PROJECT NAME	Inland Rail – Beverage to Albury excluding Glenrowan, Victoria
APPROVAL HOLDER AND ACN OR ABN	Australian Rail Track Corporation Limited ABN 75 081 455 754
LOCATION OF THE PROJECT	Beverage to Albury excluding Glenrowan, Victoria
REPORTING PERIOD	26 September 2022 to 25 September 2023

1.5 Key project activities

During the first year of construction, the following activities have taken place on Tranche 1 of Inland Rail, Beverage to Albury. Tranche 2 works have not yet commenced.

Murray Valley Highway, Barnawartha North

- Site establishment
- Utility relocation
- Drainage works
- Completion of track lowering

Wangaratta Station Precinct, Wangaratta

- Site establishment
- Utility relocation
- Vegetation removal (non EPBC species)
- Pedestrian overpass removal
- Construction of new pedestrian underpass under the tracks

Beaconsfield Parade, Glenrowan

- Site establishment
- Utility relocation
- Commencement of bridge construction

Seymour-Avenal Road, Seymore

- Site establishment
- Commencement of utility relocation

Overhead Powerline works

- No EPBC vegetation removed this reporting period
- Commencement of works at a number of sites throughout the rail corridor.

2 Compliance assessment

2.1 Assessment of compliance

The terminology used to record findings in this compliance report (**Table 3**) is consistent with that used by DCCEEW Annual Compliance Report Guidelines (2014).

Table 3: Compliance status terminology

STATUS	DESCRIPTION
COMPLIANT	'Compliance' is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
NON-COMPLIANT	A designation of 'non-compliance' should be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
NOT APPLICABLE	A designation of 'not applicable' should be given where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example, a condition which apply to an activity that has not yet commenced.

Table 4: Compliance status

EPBC CONDITION NUMBER	EPBC CONDITION	COMPLIANCE STATUS	EVIDENCE/COMMENTS
1	To minimise impacts on protected matters , the approval holder must not clear more than 6.316 ha of Grey Box woodland within the Grey Box woodland impact areas .	Compliant	No clearing of Grey Box woodland occurred during the reporting period.
2	The approval holder must not clear Grey Box woodland outside the Grey Box woodland impact areas .	Compliant	No clearing of Grey Box woodland occurred during the reporting period.
3	To compensate for the loss of 6.316 ha of Grey Box woodland , prior to any clearing of Grey Box woodland , the approval holder must implement the Offset Management Plan , and submit written evidence to the department that is has commenced implementing the Offset Management Plan .	Compliant	Written evidence was emailed to DCCEEW post approvals on 3 March 2023. DCCEEW accepted this written evidence on 6 March 2024.
4	The approval holder must continue to implement the Offset Management Plan for the remainder of the duration of this approval.	Compliant	The Offset Management Plan is being implemented for the off-set site and will continue to be implemented.
5	Within 9 months of the date of this approval, the approval holder must:		
5	a secure the offset area ; and	Not applicable	The EPBC approval is dated 26 September 2022. As such the offset obligation condition must have originally been met by 26 June 2023. However, prior to this date, ARTC applied for an extension of time until the end of January 2024. This has been agreed with DCCEEW.
5	b submit written evidence demonstrating that the offset area has been secured to the department ; and	Not applicable	ARTC will submit evidence once the offset has been secured.
5	c submit shapefiles and offset attributes for the offset area to the department .	Not applicable	ARTC will submit a shapefile and offset attributes once the offset has been secured.

EPBC CONDITION NUMBER	EPBC CONDITION	COMPLIANCE STATUS	EVIDENCE/COMMENTS
6	<p>If the approval holder wishes to carry out any activity within the offset area other than in accordance with the Offset Management Plan, the approval holder must submit a revised version of the Offset Management Plan to the department for the Minister's written approval. The approval holder must not commence the varied activity until the Minister has approved the revised Offset Management Plan in writing.</p>	Not applicable	
7	<p>For the protections of protected matters, the approval holder must comply with the Environment Management Framework required under the Inland Rail-Beveridge to Albury, December 2021 Incorporated Document in the Whittlesea, Mitchell, Strathbogie, Benalla, Wangaratta and Wodonga planning schemes to the extent it relates to the relevant protected matters, as in force or existing from time to time.</p>	Compliant	<p>ARTC continues to comply with the Environmental Performance Requirements (EPR's) in the Environmental Management Framework (EMF). Compliance actions during this reporting period:</p> <p>Independent Environmental Audit carried out in June 2023. Two minor non conformances identified. One around not having a stand alone Environment and Sustainability Manger and the other around project induction material not covering all aspects listed in the Construction Environmental Management Plans (CEMP)</p> <p>ARTC and their contractor continue to look for opportunities to minimis impacts to native vegetation.</p> <p>Priority Avoidance Zones (PAZ's) are set up at all sites and identified in site specific environmental plans.</p> <p>ARTC and their contractor have avoided all modelled habitat of the Euroa Guinea Flower through design changes. No modelled habitat will be impacted.</p> <p>Striped Legless Lizard surveys commenced in the required location.</p> <p>Works have not been carried out at Powerline sites with potential for Growling Grass Frog and Sloane's</p>

EPBC CONDITION NUMBER	EPBC CONDITION	COMPLIANCE STATUS	EVIDENCE/COMMENTS	
			Froglet. As such, no preclearing surveys have been carried out.	
8	The approval holder must, when submitting all plans required by these conditions, provide them electronically to the department .	Compliant	The EMF was emailed to DCCEEW on 5 September 2022. The OMP was emailed on 5 July 2022.	
9	Unless otherwise agreed to in writing by the Minister , the approval holder must publish each plan on the website within 15 business days of the date:	Compliant	The approved EMF and OMP can be found on the ARTC website at this link Status - Inland Rail (artc.com.au)	
9	a	of this approval, if the version of the plan to be implemented is specified in these conditions; or	Compliant	The approved EMF and OMP can be found on the ARTC website at this link Status - Inland Rail (artc.com.au)
9	b	a plan revised under these conditions is approved by the Minister ; or	Not applicable	
9	c	the plan is approved by a Victorian Government official as required under state government legislation which must be complied with in accordance with these EPBC Act conditions.	Compliant	The approved EMF and OMP can be found on the ARTC website at this link Status - Inland Rail (artc.com.au)
10	The approval holder must keep all plans required by these conditions published on the website until the expiry date of this approval.	Compliant	All plans are still on the ARTC website at Status - Inland Rail (artc.com.au)	
11	The approval holder is required to exclude or redact sensitive ecological data from plans published on the website or otherwise provided to a member of the public.	Not applicable	No sensitive ecological data was required to be excluded or redacted from the plans.	
12	If sensitive ecological data is excluded or redacted from a plan in accordance with condition 10, the approval holder must notify the department in writing what exclusions and redactions have been made in the version published on the website .	Not applicable	No sensitive ecological data was required to be excluded or redacted from the plans.	
13	The approval holder must notify the department electronically of the date of commencement of the Action , within 5 business days of commencement of the Action .	Compliant	Works commenced on 28 November 2022 and DCCEEW were notified via email on 29 November 2022. Please find copy of the email in appendix A	

EPBC CONDITION NUMBER	EPBC CONDITION	COMPLIANCE STATUS	EVIDENCE/COMMENTS
14	If the commencement of the Action does not occur within 5 years from the date of this approval, then the approval holder must not commence the Action without the prior written agreement of the Minister .	Not applicable	Works have commenced
15	The approval holder must maintain accurate and complete compliance records .	compliant	
16	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. 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.	Not applicable	
17	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the Guide to providing maps and boundary data for EPBC Act projects .	Not applicable	No mapping has been prepared this reporting period, as no vegetation was removed.
18	The approval holder must submit all monitoring data (including sensitive ecological data), surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the department in accordance with the requirements of the offset management plan .	Not applicable	No data available for this reporting period
19	The approval holder must prepare a compliance report for each 12-month period following the date of this approval, or as otherwise agreed to in writing by the Minister .	Compliant	This report is for the reporting period 26 September 2022 – 25 September 2023

EPBC CONDITION NUMBER	EPBC CONDITION	COMPLIANCE STATUS	EVIDENCE/COMMENTS
20	Each compliance report must be consistent with the Annual Compliance Report Guidelines .	Compliant	This report has followed the Annual Compliance Report Guidelines
21	Each compliance report must include:		
21	a	Accurate and complete details of compliance and any non-compliance with the conditions and the plans , and any incidents .	Compliant
21	b	One or more shapefile(s) showing all clearing of any protected matters , and/or their habitat, undertaken within the 12-month period at the end of which that compliance report is prepared.	Not applicable No clearing of protected matters occurred during this reporting period.
21	c	A schedule of all plans in existence in relation to these conditions and accurate and complete details of how each plan is being implemented.	EMF compliance with relevant conditions is listed against permit Condition 7 above. Offset Management Plan (OMP) fencing has been installed around the patches and other management conditions have commenced.
22	a	Publish each compliance report on the website within 60 business days following the end of the 12-month period for which that compliance report is required.	Compliant The 2023 reporting period ended on 24 September 2023. The compliance report is due 60 business days after this date, which is 15 December 2023.
22	b	Notify the department electronically, within 5 business days of the date of publication that a compliance report has been published on the website .	Compliant The department will be notified within 5 business days
22	c	Provide the weblink for the compliance report in the notification to the department.	Compliant The weblink will be provided with the notification
22	d	Keep all published compliance reports required by these conditions on the website until the expiry date of this approval.	Compliant All reports are still on the ARTC website
22	e	Exclude or redact sensitive ecological data from compliance reports published on the website or otherwise provided to a member of the public.	Not applicable No sensitive ecological data has been redacted
22	f	If sensitive ecological data is excluded or redacted from the published version, submit the full	Not applicable

EPBC CONDITION NUMBER	EPBC CONDITION	COMPLIANCE STATUS	EVIDENCE/COMMENTS
	<p>compliance report to the department within 5 business days of its publication on the website and notify the department in writing what exclusions and redactions have been made in the version published on the website.</p>		
23	<p>The approval holder must notify the department electronically, within 2 business days of becoming aware of any incident and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a plan.</p>	Compliant	No incidents or non-conformances during the reporting period
24	<p>The approval holder must specify in the notification:</p>		
24	<p>a Any condition or commitment made in a plan which has been or may have been breached.</p>	Not applicable	
24	<p>b A short description of the incident and/or potential non-compliance and/or actual non-compliance.</p>	Not applicable	
24	<p>c The location (including co-ordinates), date, and time of the incident and/or potential non-compliance and/or actual non-compliance.</p>	Not applicable	
25	<p>The approval holder must provide to the department in writing, within 12 business days of becoming aware of any incident and/or potential non-compliance and/or actual non-compliance, the details of that incident and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a plan. The approval holder must specify:</p>	Compliant	No incidents or non-conformances during the reporting period
25	<p>a Any corrective action or investigation which the approval holder has already taken</p>	Not applicable	
25	<p>b The potential impacts of the incident and/or non-compliance</p>	Not applicable	
25	<p>c The method and timing of any corrective action that will be undertaken by the approval holder.</p>	Not applicable	

EPBC CONDITION NUMBER	EPBC CONDITION	COMPLIANCE STATUS	EVIDENCE/COMMENTS
26	The approval holder must ensure that an independent audit of compliance with the conditions is conducted for every three-year period following the commencement of the Action until this approval expires, unless otherwise specified in writing by the Minister .	Not applicable	Independent Environmental Audit due within three years of the approval date, which is 26 September 2023.
27	For each independent audit , the approval holder must:		
27	a	Provide the name and qualifications of the nominated independent auditor , the draft audit criteria, and proposed timeframe for submitting the audit report to the department prior to commencing the independent audit .	Not applicable
27	b	Only commence the independent audit once the nominated independent auditor , audit criteria and timeframe for submitting the audit report have been approved in writing by the department .	Not applicable
27	c	Submit the audit report to the department for approval within the timeframe specified and approved in writing by the department .	Not applicable
27	d	Publish each audit report on the website within 15 business days of the date of the department's approval of the audit report .	Not applicable
27	e	Keep every audit report published on the website until this approval expires.	Not applicable
28	Each audit report must report for the three-year period preceding that audit report.	Not applicable	
29	Each audit report must be completed to the satisfaction of the Minister and be consistent with the <i>Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines</i> , Commonwealth of Australia 2019, or any subsequent official version.	Not applicable	
30	The approval holder must notify the department electronically 60	Not applicable	

EPBC CONDITION NUMBER	EPBC CONDITION	COMPLIANCE STATUS	EVIDENCE/COMMENTS
	<p>business days prior to the expiry date of this approval, that the approval is due to expire.</p>		
31	<p>Within 20 business days after the completion of the Action, and, in any event, before this approval expires, the approval holder must notify the department electronically of the date of completion of the Action and provide completion data.</p>	Not applicable	

Appendix A Commencement of activity notification email

[Redacted]

From: [Redacted]
Sent: Tuesday, 29 November 2022 3:24 PM
To: [Redacted]
Subject: FW: Proposed decision - Inland Rail – Beveridge to Albury excluding Glenrowan, Victoria (EPBC 2020/8721) [SEC=OFFICIAL]
Attachments: 2020-8721- Proposed Decision - Letter to Proponent.pdf; 2020-8721 - Proposed decision - Proposed Approval Decision Notice.pdf

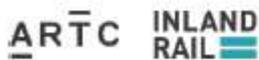
Hi [Redacted]

ARTC wish to advise that we commenced works on 28 November, with the first site being Glenrowan. Before Christmas we expect to start at Wangaratta and Murrey Valley Highway, Barnawartha. No clearing of Grey Box Woodland will occur until we have commenced the implementation of the offset management plan.

Can you please advise who else I should be emailing to advise of commencement?

Regards,

[Redacted]
Environment Lead



ARTC INLAND RAIL

[Redacted]

inlandrail.com.au | 

my work days are Mon-Thu

Appendix B EPBC Approval

OFFICIAL



Australian Government
 Department of Climate Change, Energy,
 the Environment and Water

Notification of approval

Inland Rail – Beveridge to Albury excluding Glenrowan, Victoria (EPBC 2020/8721)

This decision is made under section 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act). Note that section 134(1A) of the EPBC Act applies to this approval. That provision provides, in general terms, that if the approval holder authorises another person to undertake any part of the Action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such conditions.

Proposed Action

Person to whom the approval is granted (approval holder)	Australian Rail Track Corporation Limited
ABN of approval holder	75 081 455 754
Action	To conduct upgrades along the existing North East Line Inland Rail between Beveridge and Albury in Victoria [See EPBC Act referral 2020/8721]

Approval Decision

Decision	My decision on whether or not to approve the taking of the Action for the purposes of the controlling provision for the Action is as follows.	
	Controlling Provision	Decision
	Listed threatened species and communities (section 18 and section 18A)	Approve
Period for which the approval has effect	This approval has effect until 30 June 2040	
Conditions of approval	The approval is subject to conditions under the EPBC Act as set out in Annexure A.	

DCCEEW.gov.au
 John Gorton Building - King Edward Terrace, Parkes ACT 2600 Australia
 GPO Box 3090 Canberra ACT 2601 ABN: 63 573 932 849

OFFICIAL

Person authorised to make decision

Name and Position Kim Farrant
Assistant Secretary
Environment Assessments (Vic, Tas) and Post Approvals Branch

Signature 

Date of decision 26 September 2022

ANNEXURE A

Note: Words appearing in bold have the meaning assigned to them at PART C – DEFINITIONS.

PART A – CONDITIONS SPECIFIC TO THE ACTION

1. To minimise impacts on **protected matters**, the approval holder must not clear more than 6.316 ha of Grey Box woodland within the Grey Box woodland impact areas.
2. The approval holder must not clear Grey Box woodland outside the Grey Box woodland impact areas.
3. To compensate for the loss of 6.316 ha of Grey Box woodland, prior to any clearing of Grey Box woodland, the approval holder must implement the **Offset Management Plan**, and submit written evidence to the department that it has commenced implementing the **Offset Management Plan**.
4. The approval holder must continue to implement the **Offset Management Plan** for the remainder of the duration of this approval.
5. Within 9 months of the date of this approval, the approval holder must:
 - a. secure the **offset area**; and
 - b. submit written evidence demonstrating that the **offset area** has been secured to the department; and
 - c. submit **shapefiles and offset attributes** for the **offset area** to the department.
6. If the approval holder wishes to carry out any activity within the **offset area** other than in accordance with the **Offset Management Plan**, the approval holder must submit a revised version of the **Offset Management Plan** to the department for the Minister's written approval. The approval holder must not commence the varied activity until the Minister has approved the revised **Offset Management Plan** in writing.
7. For the protections of **protected matters**, the approval holder must comply with the **Environment Management Framework** required under the Inland Rail-Beveridge to Albury, December 2021 Incorporated Document in the Whittlesea, Mitchell, Strathbogie, Benalla, Wangaratta and Wodonga planning schemes to the extent it relates to the relevant **protected matters**, as in force or existing from time to time.

SUBMISSION AND PUBLICATION OF PLANS

8. The approval holder must, when submitting all **plans** required by these conditions, provide them electronically to the department.
9. Unless otherwise agreed to in writing by the Minister, the approval holder must publish each **plan** on the website within 15 business days of the date:
 - a. of this approval, if the version of the **plan** to be implemented is specified in these conditions; or
 - b. a **plan** revised under these conditions is approved by the Minister; or
 - c. the **plan** is approved by a Victorian Government official as required under state government legislation which must be complied with in accordance with these EPBC Act conditions.

10. The approval holder must keep all plans required by these conditions published on the website until the expiry date of this approval.
11. The approval holder is required to exclude or redact sensitive ecological data from plans published on the website or otherwise provided to a member of the public.
12. If sensitive ecological data is excluded or redacted from a plan in accordance with condition 10, the approval holder must notify the department in writing what exclusions and redactions have been made in the version published on the website.

PART B – ADMINISTRATIVE CONDITIONS

NOTIFICATION OF DATE OF COMMENCEMENT OF THE ACTION

13. The approval holder must notify the department electronically of the date of commencement of the Action, within 5 business days of commencement of the Action.
14. If the commencement of the Action does not occur within 5 years from the date of this approval, then the approval holder must not commence the Action without the prior written agreement of the Minister.

COMPLIANCE RECORDS

15. The approval holder must maintain accurate and complete compliance records.
16. 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.

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.

17. The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the Guide to providing maps and boundary data for EPBC Act projects.
18. The approval holder must submit all monitoring data (including sensitive ecological data), surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the department in accordance with the requirements of the offset management plan.

ANNUAL COMPLIANCE REPORTING

19. The approval holder must prepare a compliance report for each 12-month period following the date of this approval, or as otherwise agreed to in writing by the Minister.
20. Each compliance report must be consistent with the Annual Compliance Report Guidelines.
21. Each compliance report must include:
 - a. Accurate and complete details of compliance and any non-compliance with the conditions and the plans, and any incidents.
 - b. One or more shapefile(s) showing all clearing of any protected matters, and/or their habitat, undertaken within the 12-month period at the end of which that compliance report is prepared.
 - c. A schedule of all plans in existence in relation to these conditions and accurate and complete details of how each plan is being implemented.
22. The approval holder must:
 - a. Publish each compliance report on the website within 60 business days following the end of the 12-month period for which that compliance report is required.
 - b. Notify the department electronically, within 5 business days of the date of publication that a compliance report has been published on the website.
 - c. Provide the weblink for the compliance report in the notification to the department.

- d. Keep all published compliance reports required by these conditions on the website until the expiry date of this approval.
- e. Exclude or redact sensitive ecological data from compliance reports published on the website or otherwise provided to a member of the public.
- f. If sensitive ecological data is excluded or redacted from the published version, submit the full compliance report to the department within 5 business days of its publication on the website and notify the department in writing what exclusions and redactions have been made in the version published on the website.

Note: Compliance reports may be published on the department's website.

REPORTING NON-COMPLIANCE

- 23. The approval holder must notify the department electronically, within 2 business days of becoming aware of any incident and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a plan.
- 24. The approval holder must specify in the notification:
 - a. Any condition or commitment made in a plan which has been or may have been breached.
 - b. A short description of the incident and/or potential non-compliance and/or actual non-compliance.
 - c. The location (including co-ordinates), date, and time of the incident and/or potential non-compliance and/or actual non-compliance.

Note: If the exact information cannot be provided, the approval holder must provide the best information available.

- 25. The approval holder must provide to the department in writing, within 12 business days of becoming aware of any incident and/or potential non-compliance and/or actual non-compliance, the details of that incident and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a plan. The approval holder must specify:
 - a. Any corrective action or investigation which the approval holder has already taken
 - b. The potential impacts of the incident and/or non-compliance
 - c. The method and timing of any corrective action that will be undertaken by the approval holder.

INDEPENDENT AUDIT

- 26. The approval holder must ensure that an independent audit of compliance with the conditions is conducted for every three-year period following the commencement of the Action until this approval expires, unless otherwise specified in writing by the Minister.
- 27. For each independent audit, the approval holder must:
 - a. Provide the name and qualifications of the nominated independent auditor, the draft audit criteria, and proposed timeframe for submitting the audit report to the department prior to commencing the independent audit.
 - b. Only commence the independent audit once the nominated independent auditor, audit criteria and timeframe for submitting the audit report have been approved in writing by the department.
 - c. Submit the audit report to the department for approval within the timeframe specified and approved in writing by the department.

- d. Publish each audit report on the website within 15 business days of the date of the department's approval of the audit report.
 - e. Keep every audit report published on the website until this approval expires.
28. Each audit report must report for the three-year period preceding that audit report.
29. Each audit report must be completed to the satisfaction of the Minister and be consistent with the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines, Commonwealth of Australia 2019*, or any subsequent official version.

COMPLETION OF THE ACTION

30. The approval holder must notify the department electronically 60 business days prior to the expiry date of this approval, that the approval is due to expire.
31. Within 20 business days after the completion of the Action, and, in any event, before this approval expires, the approval holder must notify the department electronically of the date of completion of the Action and provide completion data.

PART C - DEFINITIONS

In these conditions any bolded use of a word or term refers to the below definition of that word or term:

Annual Compliance Report Guidelines means the *Annual Compliance Report Guidelines, Commonwealth of Australia 2014*, or the current official subsequent version.

Audit report means a written report of compliance and fulfilment of the conditions attached to this approval, objectively evaluated against the audit criteria approved by the department.

Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the Action.

Clear, cleared or clearing means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation.

Commence the Action or Commencement of the Action means the date on which the first instance of any activity associated with the Action (including clearing and construction) is undertaken. Commencement of the Action does not include minor physical disturbance necessary to:

- a. Undertake pre-clearance surveys or monitoring programs.
- b. Install signage and /or temporary fencing to prevent unapproved use of the project area.
- c. Protect environmental and property assets from fire, weeds, and feral animals, including use of existing surface access tracks.
- d. Install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on any protected matter.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The department's chosen format for spatial data is a shapefile.

Completion of the Action means the date on which all activities associated with this approval have permanently ceased and/or been completed.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.

Compliance report means a written report of compliance with, and fulfilment of, the conditions attached to the approval.

Construction means the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; any work which involves breaking of the ground (including pile driving) or bulk earthworks; the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage.

Department means the Australian Government agency responsible for administering the EPBC Act.

Environment Management Framework means the *Inland Rail – Environment Management Framework - Australian Rail Track Corporation Ltd* prepared to the satisfaction of the Victorian Minister for Planning.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

Grey box woodlands means the EPBC Act listed threatened ecological community *Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia*.

Grey Box woodland impact areas means the areas represented by the brown shaded polygons labelled 'Impacted Grey Box (Eucalyptus macrocarpa) Grassy Woodlands and Derived Native Grasslands of South-Eastern Australia community' in [Attachment A](#) maps 1-10.

Guide to providing maps and boundary data for EPBC Act projects means the *Guide to providing maps and boundary data for EPBC Act projects*, Commonwealth of Australia 2021, or any subsequent official version.

Incident means any event which has the potential to, or does, impact on any protected matter.

Incorporated Document means the document titled *Inland Rail-Beveridge to Albury December 2021*, incorporated into relevant planning schemes by Amendment GC157 under the *Planning and Environment Act 1987* (Vic).

Independent means a person or firm who does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the project, the approval holder or the approval holder's staff, representatives or associated persons.

*Other than for the purpose of undertaking the role for which an independent person is required

Independent audit means an audit conducted by an independent and suitably qualified person as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019, or any subsequent official version.

Minister means the Australian Government Minister administering the EPBC Act, including any delegate thereof.

Monitoring data means the data required to be recorded under the conditions of this approval.

Offset attributes means an '.xls' file capturing relevant attributes of the offset site, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the protected matter that the offset compensates for, and any additional protected matters that are benefiting from the offset, and the size of the offset in hectares.

Offset area means the location of the action, represented in [Attachment B](#) by the polygons enclosed by the solid blue lines labelled 'Site Boundary'.

Offset Management Plan means the *Inland Rail - Beveridge to Albury EPBC Offset Management Plan 1 July 2022 Australian Rail Track Corporation Ltd* or a subsequent version currently approved by the Minister in writing.

Plan means any action management plan or strategy that the approval holder is required by these conditions to implement, including but not limited to the Offset Management Plan and the Environment Management Framework.

Project area means the location of the action, represented in [Attachment A](#) maps 1-10 by the polygons enclosed by the solid orange lines labelled 'Overhead Powerline Project Areas' and the polygons enclosed by the dashed black lines labelled 'Enhancement Site Reference Design Impact Area'.

Protected matter means a matter protected under a controlling provision in Part 3 of the EPBC Act for which this approval has effect.

Sensitive ecological data means data as defined in the Australian Government Department of the Environment *Sensitive Ecological Data – Access and Management Policy V1.0*, Commonwealth of Australia 2016, or any subsequent official version.

Secure (also secured) means to establish and register a covenant for the long-term protection of the offset area under a section 69 agreement under the *Conservation, Forests and Lands Act 1987 (Vic)*, or another enduring protection mechanism agreed to in writing by the Minister.

Shapefile(s) means location and attribute information about the Action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

Suitably qualified person means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

ATTACHMENTS

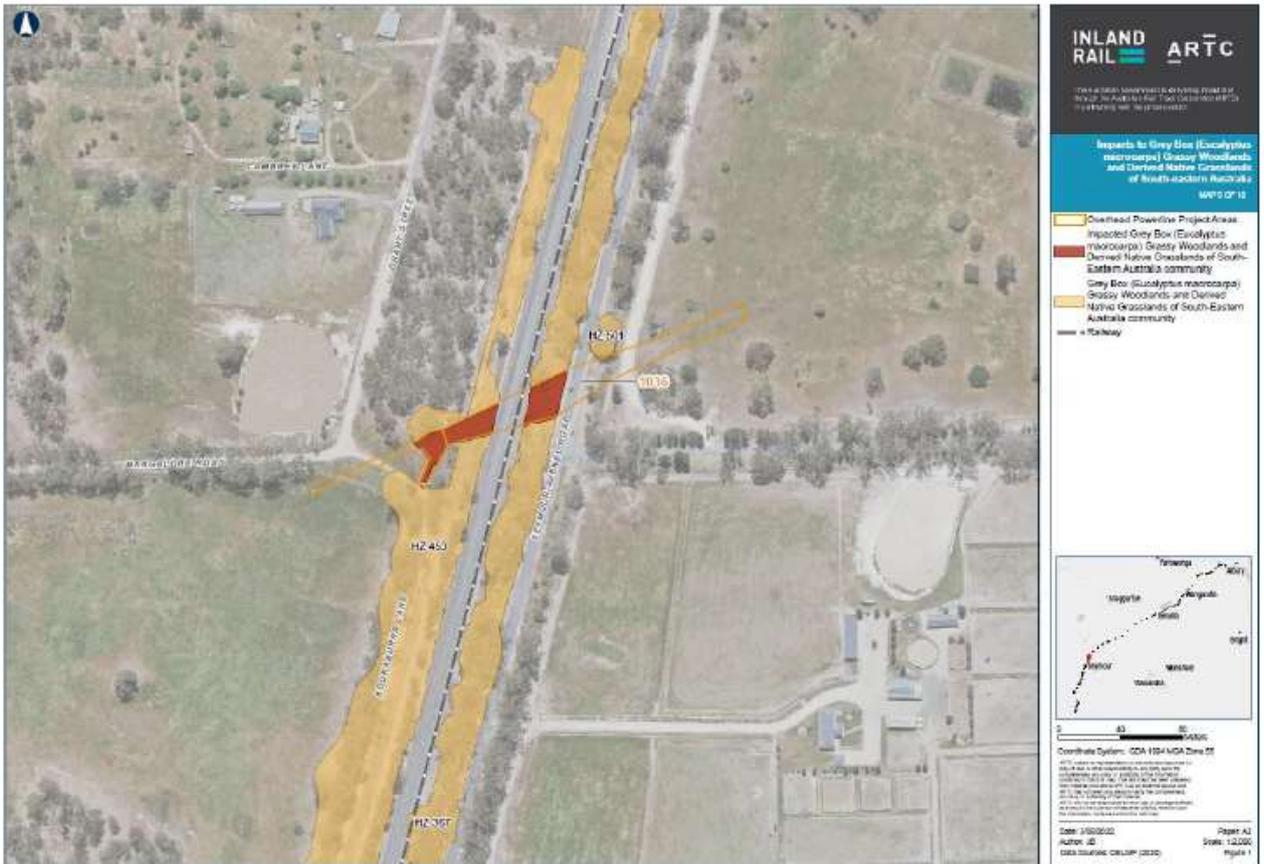
- 1. Attachment A – Grey Box woodland impact areas, maps 1 – 10**



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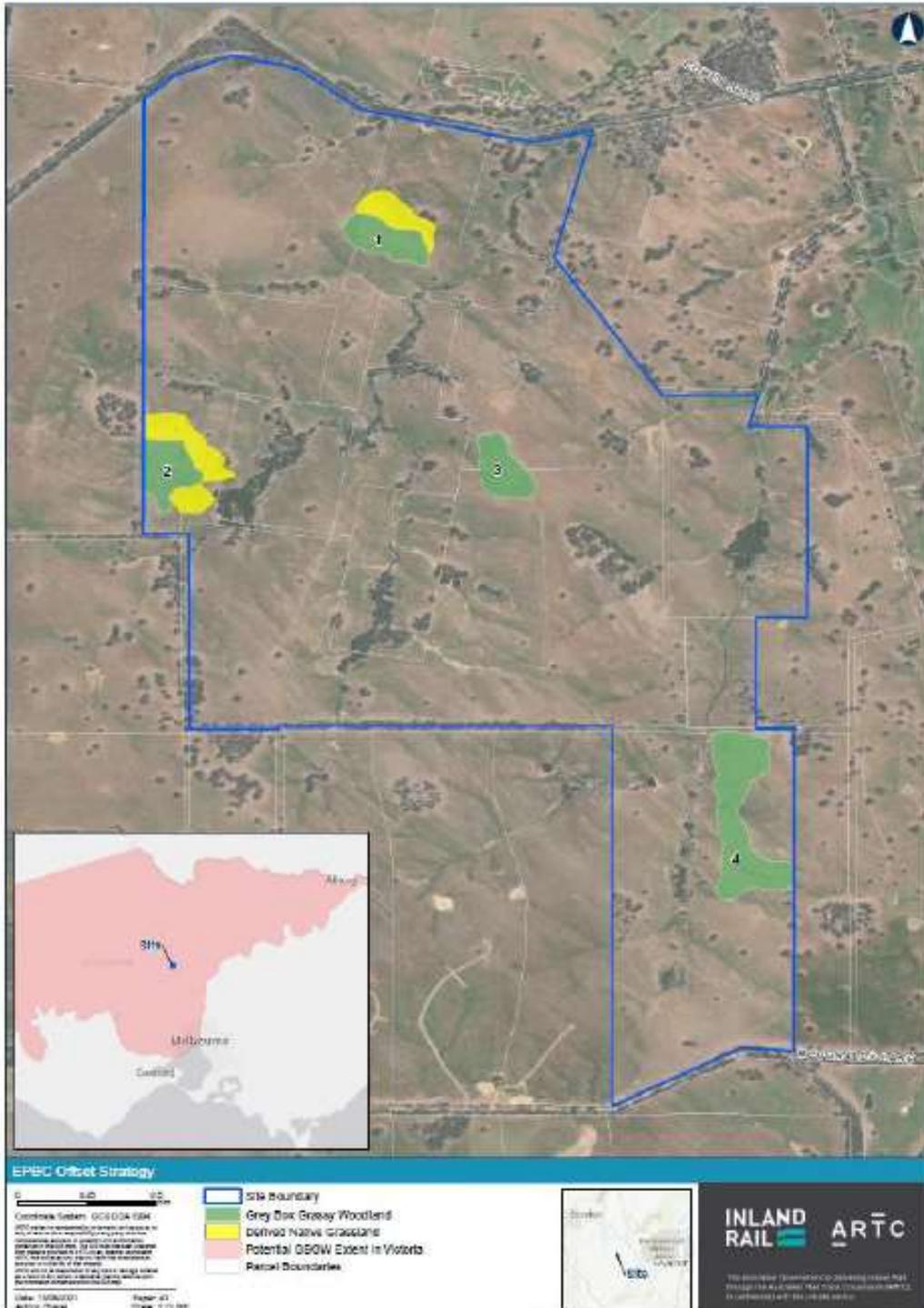


CLASSIFICATION



Australian Government
**Department of Climate Change, Energy,
the Environment and Water**

Attachment B – Offset Area



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OFFICIAL