Annual Compliance Report 2024

EPBC Approval: 2010/5313 South Morang



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**Introduction**

* 1. **Project Details**

*Table 1: Project Details*

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|  |  |
| EPBC Number | 2010/5313 |
| Project Name | South Morang |
| Approval Holder | Department of Transport and Planning |
| ABN | 69 981 208 782 |
| Approved Action | To construct 3.5km dual track between Epping and  South Morang, upgrade the existing Epping station and  build a new metropolitan rail station at South Morang  with associated bus interchange and car park). |
| Location of the Project | Approximately 27kn north of Melbourne, Victoria |
| Person Accepting Responsibility for the report | Robin Weston – Network Environment Manager, Department of Transport and Planning  Public Transport Division |
| Reporting Period | December 2023 – December 2024 |
| Date of Preparation of the Report | March 2024 |

* 1. **Declaration**

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| **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 A black signature on a white background  Full name: Robin Weston  Position: Network Environment Manager  Organisation: Department of Transport and Planning 69 981 208 782  Date: 27/03/2024 |
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1. **Description of Activities**

The South Morang Rail Extension Project (SMREP) was located in the outer northern suburbs of Melbourne and included

the construction of three and a half kilometres of dual track between Epping and a new South Morang railway station,

in an existing but disused rail corridor. Epping Station was upgraded and a new premium station built at South Morang

with an associated bus interchange and car park. Concurrent to this activity, the existing single-track railway between

Keon Park and Epping was duplicated.

The action commenced in October 2010, and construction activities were completed in time for passenger rail services to

commence in 2012.

Translocation of salvaged Matted Flax-lily plants occurred in 2010, with translocation occurring into four recipient sites as per the translocation plan approved for the project. Since translocated planting occurred, monitoring has confirmed success rates for the 10-year period of monitoring.

The receptor sites are now managed by the relevant parties as agreed within the translocation plan. Receptors sites 1-3 are being managed by Parks Victoria and receptor site 4 is managed on an ongoing basis by VicTrack on Behalf of the Department of Transport and Planning (DTP). Annual monitoring and improvement activities are funded by DTP and an annual works summary report can be located on the DTP website for information purposes.

In 2017, a 0.82 ha section of the SMGEW was cleared for the Mernda Rail Extension Project (MREP). The Victorian Government project is being delivered by the Level Crossing Removal Authority (LXRA), who gained approval for the project under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) via a new approval for the MREP (EPBC 2016/7674) and an amendment to the existing approval for the South Morang Rail Extension Project (EPBC 2010/5313).

As the approval for the South Morang Rail Extension Project protected the SMGEW, the MREP was required to ‘offset the offset’ to be consistent with the Department of Environment and Energy’s (DoEE) offset policy. Effectively the to gain an amendment to approval (EPBC 2010/5333) for the MREP, the offset required the impact of 0.82 ha of the nationally listed woodland in the site to be doubled, and the *South Morang Grassy Eucalypt Woodland Management Plan* (SMREP 2017) to be updated to reflect the changes to the site.

The remnant patch of Grassy Eucalypt Woodland of the Victorian Volcanic Plain was offset in 2019 in line with the approved Offset Management Plan prepared by Ecology and Heritage Partners (OMP 2019). Trust for Nature continues to manage the offset site in coordination with the Brian Ruschmeyer (the owner) and has provided the annual monitoring inspection report prepared by Wildlife & Ecology. For full details of 2023/24 actions required under the Offset management see ***Wildlife Ecology Offset Site*** ***Year Four Report April 2024*** as prepared by Ecology & Heritage Partners of Behalf of Trust for Nature.

Commitments regarding the offset of the Grassy Eucalypt woodland are ongoing in accordance with the OMP 2019 and are secured between Ruschmeyer Nominees Pty Ltd and Trust for Nature Victoria under the Deed of Covenant AT072092A as of the 11th of March 2020.

1. **Condition of Approval**

**3.1 Compliance with approval conditions**

The approval conditions are addressed in the Compliance Table in Appendix 4.1 Annual Compliance Table.

Compliance with each of the conditions is designated as either 'Compliant', 'Non-compliant' or 'Not applicable', with

the meanings of these terms set out below:

• **'Compliant'** - A designation of ‘Compliant' is used 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-compliant’ is used 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' is used where the requirements of a condition or elements of

a condition falls outside of the scope of the reporting period. For example, a condition which applies to an activity

that has not yet commenced.

**3.2 New Environmental Risks**

No new environmental risks have emerged in 2024

1. **Appendix**

4.1 Annual Compliance Table 2024

Appendix

4.1 Annual Compliance Table 2024

Table 2: Annual Compliance Table

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| Condition Number/ reference  e.g., ‘3(c)’ | Condition  Include the complete wording of the condition, and/or sub-condition that is being addressed | Is the project compliant with this condition?  Compliant or Non‑Compliant or  Not applicable | Evidence/Comments  Evidence to support claims regarding compliance or non-compliance |
| 1 | To protect the **matted flax-lily** and **grassy eucalypt woodland ecological community**, the person  taking the action must ensure that **construction** occurs only within the ‘EPBC Referral Area’ as  designated on Sheets 1 to 5 at Attachment 1. **Construction** must not be undertaken within the  ‘GEWVVP No-Go Zone’ or ‘Receptor Site 4’ as designated on Sheet 5 at Attachment | Not Applicable | Construction activities on the project ceased prior to 2024. |
| 2 | To manage the impacts of the action on **matted flax-lily** and **grassy eucalypt woodland ecological**  **community**, the person taking the action must implement the **MNES Plan** and **Translocation Plan**. | Not Applicable | Construction activities on the project ceased prior to 2024. |
| 3 | Within seven (7) business days of **construction** commencing, the person taking the action must  advise the **Department** in writing of the actual date of commencement. | Not Applicable | Construction activities on the project ceased prior to 2024. |
| 4 | Revoked | Not Applicable | Not Applicable |
| 5 | By 31 January of each year after the date of approval, the person taking the action must publish a report on their website addressing compliance with the conditions of approval, over the preceding calendar year, including implementation of any plans as specified in the conditions.  The person taking the action must provide the **Department** with evidence of publication on the same day the report is published. The person taking the action must continue to meet the requirements of this condition until such time as agreed to in writing by the **Minister**. | Non-Compliant | The Annual Compliance Report for 2024 was not published by the 31st of January 2025.  This document (the annual compliance report for 2024) has now been published on the DTP reporting website rectifying this non-compliance. |
| 6. | Revoked | Not Applicable | Not Applicable |
| 7. | Revoked | Not Applicable | Not Applicable |
| 8. | The person taking the action must maintain accurate records substantiating all activities associated  with or relevant to the conditions of approval, including measures taken to implement the plans  required by this approval and make them available upon request to the **Department**. | Compliant | Reports from 2024 ecological activities have been maintained by DTP and can be located on the DTP website. |
| 9. | The person taking the action must notify the **Department** within seven (7) business days of first  becoming aware of potential non-compliance with a condition of the approval. The notification must  include details of the potential non-compliance as well as any remediation activities that have been  undertaken. | Compliant | A Non-compliance regarding publishing of all plans on the DTP website related to the approval was notified to DCCEEW within 7-day notice period.  Rectification: All required plans and reports were sought from various government agencies involved in South Morang Rail Project and published on the DTP website in April 2025. |
| 10. | The person taking the action may choose to revise a plan approved by the **Minister** under conditions 2, 13 and 14 without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the action in accordance with the revised plan would not be likely to have a **new or increased impact**.  If the person taking the action makes this choice they must:  a) notify the **Department** in writing that the approved plan has been revised and provide the **Department**, at least four weeks before implementing the revised plan, with:  i. with an electronic copy of the revised plan;  ii. an explanation of the differences between the revised plan and the approved plan;  and  iii. the reasons the person taking the action considers that the taking of the action in accordance with the revised plan would not be likely to have a **new or increased impact**. | Not applicable | No revision of approved plans occurred in 2024. |
| 10.a | The person taking the action may revoke its choice under condition 10 at any time by giving written notice to the **Department**. If the person taking the action revokes the choice to implement the revised plan, without approval under section 143A of the **EPBC Act**, the plan approved by the **Minister** must be implemented. | Not applicable | No revision of approved plans occurred in 2024. |
| 10.b | 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 would be likely to have a new or increased impact, then:  i. condition 10 does not apply, or ceases to apply, in relation to the revised plan; and  ii. the person taking the action must implement the plan approved by the Minister.  To avoid any doubt, this condition does not affect any operation of conditions 10 and 10A in the period before the day the notice is given.  At the time of giving the notice, the Minister may also notify that for a specified period of time  condition 10 does not apply for the plan required under the approval. | Not applicable | No revision of approved plans occurred in 2024. |
| 11. | Conditions 10, 10A and 10B 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 to the Minister for approval. | Not applicable | No revision of approved plans occurred in 2024. |
| 12. | To compensate for the loss of 0.82 hectares of grassy eucalypt woodland ecological community, designated as ‘GEWVVP: To be Removed’ on Sheet 5 of Attachment 1, by 30 September 2018 the person taking the action must secure the tenure of an offset area through an agreement to secure and manage offset. | Compliant | Offset was secured jointly for 2010/5313 and 2016/7674 at 60 Watts Road Yan Yean Victoria. Information relating to the offset site and annual summary reports can be found on the DTP website under 2016/7674 Mernda Rail Project. |
| 13. | To provide for the conservation and enhancement of the grassy eucalypt woodland ecological community within the offset area, the person taking the action must prepare an Offset Management Plan. The Offset Management Plan must be consistent with the Department’s Environmental Management Plan Guidelines and include, but not be limited to:  **i.** Baseline data and other supporting evidence that documents the baseline quality of the grassy eucalypt woodland ecological community within the offset area and the ‘GEWVVP: To be Removed’ on Sheet 5 of Attachment 1  **ii.** A map and description of the offset area and surrounding land uses  **iii**. Key performance indicators and timeframes for implementation of specific management actions to improve the condition of the grassy eucalypt woodland ecological community within the offset area. Management actions should include but not be limited to control of weed and pest species, control of access to the protected land, revegetation, strategic fire and grazing management;  **iv.** The nature, timing and frequency of monitoring to determine the success of management actions and attainment of future condition;  **v.** Evidence that all relevant conservation advices, recovery plans and/or threat abatement plans have been considered in formulating the plan;  **vi**. Corrective actions that may be implemented in the event monitoring activities indicate future condition objectives are not being achieved. The appropriateness and effectiveness of corrective actions must be demonstrated;  **vii.** The roles and responsibilities for implementing the monitoring, management and corrective  actions; and  **viii.** Provisions and measures to ensure that actions taken to conserve, manage and protect the grassy eucalypt woodland ecological community has no detrimental impact on the habitat and populations of other listed threatened species and ecological communities that are at the offset area.  The Offset Management Plan must be approved by the Minister in writing prior to executing the covenant over the offset area. | Compliant | The Offset Management Plan (covering 1.64 hectares of offset 0.82 from 2010/5313 and 0.82 from 2016/7674) can be found on the DTP website under 2016/7674 Mernda Rail Project. The plan was approved on behalf of the Minister in 2019.  The offset site is subject to ongoing annual compliance reporting under 2016/7674 and is due in spring 2025 to undergo an independent audit carried out on behalf of DTP. |
| 14. | To offset the impacts of the action on 52 matted flax-lily individuals, designated as ‘Matted Flax-lily to be translocated’ on Sheet 5 of Attachment 1, the person taking the action must translocate the matted flax-lily individuals in accordance with the Salvage and Translocation Plan. | Compliant | 52 Matted Flax Lilies were translocated in compliance with the South Morang Rail Extension Project – Matted Flax Lily Translocation Plan in 2010.  The Translocation plan can be found on DTP website under 2010/5313 South Morang. |
| 15. | Unless otherwise agreed to in writing by the Minister, the person taking the action must publish the approved plan on its website. The plan must be published on the website within one (1) month of being approved by the Minister or being submitted under condition 10. The published plan must remain on the website for the lifetime of the approval unless otherwise agreed to in writing by the Minister. | Non-compliant | The plan is available on the DTP website, but it is to be noted that DTP was notified of a non-compliance in regard to the availability of the Translocation plan. See approval condition 9 above.  This issue was rectified in April 2025. |