

EPBC: 2012/6392 ANNUAL COMPLIANCE STATEMENT FOR PERIOD ENDING 31 JANUARY 2023

In accordance with condition 14 of approval EPBC: 2012/6392 TasRail is required to publish on its website by the 31st of January each year a report addressing permit compliance for the preceding 12-month period. The following is a compliance report for the period ending 31 January 2023.

TasRail continue to work constructively with the Department of Climate Change, Energy, the Environment and Water (The Department) to formally extend the initial permit period, with the view to obtaining full compliance.

Permit condition	Compliance status
<p>1. Project activities must be limited to the 'Project Area' identified in the map at Appendix 1.</p>	<ul style="list-style-type: none"> An evidence report compiled by TasRail and submitted to The Department in May 2022 confirmed works were limited to the 'Project Area' and compliance with this condition.
<p>2. To minimise impacts to the Central North Burrowing Crayfish, the person taking the action must:</p> <ol style="list-style-type: none"> implement the Ecological Assessment Report contained in the final preliminary documentation; only undertake construction when a qualified ecologist is present; and undertake excavation, salvage and translocation of Central North Burrowing Crayfish in accordance with the <i>Standard Operating Procedure: Engaeus granulatus translocation</i> contained in the Ecological Assessment Report. 	<ul style="list-style-type: none"> An evidence report compiled by TasRail in May 2022 and submitted to The Department included supporting documentation demonstrating compliance with this condition.
<p>3. Prior to the commencement of construction, the person taking the action must induct all staff working at the Spreyton Concrete Sleeper Replacement Program on the Central North Burrowing Crayfish. The session must be delivered by a qualified ecologist and at a minimum, must cover:</p> <ol style="list-style-type: none"> details of Central North Burrowing Crayfish habitat and behaviour relevant to the Spreyton Concrete Sleeper Replacement Program site; a description of the Central North Burrowing Crayfish including its conservation status and the reason for mitigation measures and practices; and stop work procedures when Central North Burrowing Crayfish individuals are identified during construction activities. 	<ul style="list-style-type: none"> An evidence report compiled by TasRail in May 2022 and submitted to the Department included supporting documentation demonstrating compliance with induction requirements.

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<p>4. The person taking the action must achieve within two years of construction an estimated Central North Burrowing Crayfish population (by burrow count) of no less than 90% of the estimated September 2012 population (by burrow count) as reported in the Ecological Assessment Report.</p>	<ul style="list-style-type: none"> • CNBC still exist within the project area with population levels having stabilized, but at a level below the required 90% recovery rate (by burrow count) so are not presently compliant with this condition. • TasRail have formally requested to undertake compensatory measures and continue to proactively work with the Department to scope then implement acceptable compensatory measures.
<p>5. A qualified ecologist must conduct progressive monitoring during construction and, within one month of the end of construction report to the department on the number of Central North Burrowing Crayfish:</p> <ol style="list-style-type: none"> salvaged alive; found dead; and successfully inhabiting translocation holes. 	<ul style="list-style-type: none"> • Supporting documentation demonstrates compliance with this condition.
<p>6. In accordance with the Ecological Assessment Report, a qualified ecologist must monitor and prepare a report for the department at one month, six months, twelve months, twenty-four months and five years after construction is complete. Each report must include an analysis of the post-construction population against the estimated September 2012 population.</p>	<ul style="list-style-type: none"> • An evidence report compiled by TasRail in May 2022 and submitted to the Department included supporting documentation demonstrating compliance with this condition.
<p>7. The twenty-four month report required in condition 6 must also include an assessment of whether the post-construction population is at least 90% of the estimated September 2012 population (by burrow count). If the 90% recovery target is not achieved, the person taking the action must undertake the compensatory measures identified in condition 8.</p>	<ul style="list-style-type: none"> • An evidence report compiled by TasRail in May 2022 and submitted to DAWE included supporting documentation demonstrating compliance with this condition from a reporting perspective. • Since completion of the 24-month report, ongoing monitoring by ecologists confirmed that CNBC still exist within the project area with population levels having stabilized, but at a level below the required 90% recovery rate (by burrow count). • TasRail are therefore not presently compliant with the condition and have therefore requested to undertake compensatory measures and continue to proactively work with Department to scope, then implement acceptable compensatory measures.

<p>8. If at twenty-four months after completion of construction, the estimated Central North Burrowing Crayfish population (by burrow count) is less than 90% of the estimated September 2012 population (by burrow count), compensatory measures must be implemented. Within six months of the completion of the twenty-four month report, the person taking the action must submit to the department a Rehabilitation Plan prepared in consultation with a qualified ecologist. The Rehabilitation Plan must be approved by the Minister. The approved Rehabilitation Plan must be implemented. At a minimum, the Rehabilitation Plan must:</p> <ol style="list-style-type: none"> a. include commitments to rehabilitate Central North Burrowing Crayfish habitat within drainage lines at the proposed action site. Rehabilitation must achieve or exceed the condition of habitat prior to construction; b. include details of and commitments to rehabilitate Central North Burrowing Crayfish habitat at one other appropriate site. The location of the site must be agreed to in writing by the department. The plan must include baseline population information at the proposed site and quantify the benefit rehabilitation will provide the population at this site. The plan must also specify the nature, extent, timeframes and cost of rehabilitation works and must specify appropriate monitoring measures for the ongoing success of the rehabilitated site. The plan must also include commitments to protect the site in perpetuity. c. be consistent with <i>Environment Protection and Biodiversity Conservation Act 1999</i> Approved Conservation Advice for <i>Engaeus granulatus</i> (Central North Burrowing Crayfish) and include details of how rehabilitation activities will reduce threatening processes such as changes to hydrology, trampling by livestock and weed invasion. 	<ul style="list-style-type: none"> • TasRail has acted in accordance with the advice provided by Ecologist consultants and the directions provided by the Department in relation to this condition. • TasRail have commenced reviewing potential offset options and other compensatory measures that will positively contribute to the conservation of CNBC. • TasRail will continue to consult and work with the Department about an acceptable resolution using one, or both mechanisms.
<p>9. Any offset required by condition 8 must be consistent with the department's Environmental Offset Policy active at the time the Rehabilitation Plan is provided to the department for approval.</p>	<ul style="list-style-type: none"> • See comments regarding conditions 4 and 8 above.

<p>10. During construction the proponent must maintain accurate records, including:</p> <ol style="list-style-type: none"> The number of burrows impacted or destroyed by construction activities; The number of individual <i>Engaeus granulatus</i> exhumed (alive and dead) by construction activities. <p>Note: These records may be considered by the department in determining whether an offset proposed under condition 8 is acceptable and appropriate.</p>	<ul style="list-style-type: none"> An evidence report compiled by TasRail in May 2022 and submitted to the Department included supporting documentation demonstrating compliance with this condition.
<p>11. Records required by condition 10 must be provided the department within one week of the completion of construction.</p>	<ul style="list-style-type: none"> Through our searches TasRail has not identified any correspondence (such as correspondence from the Department) which suggests this requirement was not complied with at the time. TasRail can confirm the information was supplied as part of the March 2013 report.
<p>12. Within two days of the commencement of construction, the person taking the action must advise the department in writing of the actual date of commencement.</p>	<ul style="list-style-type: none"> Through our searches to date, we have not identified any evidence (such as correspondence from the Department) which suggests this requirement was not complied with at the time.
<p>13. 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 management plan/s required by this approval, and make them available upon request to the department. Such records may be subject to audit by the department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the department's website. The results of audits may also be publicised through the general media.</p>	<ul style="list-style-type: none"> An evidence report compiled by TasRail in May 2022 and submitted to the Department included supporting documentation demonstrating compliance with this condition.
<p>14. By 31 January of each year after the commencement of construction, the person taking the action must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any management plans as specified in the conditions. Non-compliance with any of the conditions of this approval must be reported to the department at the same time as the compliance report is published.</p>	<ul style="list-style-type: none"> An evidence report compiled by TasRail in May 2022 and submitted to the Department acknowledged that while initially maintained, TasRail were no longer compliant with this administrative requirement. The publication of this annual compliance statement resolves this non-conformance and will be maintained in compliance.

15. If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plans as specified in the conditions, the person taking the action must submit to the department for the **Minister's** written approval a revised version of that management plan/s. The varied activity shall not commence until the **Minister** has approved the varied management plan/s in writing. The **Minister** will not approve a varied management plan/s unless the revised management plan/s would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised management plan/s, that management plan/s must be implemented in place of the management plan/s originally approved.

- TasRail has not sought to carry out any activity otherwise than in accordance with the management plans specified in the conditions. TasRail are therefore compliant with this condition.