

Regional Rail Revival Gippsland Line Upgrade

RAIL PROJECTS VICTORIA

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2019/8563) COMPLIANCE REPORT 2022 - 2023

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This document should be read in full and no excerpts are to be taken as representative of the findings.

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Glossary & Abbreviations

TERM / ABBREVIATION	DESCRIPTION
2022 – 2023 reporting period	Relating to the second 12-month period following commencement of the action, which includes the reporting period between 16 November 2022 and 15 November 2023
AJM JV	Aurecon Jacobs Mott Macdonald Joint Venture
Action area	As defined in EPBC Act 2019/8563 Approval
Approval holder	Rail Projects Victoria acting on behalf of Department of Transport
Big Build	Victoria's Big Build Website
Compliant	The requirements of the condition have been carried out
CSR	Combined Services Route
CTA	Credit Trading Agreement
DDA	<i>Disability Discrimination Act 1992</i>
DoT	Victoria's Department of Transport
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
GLU	Gippsland Line Upgrade
MNES	Matters of National Environmental Significance
Not applicable	The requirements of conditions were not triggered during the reporting period or were no longer applicable to the reporting period
Offset site owner	Deep Lead Pty Ltd trading as Bush Blocks
OMP	Offset Management Plan
the department	Commonwealth Department of Climate Change, Energy, the Environment and Water
the Project	Upgrade to the railway corridor of the Gippsland Line between Pakenham and Longwarry, Victoria
Project Owner	Rail Projects Victoria acting on behalf of Department of Transport
RPV	Rail Projects Victoria, acting on behalf of Victoria's Department of Transport
RRR	Regional Rail Revival
SBB	Southern Brown Bandicoot
TfN	Trust for Nature

1. Executive Summary

The approval of the Gippsland Line Upgrade Corridor Works – Pakenham to Longwarry East referral (EPBC 2019/8563) was issued to Victoria’s Department of Transport (DoT) on the 25 June 2021 to upgrade the railway corridor of the Gippsland Line between Pakenham and Longwarry, Victoria (herein referred to as ‘the Project’).

In accordance with Condition 11 of the EPBC Act approval (EPBC 2019/8563); within 60 days of every 12-month anniversary of the commencement of construction (15 November 2021), DoT must publish a report on the Victoria’s Big Build website addressing compliance with each of the conditions of this approval, including implementation of the conditions under the EPBC Act set out in Annexure A of the Approval Decision notice.

This compliance report addresses the current status of the Project against the conditions for approval of the EPBC Act referral 2019/8563 for the activities carried out between 16 November 2022 and 15 November 2023. This is the second report prepared under the EPBC Act approval 2019/8563 for this Project.

Works conducted during the 2022 – 2023 reporting period are compliant with applicable conditions of EPBC approval 2019/8563.

2. Introduction

2.1 Overview

As part of the Victorian Regional Rail Revival program, the Gippsland Line Upgrade is upgrading the rail line servicing the Gippsland region of eastern Victoria. Rail Projects Victoria (RPV) on behalf of the State Government of Victoria is responsible for the planning and implementation of the upgrade. The Gippsland Line Upgrade will enable extra services on the Gippsland line and improve safety for motorists and trains at level crossings. Construction of the action commenced in 2021.

The upgrade works to the railway corridor of the Gippsland Line between Pakenham and Longwarry, Victoria (i.e. the Project) include:

- Sections of track duplication at Bunyip and Longwarry Stations.
- Upgrades to train control systems along the line and at level crossing locations between Pakenham and Longwarry East.
- Second platform and station amenity works at Bunyip Station and Longwarry stations.
- Level crossing upgrades from Pakenham to Longwarry East.

The Action Area spans approximately 25 kilometres along the Gippsland railway corridor located within the municipalities of Baw Baw Shire Council and Cardinia Shire Council. An overview map of the Project area has been provided in Appendix A.

2.2 Purpose

The purpose of this document is to demonstrate compliance with the conditions of the EPBC approval for the Project (EPBC 2019/8563) and to satisfy Condition 11 of that approval, which states:

The approval holder must prepare a compliance report addressing each condition of this approval for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must publish each compliance report on the website within 60 business days following the relevant 12 month period, notify the department by email that a compliance report has been published on the website and provide the weblink for the compliance report within 5 business days of the date of publication, keep all compliance reports publicly available on the website until this approval expires, exclude or redact sensitive ecological data from compliance reports published on the website, where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the department within 5 business days of publication.

This compliance report covers the reporting period between 16 November 2022 and 15 November 2023 (herein referred to as the '2022 – 2023 reporting period') in respect of EPBC Approval 2019/8563: Gippsland Line Upgrade, Corridor Works – Pakenham to Longwarry East, Victoria issued to the Department of Transport on 25 June 2021.

The key dates that related to the approval are detailed in Table 2.1.

TABLE 2.1 KEY EPBC ACT APPROVAL DATES

ACTION	DATE
Commonwealth approval granted	25 June 2021
Commencement of action	15 November 2021
24-month anniversary from the start of the action	15 November 2023

ACTION	DATE
Publication date for second compliance report (60 business days from anniversary of commencement of the action)	13 February 2024
Notify the department of compliance report publication (5 business days from the publication date)	20 February 2024

3. Works conducted

Works undertaken in the Action Area during the 2022 – 2023 reporting period include:

- Rail control system upgrades, including upgrades to signalling, communications and Train Control System (TCS) associated with the below works.
- Level crossing and pedestrian crossing upgrades including enhancing train detection on applicable crossings with the introduction of electronic wheel sensors or axle counter upgrades.
- Station upgrades at:
 - » Bunyip Station including:
 - construction of a new platform
 - inclusion of *Disability Discrimination Act 1992* (DDA) carparks
 - modification to existing access paths
 - modification of pedestrian crossing
 - » Longwarry Station including:
 - construction of a new platform
 - inclusion of DDA carparks
 - modification of pedestrian access
 - » Morwell Station including:
 - construction of a new platform
 - inclusion of DDA carparks
 - modification of pedestrian access
 - » Traralgon Station including:
 - reinstatement of the existing platform
 - construction of an offset carpark
 - inclusion of DDA carparks
 - modification of pedestrian access
 - new pedestrian overpass with stairs and lifts.
- Modification of existing stabling facilities at Traralgon Yard, including:
 - » Removal of Annett locks and automation of turnouts
 - » Alteration of existing access through siding roads.
- Track & Civil works, including:
 - » Duplication at Bunyip and Longwarry
 - » Extension of the Morwell Road 2 towards Traralgon, including turnout upgrades
 - » Modification to existing track within Traralgon Yard.

4. Approval Conditions Compliance Table

A summary of compliance with EPBC Act approval (EPBC 2019/8533) conditions has been provided in Table 4.1.

TABLE 4.1 CONDITIONS AND DEMONSTRATION OF COMPLIANCE FOR THE 2022 – 2023 REPORTING PERIOD

CONDITION NO.	APPROVAL CONDITION	IS THE PROJECT COMPLIANT WITH THIS CONDITION?	EVIDENCE / COMMENTS	APPENDICES
1	The approval holder must not: <ul style="list-style-type: none"> Clear more than 0.901 ha of Southern Brown Bandicoot habitat in the action area. 	Compliant	Construction of the Gippsland Line Upgrade, Corridor Works – Pakenham to Longwarry East commenced in November 2021, and it is currently still in progress. The Project has, as of 8 December 2023, cleared a cumulative total of 0.862 ha of Southern Brown Bandicoot habitat of the 0.901 ha allowed in this condition. The Project is therefore compliant with this condition.	Appendix B: Ecological impact assessment (refer to Table 4).
	<ul style="list-style-type: none"> Clear any Southern Brown Bandicoot habitat outside the action area. 	Compliant	No clearing outside the action area has occurred within the 2022 – 2023 reporting period. The Project is therefore compliant with this condition.	Appendix B: Ecological impact assessment (refer to Appendix A.2).
2	The approval holder must: <ul style="list-style-type: none"> Install culverts in areas where the rail line will be duplicated. 	Compliant	The rail track is being duplicated at Bunyip (expected completion May 2024) between: <ul style="list-style-type: none"> CH 76550 – CH 77200 CH 78300 – CH 79635. The rail track has been duplicated at Longwarry (expected completion May 2024) between: <ul style="list-style-type: none"> CH 85880 – CH 84180. Culvert's has been installed within duplication works areas at: <ul style="list-style-type: none"> CH 79450 CH 83200. The Project is therefore compliant with this condition.	Appendix C: Bunyip culvert as-built drawing. Appendix D: Longwarry culvert as-built drawing. Appendix E: Bunyip and Longwarry culvert photo evidence.

CONDITION NO.	APPROVAL CONDITION	IS THE PROJECT COMPLIANT WITH THIS CONDITION?	EVIDENCE / COMMENTS	APPENDICES
	<p>The approval holder must not:</p> <ul style="list-style-type: none"> Commence construction unless a plan specifying the number and locations of culverts to be installed has been approved in writing by the Minister. 	Compliant	<p>A Southern Brown Bandicoot Culvert Construction Plan (dated 7 October 2021) was submitted to the department on the 16 August 2021.</p> <p>A response letter from the department approving the Southern Brown Bandicoot Culvert Plan (dated 7 October 2021) was issued to RPV on the 1 November 2021.</p> <p>The Project is therefore compliant with this condition.</p>	<p>Appendix F: Southern Brown Bandicoot culvert plan.</p> <p>Appendix G: Culvert plan approval letter.</p>
3	<p>Within twelve months of the commencement of the action, the approval holder must secure the offset area.</p>	Compliant	<p>A Letter of Understanding between RPV and the offset site owner (Deep Lead Property, trading as Bush Blocks) was signed for securing the proposed offset site: 'Loch Sport' on the 8 August 2021.</p> <p>Following endorsement from the department in reference to the suitability of the proposed offset site, a Trust for Nature Covenant under the <i>Victorian Conservation Trust Act 1972</i> (Vic) Credit Trade Agreement (CTA) was executed on the 26 October 2022.</p> <p>The Project is therefore compliant with this condition.</p>	<p>Appendix H: Letter of understanding between RPV and offset site owner.</p> <p>Appendix I: Executed credit trade agreement.</p>
4	<p>Within 10 business days of the offset area being secured, the approval holder must provide the department with:</p> <ul style="list-style-type: none"> Written evidence demonstrating that the offset area has been secured. 	Compliant	<p>Evidence was issued (via email) to the department on the 9 November 2022, 1 business day after the offset was secured notifying the department that the offset area had been secured.</p> <p>The Project is therefore compliant with this condition.</p>	<p>Appendix J: Notification offset has been secured.</p>
	<ul style="list-style-type: none"> Shapefiles and the offset attributes for the offset area. 	Compliant	<p>Shapefiles including offset attributes were submitted to the department via email on the 9 November 2022, 1 business day after the offset was secured.</p> <p>The Project is therefore compliant with this condition.</p>	<p>Appendix J: Notification offset has been secured.</p>
5	<p>The approval holder must:</p> <ul style="list-style-type: none"> Commence implementing the Offset Management Plan for the offset area prior to the commencement of the action. 	Compliant	<p>The offset site has been managed continuously since July 2020. Management actions as per the Southern Brown Bandicoot Offset Management Plan have been completed during the 2022 – 2023 reporting period.</p> <p>The Project is therefore compliant with this condition.</p>	<p>Appendix K: Landowner management actions.</p>
	<ul style="list-style-type: none"> Continue to implement the Offset Management Plan for the duration of the approval. 	Compliant	<p>The offset site has been managed continuously since July 2020. Management actions as per the Southern Brown Bandicoot Offset Management Plan have been completed during the 2022 – 2023 reporting period.</p> <p>The Project is therefore compliant with this condition.</p>	<p>Appendix K: Landowner management actions.</p>

CONDITION NO.	APPROVAL CONDITION	IS THE PROJECT COMPLIANT WITH THIS CONDITION?	EVIDENCE / COMMENTS	APPENDICES
6	The approval holder must notify the department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.	Compliant	Notice of commencement of construction works was provided to the the department on the 15 November 2021. The the department confirmed commencement of the action in correspondence to RPV on the 16 November 2021. The Project is therefore compliant with this condition.	Appendix L: Notification from the department acknowledging commencement of the Action.
7	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.	Compliant	The Action commenced on the 15 November 2021, within 5 years from the date of approval (25 June 2021).	Not Applicable
8	The approval holder must maintain accurate and complete compliance records.	Compliant	RPV are maintaining compliance records in accordance with this condition.	Not Applicable
9	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.	Compliant	No requests have been received from the department.	Not Applicable
10	The approval holder must keep the Offset Management Plan published on the website until the end date of this approval.	Compliant	The Southern Brown Bandicoot Offset Management Plan was published in June 2021 and continues to be available on the Big Build website: RRR-GLU-Protecting-the-Southern-Brown-Bandicoot-Offset-Management-Plan.pdf (bigbuild.vic.gov.au). The Project is therefore compliant with this condition.	Not Applicable
11	The approval holder must prepare a compliance report addressing each condition of this approval for each 12-month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:	Compliant	The Annual EPBC Act Approval (EPBC 2019/8563) Compliance Report 2021 – 2022 was published on the Big Build website (GCU - Annual EPBC ACT Approval - (EPBC 2019/8563) Compliance Report 2021-2022 (bigbuild.vic.gov.au) on 9 February 2023, 60 business days after the 15 November 2022 (the relevant 12-month period). The Project is therefore compliant with this condition.	Refer to GCU - Annual EPBC ACT Approval - (EPBC 2019/8563) Compliance Report 2021-2022 (bigbuild.vic.gov.au)
	a) Publish each compliance report on the website within 60 business days following the relevant 12-month period.	Compliant	The department was notified (via email) that the compliance report had been published on 13 February 2023, two business days after the compliance report was published on the website. The Project is therefore compliant with this condition.	Appendix M: Electronic notification to the department of published compliance report.
	b) Notify the department by email that a compliance report has been published on the website and provide the weblink for the compliance report within 5 business days of the date of publication.	Compliant	The Annual EPBC Act Approval (EPBC 2019/8563) Compliance Report 2021 – 2022 continues to remain publicly available on the website at GCU - Annual EPBC ACT Approval - (EPBC 2019/8563) Compliance Report 2021-2022 (bigbuild.vic.gov.au). The Project is therefore compliant with this condition.	Not Applicable
c) Keep all compliance reports publicly available on the website until this approval expires.	Compliant	The Annual EPBC Act Approval (EPBC 2019/8563) Compliance Report 2021 – 2022 continues to remain publicly available on the website at GCU - Annual EPBC ACT Approval - (EPBC 2019/8563) Compliance Report 2021-2022 (bigbuild.vic.gov.au). The Project is therefore compliant with this condition.	Not Applicable	

CONDITION NO.	APPROVAL CONDITION	IS THE PROJECT COMPLIANT WITH THIS CONDITION?	EVIDENCE / COMMENTS	APPENDICES
	d) Exclude or redact sensitive ecological data from compliance reports published on the website.	Compliant	The compliance report published on the Big Build website has redacted sensitive ecological data (see GCU - Annual EPBC ACT Approval - (EPBC 2019/8563) Compliance Report 2021-2022 (bigbuild.vic.gov.au)). The Project is therefore compliant with this condition.	Not Applicable
	e) Where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the department within 5 business days of publication.	Compliant	A non-redacted version of the annual EPBC Act Approval (EPBC 2019/8563) Compliance Report 2021 – 2022 was issued (via email) to the department on 13 February 2023, two business days after the compliance report was published on the Big Build website. The Project is therefore compliant with this condition.	Appendix N: Electronic notification to the department with non-redacted version of the compliance report.
12	The approval holder must notify the department in writing of any: incident ¹ ; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than 2 business days after becoming aware of the incident or non-compliance. The notification must specify: a) Any condition which is or may be in breach.	Compliant	No incident, non-conformances with the conditions and commitments made in the Offset Management Plan were recorded during the 2022 – 2023 reporting period for notification to the department.	Not Applicable
	b) A short description of the incident and/or non-compliance.	Compliant	No incident, non-conformances with the conditions and commitments made in the OMP were recorded during the 2022 – 2023 reporting period for notification to the department.	Not Applicable
	c) The location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.	Compliant	No incident, non-conformances with the conditions and commitments made in the OMP were recorded during the 2022 – 2023 reporting period for notification to the department.	Not Applicable
13	The approval holder must provide to the department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying: a) Any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future.	Compliant	No incident or non-compliance with the conditions or commitments made in the plans were recorded during the 2022 – 2023 reporting period for notification to the department.	Not Applicable
	b) The potential impacts of the incident or non-compliance.	Compliant	No incident or non-compliance with the conditions or commitments made in the plans were recorded during the 2022 – 2023 reporting period for notification to the department.	Not Applicable

¹ As per referral decision definition: **Incident** means any event which has the potential to, or does, impact on one or more **protected matter(s)** other than as authorised by this approval.

CONDITION NO.	APPROVAL CONDITION	IS THE PROJECT COMPLIANT WITH THIS CONDITION?	EVIDENCE / COMMENTS	APPENDICES
	c) The method and timing of any remedial action that will be undertaken by the approval holder.	Compliant	No incident or non-compliance with the conditions or commitments made in the plans were recorded during the 2022 – 2023 reporting period for notification to the department.	Not Applicable
	d) The measures put in place to prevent a reoccurrence of the incident of non-compliance.	Compliant	No incident or non-compliance with the conditions or commitments made in the plans were recorded during the 2022 – 2023 reporting period for notification to the department.	Not Applicable
14	The approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted for the 36 month period starting from the commencement of the action, and thereafter that an independent audit of compliance with the conditions of approval is conducted when requested by the Minister.	Compliant	The 36-month period since commencing the action (15 November 2021) has not lapsed.	Not Applicable
15	For each independent audit, the approval holder must:	Compliant	No independent audit was carried out during the 2022 – 2023 reporting period and no requests have been received from the department. The 36-month period since commencing the action (15 November 2021) has not lapsed.	Not Applicable
	a) Provide the name and qualifications of the proposed independent auditor and the draft audit criteria to the department before the end of the subject time period.	Compliant	No independent audit was carried out during the 2022 – 2023 reporting period and no requests have been received from the department. The 36-month period since commencing the action (15 November 2021) has not lapsed.	Not Applicable
	b) Only commence the independent audit once the audit criteria and auditor have been approved in writing by the department.	Compliant	No independent audit was carried out during the 2022 – 2023 reporting period and no requests have been received from the department. The 36-month period since commencing the action (15 November 2021) has not lapsed.	Not Applicable
	c) Submit an audit report to the department within the timeframe specified in the approved audit criteria.	Compliant	No independent audit was carried out during the 2022 – 2023 reporting period and no requests have been received from the department. The 36-month period since commencing the action (15 November 2021) has not lapsed.	Not Applicable
16	The approval holder must publish the audit report on the website within 10 business days of receiving the department's approval of the audit report and keep the audit report published on the website until the end date of this approval.	Compliant	No independent audit was carried out during the 2022 – 2023 reporting period and no requests have been received from the department.	Not Applicable
17	Within 30 business days after whichever is the earlier of the completion of the action or 60 business days before the end date of the period for which the approval has effect The approval holder must notify the department in writing of the date of the completion of the action and submit all completion data to the department.	Compliant	Construction of the Gippsland Line Upgrade – Pakenham to Longwarry is currently still in progress. Following completion, notification will be provided to the department as per the condition.	Not Applicable

Appendix A

Project Area Overview



Appendix B

Ecological Impact Assessment



Appendix C

Bunyip Culvert As-Built Drawing



Appendix D

Longwarry Culvert As-Built Drawing



Appendix E

Bunyip and Longwarry Culvert Photo Evidence



Appendix F

Southern Brown Bandicoot Culvert Plan



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