

EPBC: 2012/6392 ANNUAL COMPLIANCE STATEMENT FOR PERIOD ENDING 31 JANUARY 2025

In accordance with condition fourteen (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 2024.

On 03 January 2024, the Department of Climate Change, Energy, the Environment and Water (The Department) formally approved TasRail's request to extend the period of effect of the approval of EPBC Act approval 2012/6392, until 31 January 2039. TasRail continues to work constructively with the Department, with the view to obtaining full permit compliance.

Permit condition	Compliance status
1. Project activities must be limited to the 'Project Area' identified in the map at Appendix 1.	<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' in compliance with this condition.
2. To minimise impacts to the Central North Burrowing Crayfish , the person taking the action must: <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. Additional supporting evidence/clarifications were provided in the TasRail Request for Information (RFI) response submitted to the Department on 30 September 2024.

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:
- 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.

- An evidence report compiled by TasRail in May 2022 and submitted to the Department included supporting documentation demonstrating compliance with induction requirements.
- Additional supporting evidence/clarifications were provided in the TasRail RFI response, submitted to the Department on 30 September 2024.

<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 and 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"> a. salvaged alive; b. found dead; and c. successfully inhabiting translocation holes. 	<ul style="list-style-type: none"> • The TasRail RFI response dated, 30th September 2024 provides evidence that the required progressive monitoring was completed. • Due to the passage of time, to date TasRail has been unable to locate the documentary evidence that the Department was provided with the monitoring results under condition five (5), within one month of the end of construction of the Original Works. Equally, TasRail has not located any evidence that suggests this condition was not complied with. • Relevantly, TasRail provided the Department with records of the progressive monitoring conducted during construction in an ecological consultant report dated 13 May 2013. • TasRail is committed to engaging with the Department in good faith to resolve this matter.
<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.

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.

- An evidence report compiled by TasRail in May 2022 and submitted to the Department included supporting documentation demonstrating compliance with this condition.
- 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 transect burrow count).
- TasRail are therefore not presently compliant with the condition and have requested to undertake compensatory measures.
- TasRail 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 continue to review potential offset options/compensatory measures for inclusion in an offset package that positively contributes to the conservation of CNBC and are deemed acceptable by the Department.
<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"> a. The number of burrows impacted or destroyed by construction activities; b. 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 submitted to the Department included documentation demonstrating compliance with this condition. • TasRail provided additional supporting evidence/clarifications in its RFI response to the Department, dated 30th September 2024.
<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"> • Despite undertaking a comprehensive review of available records and consulting with various personnel involved with the Project, TasRail has been unable to locate the documentary evidence that this condition was or was not complied with. • Relevantly, the Department was provided with records of number of burrows impacted or destroyed by construction and the number of CNBC exhumed during construction in an ecologist report dated 13 May 2013. • TasRail is committed to engaging with the Department in good faith to resolve this matter.
<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"> • Despite undertaking a comprehensive review of available records and consulting with various personnel involved with the Project, TasRail has been unable to locate the documentary evidence that this condition was or was not complied with. • Relevantly, in an ecologist report dated 13 May 2013 the Department was provided with records of the number of burrows impacted or destroyed by construction and the number of CNBC exhumed during works. • TasRail is committed to engaging with the Department in good faith to resolve this matter.

<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. • The TasRail RFI response dated, 30th September 2024 included further evidence of required record keeping, in the form of numerous ecologist post-construction reports.
<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. • TasRail now published the compliance report in compliance with this permit condition, with the next update due on 31 January 2026. • TasRail will concurrently provide a copy of the published compliance report to the Department, such that they are aware of any permit non-compliances.

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 other than in accordance with the management plans specified in the conditions. TasRail is therefore compliant with this condition.