EPBC 2017/7909 Albion Park Rail Bypass

Construction Compliance Report

Report 2

7 January 2020 – 6 January 2021

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Details of Revision and Amendment:

Amendment

Each new revision to the report will be distributed to all registered copyholders with an instruction that the superseded copy be destroyed or marked as superseded.

The revision number is included at the end of the document number, which is noted on each page. When amendments occur, the document or relevant section will be reissued with the revision number updated accordingly.

The Project Manager or Environmental Manager will approve amendments by initial in the Approval column below.

The following provides a record of amendments made to this document:

Revision	Date	Description	Page	Prepared by	Approved
0		Draft submitted to TfNSW	All	James Diamond	Shannon Chisholm
1		Minor amendments incorporated due to TfNSW review	All	James Diamond	Shannon Chisholm

Abbreviations

EMP	Environmental Management Plan
CPESC	Certified professional in erosion and sediment control
CTP	Compliance Tracking Program
EMS	Environmental Management System
EPBC Act	Environmental Protection and Biodiversity Conservation Act 1999
EPA	Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EPL	Environment Protection Licence
ER	Environmental Representative
DPIE	Department of Planning, Industry and Environment
MNES	Matters of National Environmental Significance
NBN	National Broadband Network
NSW	New South Wales
POEO Act	Protection of the Environment Operations Act 1997
SEPP	State Environmental Planning Policy
TMP	Traffic Management Plan
TfNSW	Transport for NSW (formerly Roads and Maritime Services)
RBL	Rating Background Level
ROL	Road Occupancy Licence
NCR	Non-conformance report

1 Introduction

Transport for NSW (formerly Roads and Maritime Services) is extending the M1 Princes Motorway between Yallah and Oak Flats to bypass Albion Park Rail. The motorway completes the 'missing link' for a high standard road between Sydney and Bomaderry.

On 29 March 2017, TfNSW referred the project to the federal Department of the Environment and Energy (the Department), and on 29 May 2017 the delegate determined that the proposed action (i.e. the project; EPBC Ref: 2017/7909) is a 'controlled action' under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Stage 2 of the Project is being delivered through a 'design and construct' contract. Fulton Hogan was appointed by TfNSW on 11 June 2018 to deliver the project. The main construction compound and formal site address for the project is located at 1914 Illawarra Highway, Albion Park Rail, NSW, 2527.

The Project consists of a new motorway bypassing the Albion Park Rail township from the Oak Flats Interchange to Yallah, connecting with the existing Princes Highway at the Duck Creek bridge. This project, as part of the Princes Highway upgrade, would improve traffic flow and maximise the benefits of upgrading the Princes Motorway and Princes Highway corridor between Sydney and south of Nowra.

The key features of Stage 2 of the Project include:

- two lanes in each direction divided by a median (with capacity to upgrade to three lanes in each direction in future)
- three interchanges provided at Yallah, Albion Park and Oak Flats connecting the local road network with the motorway
- bridges to carry the motorway over Duck Creek, Macquarie Rivulet and Frazers Creek
- a bridge to carry the motorway over the South Coast Rail Line
- bridges to carry the motorway over the Princes Highway and Tongarra Road
- bridges to carry local roads and ramps over the motorway
- bridges to provide improved floodwater conveyance and flood immunity
- local road changes or upgrades, including Yallah Road between Larkins Lane and Princes Highway at Yallah, the motorway replacing the existing East West Link and a new local service road which runs parallel to the motorway on the southern side, connecting the Oaks Flats interchange with Croome
- improved pedestrian and cycle connections

The replacement of directly impacted sporting facilities at the Croom Regional Sporting Complex, including sporting fields and associated amenities have been completed separately under Stage 1 of the Project and are not subject to the EPBC Act approval or detailed within this report.

Further details on the project background can be sourced from the project website at https://www.rms.nsw.gov.au/projects/albion-park-rail-bypass/index.html

1.1 Purpose of this report

The purpose of this report is to provide a summary of the projects compliance against each of the conditions of approval in accordance with the Minister's Condition of Approval (MCoA) 10.

MCoA 10 states:

Within three months of every 12 month anniversary of the commencement of the action, the approval holder must publish a report on its website addressing compliance with each of the conditions of this approval including implementation of the management plans. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published. The report must remain published on the website for the duration of the approval. Reports must continue to be published until such time as advised by the Minister in writing.

This Action Compliance Report provides a review of compliance for the twelve month period between 7 January 2020 and 6 January 2021.

A table addressing the projects compliance with each of the MCoA is included in Appendix A to this report.

1.2 Project Footprint

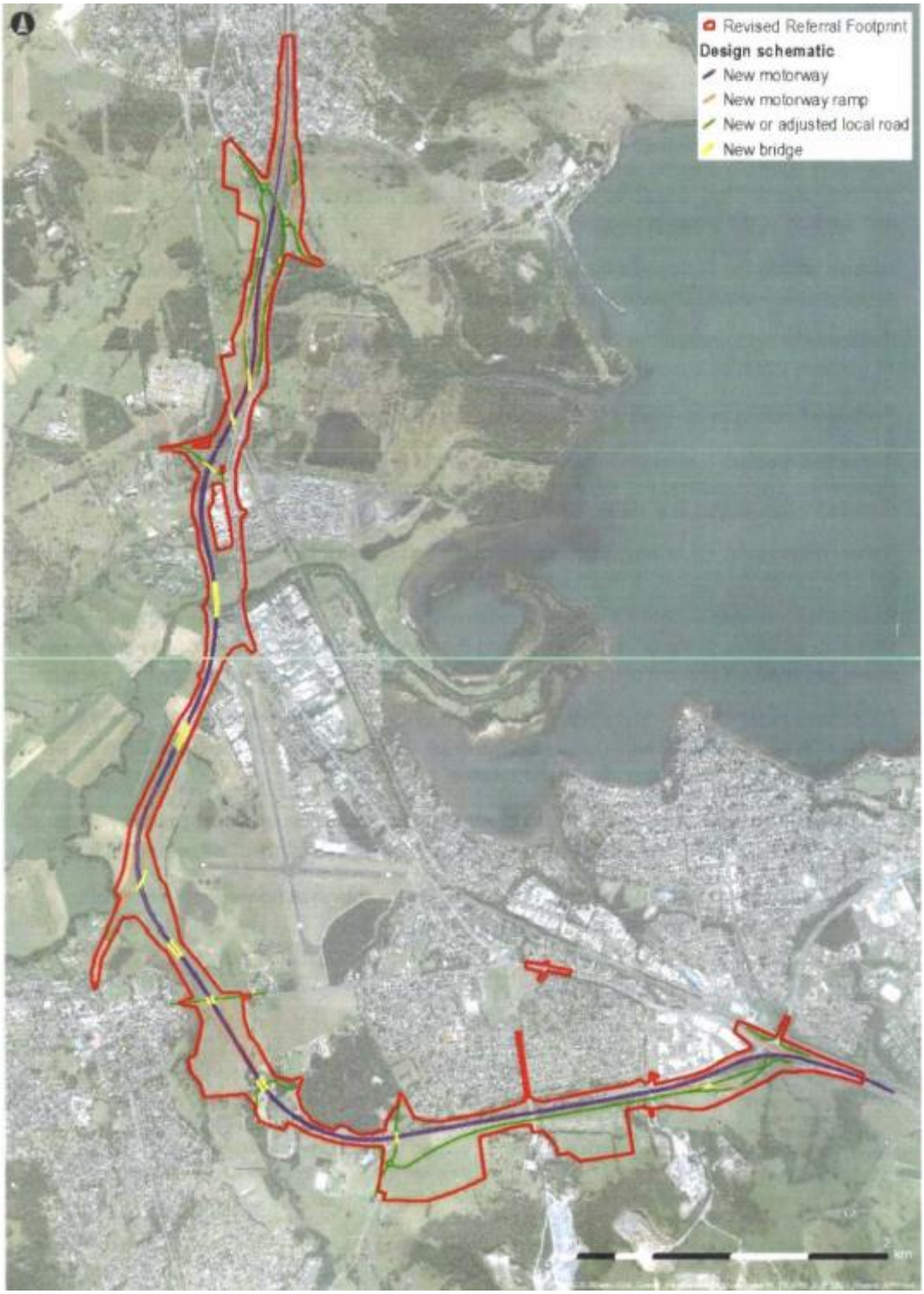

Figure 1-1: Albion Park Rail Bypass action area

2 Construction activities during reporting period

Project works are proceeding in accordance with the construction program. During the reporting period about 36 per cent of the days were wet days. The total rainfall received on the project was slighty higher than the long term average.

During the reporting period construction activities were at full capacity works progressing across the project. The following works have been performed during the reporting period.

2.1 Demolition and property adjustment

Property demolition works have been completed with all properties specified within the technical scope of works deconstructed. Waste from this operation has been re-used or recycled where possible.

Property adjustment works have commenced with new property accesses, services and adjustments on-going. These works will continue and are anticipated to be completed consistent with the project programme.

2.2 Utilities adjustments and diversions

Key utilities that have been adjusted via diversion, realignment, or replacement. These include the east Australian gas main, National Broadband Network (NBN), Optus, Telstra, power supply, Sydney Water potable water reticulation, and sewage infrastructure. These works will continue and are anticipated to be completed consistent with the project programme.

Figure 2-1: Installation of new Sydney Water potable water main

2.3 Fencing

New fencing on the boundary of the project is 70 per cent complete with a focus on fencing commercially operating agriculture properties to reduce project disruptions and environmental sensitive areas. Majority of the permanent fencing is complete around environmentally sensitive areas and retained vegetation within the project boundary, where the permanent fencing has not been installed temporary fencing and/or delineation is erected in accordance with the Environmental Management Plan (EMP).

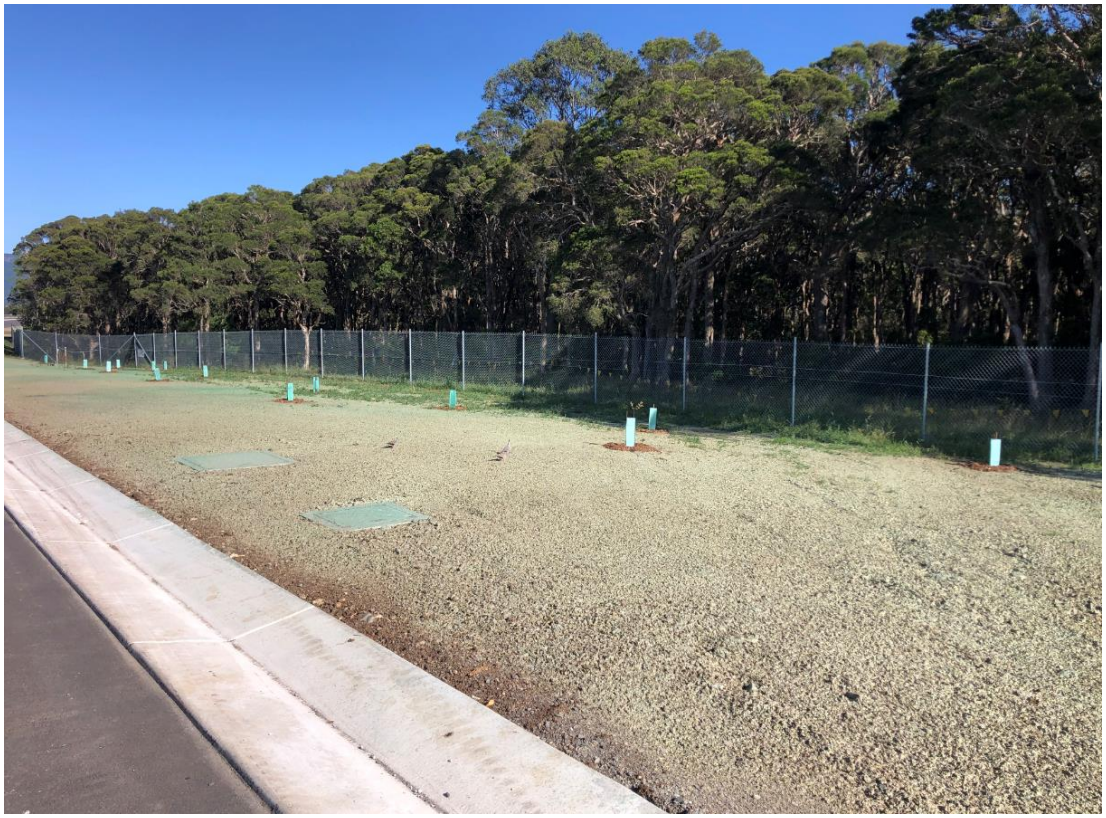

Figure 2-2: Permenant boundary fencing along the southbound carriageway and Croome CEEC

2.4 Earthworks

Bulk earthworks continued with cut and fill operations across the project. At the end of the reporting period approximately 970,000 cubic metres of cut material has been placed. Approximately 1,100,000 cubic metres of engineering fill imported under Resource Recovery Exemption/Orders has been received by the project with material coming from local sources and major projects in Sydney. This material was supplemented by the use of local quarried products.

2.5 Roadworks

During the reporting period road pavement construction commenced on the main alignment and local roads including Yallah Road, Croome Road and the East West Link. Road pavement construction includes the placement and compaction of Heavily Bound Base (HBB) material followed by Asphalt layers.

At the end of the reporting period approximately 100,000 tonnes of HBB has been placed, 75,000 tonnes of Asphalt laid and 430,000m^2 of Spray Seal applied.

Finishing works including concrete kerb and footpath works has commenced with 14,000 lineal metres laid to date.

2.6 Drainage

Drainage works have continued during the reporting period with the focus on transverse drainage including pipe and box culverts to facilitate the carriage of clean waters from upstream of the project to the downstream waterways. At the end of reporting period approximately 13,000 lineal metres of pipeline had been laid across the project.

Figure 2-3: Installation of Pavement drainage

2.7 Structures

The project includes the construction of 13 new bridges which cross creeks, floodplains, local roads and side roads.

Piling works and sub-structure are complete on all bridges with 9 bridges having asphalt laid on the decks and approaches. Permanent scour works are now complete by the finalisation of the Bridge 1 rock scour over Duck Creek during the reporting period

There are 12 bridges which have completed decks leaving Bridge 13 plank installation the last remaining installation on the project which is scheduled in the next reporting period.

Installation of structural signage commented during the reporting period across the alignment and local roads.

Works for the protection slabs over the Eastern Gas Pipeline were completed during the reporting period.

Figure 2-4: Concrete girder installation at Bridge 3 (Princes Motorway)

Figure 2-5: Structural sign installation on the East West Link

2.8 Landscaping

The project continued landscaping works in the reporting period, with an ongoing focus placed on progressive rehabilitation of topsoiled batters, temporary stockpile and ancillary sites. Landscape planting continued on the project with completion of the landscaping programmed within the next reporting period. This is assisting in reducing the construction footprint, air quality impacts from dust and reducing erosion risks to water quality. During the reporting period approximately 200,000m^2 of topsoil was stabilised through hydromulch.

Figure 2-6: Permanent Turf and hydromulching of Croome Road

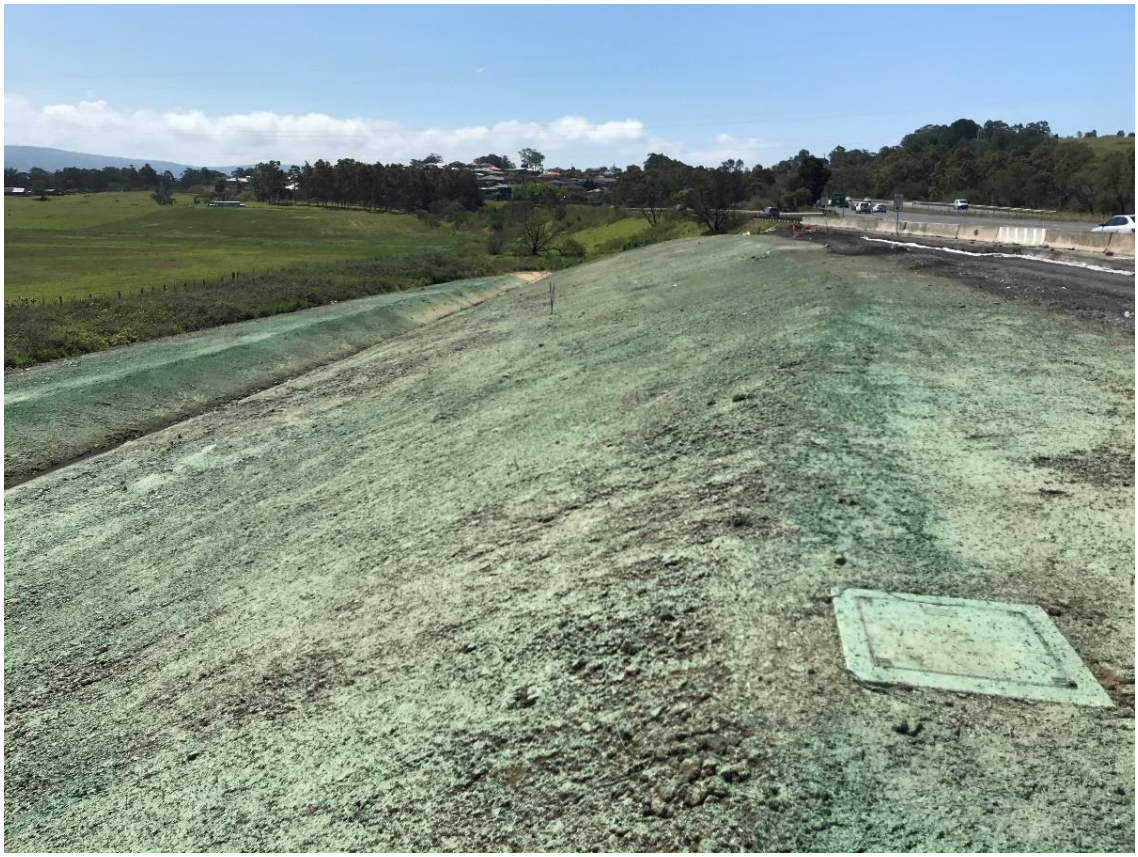

Figure 2-7: Progressive stabilisation of Fill 1 west

2.9 Sedimentation and erosion control

The project uses a multitude of erosion and sediment controls. These include:

- Off-site water diversions
- Sediment fence
- Mulch bunds checks and filtration
- Sediment traps/check dams
- Soil binders to stabilise exposed surfaces
- Cut stump clearing near waterways
- The use of recycled and powdered gypsum for pre-treatment of site run-off into sediment basins.

The number of sediment basins on the project reflects construction progress. The risk footprint is continually decreasing as the works progress and areas are stabilised.

There were 34 sediment basins which were commissioned for use during the reporting period. Sediment basin construction will continue ahead of programmed earthworks activities. All basins have been designed by a Certified Practitioner of Erosion and Sediment Control (CPESC) and constructed in accordance with the Landcom Manual 'Soils & Construction' (blue book).

Each sediment basin is designed specific for each catchment and runoff from earthworks is diverted into these basins to ensure that site sediments are controlled within the site.

Figure 2-8: Installation of sediment basin in Cut 5 near Oak Flats Interchange, prior to earthworks commencing

With regard to sediment basin management, the project continued to work diligently at treating and discharging stored site water back into the environment as efficiently as possible.

3 Environmental management plan overview

3.1 Environmental Management Plan

The EMP is the key management tool in relation to environmental performance during the design and construction phases. The EMP outlines the projects approach to minimising and managing environmental risks associated with the construction phase of the project. The EMP is a dynamic document that is reviewed and amended to incorporate additional requirements as required, including changes to the project team, organisational structure and responsibilities or as improvements to procedures and methodologies develop.

The EMP has been prepared in accordance with a number of guidelines including:

- Commonwealth Environmental Management Plan Guidelines (DoEE, 2014a);
- ISO 14001:2004 – Environmental Managements Systems;
- ISO 19011:2003 – Guidelines for Quality and/or Environmental Management Systems Auditing; and
- EIA.

The EMP was approved by the Department of Environment and Energy on 29 May 2018.

Detailed environmental management measures have been prepared on key environmental elements identified for the Project through the environmental assessment and approval process. They document the aspects, impacts, safeguards and monitoring requirements for each key environmental element, nominate who is responsible for implementing controls and note the frequency/timing of implementation.

The EMP dates of revision for the plan are detailed in Table 3-1. A periodic review of the EMP was undertaken during the reporting period in accordance with the EMP with no updates or revision required.

Table 3-1: EMP consistency with MCoA

Plan Name	EPBC Approval Date	Consistent with MCOA	Latest revision date
Environmental Management Plan	29 May 2018	Yes	Rev 5 October 2017

3.2 Compliance auditing

No direction from the Department has been received to undertake independent auditing as per MCoA 12 however regular auditing of the project management system was completed during the reporting period. Auditing includes:

- Internal compliance audits undertaken by Fulton Hogan;
- External compliance audits undertaken by an independant auditor and TfNSW appointed auditors.

The intent of these audits is to identify opportunities for improvement and any system non-conformances during the course of construction so appropriate corrective actions can be implemented in a timely manner.

An Independent External audit was conducted by SNC Lavalin during the reporting period. SNC Lavalin were engaged by Fulton Hogan as the independent auditor. The audit resulted in no non-compliances (NC).

Table 3-3 summarise external audits conducted during the reporting period.

During the reporting period one internal audit was conducted by a Fulton Hogan Environmental representative, who was independent of the project. The audit was conducted on 28th to 29th October 2020 and consisted of a review against internal Fulton Hogan (Promapp) Environmental Procedures including:

- Assess and Manage Contaminated Soil
- Manage Acid Sulfate Soils (ASS)
- Manage Environmental Noise
- Manage Erosion and Sediment Control
- Manage Vibration
- Managing Hazardous Chemicals and Dangeous Goods

The audit found minor procedure changes in regards to the management of hazardous chemicals and dangerous goods where reference to the safety management plan was required.

Table 3-4 summarise internal audits conducted during the reporting period.

Table 3-3: Summary of Independent Verifier Audits

No.	Date	Auditor	Type	Outcomes	Status
1	October 2020	SNC Lavalin	Independent Annually	N/A	Closed

Table 3-4: Summary of Internal Audits

No.	Date	Auditor	Type	Outcomes	Status
1	October 2020	Alan Tight	Internal	Minor changes to documentation	Closed

*NC – Non-compliance, TNC – Technical Non-compliance, OoC – Observation of concern, OI – Opportunity for improvement, CAR – Corrective action request.

3.3 Compliance Management

During the reporting period, Stage 2 works for the Albion Park Rail bypass have had no non-compliances with the MCoA. Appendix A of this report contains detailed information on the status and compliance of each specific condition for the Albion Park Rail bypass.

3.4 Incidents

During the reporting period there were no reportable incidents notified to the Department.

3.5 Environmental Performance

The project implemented and maintained a high standard of environmental controls during the reporting period. Controls were planned and executed to industry best practice standards.

The project's environmental performance is reviewed and measured by TfNSW, Project ER, NSW EPA, NSW DPIE and NSW Department of Primary Industries - Fisheries.

The Project ER and TfNSW environment staff reviewed the project 24 times in the reporting period. Those inspections assessed the project with sixteen 'green' and eight 'amber' ratings using the TfNSW traffic light environmental review system. According to the TfNSW assessment standards the green rating indicates the 'site demonstrates good environmental management with no action required to avoid environmental harm'. An Amber rating indicates some issues representing a "medium" or "medium to high" risk ranking.

EPA and DPIE have visited site six times to review the progress of works and implementation of erosion and sediment controls. Minor issues were raised during the inspections and all stakeholders were satisfied with the way the site was progressing.

Three Environmental Review Group (ERG) meetings were held by Fulton Hogan. Due to COVID-19 restrictions, the Presentation from the postponed 5th ERG in March 2020 was distributed electronically to the nominated ERG members in the same month. Subsequent meetings have been held via MS Teams.

No significant environmental issues or concerns were raised by any agencies during the reporting period. All works have been conducted in accordance EMP commitments.

3.6 Effectiveness of environmental controls

Effectiveness of environmental controls is evaluated by industry trained environmental engineers and scientists. Controls are planned prior to ground disturbance and installed before works start.

Environmental controls have been designed and installed in accordance with industry best environmental practice. External specialist consultants are engaged periodically to provide specialist reviews and provide advice if required. In addition to this, all controls are inspected weekly as a minimum, during and after rainfall events.

Site controls are reviewed and reinforced as required in advance of predicted rainfall events. Prior to long weekends and shutdown periods extra controls are installed to make sure they are suitable for the time that workers are offsite.

Maintenance of controls occurs regularly during construction. Maintenance ensures controls are functioning properly and are fit for purpose.

In the reporting period, all erosion and sediment controls performed well during adverse weather. This minimised potential impacts on receiving catchments and adjacent sensitive receivers.

3.7 Environmental initiatives

The Albion Park Rail bypass construction team has adopted a 'Beyond Compliance' approach to the project. With the integration of Environment, Sustainability and Community Relations teams to identify both risk and opportunities to support positive environmental and community outcomes. This philosophy promotes a positive culture of excellence whereby the project aims to exceed the contract and legal requirements to create a legacy that all associated with the project will be proud of.

The 'Beyond Compliance' strategy has led to the development of goals for each construction zone to achieve during the project and helps build trust and establish relationships with the communities we work in.

During the reporting period, the 'Beyond Compliance' strategy achieved two significant results:

- Completion of Yallah Road and adjacent CEEC protection. Approved clearing limits were minimised during mainline clearing to ensure maximum protection of the CEEC and topsoil was reused within the area to ensure that local seed lying dormant in the topsoil could grow. Seed harvested prior to clearing was reused in in hydromulching to revegetate topsoiled areas. Coarse woody debris and mulch from vegetation clearing was reused within the area to create habitat and stabilise exposed ground to assist in the rejuvenation of the area.
- The inclusion of 10% recycled glass sand in Asphalt. The base asphalt layer used on the project is made up of 25 per cent recycled material including 10 per cent recycled crushed glass and 15 per cent reclaimed asphalt pavement.

3.8 Internal and external environmental inspections

The project completes many inspections to assess environmental performance and identify improvements.

Those inspections have resulted in environmental management improvements across the project. The improvements included new erosion and sediment control installations, improved site mitigations and general site improvements.

Table 3-6 summarises the inspections completed on the project. The inspections completed are consistent with the requirements of the project documents.

Table 3-6: Inspections

Inspection type	Attendees	Number of inspections
Weekly	Fulton Hogan staff; engineers, environmental, foreman, leading hands, labourers, superintendents, management	60
Wet weather	Fulton Hogan staff; engineers, environmental, foreman, leading hands, labourers, superintendents, management	36
Environmental Representative	Toby Hobbs Fulton Hogan environmental manager	21
TfNSW	Peter Hawkins, Peter Chudleigh, Graham Roche TfNSW project staff Toby Hobbs Fulton Hogan environmental staff	20
NSW EPA	Chris Kelly/Matthew Fuller Fulton Hogan environmental staff	5
NSW DPIE	Jennifier Rowe Fulton Hogan environmental staff	1

Three environmental review group (ERG) meeting was held during the reporting period. Table 3-7 lists attendees.

Table 3-7: Environmental Review Group Meeting attendees

Meeting Type	Attendees	Date
Environmental Review Group #5 presentation	Graham Roche (TfNSW) Warren Blacka (TfNSW) Peter Hawkins (TfNSW) Peter Chudleigh (TfNSW) Mattew Dawson (TfNSW) Michael Young (DPIE) Georgia Dragicevic (DPIE) Jake Shackleton (DPIE) Vesna Paceskoski (DPIE) Erica van den Honert (DPIE) Lee McCourt (DPIE) Jennifer Rowe (DPIE) William Dove (EPA) Chris Kelly (EPA) Kym McNamara (OEH) Chris Page (OEH) John Bucinskas (OEH) Jillian Reynolds (DPI – Fisheries) Jeremy Morice (NRAR) Rosemary Crowhurst (Shellharbour City Council) Adam De Clouett (Shellharbour City Council) Kyle Stevens (Shellharbour City Council) Peter Nunn (Wollongong City Council) Andrew Byers (Wollongong City Council) Matthew Saviana (Fulton Hogan) Shannon Chisholm (Fulton Hogan) Mitch Tulloch (Fulton Hogan) Sam Leigh (Fulton Hogan) James Diamond (Fulton Hogan) Nathan Russell (Fulton Hogan) Jacob Cooper (Fulton Hogan) Tom Dewhurst (Fulton Hogan) Toby Hobbs (Vantage Environmental Management) Cameron Weller (Hutchison Weller)	31 March 2020
Environmental Review Group #6 presentation	Graham Roche (TfNSW) Warren Blacka (TfNSW) Peter Hawkins (TfNSW) Kara Chisholm (TfNSW) Peter Chudleigh (TfNSW) Jake Shackleton (DPIE)	28 July 2020

	Jennifer Rowe (DPIE) Chris Kelly (EPA) Kym McNamara (OEH) Jillian Reynolds (DPI – Fisheries) Nathan Pomfret (DPIE – EES) Adam De Clouett (Shellharbour City Council) Scott Rowe (Shellharbour City Council) Andrew Byers (Wollongong City Council) Matthew Saviana (Fulton Hogan) Shannon Chisholm (Fulton Hogan) James Diamond (Fulton Hogan) Jacob Cooper (Fulton Hogan) Jayme Breitkopf (Fulton Hogan) Sarah Brown (Fulton Hogan) Toby Hobbs (Vantage Environmental Management)	
Environmental Review Group #7 presentation	Graham Roche (TfNSW) Peter Hawkins (TfNSW) Peter Chudleigh (TfNSW) Jennifer Rowe (DPIE) Matthew Fuler (EPA) Kym McNamara (OEH) Jillian Reynolds (DPI – Fisheries) Rosemary Crowhurst (Shellharbour City Council) Shannon Chisholm (Fulton Hogan) Sam Leigh (Fulton Hogan) James Diamond (Fulton Hogan) Jacob Cooper (Fulton Hogan) Jayme Breitkopf (Fulton Hogan) Toby Hobbs (Vantage Environmental Management)	3 November 2020

4 Environmental monitoring

The Albion Park Rail bypass project is undertaking a range of environmental monitoring to review the environmental effects of the project. The results of these monitoring activities are used to establish trends and drive improvements where necessary.

Implementation of the standard mitigation measures listed the EMP ensure environmental impacts are minimised during construction. Based on the available data, no modification is required to the construction methods or environmental control measures being implemented onsite.

4.1 Flora and fauna

During the reporting period pre-clearing inspections were undertaken with no fauna rescues or relocations related to clearing activities.

The project witnessed an increase in fauna movements over the second half of 2020 due to an increase in rainfall and rehabilitation of habitat from construction works ancillary to the main alignment. There were no mortalities caused by construction during the reporting period.

Black swan's were observed in the rehabilitated wetland north of Macquarie Rivulet where they nested and hatched 3 cygnets. Through consistent monitoring, it was observed that all cygnets fledged the wetland. This is a great outcome for the project and surrounding environment as the wetland was saved through the construction team's beyond compliance initiatives.

Through the construction team's awareness a number of eastern long-neck turtle relocations were made during the reporting period.

Figure 4-1: Release of Eastern long-neck turtle into Frazers Creek

Figure 4-2: Family of Black Swans in the rehabilitated wetland 'Lake Woody'

5 Summary

During the reporting period, the project recorded no non-compliances with the conditions of approval. The project is compliant with or is yet to tigger all other remaining conditions of approval as described in Appendix A.

Significant environmental acheivements have been made by the project during the reporting period including the completion of works adjacent to CEEC areas.

Surveys and inspections undertaken prior to clearing works with the project ecologist have continued to result in no Grey-headed Flying Fox, Large-eared Pied Bat or Koalas being discovered or injured during the clearing works. During surveys, the project ecologist inspected the areas to be clear focussing on potential roosting sites for the Grey-headed Flying Fox and Large-eared Pied Bat, potential foraging habitat for Grey-headed Flying Fox, Large-eared Pied Bat or Koalas and the potential for the animal to be present during clearing.

The project collected seed from plants and grasses within ISCLFW prior to the clearing of approved areas. These seeds have been reused by the project along with local topsoil from the area for stabilisation and landscaping now works are complete. Best practice sediment and erosion control measures have been installed to ensure impacts of the surrounding native vegetation was minimised.

The project has continued to progress well in the second 12 months and implemented Beyond Compliance environmental initiatives across the alignment including significantly increasing the reuse of collected seedstock from prior to clearing approved CEEC areas.

The next reporting period will be from 7 January 2021 to 6 January 2022 and will include further discussions of Beyond Compliance initiatives that the project teams have implemented and an update to the progress of the construction of the Albion Park Rail bypass.

It is expected that the project will achieve operational status and completion of construction works within the next reporting period, weather dependent. The project team will keep the Department informed as the project transitions into operation.

Appendix A Project Compliance Reporting Table

Appendix A - EPBC Conditions of Approval Compliance Table

CoA	Condition of Approval (CoA)	Applicable to Stage 2?	Project Phase applicable to Condition	Stage 2 Compliance	Evidence of Stage 2 Pre-Construction Compliance/ Notes
1	The approval holder must: (a) implement condition E11 of Schedule 2 of the NSW Infrastructure Approval as it relates to impacts to protected matters; (b) notify the Department in writing for which Condition 1 a applies of any application to modify the NSW Infrastructure Approval made under section 5.25 of the EP&A Act, no later than one week after making the application; (c) notify the Department in writing for which Condition 1 a applies of the proposed imposition of or variation to conditions of the NSW Infrastructure Approval by the NSW Minister for Planning under Division 9.4 of the EP&A Act, no later than one week after the approval holder becomes aware of the proposed change; and (d) notify the Department in vvriting for vvhich Condition 1a applies of any actual modification or variation to the conditions of the NSW Infrastructure Approval, no later than one week after the modification or variation is officially notified to the approval holder.	Yes	Construction	Compliant	Transport for New South Wales (TfNSW) recognises this requirement and will ensure it is complied with.
2	The approval holder must not clear more than 4.85 hectares (ha) of ILFW (refer Annexure B).	Yes	Construction	Compliant	The project has cleared 3.52 ha of ILFW and is therefore compliant with this condition. Clearing works are substantially complete for the project at the time of this report.
3	To minimise the impacts of the action on protected matters, the approval holder must implement the final Environmental Management Plan (EMP) dated 30 October 2017, or as revised under condition 14, prior to the commencement of the action and must continue implementation until the end of the approval.	Yes	Construction	Compliant	The EMP had been implemented prior to commencement of the action and continues to be.
4	To compensate for the loss of ILFW, GHFF and Large-Eared Pied Bat habitat at the proposed action area, the approval holder must within one year from the date of this approval, provide to the Minister for approval, a finalised Biodiversity Offset Strategy (BOS). The BOS must outline how the protected matters impacted by the proposed action will be offset in perpetuity. The BOS must be developed from the Project Biodiversity Offset Strategy detailed in section 6 of the Preliminary documentation and the Albion Park Rail, Biodiversity Addendum (NGH Environmental November 2017) and supplementary materials provided to the Department during the assessment phase. The BOS must be consistent with the Biodiversity Offset Strategy requirements of the NSW Biodiversity Offsets Policy for Major Projects (OEH, 2014)(FBA). The BOS must include, but not necessarily be limited to: (a) identification of the number of biodiversity credits required to offset the impacts of the proposed action on protected matters; (b) details on the biodiversity credits identified to offset the impacts of the proposed action and evidence that they can be attained and secured in accordance with the FBA; and for offsets not secured through the retirement of biodiversity credits, details on the supplementary measures that would be implemented to offset the residual impacts, in accordance with Appendix B of the FBA;	Yes	Construction	Compliant	A Biodiversity Offset Progress Report was submitted to the Department on 10 May 2019.
5	Within three years of the commencement of the action, or as otherwise agreed by the Minister, the approval holder must acquire or retire Biodiversity credits in accordance with the BOS to the satisfaction of the Minister. This must be carried out in accordance with the FBA. As evidence that credits have been retired, the approval holder must submit a BioBanking Credit Retirement Report to the Minister.	Yes	Construction	Not Triggered	TfNSW recognises this requirement and is working on implementing the EPBC Act Biodiversity Offset Package. We note that the FBA and biodiversity credit requirements under this scheme in NSW have been replaced by the Biodiversity Assessment Method. TfNSW anticipates advising the Department of the proposed new biodiversity credit methodology for the project within the next reporting period.

6	To compensate for the loss of ILFW, GHFF and Large-Eared Pied Bat habitat at the proposed action area, the approval holder must ensure that the BioBanking Agreement(s) for the BioBanking site(s) identified in the BOS include: (a) specific reference to ILFW, GHFF and the Large-Eared Pied Bat at the proposed action area impacted by the proposed action; (b) a textual description of the offset site(s), including offset attributes, shapefiles, and a map clearly defining the location and boundaries of the proposed offset sites; (c) site survey and baseline data and documentation of key biodiversity threats and opportunities at each site; (d) a detailed description of management actions and responsibilities designed to protect and improve the ecological quality of ILFW andhabitat of GHFF and the Large-Eared Pied Bat on the offset sites; (e) key milestones, performance indicators and timeframes for each management action; (f) a monitoring program to determine the effectiveness of the management actions; and (g) corrective actions and contingency measures to be implemented where monitoring of the offset site shows that management actions are not effectively achieving key milestones or prescribed performance indicators are not being met or are unlikely to be met.	Yes	Construction	Not Triggered	Transport for New South Wales (TfNSW) recognises this requirement and will ensure it is complied with.
7	As evidence of compliance with Condition 6, the approval holder must provide the Department with a copy of the BioBanking Agreement(s), within three years of the commencement of the action.	Yes	Construction	Not Triggered	Transport for New South Wales (TfNSW) recognises this requirement and will ensure it is complied with.
8	Within 14 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.	Yes	Construction	Compliant	The Department was notified by Transport for New South Wales (TfNSW) of the actual date commencement on the 21 January 2019 informing the department that the action commenced on Monday 7 January 2019

9	The person taking the action must maintain accurate records of all activities associated with or relevant to the conditions of approval, including measures taken to implement any management plans required under this approval, and make the records available to the Department upon the Department's written request. **Note:** 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.	Yes	Construction	Compliant	Transport for New South Wales (TfNSW) are responsible for compliance with all conditions of approval. TfNSW has contracted Fulton Hogan Construction (FHC) Pty Ltd to deliver Stage 2 of the Albion Park Rail bypass via a Design and Construct Project Deed. The TfNSW Deed and associated contractual specifications requires FHC to comply with, carry out and fulfil the conditions and requirements of all Approvals (whether obtained by the Contractor or TfNSW) including those conditions and requirements which TfNSW is expressly or impliedly required under the terms of the Approvals to comply with, carry out and fulfil.
10	Within three months of every 12 month anniversary of the commencement of the action, the approval holder must publish a report on its website addressing compliance with each of the conditions of this approval including implementation of the management plans. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published. The report must remain published on the website for the duration of the approval. Reports must continue to be published until such time as advised by the Minister in writing.	Yes	Construction and Operation	Compliant	The Construction Compliance Report # 2 (7 January 2020 - 6 January 2021) addresses the requirements of this condition inclusive of: - The requirements of the relevant environmental commitment, mitigation measure or condition of approval; - Specific details relating to risks, status of control measures, updates to plans and maps, as well as, the performance indicators nominated in this report; - The consistency of the proposed action with these requirements; - The identification of any change to the environmental impacts of the action; and - The identification of any proposed responses or corrective actions to be undertaken.
11	Potential or actual contraventions of the conditions of the approval must be reported to the Department in writing within two business days of the approval holder becoming aware of the actual or potential contravention. All contraventions must also be included in the annual compliance reports.	Yes	Construction	Compliant	Transport for New South Wales (TfNSW) recognises this requirement and will ensure it is complied with.
12	Upon the direction of the Minister, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.	Yes	Construction	Not Triggered	Transport for New South Wales (TfNSW) recognises this requirement and will ensure it is complied with. No direction under this condition was received during the reporting period.
13	If, at any time after five years from the date of this approval, the approval holder has not commenced the action, then the approval holder must not commence the action without the written agreement of the Minister.	Yes	Construction	Compliant	Environmental Protection and Biodiversity Conservation Act referral 2017/7909 and variation was granted on 29 May 2018, marking the commencement of the five year approval duration under Condition 13. Commencement of the action occurred on 7 January 2019 which is within the 5 year period stated in this condition
14	The approval holder may choose to revise the EMP, approved by the Minister under condition 3 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 with an electronic copy of the revised plan; (b) implement the revised plan from the date that the plan is submitted to the Department; and (c) for the life of this approval, maintain a record of the reasons the approval holder considers that taking the action in accordance with the revised plan would not be likely to have a new or increased impact.	Yes	Construction	Not Triggered	No revisions to the EMP have been undertaken.
14A	The approval holder may revoke their choice under condition 14 at any time by notice to the Department. If the approval holder revokes the choice to implement a revised plan without approval under section 143A of the Act, the plan approved by the Minister must be implemented.	Yes	Construction	Not Triggered	Transport for New South Wales (TfNSW) recognises this requirement and will ensure it is complied with
14B	If the Minister gives a notice to the approval holder 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: (a) condition 14 does not apply, or ceases to apply, in relation to the revised plan; and (b) the approval holder must implement the plan approved by the Minister. (c) to avoid any doubt, this condition does not affect any operation of conditions 14 and 14A in the period before the day the notice is given.	Yes	Construction	Not Triggered	Fulton Hogan and Transport for New South Wales (TfNSW) recognises this requirement and will ensure it is complied with.
14C	Conditions 14, 14A and 14B 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.	Yes	Construction	Not Triggered	Fulton Hogan and Transport for New South Wales (TfNSW) recognises this requirement and will ensure it is complied with.
15	Unless otherwise agreed to in writing by the Minister, the approval holder must publish all management and research plans referred to in these conditions of approval on its website. Each management plan must be published on the website within one month of being approved and remain published on the website for the duration of the approval.	Yes	Construction	Compliant	Transport for New South Wales (TfNSW) recognises this requirement and will ensure it is complied with. TfNSW has established a website for the project: (https://www.rms.nsw.gov.au/projects/albion-park-rail-bypass/index.html) including: