

Transport  
for NSW

# New Intercity Fleet Maintenance Facility Project EPBC Approval 2016/7681 2021 Annual Compliance Report

24 January 2021 – 24 January 2022



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OFFICIAL

## Acknowledgement of Country

Transport for NSW acknowledges the traditional custodians of the land on which we work and live.

We pay our respects to Elders past and present and celebrate the diversity of Aboriginal people and their ongoing cultures and connections to the lands and waters of NSW.

Many of the transport routes we use today – from rail lines, to roads, to water crossings – follow the traditional Songlines, trade routes and ceremonial paths in Country that our nation's First Peoples followed for tens of thousands of years.

Transport for NSW is committed to honouring Aboriginal peoples' cultural and spiritual connections to the lands, waters and seas and their rich contribution to society.

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## Declaration of accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed     *K. Lenox*    

Full name (please print)     Kim Lenox    

Position (please print)     Director, Regional Strategic Contracts    

Organisation (please print including ABN/ACN if applicable)     Transport for New South Wales    

Date     14 / 04 / 2022

## Document control

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<b>Document number</b>	TFNSW-84099147-14268
<b>Branch</b>	Environment and Sustainability
<b>Division</b>	Safety, Environment and Regulation
<b>Review date</b>	April 2023

## Versions

Version	Amendment notes
1.0	Final

# 1. Definitions

Term	Definition
Additional SIS	The Additional Species Impact Statement prepared by WSP, May 2017, to assess the biodiversity impacts associated with the project.
BOS	Biodiversity Offset Strategy
BOP	Biodiversity Offset Package
Commencement	Commencement of the Action as defined in EPBC Approval 2016/7681
CEMP	Construction Environmental Management Plan
DPIE	NSW Department of Planning, Industry and Environment
EP&A Act	Environmental Planning and Assessment Act 1979 (NSW)
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (Cth)
MNES	Matters of 'national environmental significance' listed under the EPBC Act
High Quality Swamp Forest	Habitat for Regent Honeyeater and Swift Parrot
NSW	New South Wales
OEH	NSW Office of the Environment and Heritage (former)
Project	New Intercity Fleet Maintenance Facility at Kangy Angy
REF	The Review of Environmental Factors prepared by WSP (June 2016)
SIS	The Species Impact Statement prepared by WSP, June 2016 to assess the biodiversity impacts associated with the project
TfNSW	Transport for NSW
the Department	Australian Department of Agriculture, Water and the Environment
Wet Open Forest	Habitat for Regent Honeyeater and Swift Parrot

# 2. Introduction

The NSW Government is delivering a New Intercity Fleet to replace trains carrying customers from Sydney to the Central Coast, Newcastle, the Blue Mountains and the South Coast. To service and maintain the new fleet,

a purpose-built train maintenance facility has been built at Kangy Angy on the NSW Central Coast (New Intercity Fleet Maintenance Facility Project, ‘the Project’).

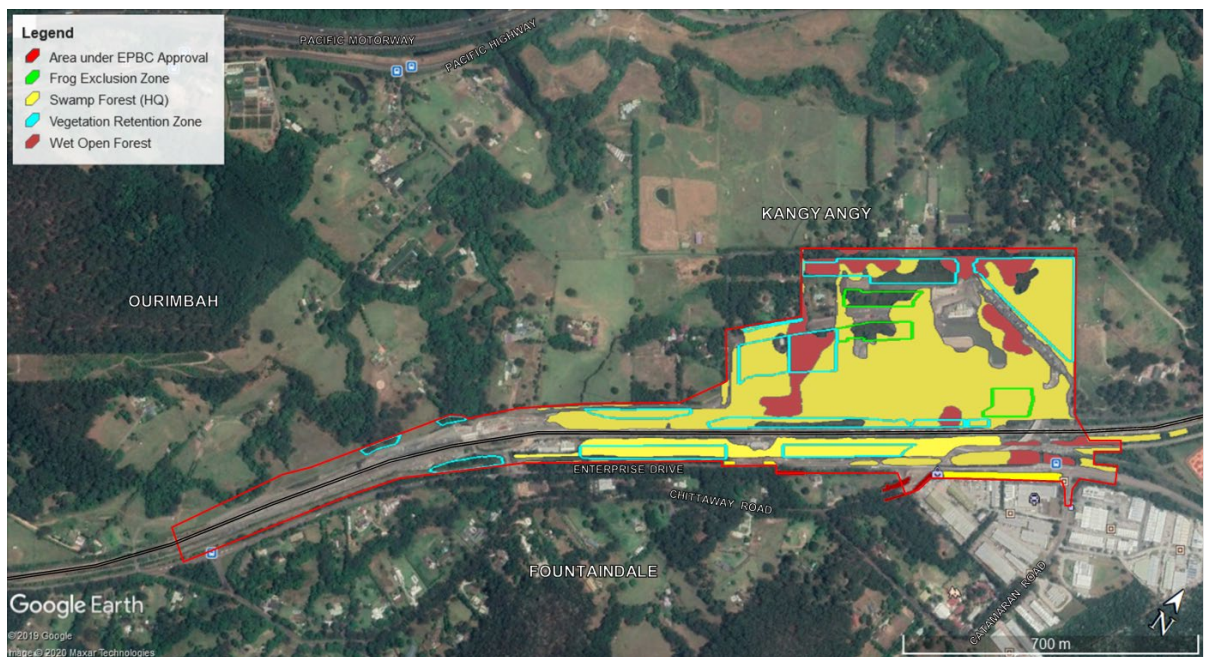
In 2016, the Project was referred to the Department of the Agriculture, Water and the Environment (the Department) for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) due to potential for significant impacts to Matters of National Environmental Significance (MNES) as a result of carrying out the Project. **Figure 1** shows the referral area under EPBC Approval 2016/7681. Following the review of the referral, the Department advised Transport for NSW (TfNSW) that it considered the Project a ‘controlled action’ due to potential impacts to the Critically Endangered Regent Honeyeater and Swift Parrot, both of which are listed under the EPBC Act.

In May 2017, the Department issued EPBC Approval 2016/7681 for the controlled action with conditions and the Project was determined on 29 August 2017 under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). EPBC Approval 2016/7681 was varied during the reporting period (and past reporting periods) and the current wording of EPBC Approval conditions is provided in **Table 1**.

Commencement of the action occurred on the 24 January 2018. Construction of the facility was completed in late 2020, with a transition to full operations occurring in 2021.

This is the fourth annual report that has been prepared to meet the requirements of EPBC Condition 10 for the period 24 January 2021 to 24 January 2022 (i.e. 2021 Annual Compliance Report). **Table 1** of this report outlines the compliance with each approval condition over the 12 month period.

**Figure 1 - Area under the EPBC Approval 2016/7681**



### 3. Statement of compliance – EPBC conditions

This section, being summarised as **Table 1**, outlines the conditions of EPBC Approval 2016/7681; a summary of actions completed during the reporting period and the corresponding compliance status.

**Table 1 – EPBC 2016/7681 Compliance Status**

Condition reference	Condition	Compliance Summary	Compliance Status						
1	The person taking the action must implement conditions 1, 10, 12, 13, 31, 35, 36, 37 of the <b>state conditions of approval</b> , as they relate to avoiding and mitigating the impacts of the action on <b>protected matters</b> .	<p>A variation request was granted by the Department on 7 November 2017, noting TfNSW change to “state conditions” numbering system. Conditions 1, 10, 12, 13, 31, 35, 36 and 37 referred to in the EPBC Approval dated 5 May 2017 are now known as <b>Conditions 1, 11, 13, 14, 30, 34, 36 and 37</b>.</p> <table border="1" data-bbox="913 879 1960 1471"> <thead> <tr> <th data-bbox="913 879 1167 922">Condition</th> <th data-bbox="1167 879 1960 922">Compliance</th> </tr> </thead> <tbody> <tr> <td data-bbox="913 922 1167 1161">1: Terms of Approval</td> <td data-bbox="1167 922 1960 1161"> <p>The Project is carried out generally in accordance with the environmental impact assessment and concurrences / approvals for this Project.</p> <p>The evidence provided in this annual report will demonstrate compliance with these Terms of Approval.</p> </td> </tr> <tr> <td data-bbox="913 1161 1167 1471">11: Environmental Management</td> <td data-bbox="1167 1161 1960 1471"> <p>The Construction Environmental Management Plan and associated Sub Plans were endorsed by the Project’s independent Environmental Management Representative (EMR) on the 4 June 2018 and were approved by TfNSW on 4 June 2018, outlining that they had been prepared in accordance with the requirements of the approval.</p> <p>The construction of the facility concluded in late 2020. The operation of the facility is managed by the Operational Environmental</p> </td> </tr> </tbody> </table>	Condition	Compliance	1: Terms of Approval	<p>The Project is carried out generally in accordance with the environmental impact assessment and concurrences / approvals for this Project.</p> <p>The evidence provided in this annual report will demonstrate compliance with these Terms of Approval.</p>	11: Environmental Management	<p>The Construction Environmental Management Plan and associated Sub Plans were endorsed by the Project’s independent Environmental Management Representative (EMR) on the 4 June 2018 and were approved by TfNSW on 4 June 2018, outlining that they had been prepared in accordance with the requirements of the approval.</p> <p>The construction of the facility concluded in late 2020. The operation of the facility is managed by the Operational Environmental</p>	Compliant
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			<p>Management Plan (OEMP) which was endorsed by the Project's independent EMR on 7 December 2020 and was conditionally approved by TfNSW on 16 December 2020.</p> <p>This condition is considered closed.</p>	
		13: Environmental Controls Map	<p>The Environmental Control Maps were endorsed by the Project's EMR on the 4 June 2018 and approved by TfNSW on 4 June 2018. The construction of the facility concluded in late 2020, no further Environmental Control Maps would be prepared for the Project. T</p> <p>This condition is considered closed.</p>	
		14: Operational Environmental Management Plan	<p>The Operational Environmental Management Plan (OEMP) was endorsed by the Project's independent EMR on 7 December 2020 and was conditionally approved by TfNSW on 16 December 2020. The operation of the facility commenced in 2021.</p> <p>There were no revisions made to the OEMP during the reporting period.</p> <p>The OEMP complies with the requirements of this condition.</p>	
		30: Erosion and Sediment Control	<p>No construction occurred during the reporting period and no further construction activities would be required under this approval. This condition is considered closed.</p> <p>Soil and water at the facility is managed by the OEMP. Two detention basins exist at the facility, which release water in a controlled manner into natural waterways. No discharge events occurred during the reporting period.</p>	

		<p>34: Removal of Trees or Vegetation</p>	<p>Vegetation that forms habitat for the Regent Honeyeater and Swift Parrot (swamp forest) was removed in accordance with the approvals listed in state condition 1 during this reporting period.</p>	
		<p>36: Vegetation Removal Validation Audit</p>	<p>The Vegetation Removal Validation Audit was completed on 4 June 2018 by the Project ecologist (Ecological Australia). The Vegetation Removal Validation Audit (and associated vegetation demarcation) was endorsed by the Project EMR on 6 June 2018 and approved by TfNSW on 7 June 2018; prior to the commencement of construction.  This condition is considered closed.</p>	
		<p>37: Inductions</p>	<p>All workers/subcontractors complete environmental awareness training via an online site induction prior to conducting any works on the Project. The induction has incorporated the location of and measures to protect all sensitive vegetation on site. The location of and measures to protect this vegetation were clearly marked on all Environmental Control Maps during construction.  A separate induction has been prepared for the operational phase of the Project.</p>	
<p>2</p>	<p>To minimise the impacts of the action on Groundwater Dependent Ecosystems that support or may support Biconvex Paperbark located onsite and offsite, the person taking the action must implement conditions 51 and 52 of the <b>state conditions of approval</b> and must prepare and implement a Groundwater Management Plan as described in</p>	<p>A variation request was granted by the Department on 7 November 2017 noting TfNSW change to “state conditions” numbering system. Conditions 51 and 52 referred to in the EPBC Approval dated 5 May 2017 are known as <b>Conditions 56 and 57</b>.  A Groundwater and Dewatering Management Plan was submitted to the Department on 29 March 2018 in accordance with the requirements of this condition. The Plan was approved by the Department on 15 June 2018 and is available on the TfNSW website: <a href="https://www.transport.nsw.gov.au/projects/current-projects/new-intercity-fleet-maintenance-facility">https://www.transport.nsw.gov.au/projects/current-projects/new-intercity-fleet-maintenance-facility</a>.</p>	<p>Compliant</p>	

	<p>section 7.10.4 of the <b>review of environmental factors</b>, arid:</p> <p>a. the Groundwater Management Plan must be submitted to the <b>Department</b> at least 1 month before <b>construction</b> commences, and construction cannot commence until the plan is approved by the <b>Minister</b>.</p>	<table border="1"> <thead> <tr> <th data-bbox="913 279 1126 320">Condition</th> <th data-bbox="1126 279 1960 320">Compliance</th> </tr> </thead> <tbody> <tr> <td data-bbox="913 320 1126 675">56: Flood Impact Assessment</td> <td data-bbox="1126 320 1960 675"> <p>A Flood Impact Assessment was completed by a suitably qualified specialist for the Project as part of detailed design during the 2018 Annual Reporting period.</p> <p>The Flood Impact Assessment was prepared in consultation with Central Coast Council and was approved by TfNSW during the 2018 Annual Reporting period.</p> <p>This condition is considered closed.</p> </td> </tr> <tr> <td data-bbox="913 675 1126 1069">57: Groundwater Assessment</td> <td data-bbox="1126 675 1960 1069"> <p>A Groundwater Assessment was completed by a suitably qualified specialist as part of detailed design and construction of the Project</p> <p>The Groundwater Assessment was prepared in consultation with the NSW Office of Water, and Central Coast Council, and included consideration of impacts to adjacent groundwater dependent ecosystems.</p> <p>The Groundwater Assessment was approved by TfNSW during the 2018 Annual Reporting period.</p> <p>This condition is considered closed.</p> </td> </tr> </tbody> </table>	Condition	Compliance	56: Flood Impact Assessment	<p>A Flood Impact Assessment was completed by a suitably qualified specialist for the Project as part of detailed design during the 2018 Annual Reporting period.</p> <p>The Flood Impact Assessment was prepared in consultation with Central Coast Council and was approved by TfNSW during the 2018 Annual Reporting period.</p> <p>This condition is considered closed.</p>	57: Groundwater Assessment	<p>A Groundwater Assessment was completed by a suitably qualified specialist as part of detailed design and construction of the Project</p> <p>The Groundwater Assessment was prepared in consultation with the NSW Office of Water, and Central Coast Council, and included consideration of impacts to adjacent groundwater dependent ecosystems.</p> <p>The Groundwater Assessment was approved by TfNSW during the 2018 Annual Reporting period.</p> <p>This condition is considered closed.</p>	
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3	<p>The person taking the action must not clear more than 19.6ha of high quality swamp forest and 3.6ha of wet open forest that is foraging habitat for the Swift Parrot and Regent Honeyeater within the impact area, as identified in Annexures 1 and 2.</p>	<p>No high quality swamp forest or wet open forest that is foraging habitat for the Swift Parrot and Regent Honeyeater was cleared during the reporting period.</p> <p>The total amount of Swift Parrot and Regent Honeyeater habitat cleared to date has not exceeded the approved clearing limits set out in this condition as outlined below:</p> <ul style="list-style-type: none"> <li>• High Quality Swamp Forest – 15.95ha</li> <li>• Wet Open Forest - 2ha.</li> </ul> <p>No further clearing would be required for the Project.</p>	Compliant						
4	<p>To compensate for the impacts to foraging habitat for the Swift Parrot (<i>Lathamus discolor</i>) and the</p>	<p>Transport for NSW secured its biodiversity offset requirements for the Project through:</p> <ul style="list-style-type: none"> <li>• the retirement of biodiversity credits sourced from the Lake Macquarie and Hunter regions</li> </ul>	Compliant						

Regent Honeyeater (*Anthochaera phrygia*), the person taking the action must:

a. **retire** the following **biodiversity credits** under the **Biodiversity Conservation Act**:

- i. 873 ecosystem credits for *Melaleuca biconvexa* – Swamp Mahogany – Cabbage Palm swamp forest of the Central Coast PCT1723 (HU937), containing hollow bearing trees; and
- ii. A further 150 ecosystem credits for *Melaleuca biconvexa* – Swamp Mahogany – Cabbage Palm swamp forest of the Central Coast PCT1723 (HU937); and
- iii. 34 ecosystem credits for Jackwood – Lily Pilly – Sassafras riparian warm temperate rainforest of the Central Coast – PCT 1528 (HU742); and
- iv. 127 ecosystem credits for Blackbutt – Turpentine – Sydney Blue Gum mesic tall open forest on ranges of the Central Coast – PCT 1568 (HU782), containing hollow bearing trees; OR

- a financial contribution to the Mahony’s Toadlet Saving our Species Conservation Program
- a financial contribution to the NSW Biodiversity Conservation Fund.

TfNSW requested the Department to vary EPBC approval 2016/7681 conditions 4, 5, 6 to allow the Project to make a payment into the NSW Biodiversity Conservation Fund. The Department approved the variation to the EPBC approval on 22 June 2021. The varied conditions have been updated in **Table 1** of this Annual Compliance Report.

All biodiversity offsets payments for the project are now complete, and no further biodiversity offsets are required. This condition is considered closed.

	<p>b. make payments into the <b>Biodiversity Conservation Fund</b> in accordance with the <b>Biodiversity Conservation Act</b> equivalent to <b>retirement</b> of the <b>biodiversity credits</b> listed at Condition 4(a) of this approval; OR</p> <p>c. <b>retire</b> a portion of the <b>biodiversity credits</b> listed at Condition 4(a) of this approval and make payments into the <b>Biodiversity Conservation Fund</b> in accordance with the <b>Biodiversity Conservation Act</b> equivalent to <b>retirement</b> of the residual <b>biodiversity credits</b> not retired.</p>		
<p>5</p>	<p>Revoked</p> <p><i>To compensate for the impacts to foraging habitat for the Regent Honeyeater, the person taking the action must provide an offset package in accordance with the offset requirements calculated under BioBanking for the relevant plant community types, and: a. must meet at least 90% of the offset requirement through direct offsets, which must be located in the Central Coast region or Lake Macquarie region and must be consistent with the on-ground actions identified in the <b>national recovery plan for the Regent Honeyeater</b> to improve the extent and quality of Regent Honeyeater habitat, b. may meet up to 10% of the offset requirement through <b>supplementary measures</b>, which must be</i></p>	<p>TfNSW requested the Department to vary EPBC approval 2016/7681 conditions 4, 5, 6 to allow the Project to make a payment into the NSW Biodiversity Conservation Fund. The Department approved the variation to the EPBC approval on 22 June 2021 which revoked Condition 5.</p> <p>The variation to Condition 5 occurred during the reporting period and Condition 5 before it was varied is provided in italics.</p> <p>All biodiversity offsets payments for the project are now complete, and no further biodiversity offsets are required. This condition is considered closed.</p>	<p>Compliant</p>

	<p><i>consistent with actions identified in the <b>national recovery plan for the Regent Honeyeater.</b></i></p>		
<p>6</p>	<p>To quantify the offset requirements under BioBanking and the equivalent offset package for the <b>protected matters</b> referred to in condition 4, the person taking the action must implement conditions 2 and 3 of the <b>OEH conditions of concurrence</b>, and:</p> <ul style="list-style-type: none"> <li>a. the Biodiversity Offset Strategy must be submitted to the <b>Department</b> at least 1 month before <b>construction</b> commences, and <b>construction</b> cannot commence until the strategy is approved by the <b>Minister</b>;</li> <li>b. the Biodiversity Offset Strategy must: <ul style="list-style-type: none"> <li>i. demonstrate how the proposed offset package will meet the requirements of condition 4;</li> <li>ii. identify and describe the proposed offset sites, and include maps clearly depicting Swift Parrot and Regent Honeyeater habitat within the offset sites;</li> <li>iii. identify how the offset sites will be legally secured in perpetuity;</li> <li>iv. identify the long term objectives for future condition of the offset sites, management and monitoring</li> </ul> </li> </ul>	<p>The New Intercity Fleet Biodiversity Offset Strategy (BOS) was developed in accordance with the requirements of this condition and NSW Department of Planning, Industry and Environment (DPIE) Species Impact Statement (SIS) Concurrence Conditions 2 and 3. The BOS was issued to the Department on 28 February 2018. The BOS was approved by the Department on 15 June 2018 and is publicly available on the TfNSW website: <a href="https://www.transport.nsw.gov.au/projects/current-projects/new-intercity-fleet-maintenance-facility">https://www.transport.nsw.gov.au/projects/current-projects/new-intercity-fleet-maintenance-facility</a>.</p> <p>As a result of the June 2021 variation to the EPBC Approval biodiversity offsetting conditions (including Condition 6), the BOS was updated during the reporting period to meet the requirements of the EPBC conditions. The BOS was revised to address EPBC biodiversity offsetting requirements; including a revised strategy / description on how biodiversity offsets have been met for the Project. The revised BOS was approved by the Department on 11 August 2021.</p> <p>The Biodiversity Offset Package (BOP) was approved by OEH on 29 September 2021.</p> <p>All biodiversity offsets payments for the Project are now complete, and no further biodiversity offsets are required. This condition is considered closed.</p>	<p>Compliant</p>

	<p>actions, and timeframes for implementation;</p> <p>v. provide details of proposed <b>supplementary measures</b>, and the monetary value of each component of the offset package;</p> <p>vi. be implemented if approved.</p>		
7	<p>The person taking the action must notify the Department in writing of any proposed change to the <b>state conditions of approval</b> referred to in conditions 1 and 2, or the <b>OEH conditions of concurrence</b> referred to in condition 6, within 14 days of proposing a change, and notify the Department of any change to the <b>state conditions of approval</b> referred to in conditions 1 and 2, or the <b>OEH conditions of concurrence</b> referred to in condition 6, within 14 days of a change to conditions being finalised.</p>	<p>There were no changes to the state conditions during the reporting period and no SIS Concurrence modifications were obtained.</p>	Compliant
8	<p>Within 30 days after the <b>commencement</b> of the action, the person taking the action must advise the Department in writing of the actual date of <b>commencement</b>.</p>	<p>Commencement of the action occurred on the 24 January 2018 and the Department was notified of the date of commencement. This is outside of the scope of the 2021 reporting period.</p>	Compliant
9	<p>The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of this approval, including measures taken to implement the management plans and strategies required by this approval, and</p>	<p>TfNSW maintains accurate records in accordance with the requirements of this condition. No requests for records were made by the Department during this reporting period.</p>	Compliant

	make them available upon request to the <b>Department</b> . Such records may be subject to audit by the <b>Department</b> or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval.		
10	Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval and provide documentary evidence providing proof of the date of publication to the <b>Department</b> . The person taking the action must continue to publish the reports until such time as agreed to in writing by the Minister.	This 2021 Annual Compliance Report meets the requirements for the 24 January 2021 to 24 January 2022 reporting period. The 2020 Annual Compliance Report was submitted to the Department within three months of the 12-month anniversary date.  The report has been published on the TfNSW website: <a href="https://www.transport.nsw.gov.au/projects/current-projects/new-intercity-fleet-program-maintenance-facility">https://www.transport.nsw.gov.au/projects/current-projects/new-intercity-fleet-program-maintenance-facility</a> and will be issued to the Department within three months of the 12 month anniversary (i.e. prior to 24 April 2022).	Compliant
11	The person taking the action must notify the Department by email (to EPBCMonitoring@environment.gov.au or an email advised by the Department) of any actual or potential non-compliance with the conditions of this approval, including any plan or strategy required by the conditions of this approval, within 7 days of the person taking the action becoming aware of the actual or potential non-compliance.	There were no actual or potential non-compliances with the conditions of this approval recorded during the reporting period.	Compliant
12	Upon the direction of the <b>Minister</b> , the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the <b>Minister</b> . The independent auditor must be approved by the	No requests for independent audits of compliance with the EPBC conditions were made by the Department during this reporting period.	Not Applicable



	<p><b>Minister</b> prior to the commencement of the audit. Audit criteria must be agreed to by the <b>Minister</b> and the audit report must address the criteria to the satisfaction of the <b>Minister</b>.</p>		
13	<p>The person taking the action may choose to revise a management plan or strategy approved by the <b>Minister</b> under conditions 2 and 6 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan or strategy would not be likely to have a new or increased impact. If the person taking the action makes this choice they must notify the Department in writing that the approved plan or strategy has been revised and provide the Department, at least four weeks before implementing the revised plan, with:</p> <ol style="list-style-type: none"> <li>an electronic copy of the revised management plan showing changes to the plan;</li> <li>an explanation of the differences between the revised management plan and the approved management plan;</li> <li>the reasons the person taking the action considers that taking the action in accordance with the revised management plan would not be likely to have a <b>new or increased impact</b>.</li> </ol>	<p>The Groundwater and Dewatering Management Plan was revised during this reporting period in accordance with the requirements of this condition.</p> <p>The Groundwater and Dewatering Management Plan Revision 3 was issued to the Department on 12 January 2021 but was not accepted by the Department. The plan was updated at the conclusion of construction, with the recommendations from the final construction groundwater monitoring report. No operational groundwater monitoring is proposed in the plan.</p> <p>The plan was later revised in June 2021 (still as Revision 3) to outline the results of monitoring from the construction period and to outline the ongoing operational requirements for the facility (the management plan was re-named to the Operational Groundwater Management Plan). The plan was accepted by the Department in July 2021.</p> <p>The Operational Groundwater Management Plan Revision 3 is available on the TfNSW website: <a href="https://www.transport.nsw.gov.au/projects/current-projects/new-intercity-fleet-maintenance-facility">https://www.transport.nsw.gov.au/projects/current-projects/new-intercity-fleet-maintenance-facility</a></p>	Compliant
14	<p>The person taking the action may revoke their choice under condition 13 at any time by notice to the</p>	<p>Noted, Condition 14 not triggered during this reporting period.</p>	Not Applicable

	<p><b>Department.</b> If the person taking the action revokes the choice to implement a revised plan or strategy without approval under section 143A of the Act, the plan or strategy approved by the <b>Minister</b> must be implemented.</p>		
15	<p>Condition 13 does not apply if the revisions to the approved strategy include changes to environmental offsets provided under the strategy in relation to a matter protected by a controlling provision for the action, unless otherwise agreed in writing by the <b>Minister</b>. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised plan or strategy would, or would not, be likely to have <b>new or increased impacts</b>.</p>	Noted, Condition 15 not triggered during this reporting period.	Not Applicable
16	<p>If the <b>Minister</b> gives a notice to the person taking the action that the <b>Minister</b> is satisfied that the taking of the action in accordance with the revised plan or strategy would be likely to have a <b>new or increased impact</b>, then:</p> <ol style="list-style-type: none"> <li>a. Condition 13 does not apply, or ceases to apply, in relation to the revised plan or strategy; and</li> <li>b. The person taking the action must implement the plan or strategy approved by the <b>Minister</b>. To avoid any doubt, this condition does not affect any operation of conditions 13, 14 and 15 in the period before the day the notice is given. At the time of giving the notice the Minister may also</li> </ol>	Noted, Condition 16 not triggered during this reporting period.	Not Applicable

	notify that for a specified period of time that condition 13 does not apply for one or more specified plans or strategies required under the approval.		
17	Conditions 13 to 16 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 or strategy to the <b>Minister</b> for approval.	Noted, Conditions 13 to 16 not triggered during this reporting period.	Not Applicable
18	If, at any time after 5 years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the <b>Minister</b> .	EPBC 2016/7681 action commenced on the 24 January 2018.	Compliant
19	Unless otherwise agreed to in writing by the <b>Minister</b> , the person taking the action must publish all plans and strategies referred to in these conditions of approval on their website. Each plan or strategy must be published on the website within 1 month of being approved by the <b>Minister</b> or being submitted under condition 13a.	The Operational Groundwater Management Plan and Biodiversity Offset Strategy are available on the TfNSW website: <a href="https://www.transport.nsw.gov.au/projects/current-projects/new-intercity-fleet-programmaintenance-facility">https://www.transport.nsw.gov.au/projects/current-projects/new-intercity-fleet-programmaintenance-facility</a> . The Operational Groundwater Management Plan and BOS were revised during the reporting period and were published on the website within one month of approval by the Department.  No additional plans or strategies were required to be published in accordance with Condition 19 during this reporting period.	Compliant

## 4. Correcting non-compliances

There were no non-compliances recorded during the 24 January 2021 to 24 January 2022 reporting period.

## 5. New environmental risks

No new environmental risks were identified during the reporting period.



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