

Devonport City Council

Piping of Open Drain & Translocation of Burrowing Crayfish at Sheffield Road, Devonport, Tasmania (EPBC 2011/6095)

Annual Compliance Report

Environment Protection Biodiversity Conservation Act 1999



Fig A - *Engaeus granulatus*

30 June 2014



Fig B - Typical Burrowing Crayfish "Chimney"

Document Control Information					
Revision	Date	Status	Author	Verifier	Approver
0	26 June 2013	DRAFT	A Rundle		
1	30 June 2013	DRAFT	A. Rundle	R Barnes	
2	30 June 2013	FINAL	A. Rundle	R. Barnes	A. Rundle
3	16 April 2014	DRAFT	A. Rundle		

Table of Contents

Contents

1.0 Table of Definitions	4
2.0 Abbreviations	4
3.0 Introduction	5
4.0 Compliance Table	7
Appendix A – Permit Approval and Conditions	14
Appendix B – Clayton Drive Offset Site – Identified Areas	21

1.0 Table of Definitions

Definitions:

Activity site – 197 to 229 Sheffield Road, Sheffield, Tasmania (including the adjacent road reserve and associated roadside drains) (refer to [Appendix A](#)).

Central North Burrowing Crayfish – *Engaeus granulatus*, listed as endangered under the EPBC Act.

Commencement – the date construction works associated with the proposed action are first undertaken, excluding fences and signage.

Construction – any works associated with the proposed action, including any preparatory works required to be undertaken such as clearing vegetation, excavation, the erection of any onsite temporary structures and the use of heavy equipment for the purpose of breaking the ground for infrastructure.

Department - the Australian Government Department administering the EPBC Act.

Development - any physical works that will alter the condition of the site, including vegetation clearance, earthworks and erection of structures.

Environmental Management Zone – zone under the Revised Planning Scheme that provides for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard and only allows for complementary use or development where consistent with any strategies for protection and management.

EPBC Act – the *Environmental Protection and Biodiversity Conservation Act 1999*.

Final Preliminary documentation – the assessment documentation approved for publication by the department on 12 April 2012.

Minister – the Minister administering the EPBC Act or the delegate of the Minister administering the EPBC Act.

Offset site – 39 Clayton Drive, Spreyton, Tasmania (title reference 24071/361) (refer to [Appendix B](#)).

Revised planning scheme - the planning scheme that will replace the *Devonport and Environs Planning Scheme 1984*.

2.0 Abbreviations

CNBC - Central North Burrowing Crayfish (*Engaeus granulatus*)

DSEWPac - Department of Sustainability, Environment, Water, Population and Communities

EPBC Act - *Environmental Protection and Biodiversity Conservation Act 1999*

OMP – Offset Management Plan

3.0 Introduction

The Devonport City Council through the 2011/12 budget process listed a capital works project to undertake the upgrade of a section of Sheffield Road. The project included piping of an open drain, road widening, kerb and channel and footpath construction. During the project investigation it was determined that *Engaeus granulatus* (Central North burrowing crayfish) existed within the project activity site. This triggered a referral process as *Engaeus granulatus* are listed as endangered under state and federal legislation.

National: Listed as Endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Tasmania: Listed as Endangered under the *Threatened Species Protection Act 1995* (TSP Act).

The referral process resulted in Council commissioning an extensive ecological survey and preparing documentation, undertaking consultation, review and update and submitting Preliminary Documentation. Ultimately this process resulted in Council obtaining DSEWPac approval and a permit under the EPBC Act (refer to Appendix A). The following summarises the project and permit conditions.

The Piping of Open Drain & Translocation of Burrowing Crayfish at Sheffield Road, Devonport, Tasmania (EPBC 2011/6095) project was approved by the Department of Sustainability, Environment, Water, Population and Communities on 7 June 2012.

The project involved;

- the translocation of *Engaeus granulatus* from the roadwork's activity site located at Sheffield Road to 39 Clayton Drive. 39 Clayton Drive is an Open Space area owned by the Devonport City Council.
- Habitat improvement works at 39 Clayton Drive to increase the numbers of *Engaeus granulatus* at that location.

A monitoring program forms part of the approval process and has initially been implemented to monitor the survival rates of the translocated animals and as a later stage of investigation evaluate the expansion or the *Engaeus granulatus* population at the 39 Clayton Drive reserve.

The listed objectives stated in the 39 Clayton Drive Spreyton, Offset Management Plan, (DCC and Van Diemen Consulting P/L, Revision 1, September 2013) for the Burrowing Crayfish Translocation project were identified as;

1. Protect existing Central North burrowing crayfish in the Offset Site;
2. Translocate Central North burrowing crayfish to the Offset Site from the Activity Site to increase the overall number of Central North burrowing crayfish at the Offset Site;

3. Create new habitat for Central North burrowing crayfish within the Offset Site (refer to Appendix B) to increase the carrying capacity of the site to accommodate enough animals to compensate for the loss of Central North burrowing crayfish at the Activity Site;
4. Create a geographic area of new habitat for Central North burrowing crayfish within the Offset Site to compensate for the loss of habitat at Sheffield Road;
5. Provide a practical opportunity to investigate the merits and methods of habitat creation and translocation for Central North burrowing crayfish, including information on the techniques to create habitat and the rate of population expansion into created habitats, and the techniques and success of translocation;
6. Improve habitat condition and landscape connectivity in the Offset Site for Central North burrowing crayfish and other species of conservation significance, including Tasmanian devil, swift parrot and eastern barred bandicoot;
7. Manage non-native areas of the site for fuel reduction purposes and passive recreational activities without impacting on the natural values in the Offset Site; and
8. Provide a 'nature conservation' educational resource for community groups, land managers, school groups, visitors and the broader community.

REPORTING REQUIREMENTS

The OMP identifies a commitment to providing progress reports to DSEWPaC and the Policy and Conservation Assessment Branch within DPIPWE every 6 months from the commencement of the project for 2 years (4 reporting periods); and then annually for the next 8 years (8 reporting periods).

The following table outlines the status of compliance related to the DSEWPaC approval and permit conditions.

4.0 Compliance Table

Condition Number	Requirement	Compliance Comments	Compliance Rating
1	To minimise impacts to the Central North Burrowing Crayfish all the activity site , the person taking the action must implement the <i>Environmental Protection Requirements: Construction Environment Management Plan – Sheffield Road (Activity Site)</i> contained in the final preliminary documentation .	<p>The translocation tasks undertaken at the activity site were supervised and completed in accordance with documented Environmental Protection Requirements and the Construction Environment Plan. Operational tasks were undertaken and overseen by consulting ecologists (Van Diemen Consulting) with the assistance of Council and Contractor staff. Both Council and Contractor staff were briefed on specific environmental management requirements as set out in EMP. EMP activities included compliance to procedures related to Terrestrial & Aquatic Flora and Fauna, Working near soaks and springs, Erosion, Sedimentation and surface run-off, Aboriginal Artefacts and Weed and Pathogen Control.</p> <p>Task complete</p>	Compliant –
2	To compensate for impacts to Central North Burrowing Crayfish at the activity site, the person taking the action must:		
2a	a. Implement the <i>39 Clayton Drive Spreyton: Offset Management Plan: February 2012: Final</i> from the date of this approval;	Work at the offset site started on 23 June 2012. The Offset Management Plan (OMP) works were completed for Area 3 and 4 prior to the translocation of the CNBC. The works included extensive site rehabilitation & planting (over 400 trees and shrubs)	Compliant

		<p>within the Area 4 "Habitat Creation Area". Soaks and Seeps were constructed to support the habitat in accordance with the OMP. Rocks and sedimentation traps were also placed to ensure the site habitat was enhanced and sustained a growing <i>Engaeus granulatus</i> population. Other work included the installation of stock proof fencing to enclose and protect the site. An access track, gates, culverts and permanent advisory and interpretive signage has been installed as specified in the OMP.</p> <p>Further tree and shrub planting and weed control and slashing in Areas 1, 2 and 3 has been undertaken and will be continued in accordance with OMP September 2013 Revision 1.</p> <p>Task complete</p>	
2b	<p>b. Complete habitat creation and improvement works at the offset site detailed in the <i>39 Clayton Drive Spreyton: Offset Management Plan: February 2012(subsequent Rrevision 1 , September 2013): Final</i> prior to construction commencing at the activity site; and</p>	<p>The habitat creation of the offset site was finalised in preparation for the translocation of CNBC. Habitat creation included works as outlined in 2a and also involved burrow formation.</p> <p>Task complete</p>	Compliant
2c	<p>c. Undertake the excavation, salvage and translocation of Central North Burrowing Crayfish from the activity site to the offset site in accordance with the <i>Standard Operating Procedure: Engaeus granulatus translocation</i> contained in the final preliminary documentation prior to any other construction at the activity site commencing:</p>	<p>A total of 207 animals were taken. An excavation & translocation of 193 individual animals occurred between 11-14th July 2012. A further 9 animals were translocated on the 20 July 2012. A total of five (5) animals were euthanized and preserved for curation by the Queen</p>	Compliant

		<p>Victoria Museum</p> <p>The a survey undertaken in January 2013 and again 31st October 2013 ("15 Month Monitoring Report November 2013") confirmed;</p> <p>The translocated CNBC were transferred in accordance with the <i>Standard Operating Procedure</i> (SOP) and relocated into the created burrows at the offset site. Each burrow was marked and identified for future monitoring.</p> <p>Community awareness of the reserve and its important conservation values has been raised thorough letters, newsletters, open days, school group visits, interpretive signage and Councils WEB page.</p> <p>Ongoing maintenance has occurred at the following the translocation of the CNBC. Task complete</p> <p>Monitoring and Reporting has continued in accordance with the OMP.</p> <p>After 12 months ("15 Month Monitoring Report November 2013") 82% of the animals translocated showed signs of activity. A search was conducted during this visit to locate new burrows – 74 new burrows were found. All new burrows were outside the areas where animals were translocated and outside the main channel of Figure of Eight Creek</p> <p>A visual assessment was made of the number and health of plants. Trees and shrubs have grown very well. Some paperbarks and blackwoods are now 1.5 m tall and will</p>	
--	--	--	--

		<p>continue to create a micro-climate within which the <i>Engaeus granulatus</i> at the site should thrive.</p> <p>Site erosion was also assessed and was determined as not significant. Some minor gravel washout has occurred at culverts but this has since been addressed.</p> <p>Visual assessments have been made of the approximate water table across those areas where <i>Engaeus granulatus</i> were translocated. Water was noted during the October 2013 as flowing well throughout the channels and pools following good Spring rains.</p> <p>No nests of terrestrial mammals or dens were observed during October 2013 assessment.</p> <p>Montpelier broom has been noted at a property boundary. This will be controlled via cutting and pasting the stem. A weed spraying program was initiated in spring 2013 to target thistles and blackberry and this appears to have been successful.</p>	
3	<p>To provide protection for the offset site, the offset site must be re-zoned as an Environmental Management Zone, or an alternative conservation zoning that provides an equal or higher level of protection, in the revised planning scheme to be approved by the Tasmanian Minister for Planning. The offset site must be secured through this mechanism within 8 months of the date of approval.</p> <p>Evidence of the completed re-zoning of the offset site must be provided to the department within 10 days of approval of the revised planning scheme by the Tasmanian Minister for Planning.</p>	<p>The Devonport City Council Interim Planning Scheme came into force on 19 October 2013.</p> <p>The reserve is zoned 'Environmental Management' which is consistent with the commitment made by the Devonport City Council during the assessment process under the EPBC Act. The Department were notified of the re-zoning through submission of the 15 Month Monitoring</p>	Compliant

		<p>Report. The Interim Planning Scheme was also available through public exhibition and advertised through media, Councils WEB site and available at Council in accordance with the Land Use Planning and Approvals Act 1993.</p> <p>The Management of the site, and its associated management plan, were added to the list of reserves managed by DCC under the DCC Public Open Space Service Level 2011/12 Plan prior to the 6 month monitoring event. The management of the reserve has been in accordance with the OMP.</p> <p>Task complete</p>	
4	<p>To provide long term protection for the offset site, the offset site must be retained for conservation of the Central North Burrowing Crayfish for the life of this approval. No development must occur at the offset site after the translocation of Central North Burrowing Crayfish without the prior written authorisation of the department.</p>	<p>The "offset site" is recorded by Council as Public Open Space under the ownership of the Devonport City Council. The site has been endorsed as a nature reserve by Council.</p> <p>Task complete</p>	Compliant
5	<p>Within 10 days after the commencement of the action, the person taking the action must advise the department in writing of the actual date of commencement.</p>	<p>Written advance notice of the commencement of the project was provided to DSEWPaC on 14 June 2012.</p> <p>Task complete</p>	Compliant
6	<p>The person taking the action must maintain accurate records</p>	<p>Project and other records have been</p>	Compliant

	substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the plans 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.	maintained and recorded permanently within Councils records management and project system. A 15 Month Monitoring Report (November 2013) was forwarded to DSEWPaC and	
7	By 30 June of each year after the commencement of the action, 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.	This report	Compliant
8	If the person taking the action wishes to carry out any activity otherwise than in accordance with the 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 plan. The varied activity shall not commence until the Minister has approved the varied plan in writing. The Minister will not approve a varied plan unless the revised plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised plan, that plan must be implemented in place of the plan originally approved.	One variation to the approved OMP occurred during the offset site preparation. The variation was a reduction in the length of the gravel access track within the offset site. The DSEWPaC were advised of this change through the 6 Month Reporting process. The change was approved. No other action or variation to the approved plans or conditions has been undertaken.	Compliant
9	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, the Minister may request that the person taking the action make specified revisions to the plan specified in the conditions and submit the revised plan, for the Minister's written approval. The person taking the action must comply with any such request. The revised approved plan must be implemented. Unless the Minister has approved the revised plan, then the person taking the action must continued to implement the plan originally approved, as specified in the conditions.	No action or variation to the approved plans or conditions has been requested by the Minister.	Compliant

10	Unless otherwise agreed to in writing by the Minister , the person taking the action must publish all plans referred to in these conditions of approval on their website for at least 12 months from the date of approval. Each plan must be published in the website within one month of being approved.	This report, the OMP, and the Monitoring Reports for the Offset Site	Compliant

Appendix A – Permit Approval and Conditions



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

EPBC Ref: 2011/6095

Mr Andrew Rundle
City Infrastructure Manager
Devonport City Council
PO Box 604
DEVONPORT TAS 7310

Dear Mr Rundle

Decision on approval

Piping of Open Drain and Translocation of Burrowing Crayfish at Sheffield Road, Devonport, Tasmania (EPBC 2011/6095)

I am writing to you in relation to a proposal to install drainage pipes in the open drain and translocate burrowing crayfish from the drain beside Sheffield Road, Devonport, Tasmania.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to Devonport City Council. The details of my decision are attached. The proposal must be undertaken in accordance with the conditions specified in the approval.

I would appreciate your assistance by informing me when you start the action and who will be the contact person responsible for the administration of the approval decision.

Please note any plans required as conditions of approval will be regarded as public documents unless you provide sufficient justification to warrant commercial-in-confidence status.

You should also note that this EPBC Act approval does not affect obligations to comply with any other laws of the Commonwealth, state or territory that are applicable to the action. Neither does this approval confer any right, title or interest that may be required to access land or waters to take the action.

The department has an active audit program for proposals that have been referred or approved under the EPBC Act. The audit program aims to ensure that proposals are implemented as planned and that there is a high degree of compliance with any associated conditions. Please note that your project may be selected for audit by the department at any time and all related records and documents may be subject to scrutiny. Information about the department's compliance monitoring and auditing program is enclosed.

I have also written to the Tasmanian Minister for Environment, Parks and Heritage, the Hon Brian Wightman MP, to advise him of this decision.

If you have any questions about this decision, please contact the project manager, Megan
Baulderstone, by email to megan.baulderstone@environment.gov.au, or telephone
(02) 6274 1383 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Charmayne Murray', with a stylized flourish at the end.

Charmayne Murray
Acting Assistant Secretary
Environment Assessment Branch

7 June 2012



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Approval

Piping of Open Drain and Translocation of Burrowing Crayfish at Sheffield Road, Devonport, Tasmania (EPBC 2011/6095)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted Devonport City Council

proponent's ABN (if applicable) 47 611 446 016

proposed action To install drainage pipes in the open drain and translocate burrowing crayfish from the drain beside Sheffield Road, Devonport, Tasmania [See EPBC Act referral 2011/6095].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 8 June 2052.

Decision-maker

name and position Charmayne Murray
Acting Assistant Secretary
Environment Assessment Branch

signature

date of decision 7 June 2012

Conditions attached to the approval

1. To minimise impacts to the **Central North Burrowing Crayfish** at the **activity site**, the person taking the action must implement the *Environmental Protection Requirements: Construction Environment Management Plan – Sheffield Road (Activity Site)* contained in the **final preliminary documentation**.
2. To compensate for impacts to **Central North Burrowing Crayfish** at the **activity site**, the person taking the action must:
 - a. implement the *39 Clayton Drive Spreyton: Offset Management Plan: February 2012: Final* from the date of this approval;
 - b. complete habitat creation and improvement works at the **offset site** detailed in the *39 Clayton Drive Spreyton: Offset Management Plan: February 2012: Final* prior to **construction** commencing at the **activity site**; and
 - c. undertake the excavation, salvage and translocation of **Central North Burrowing Crayfish** from the **activity site** to the **offset site** in accordance with the *Standard Operating Procedure: Engaeus granulatus translocation* contained in the **final preliminary documentation** prior to any other **construction** at the **activity site** commencing.
3. To provide protection for the **offset site**, the **offset site** must be re-zoned as an **Environmental Management Zone**, or an alternative conservation zoning that provides an equal or higher level of protection, in the **revised planning scheme** to be approved by the Tasmanian Minister for Planning. The **offset site** must be secured through this mechanism within 8 months of the date of this approval.

Evidence of the completed re-zoning of the **offset site** must be provided to the **department** within 10 days of approval of the **revised planning scheme** by the Tasmanian Minister for Planning.

4. To provide long term protection for the **offset site**, the **offset site** must be retained for conservation of the **Central North Burrowing Crayfish** for the life of this approval. No **development** must occur at the **offset site** after the translocation of **Central North Burrowing Crayfish** without the prior written authorisation of the **department**.
5. Within 10 days after the **commencement** of the action, the person taking the action must advise the **department** in writing of the actual date of **commencement**.
6. 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 plans 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.
7. By 30 June of each year after the **commencement** of the action, 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.

8. If the person taking the action wishes to carry out any activity otherwise than in accordance with the 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 plan. The varied activity shall not commence until the **Minister** has approved the varied plan in writing. The **Minister** will not approve a varied plan unless the revised plan would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised plan, that plan must be implemented in place of the plan originally approved.
9. If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, the **Minister** may request that the person taking the action make specified revisions to the plan specified in the conditions and submit the revised plan, for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved plan must be implemented. Unless the **Minister** has approved the revised plan, then the person taking the action must continue to implement the plan originally approved, as specified in the conditions.
10. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all plans referred to in these conditions of approval on their website for at least 12 months from the date of approval. Each plan must be published on the website within one month of being approved.

Definitions:

Activity site – 197 to 229 Sheffield Road, Sheffield, Tasmania (including the adjacent road reserve and associated roadside drains) (refer to [Appendix 1](#)).

Central North Burrowing Crayfish – *Engaeus granulatus*, listed as endangered under the EPBC Act.

Commencement – the date construction works associated with the proposed action are first undertaken, excluding fences and signage.

Construction – any works associated with the proposed action, including any preparatory works required to be undertaken such as clearing vegetation, excavation, the erection of any onsite temporary structures and the use of heavy equipment for the purpose of breaking the ground for infrastructure.

Department – the Australian Government Department administering the EPBC Act.

Development – any physical works that will alter the condition of the site, including vegetation clearance, earthworks and erection of structures.

Environmental Management Zone – zone under the Revised Planning Scheme that provides for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard and only allows for complementary use or development where consistent with any strategies for protection and management.

EPBC Act – the *Environment Protection and Biodiversity Conservation Act 1999*.

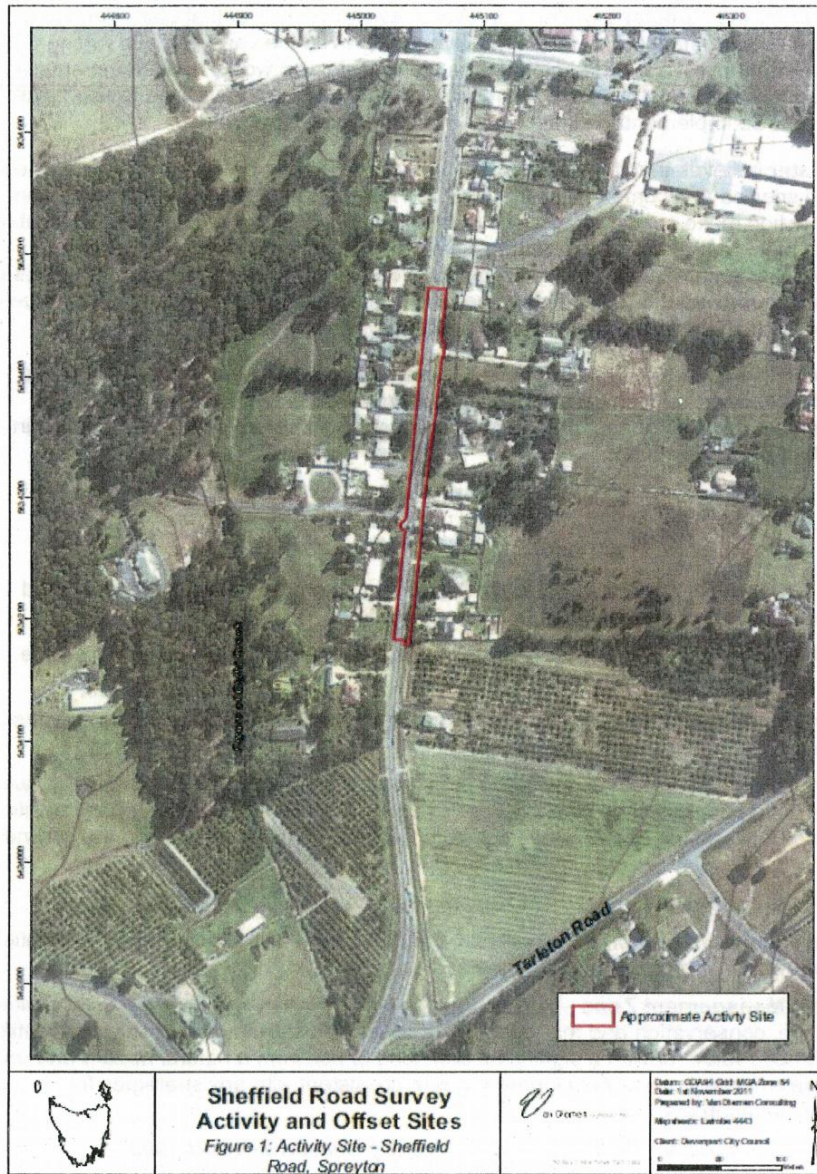
Final preliminary documentation – the assessment documentation approved for publication by the department on 12 April 2012.

Minister – the Minister administering the EPBC Act or the delegate of the Minister administering the EPBC Act.

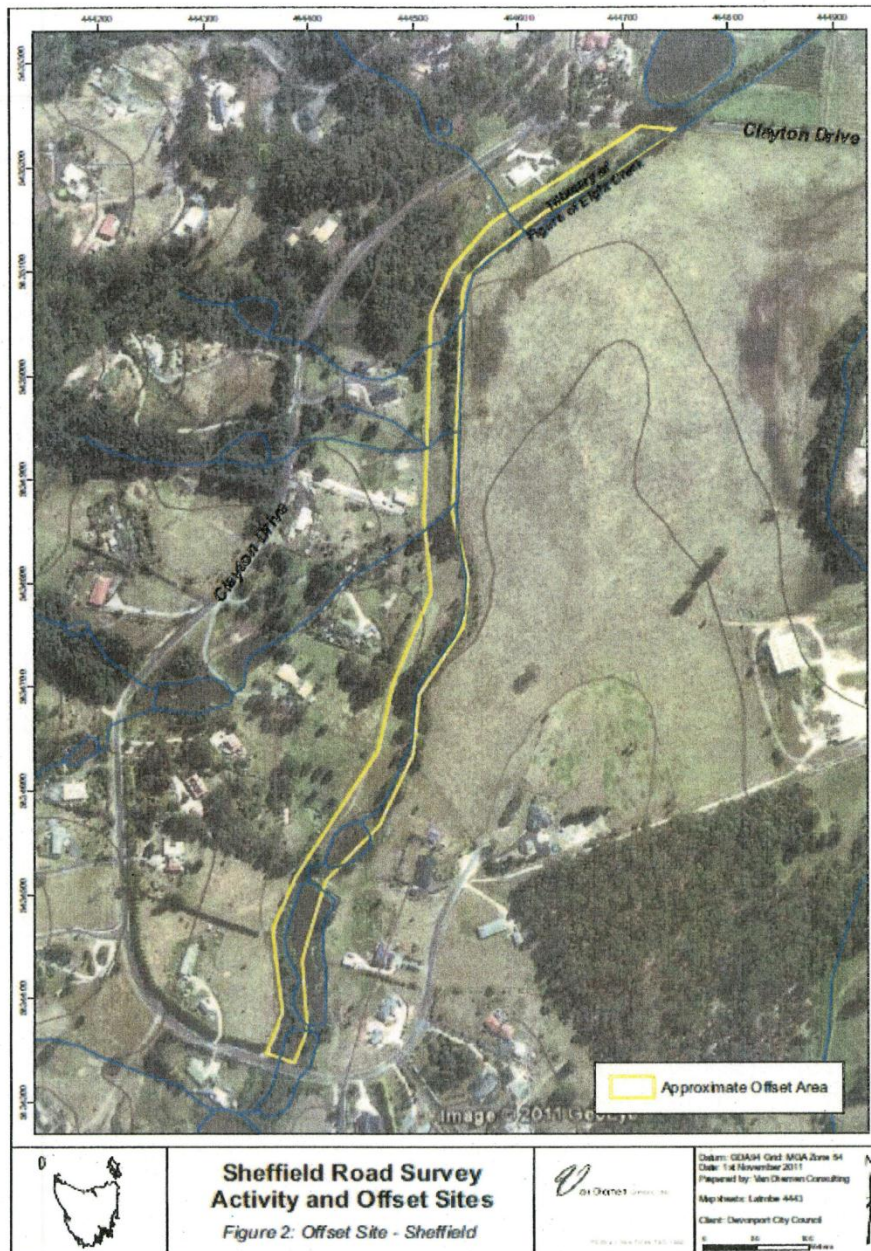
Offset site – 39 Clayton Drive, Spreyton, Tasmania (title reference 24071/361) (refer to [Appendix 2](#)).

Revised planning scheme – the planning scheme that will replace the *Devonport and Environs Planning Scheme 1984*.

Appendix 1: Map of activity site



Appendix 2 – Map of offset site



Appendix B – Clayton Drive Offset Site – Identified Areas

