

Alliance Business Park Project Area

1. Project activities must be limited to the 'Study Area' as illustrated in Appendix 1

Compliant to the best of my knowledge and based on site inspections (i.e. none of the development has occurred outside the property known as 275 O'Herns Road).

Note the approval does not include the road reserve for O'Herns Road. None of the southern side of the road reserve is within the MSA.

Impact Limits

2. The person taking the action must ensure that project activities do not disturb more than 46 hectares of Golden Sun Moth habitat.

Compliant to the best of my knowledge and based on site inspections the project works have been contained within the project design submitted as part of the approval process. Therefore I have no reason to believe that this restriction has been exceeded.

3. The person taking the action must ensure that project activities do not disturb more than two endangered Matted Flax-lily.

Compliant. The 2 plants within the construction footprint were salvaged and no additional plants have been impacted.

4. The person taking the action must translocate the impacted Matted Flax-lily identified in condition 3. The translocation must be undertaken by a suitably qualified ecologist. The final translocation site must be selected in consultation with the Victorian Department of Sustainability and Environment.

Partially compliant. Plants have been salvaged and are being held in a native nursery. Discussions have been had with DELWP to identify an approved location for plants to be planted. Discussions have also been held with the City of Whittlesea to identify an acceptable reserve to take the plants. Details of planting are yet to be finalised.

5. The person taking the action must ensure that project activities do not disturb more than 1.09 hectares of the Natural Temperate Grassland of the Victorian Volcanic Plain ecological community.

Compliant. Only areas of NTGVVP identified within the construction footprint have been impacted. Areas of NTGVVP within the creek corridor were avoided in the design for the shared path.

Other MNES

6. Proposed activities must not impact on any matter of national environmental significance (MNES) other than those identified in proposed conditions 2 to 5 above. If at any time, the person taking the action becomes aware of a potential disturbance to MNES not identified above, activities in the affected area must stop immediately and the department must be contacted. The department may direct the person taking the action to prepare a species management plan that, at a minimum, quantifies the impact, specifies mitigation and avoidance measures as well as propose offsets to compensate for the impact. Work in that area cannot recommence until directed in writing by the department.

Compliant. No other MNES known.

7. Prior to the commencement of construction, a suitably qualified ecologist (the ecologist) must identify all areas of potential Striped Legless Lizard habitat within the Study Area. Before the commencement of any earthworks in areas the ecologist identifies as potential Striped-legless Lizard habitat, the ecologist must undertake targeted pre-clearance surveys for the Striped-legless Lizard in accordance with published species guidelines available at that time.

Compliant. Pre-clearance surveys completed and no animals detected.

8. If at any stage of development, the presence of Striped-legless Lizard is confirmed within the study area, the person taking the action must notify the department, in writing within five business days. Depending on the nature and extent of the population, the department may issue a 'stop-work' order for the affected area and request the submission of a species specific management plan that at a minimum quantifies the impact to the species, specifies avoidance, mitigation and translocation measures as well as commits to offsetting any unavoidable impact on the species. Activities in the affected area would not be able to recommence until directed in writing by the department.

Compliant. No evidence that SLL occur on site.

9. The person taking the action must implement the Growling Grass Frog Management Plan provided as a component of the preliminary documentation. The person taking the action must notify the department of all proposed changes and revisions. Depending on the nature and extent of changes, the department may request that the revised plan be submitted for re-approval.

Partially Compliant. The Growling Grass Frog Management Plan (GGFMP) is identified as the Alliance Business Park 275 O'Herns Road Epping: Edgars Creek Management Plan.

Uncertain if any legal protective mechanism has been put in place.

The plan has not been subject to a formal review every 2 years since the start of the project but is considered to be still appropriate in its original form.

The site has been protected by temp fencing during construction and has been treated as a no go zone. Small intrusion at the proposed road crossing has appropriate sediment control infrastructure.

More permanent fencing / protection included in the landscape design plans.

Advice has been provided for the design of the proposed crossing.

Weed control works within the corridor have occurred. Biomass levels not monitored regularly but when observed have been suitable. Weed control works completed to date have been effective.

One monitoring exercise has occurred. Another would be appropriate and would be consistent with the requirements of the plan.

No ground cover revegetation works have been done although some tree planting has occurred.

10. To ensure that project activities do not have an unacceptable impact on the Growling Grass Frog, the person taking the action must implement all mitigation and avoidance measures identified in the Growling Grass Frog Conservation Management Plan described in the preliminary documentation.

Compliant. No unacceptable impacts to the creek corridor have been observed. No works for a creek crossing have occurred. No upgrade works for O'Herns Road have occurred although they are being planned by VicRoads. The corridor appears to retain its suitability as a movement corridor.

11. Prior to the commencement of works associated with any road crossing of Edgars Creek, the person taking the action must provide the department with detailed plans including maps and illustrations of all proposed culverts. All culverts must comply with best practice specifications for amphibian-friendly culverts in relevant literature from Australia and overseas. All culverts must be inspected regularly to ensure they are kept clear of debris and are in good working order. Every 24 months from the date of this approval, for a period of 10 years, the person taking the action must provide the department with a report on the condition of each culvert. The report must include the dates, times and findings of each inspection undertaken in the previous two years as well as documenting any recorded use of the culverts by Growling Grass Frog individuals.

Not applicable to date. Commencement of any works is not likely within the next 12 months.

12. At least two months prior to commencement of construction, the person taking the action must prepare and submit to the Minister for approval, an offset management plan. The offset management plan must be approved by the Minister and then implemented before commencement of construction. At a minimum, the plan must include:
 - a. commitments that the person taking the action will offset the impacts to the critically endangered Golden Sun Moth (*Synemon plana*) with the protection of at least 20 hectares of land at the Birregurra property and at least 160 hectares of land at the Ninyuenook Road property;
 - b. base line data and other supporting evidence that demonstrates both proposed offset sites contain a viable (breeding) Golden Sun Moth population;
 - c. detailed information about the Golden Sun Moth population at each proposed offset site;

- d. illustrations and maps that clearly define the location and boundaries of the offset sites. This must be accompanied with the offset attributes and a shape-file for each offset site;
- e. detailed information, including proposed commitments and timelines regarding management arrangements that will be undertaken at each offset site, as soon as it is purchased and then into the future to ensure the ongoing rehabilitation and improvement of each site. This should include all recommended habitat management measures identified in EPBC Act policy statements and papers;
- f. commitments that demonstrate how the offset sites will be protected in perpetuity (i.e. Trust for Nature covenant);
- g. information and commitments about monitoring and reporting on the improvements in habitat condition of the offset site and the status of the Golden Sun Moth population; and
- h. information that demonstrates the proposed offset sites are consistent with the principles of the EPBC Act Environmental Offsets Policy (October 2012).

(Note: A single offset plan may be provided for both properties on the basis that (b) to (h) above are discussed separately for each property.)

Compliant. Offset plans submitted and approved.

- 13. Within three months of every 24 month anniversary of the date of this approval, the person taking the action must submit to the Minister a report on the status and recovery of the Golden Sun Moth population at each offset site. This must include the results of targeted surveys conducted every second year, supported by an evidence based comparison of the population against base line data required by condition 12 b. This report must be provided to the Minister for the first ten years after commencement of construction.

Partially Compliant. Baseline information was available for the sites to be identified and accepted as offset sites. The offsets were purchased on the basis that the approved OMP was to be implemented by the land owner and that reports were to be provided as directed. MAB has not followed up on the fact that such monitoring reports have not been provided by the landowner. Trust for Nature have indicated the relevant monitoring events have occurred as prescribed (Chris Cook, Trust for Nature pers. comm.). However, the relevant offsets were paid for with landowner agreement to implement the plan and provide the reports as required. Offset monitoring reports are available and have been requested from TfN. Full compliance will therefore be achievable in the near future.

- 14. If either the Birregurra property or Ninyuenook Road property cannot be secured as an offset prior to the commencement of construction, or information in the offset management plan required by condition 12 fails to demonstrate that either site supports a viable population of Golden Sun Moth, the person taking the action must prepare a contingency offset plan. The contingency offset plan must:

- a. be developed in consultation with the department;

- b. specify commitments to secure the protection of alternative offset sites, with equivalent or better Golden Sun Moth habitat values to those of the Birregurra and Ninyuenook properties, to the satisfaction of the department;
- c. address (b) to (h) of condition 12 for each proposed offset site;
- d. specify commitments to deliver activities that implement priority recovery actions consistent with EPBC Act policy statements and papers, National Recovery Plans and as agreed with the relevant Recovery Planning Teams for the Golden Sun Moth;
- e. be consistent with the EPBC Act Environmental Offsets Policy (October 2012); and
- f. be approved by the Minister and then implemented prior to the commencement of construction.

Not Applicable as both offsets were secured prior to construction.

15. Within 5 days of the commencement of construction, the person taking the action must advise the department in writing of the actual date of commencement.

Compliant. Notification sent to DoEE by Michael Martin (MAB pers. comm.).

16. 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 management plans 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.

Uncertain. While there are records of actions taken within the property how detailed these records are is not available to me.

17. Within three months of every 12 month anniversary of the commencement of construction, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published.

Partially Compliant. Monitoring reports for the external offset site at Birregurra are available on the Biosis website. Monitoring reports from the Ninyuenook offset site are available (TfN pers. comm.) and will be sent to me soon. We can then post these on a website.

18. Upon the direction of the Minister, 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 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.

Not Applicable. No audit request has been received.

19. If the person taking the action wishes to carry out any activity otherwise than in accordance with management plans as specified in the conditions, the person taking the action must submit to the department for the Minister's written approval a revised version of that management plan. The varied activity shall not commence until the Minister has approved the varied management plan in writing. The Minister will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan, that management plan must be implemented in place of the management plan originally approved.

Not Applicable. No variations to the proposed activity have been proposed.

20. If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities, the Minister may request that the person taking the action make specified revisions to a management plan specified in the conditions and submit the revised management plan for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plan must be implemented. Unless the Minister has approved the revised management plan then the person taking the action must continue to implement the management plan originally approved, as specified in the conditions.

Not Applicable. No revisions to any management plan have been requested.

21. Unless otherwise agreed to in writing by the Minister, the person taking the action must provide a copy of each approved management plan, report, strategy, agreement referred to in these conditions of approval to members of the public upon request. Copies must be provided within a reasonable time of the request.

Not Applicable. No copies of any management plan have been requested by the public.