

Alliance Business Park EPBC 2012/6298

Compliance Report

August 2023 – August 2024

Final Report

Prepared for MAB Corporation Pty Ltd

19 November 2024

Biosis offices

New South Wales

Albury

Phone: (02) 6069 9200
 Email: albury@biosis.com.au

Gosford

Phone: (02) 9101 8700
 Email: gosford@biosis.com.au

Newcastle

Phone: (02) 4911 4040
 Email: newcastle@biosis.com.au

Sydney

Phone: (02) 9101 8700
 Email: sydney@biosis.com.au

Western Sydney

Phone: (02) 9101 8700
 Email: sydney@biosis.com.au

Wollongong

Phone: (02) 4201 1090
 Email: wollongong@biosis.com.au

Victoria

Ballarat

Phone: (03) 5304 4250
 Email: ballarat@biosis.com.au

Melbourne

Phone: (03) 8686 4800
 Email: melbourne@biosis.com.au

Wangaratta

Phone: (03) 5718 6900
 Email: wangaratta@biosis.com.au



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Report to:	MAB Corporation Pty Ltd
Prepared by:	Maya Rychner
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- Mitch Deaves (quality assurance)

Biosis acknowledges the Aboriginal and Torres Strait Islander peoples as Traditional Custodians of the land on which we live and work.

We pay our respects to the Traditional Custodians and Elders past and present and honour their connection to Country and ongoing contribution to society.

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1 Introduction

1.1 Description of activities

Biosis Pty Ltd (Biosis) was commissioned by MAB Corporation Pty Ltd (MAB) to prepare an annual compliance report for the Alliance Business Park development at 275 O'Herns Road, Epping (EPBC 2012/6298).

EPBC 2012/6298 was granted on 29 April 2013 to MAB and remains in effect until December 2027. The approval is to *develop a mixed industrial and commercial subdivision on a 62 hectare site at 275 O'Herns Road, near Epping, Victoria* (the action).

Condition 17 of the approval requires the approval holder to prepare a compliance report for each 12 month period following the date of commencement of construction. Construction commenced in approximately August 2013, and this report officially covers the period from August 2023 – August 2024.

Current activities undertaken during this period covered by this report include:

- Carrying out of management actions relating to the implementation of Offset Management Plans (OMPs) for the two offset sites including:
 - Weed and pest management.
 - Monitoring and reporting.
- Responding to written requests from the Department, providing compliance records and notifications.

It is noted that a later approval was granted in 2018 to Alliance Business Park Pty Ltd (a subsidiary of MAB) for the eastern extension of the Alliance Business Park development, located at 165-195 O'Herns Road, Epping (2017/7930). Together, the two approvals facilitated the construction of the Alliance Business Park.

1.2 New environmental risk

No new environmental risks have become apparent during this reporting period. Should new environmental risks be identified, a risk analysis and reporting will be undertaken and the relevant management plans reviewed (if required).

1.3 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 _____

Full name _____

Position _____

Organisation _____

Date ____/____/____

2 Compliance table

This section addresses the requirement in the *Annual Compliance Report Guidelines* (DoE, 2014) for a compliance table. Table 1 includes the full wording of all conditions under EPBC 2012/6298 approval, the condition reference number, a designation regarding compliance or non-compliance, a summary of evidence and comments, and references to other parts of this compliance report which relate to the approval condition.

Table 1 EPBC approval compliance table

Condition number	Condition	Is the project compliant with this condition?	Evidence / comments
1	<i>Project activities must be limited to the 'Study Area' as illustrated in Appendix 1.</i>	Compliant	No activities have occurred outside of the property formally known as 275 O'Herns Road.
2	<i>The person taking the action must ensure that project activities do not disturb more than 46 hectares of GSM habitat.</i>	Compliant	Based on site inspections, the project works have been contained within the project design submitted as part of the approval process.
3	<i>The person taking the action must ensure that project activities do not disturb more than two endangered Matted Flax-lily.</i>	Compliant	The two plants within the construction footprint were salvaged and no additional Matted Flax-lily (MFL) <i>Dianella amoena</i> plants have been impacted.
4	<i>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.</i>	Compliant	<p>Impacts to Matted Flax-lily were approved under EPBC 2012/6298 in addition to EPBC 2017/7930 (165-195 O'Herns Road) as well as under two planning permits issued by Hume City Council (Permit reference 713987 and 716886). As required by these permits, a translocation plan was prepared and approved by DELWP (Department of Environment, Land, Water and Planning or its equivalent) (Biosis 2013a).</p> <p>The MFL salvaged from both 275 and 165-195 O'Herns Road have been planted within the Epping North Conservation Reserve (ENCR), managed by the City of Whittlesea. MAB have a contract arrangement with the Conservation Management section of the City of Whittlesea for the management of a section of ENCR and Biosis is currently monitoring the site to ensure management actions ensure the long term survival of the</p>

			<p>translocated MFL plants in line with the objectives of the approved translocation plans.</p> <p>Alliance Business Park is compliant with Condition 4 due to the implementation of the planting, management and monitoring program for MFL at ENCR initiated in September 2020.</p>
5	<i>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.</i>	Compliant	Only areas of NTGVVP identified within the construction footprint were impacted as a result of the project activities, therefore no more than 1.09 hectares were disturbed.
6	<i>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.</i>	Compliant	No other MNES have been identified or impacted.
7	<i>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.</i>	Compliant	<p>The following plans were prepared and implemented for the study area:</p> <ul style="list-style-type: none"> • Striped Legless Lizard Salvage and Translocation Plan (Biosis 2012) • Striped Legless Lizard Contingency Plan (Biosis 2013c) • Striped Legless Lizard Contingency Report (Biosis 2013b) <p>Pre-clearance searches were conducted over 4 days in 2013 and no SLL were recorded.</p>
8	<i>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</i>	Compliant	No Striped Legless Lizard were recorded as per Condition 7.

	<i>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.</i>		
9	<i>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.</i>	Compliant	<p>The <i>Growling Grass Frog Management Plan</i> has been renamed to the <i>Edgars Creek Management Plan</i> dated 29 July 2022 (Biosis 2022). The <i>Alliance Business Park 275 O'Herns Road, Epping: Edgars Creek Management Plan</i> dated 20 September 2013 (EPBC 2012/6298) and <i>165-195 O'Herns Road, Epping: Edgars Creek Management Plan</i> dated 18 September 2017 have been consolidated into the one management plan: <i>Alliance Business Park, O'Herns Road, Epping: Edgars Creek Management Plan</i> dated 29 July 2022 and submitted to the Department for approval on 3 February 2023 (Biosis 2022).</p> <p>The northern section of Edgars Creek was handed over to the City of Whittlesea (CoW) in July 2023. The Plan is being implemented as intended, including ongoing weed management and wetland monitoring.</p>
10	<i>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.</i>	Compliant	As per condition 9, the <i>Alliance Business Park, O'Herns Road, Epping: Edgars Creek Management Plan</i> is being implemented as intended, including ongoing weed management and wetland monitoring.
11	<i>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</i>	Partially non-compliant	<p>Culvert works commenced in approximately January 2020 and were completed in approximately December 2020. Detailed plans were not sent to the Department prior to construction.</p> <p>Biannual inspections and reporting that have taken place are as follows:</p> <ul style="list-style-type: none"> • 2017 – works had not commenced, so the culvert condition monitoring was not applicable at that time. • 2021 – a site inspection was completed in December 2020 to confirm that culvert works were completed in accordance with requirements.

	<i>undertaken in the previous two years as well as documenting any recorded use of the culverts by Growling Grass Frog individuals.</i>		<ul style="list-style-type: none"> • May 2022 – a site visit was conducted by MAB and CoW. CoW directed that rubbish be removed from the culverts. Rubbish was removed by Australian Ecosystems on 6 occasions in May and June. • 2022 – 2023 – Biosis undertook vegetation monitoring and general culvert inspections in March 2022, September 2022, November 2022 and February 2023. • 2024 – Biosis undertook culvert inspections in October 2024.
12	<i>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.</i>	Compliant	<p>Two offset sites were secured, and the following offset management plans were implemented prior to construction:</p> <ul style="list-style-type: none"> • Alliance Business Park: Offset Management Plan for 435 McDonnells Road, Ombersley (2014) • Alliance Business Park: Offset Management Plan for the Ninyeunook Grassland, Ninyeunook Road, Ninyeunook (2013)
13	<i>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 12b. This report must be provided to the Minister for the first ten years after commencement of construction.</i>	Non-compliant	<p>Birregurra (435 McDonnells Road, Ombersley)</p> <ul style="list-style-type: none"> • GSM surveys were conducted over the 2014 – 2015 flight season to provide baseline data. The monitoring report was prepared in December 2015, therefore not within three months of the anniversary date of approval. • An additional GSM report was prepared in 2016, including the same results as the previous report (2014-15 flight season data). • GSM surveys were undertaken over the 2016/17, 2017/18, 2018/19, 2020/21 and 2023/24 flight seasons and reports prepared. Surveys were undertaken over the 2019/20, 2021/22 and 2022/23 flight seasons, however these reports have not been provided. <p>Ninyeunook Grassland</p> <ul style="list-style-type: none"> • Baseline monitoring was undertaken by Biosis in 2013. • GSM surveying was undertaken over the 2017/18, 2018/19, 2019/20 and 2020/21 flight seasons. Reports were prepared and submitted to the Department. No GSM surveys or reports were prepared for 2015 and 2023.
14	<i>If either the Birregurra property or Ninyeunook 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</i>	Not applicable	Both offsets were secured prior to construction in accordance with Condition 12.

	<i>supports a viable population of Golden Sun Moth, the person taking the action must prepare a contingency offset plan.</i>		
15	<i>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.</i>	Compliant	Notification was sent to the Department of the Environment and Energy by Michael Martin (MAB pers. comm.).
16	<i>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.</i>	Compliant	Accurate records have been kept of all management activities associated with the relevant conditions of approval.
17	<i>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.</i>	Non-compliant	<p>Compliance reports were prepared for 2017, 2021 and 2022. No compliance reports were prepared for 2014-16, 2018-19 or 2023.</p> <p>This report has been prepared to address the requirements of Condition 17. The commencement date for construction at 275 O'Herns Road was August 2013. MAB is therefore compliant with this condition for 2024 and has put processes to remain compliant in the future.</p>
18	<i>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.</i>	Not applicable	No audit request has been received to date.
19	<i>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</i>	Not applicable	

	<i>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.</i>		
20	<i>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.</i>	Not applicable	No request has been received to date.
21	<i>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.</i>	Not applicable	No request has been received to date.

2.1 Correcting non-compliances

Table 2 specifies all conditions under EPBC 2012/6298 approval that are subject to non-compliance, the condition reference number, and a summary of corrective measures to be implemented.

Table 2 EPBC approval non-compliance table

Condition number	Description of non-compliance	Corrective measure
11	Detailed plans of proposed culverts (including maps and illustrations) were not sent to the Department prior to commencement of works for Edgars Creek. Culvert works commenced in approximately January 2020.	This component of the condition can no longer be met as the commencement of culvert works occurred in 2020. This instance of non-compliance cannot be corrected.
13	<p>A report of the status and recovery of the Golden Sun Moth at each offset site has not been provided for each 24-month anniversary date. Further details are provided below.</p> <p>Birregurra (435 McDonnells Road, Ombersley)</p> <ul style="list-style-type: none"> GSM surveys were conducted over the 2014 – 2015 flight season to provide baseline data. The monitoring report was prepared in December 2015, therefore not within three months of the anniversary date of approval. Surveys were undertaken over the 2019/20, 2021/22 and 2022/23 flight seasons, however these reports have not been provided. <p>Ninyeunook Grassland</p> <ul style="list-style-type: none"> Baseline monitoring was undertaken by Biosis in 2013. No GSM surveys or reports were prepared for 2015 and 2023. 	This component of the condition can no longer be met as the initial 10-year management period has ended for both offset sites. Biosis, on behalf of MAB, will discuss ongoing management requirements with the landowners.
17	Annual compliance reports were not prepared for 2014, 2015, 2016, 2018, 2020 and 2023.	MAB has put processes in place to remain compliant in the future. This report has been prepared to address the requirements of Condition 17 and MAB is therefore compliant with this condition for 2024.

References

Biosis 2012. *275 O'Herns Road, Epping: Striped Legless Lizard Salvage and Translocation Plan*, Report for MAB Corporation Pty Ltd. Author: Gilmore, D. Biosis Pty Ltd, Melbourne. Project no. 13806.

Biosis 2013a. *Alliance Business Park 275 O'Herns Road, Epping: Matted Flax-lily Translocation Plan*, Report prepared for MAB Corporation. Mueck.S, Biosis Pty Ltd, Melbourne, VIC. Project no.16630.

Biosis 2013b. *275 O'Herns Road, Epping: Striped Legless Lizard Contingency Report*, Report for MAB Corporation Pty Ltd. Author: Gilmore, D. Biosis Pty Ltd, Melbourne. Project no. 16582.

Biosis 2013c. *275 O'Herns Road, Epping: Striped Legless Lizard Contingency Plan*, Report for MAB Corporation Pty Ltd. Author: Gilmore, D. Biosis Pty Ltd, Melbourne. Project no. 13806.

Biosis 2022. *Alliance Business Park, O'Herns Road, Epping: Edgars Creek Management Plan*, Report for MAB Corporation Pty Ltd. Authors: Mueck. S, Biosis Pty Ltd, Melbourne, VIC. Project No.35103.

Appendices

Appendix 1 Email confirmation of annual compliance report

