

Compliance Report (2014/7364) for 135 Barry Road Pty Ltd

Prepared for
YourLand

November 2023



Ecology and Heritage Partners Pty Ltd

Background

To meet Condition 8 of the EPBC Act approval for the residential development at 135-161 Barry Road, Thomastown, Victoria (2014/7364), evidence of compliance with the following relevant approval conditions, as detailed by the approval, are provided below. The remaining approval Conditions not addressed below (Conditions 10 - 14) pertain to actions regarding the revision of a management plan under Conditions 3 and/or 5. To date, no management plans under Conditions 3 and/or 5 have been revised, therefore these Conditions are not considered relevant for the purposes of this compliance report.

Condition 1

The approval holder has not cleared more than 5.01 hectares of natural temperate grassland of the Victorian Volcanic Plain.

Condition 2

Ecology and Heritage Partners understands DEECA have confirmed (via email) the final compensatory payment of \$170,400.00 made to DEECA and cleared 25 February 2020. The payment confirms compliance with Condition 2 of the Part 9 Approval (EPBC 2014-7364), satisfying the Biodiversity Offset fee requirement for the removal of 5.010 hectares of NTGVVP under the MUD policy.

Condition 3

Condition 3 requires the preparation of a Matted Flax-lily Translocation Plan (MTP) to provide for the salvage of all Matted Flax-lilies that are required to be removed as part of the action. The MTP prepared by Ecology and Heritage Partners as part of the Environmental Management Plan (CEMP) was completed and provided to the Commonwealth Post Approvals team on 16 October 2018.

Condition 4

Condition 4 requires that as per Condition 3, Pre-clearance surveys for the Matted Flax-lily *Dianella amoena* within the Construction area must be conducted by a suitably qualified expert within a month prior to the translocation activities being undertaken.

Ecology and Heritage Partners undertook a Matted Flax-lily Pre-clearance survey prior to the commencement of action, on 12 and 14 September 2022. The construction area was walked by two suitably qualified ecologists experienced in the identification of the target species Matted Flax Lily. The locations of all matted Flax-lily specimens were recorded with in-ground pin markers (flags) and GPS location points captured with a GPS. All specimen location points were verified against the locations as identified in prior Matted Flax-lily Targeted Surveys. No Matted Flax-lily specimens identified during the pre-clearance survey were in addition to the specimens identified by the prior 2022 targeted surveys (Figure 1).

Translocation activities into the designated MFL recipient site commenced on 4 October, and continued on 22 and 25 November and 20 December 2022.

Condition 5

Condition 5 requires the preparation of a Conservation Environmental Management Plan (CEMP) to mitigate impacts on NTGVVP and Matted Flax-lilies present adjacent to the construction area and within the recipient

site. The CEMP developed by Ecology and Heritage Partners was completed and provided to the Commonwealth Post Approvals team on 16 October 2018 and was implemented prior to commencement of the action.

Condition 6

Condition 6 requires within 20 business days after commencement, the Department is to be advised in writing of the actual date of commencement. This notice of commencement was provided by Samantha Barron on 20 October 2022 via email confirmed that the action commenced on 12 September 2022. It should be noted that the notice of commencement email was formally acknowledged by the Department on 27 October 2022 via email from Thomas Long.

Condition 7

The approval holder has previously and continues to maintain accurate records of all activities associated with or relevant to the conditions of the approval. It is understood these records may be subject to an audit by the Department.

Condition 8

The intention of this compliance report is to address the compliance actions undertaken to fulfill the Conditions contained within the approval. To fulfill the obligations of Condition 8, this compliance report will be published on the approval holder's website within three months of every 12 month anniversary of the commencement of the action. Documentary evidence providing proof of the date of publication and non-compliance will be provided to the Department at the same time the compliance report is published. All compliance reports will remain published for the life of the approval and will be published for the life of the approval or until advised otherwise by the minister.

Condition 9

Condition 9 requires upon the direction of the Minister, the approval holder must ensure that an independent audit of compliance with the conditions of the approval is conducted and a report is submitted to the Minister. As of writing this compliance report, no direction from the minister has been received.

Condition 16

Condition 16 requires all management plans referred to in the EPBC Act (under sections 130(1) and 133) Approval Decision to undertake a residential development at 135-161 Barry Road, Thomastown, Victoria (2014/7354) be published on the approval holders website. The Construction Environmental Management Plan (CEMP) was published by YourLand Developments on the project website on 12 October 2022. The link to the document is below.

<https://marranrun.com.au/wp-content/uploads/2022/10/135-Barry-Road-CEMP.pdf>