

Aitken Boulevard Road Construction EPBC 2022/9150

Compliance Report

21 March 2024 – 21 March 2025

Final Report

Prepared for MAB Corporation Pty Ltd

29 May 2025

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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 Aitken Boulevard Road construction (EPBC 2022/9150).

EPBC 2022/9150 was granted on 21 March 2024 to The Trustee for ARB Rosedust Trust & The Trustee for MRB Rosedust Trust & The Trustee for The Lyndust Trust (Approval Holder), subsidiaries of MAB Corporation. The approval is *to construct a major arterial road (including associated infrastructure and drainage works) at Mickleham, Victoria* and remains in effect until March 2044.

Condition 24 of the approval requires the approval holder to prepare a compliance report for each 12 month period following the date of approval decision. The proposed action was approved on 21 March 2024 and this report covers the period from 21 March 2024 – 21 March 2025.

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


- Commencement of the action and notification to the Department.
- Carrying out of management actions relating to the implementation of the project Site Environment Management Plan, including monitoring and reporting.
- Carrying out of management actions relating to the implementation of the Matted Flax-lily Translocation Plan, including Matted Flax-lily salvage.
- Commencement of the associated Offset Management Plans, including baseline monitoring.

1.2 New environmental risk

No new environmental risks have been identified in the reporting period.

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	<u>Luke Mitrione</u>
Position	<u>Senior Development Manager</u>
Organisation	<u>MAB Property Developments</u>
Date	<u>02</u> / <u>06</u> / <u>2025</u>

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 2022/9150 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>To avoid and mitigate harm to protected matters, the approval holder must not undertake the Action outside the Action area.</i>	Compliant	<p>Project works have been contained within the project design submitted as part of the approval process.</p> <p>At the time of preparing this compliance report, a non-compliance with Condition 1 was identified and the Department was notified within two business days. This instance of non-compliance is mentioned here for completeness but falls outside the reporting period and will be discussed in next year's compliance report.</p>
2	<p><i>To avoid and minimise harm to protected matters, the approval holder must not clear more than:</i></p> <ul style="list-style-type: none"> <i>a) 2.257 hectares (ha) of NTGVVP</i> <i>b) 4.34 ha of Golden Sun Moth habitat</i> <i>c) 0.463 ha of SHWFTLP</i> <i>d) 0.794 ha of Matted Flax-lily habitat</i> 	Compliant	Works have not resulted in any clearing of MNES other than what was approved for removal as part of the approval process.
3	<i>To mitigate harm to protected matters the approval holder must submit a Site Environment Management Plan (SEMP) to the department for the Minister's approval. The approval holder must not commence the Action unless the Minister has approved the SEMP in writing. The approval holder must</i>	Compliant	<p>A SEMP was prepared and submitted to the Department in June 2024 to mitigate harm to protected matters. The SEMP was approved by the Department on 29 July 2024.</p> <p>The SEMP is being implemented as intended, including construction management measures, monitoring and reporting.</p>

	<i>implement the SEMP approved by the Minister in writing until the expiry date of this approval.</i>		
4	<i>By implementing the SEMP, the approval holder must achieve the following environmental objectives: prevent any avoidable harm to protected matters and mitigate unavoidable and accidental harm to protected matters.</i>	Compliant	A SEMP was prepared and submitted to the Department in June 2024 to mitigate harm to protected matters. The SEMP was approved by the Department on 29 July 2024. The works have not resulted in any clearing of MNES other than what was approved for removal as part of the approval process.
5	<p><i>The SEMP must be consistent with the Environmental Management Plan Guidelines, and must include:</i></p> <ul style="list-style-type: none"> <i>a) Details of the relevant protected matters and a reference to the EPBC Act approval conditions to which the plan refers.</i> <i>b) A table of commitments made in the plan to achieve the environmental objectives, and a reference to exactly where these commitments are detailed in the plan.</i> <i>c) Commitments capable of ensuring that the environmental objectives are achieved.</i> <i>d) Reporting and review mechanisms to demonstrate compliance with the commitments made in the plan.</i> <i>e) An assessment of risks relating to achieving the environmental objectives and risk management strategies and/or mitigation measures that will be applied to address identified risks.</i> <i>f) Impact avoidance, mitigation and/or repair measures, and the timing of those measures.</i> <i>g) A monitoring program, which must include:</i> <ul style="list-style-type: none"> <i>i. measurable performance indicators</i> <i>ii. trigger values for corrective actions</i> <i>iii. the timing and frequency of monitoring, ensuring</i> 	Compliant	A SEMP was prepared and submitted to the Department in June 2024 to mitigate harm to protected matters. The SEMP was approved by the Department on 29 July 2024.

	<p><i>monitoring is capable of detecting trigger values and changes in the performance indicators</i></p> <p><i>iv. proposed corrective actions if trigger values are reached.</i></p>		
6	<p><i>To avoid and mitigate harm as a result of the Action on protected matters, the approval holder must salvage and translocate Matted Flax-lily from the Action area in accordance with the Matted Flax-lily Translocation Plan.</i></p> <ul style="list-style-type: none"> <i>a) The approval holder must implement the Matted Flax-lily Translocation Plan until the expiry date of this approval.</i> <i>b) The approval holder must not commence construction until it has salvaged all Matted Flax-lily plants from the Action area.</i> <i>c) The approval holder must submit to the department, for the Minister's approval, a version of the Matted Flax-lily Translocation Plan revised to identify a designated site into which it is proposed the Matted Flax-lily will be translocated.</i> <i>d) The approval holder must not allow public traffic on the arterial road until the Minister has approved a version of the Matted Flax-lily Translocation Plan revised to identify a designated site into which the Matted Flax-lily will be translocated.</i> <i>e) The approval holder must translocate the salvaged Matted Flax-lily plants within 5 years of commencement of the Action.</i> <i>f) The approval holder must ensure that the location of each translocated Matted Flax-lily plant is submitted to the Atlas of Living Australia and the Victorian Biodiversity Atlas within 6 months of being translocated.</i> 	Compliant	<p>Matted Flax-lily plants were salvaged from the action area on 04 April 2024 by Peter Włodarczyk from Native Grass Matters with assistance from a Senior Botanist from Biosis. All plants were salvaged, bagged and labelled using the letters A to T.</p> <p>The plants are being housed at the Native Grass Matters nursery in Little River, Victoria. Biosis is currently working to finalise a suitable recipient site.</p> <p>The Department was notified of the Matted Flax-lily salvage on 28 August 2024.</p>

	<p>g) <i>The approval holder must notify the department in writing within 30 days of when the first translocation of a Matted Flax-lily plant occurs. The approval holder must notify the department in writing within 30 days of when the final translocation of a Matted Flax-lily plant occurs.</i></p> <p>h) <i>The approval holder must ensure that a minimum of 54 cloned Matted Flax-lily plants have survived at the site designated for this in the Matted Flax-lily Translocation Plan at least 5 years after the date the last Matted-Flax Lily plant is translocated.</i></p>		
7	<i>To avoid and mitigate harm as a result of the Action on protected matters, the approval holder must implement the Matted Flax-lily Translocation Plan until the expiry date of this approval.</i>	Compliant	The Matted Flax-lily Translocation Plan is being implemented as intended, including salvage of Matted Flax-lily plants from the action area.
8	<i>To compensate for the residual impact of the Action on NTGVVP, Golden Sun Moth, SHWFTLP and Matted Flax-lily, the approval holder must secure the NTGVVP and Golden Sun Moth Offset site, the SHWFTLP Offset site and the Matted Flax-lily Offset site within 6 months of the commencement of the Action. The approval holder must ensure that the NTGVVP and Golden Sun Moth Offset site, the SHWFTLP Offset site and the Matted Flax-lily Offset site remain secured at least until the expiry of this approval.</i>	Compliant	<p>The offset sites were secured via Memorandum of Understanding (MoU) agreements prior to the commencement of the action:</p> <ul style="list-style-type: none"> VLQ-7483-2 EPBC offset MOU – MAB Menenia Pty Ltd – Final, dated 18 July 2022 VLQ-7483-2 Rosedust and Copperdust and Menenia OTA 20240412, dated 19 April 2024 VLQ-7483-3 EPBC offset MOU – MAB van Wijick – Final, dated 18 July 2022 VLQ-7483-4 MOU – NTGVVP and GSM, dated 11 August 2023
9	<i>The approval holder must not commence the Action unless the department has advised in writing that it has accepted a memorandum of understanding (MoU) that commits the relevant parties to secure the NTGVVP and Golden Sun Moth Offset site, the SHWFTLP Offset site and the Matted Flax-lily Offset site.</i>	Compliant	As per Condition 8, MoU agreements were executed for the offset sites prior to the commencement of the action. The Department provided written approval of the MoU's on 18 July 2024.
10	<i>The approval holder must commence implementing the following offset management plans by the commencement of</i>	Compliant	The Offset Management Plans are being implemented as intended, including ongoing vegetation management and monitoring. Baseline monitoring was undertaken by the landowners for the

	<p><i>the Action and continue to implement them at least until the expiry of this approval:</i></p> <ul style="list-style-type: none"> a) <i>The NTGWVP and Golden Sun Moth Offset Management Plan</i> b) <i>The SHWFTLP Offset Management Plan and</i> c) <i>The Matted Flax-lily Offset Management Plan.</i> 		NTGWVP/GSM and SHWFTLP offset sites, and Biosis undertook baseline monitoring for the MFL offset site.
11	<p><i>The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister or as subsequently revised in accordance with the following conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.</i></p>	Not applicable	No variation requested.
12	<p><i>The approval holder may choose to revise an action management plan approved by the Minister under condition 3, 6 and 7, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act, if the taking of the Action in accordance with the RAMP would not be likely to have a new or increased impact.</i></p>	Not applicable	
13	<p><i>If the approval holder makes the choice under condition 12 to revise an action management plan without submitting it for approval, the approval holder must:</i></p> <ul style="list-style-type: none"> a) <i>Notify the department electronically that the approved action management plan has been revised and provide the department with:</i> <ul style="list-style-type: none"> i. <i>An electronic copy of the RAMP.</i> 	Not applicable	

	<p>ii. <i>An electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP.</i></p> <p>iii. <i>An explanation of the differences between the approved action management plan and the RAMP.</i></p> <p>iv. <i>The reasons the approval holder considers that taking the Action in accordance with the RAMP would not be likely to have a new or increased impact.</i></p> <p>v. <i>Written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the department.</i></p> <p>b) <i>Subject to condition 15, implement the RAMP from the RAMP implementation date.</i></p>		
14	<p><i>The approval holder may revoke its choice to implement a RAMP under condition 12 at any time by giving written notice to the department. If the approval holder revokes the choice under condition 12, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 12.</i></p>	Not applicable	

15	<i>If the Minister notifies the approval holder that the Minister is satisfied that the taking of the Action in accordance with the RAMP would be likely to have a new or increased impact, then:</i> a) <i>Condition 12 does not apply, or ceases to apply, in relation to the RAMP.</i> b) <i>The approval holder must implement the action management plan specified by the Minister in the notice.</i>	Not applicable	
16	<i>At the time of giving the notice under condition 15, the Minister may also notify that for a specified period of time, condition 9 does not apply for one or more specified action management plans.</i>	Not applicable	
17	<i>The approval holder must notify the department electronically of the date of commencement of the Action, within 5 business days following commencement of the Action.</i>	Compliant	The Department was notified on 21 August 2024 that the action had commenced on 19 August 2024.
18	<i>The approval holder must not Commence the Action later than 5 years after the date of this approval decision.</i>	Compliant	The action was approved on 21 March 2024 and the action commenced on 19 August 2024.
19	<i>The approval holder must maintain accurate and complete compliance records.</i>	Compliant	Accurate records have been kept of all management activities associated with the relevant conditions of approval.
20	<i>If the department makes a request in writing, the approval holder must provide electronic copies of compliance records to the department within the timeframe specified in the request.</i>	Not applicable	No request has been received to date.
21	<i>The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the Guidelines for biological survey and mapped data, Commonwealth of Australia 2018, or as otherwise specified by the Minister in writing.</i>	Compliant	Monitoring data has been prepared in accordance with the Guidelines for biological survey and mapped data, Commonwealth of Australia 2018.

22	<i>The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the Guide to providing maps and boundary data for EPBC Act projects, Commonwealth of Australia 2021, or as otherwise specified by the Minister in writing.</i>	Compliant	Monitoring data has been prepared in accordance with the Guide to providing maps and boundary data for EPBC Act projects, Commonwealth of Australia 2021.
23	<i>The approval holder must submit all monitoring data (including sensitive ecological data), surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the department within 20 business days of each anniversary of the date of this approval decision.</i>	Compliant	No monitoring data is available for the reporting period. All baseline monitoring data will be submitted for the next reporting period.
24	<i>The approval holder must prepare a compliance report for each 12-month period following the date of this approval decision (or as otherwise agreed to in writing by the Minister).</i>	Compliant	This report has been prepared to address the requirements of Condition 24-27 for the reporting period from 21 March 2024 – 21 March 2025.
25	<i>Each compliance report must be consistent with the Annual Compliance Report Guidelines, Commonwealth of Australia 2023.</i>	Compliant	
26	<i>Each compliance report must include:</i> <ul style="list-style-type: none"> <i>a) Accurate and complete details of compliance and any non-compliance with the conditions and the plans, and any incidents.</i> <i>b) One or more shapefile showing all clearing of protected matters, and/or their habitat, undertaken within the 12-month period at the end of which that compliance report is prepared.</i> 	Compliant	This report has been prepared to address the requirements of Condition 24-27 for the reporting period from 21 March 2024 – 21 March 2025.

	<p>c) <i>A schedule of all plans in existence in relation to these conditions and accurate and complete details of how each plan is being implemented.</i></p>		
27	<p><i>The approval holder must:</i></p> <ul style="list-style-type: none"> a) <i>Publish each compliance report on the website within 60 business days following the end of the 12-month period for which that compliance report is required.</i> b) <i>Notify the department electronically, within 5 business days of the date of publication that a compliance report has been published on the website.</i> c) <i>Provide the weblink for the compliance report in the notification to the department.</i> d) <i>Keep all published compliance reports required by these conditions on the website until the expiry date of this approval.</i> e) <i>Exclude or redact sensitive ecological data from compliance reports published on the website or otherwise provided to a member of the public.</i> f) <i>If sensitive ecological data is excluded or redacted from the published version, submit the full compliance report to the department within 5 business days of its publication on the website and notify the department in writing what exclusions and redactions have been made in the version published on the website.</i> 		<p>This report has been prepared to address the requirements of Condition 24-27 for the reporting period from 21 March 2024 – 21 March 2025. The compliance report was published on the proponent's website in June 2025.</p>
28	<p><i>The approval holder must notify the department electronically, within 2 business days of becoming aware of any incident and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a plan.</i></p>	Not applicable	<p>No instance of non-compliance has been identified in the reporting period.</p> <p>At the time of preparing this compliance report, a non-compliance with Condition 1 was identified and the Department was notified within two business days in accordance with Condition 28. This is mentioned here for completeness but falls outside the reporting</p>

			period and will be discussed in next year's compliance report.
29	<p><i>The approval holder must specify in the notification:</i></p> <ul style="list-style-type: none"> <i>a) Any condition or commitment made in a plan which has been or may have been breached.</i> <i>b) A short description of the incident and/or potential non-compliance and/or actual non-compliance.</i> <i>c) The location (including co-ordinates), date and time of the incident and/or potential non-compliance and/or actual non-compliance.</i> 	Not applicable	No instance of non-compliance has been identified in the reporting period.
30	<p><i>The approval holder must provide to the department in writing, within 12 business days of becoming aware of any incident and/or potential non-compliance and/or actual non-compliance, the details of that incident and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a plan. The approval holder must specify:</i></p> <ul style="list-style-type: none"> <i>a) Any corrective action or investigation which the approval holder has already taken.</i> <i>b) The potential impacts of the incident and/or non-compliance.</i> <i>c) The method and timing of any corrective action that will be undertaken by the approval holder.</i> 	Not applicable	No instance of non-compliance has been identified in the reporting period.
31	<i>The approval holder must ensure that an independent audit of compliance with the conditions is conducted for every five-year period following the commencement of the Action until this approval expires (unless otherwise specified in writing by the Minister).</i>	Not applicable	An independent audit will be conducted in 2029, for the first five-year period following commencement of the action.
32	<i>For each independent audit, the approval holder must:</i>	Not applicable	

	<p>a) <i>Provide the name and qualifications of the nominated independent auditor, the draft audit criteria, and proposed timeframe for submitting the audit report to the department prior to commencing the independent audit.</i></p> <p>b) <i>Only commence the independent audit once the nominated independent auditor, audit criteria and timeframe for submitting the audit report have been approved in writing by the department.</i></p> <p>c) <i>Submit the audit report to the department for approval within the timeframe specified and approved in writing by the department.</i></p> <p>d) <i>Publish each audit report on the website within 15 business days of the date of the department's approval of the audit report.</i></p> <p>e) <i>Keep every audit report published on the website until this approval expires.</i></p>		
33	<i>Each audit report must report for the five-year period preceding that audit report.</i>	Not applicable	
34	<i>Each audit report must be completed to the satisfaction of the Minister and be consistent with the Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines, Commonwealth of Australia 2019.</i>	Not applicable	
35	<i>The approval holder must notify the department electronically 60 business days prior to the expiry date of this approval, that the approval is due to expire.</i>	Not applicable	
36	<i>Within 20 business days after the completion of the Action, and, in any event, before this approval expires, the approval holder must notify the department electronically of the date of completion of the Action and provide completion data. The</i>	Not applicable	

	<i>approval holder must submit any spatial data that comprises completion data as a shapefile.</i>		
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Appendices

Appendix 1 Email confirmation of annual compliance report
