



Merrifield South EPBC approval (2013/6913)

Annual Compliance Report: Year 4 (November 2024 to November 2025)

Final Report

Prepared for MAB Corporation

11 February 2026

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- MAB Corporation: Tom Whittle
- Parks Victoria: Kate Churven and Steven Cantwell

Biosis staff involved in this project were:

- Matt Gibson (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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Declaration of Accuracy

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

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1 Introduction

1.1 Background

Biosis Pty Ltd (Biosis) was engaged by MAB Corporation (MAB), who are acting for the approval holder, Merrifield Corporation to undertake annual compliance monitoring in accordance with their approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (EPBC approval 2013/6913). The requirement for the annual compliance report is prescribed under Condition 7 of the approval.

This report addresses each approval condition and documents compliance for Year 4 (9 November 2024 to 8 November 2025), including implementation of Woodland Reserve Management Plan, August 2017 (ABZECO 2017) (reserve management plan) as specified in Condition 3 of the approval.

This report is to be published on the MAB website within 3 months of 9 November 2025. This report has been prepared in accordance with the *Annual Compliance Report Guidelines: Reporting under the Environment Protection and Biodiversity Conservation Act 1999* (DCCEEW 2023).

1.2 Description of Activity

The approved action involved the residential and commercial development of the land at 225 and 285 Donnybrook Mickleham.

The approval and associated conditions are in effect until 31 December 2034.

An offset site was created within the development and vested to the Victorian Government for management in perpetuity by Parks Victoria and shown in Figure 1. The offset site is managed for the protection of Golden Sun Moth habitat.

1.3 Previous non-compliance

In relation to the conditions of the approval, there have been cases of non-compliance that have been documented below. These breaches have been resolved and are documented here to provide context for this compliance report.

- The Department advised on 3 October 2024 that the approval holder had contravened condition 7 by not publishing compliance reports for the years 2022 and 2023.
- A warning was issued for matters relating to conditions 5, 11 & 12 as MAB:
 - Did not notify the department within 10 days after the commencement of construction in writing of the actual date of commencement, being 9 November 2021, contravening condition 5.
 - Substantially commenced the action after 5 years from the date of the approval without written agreement of the minister as required by condition 11.
 - Did not publish management plans on Merrifield's website within 1 month of being approved. Management plans were uploaded to the website on 21 June 2024, contravening condition 12.

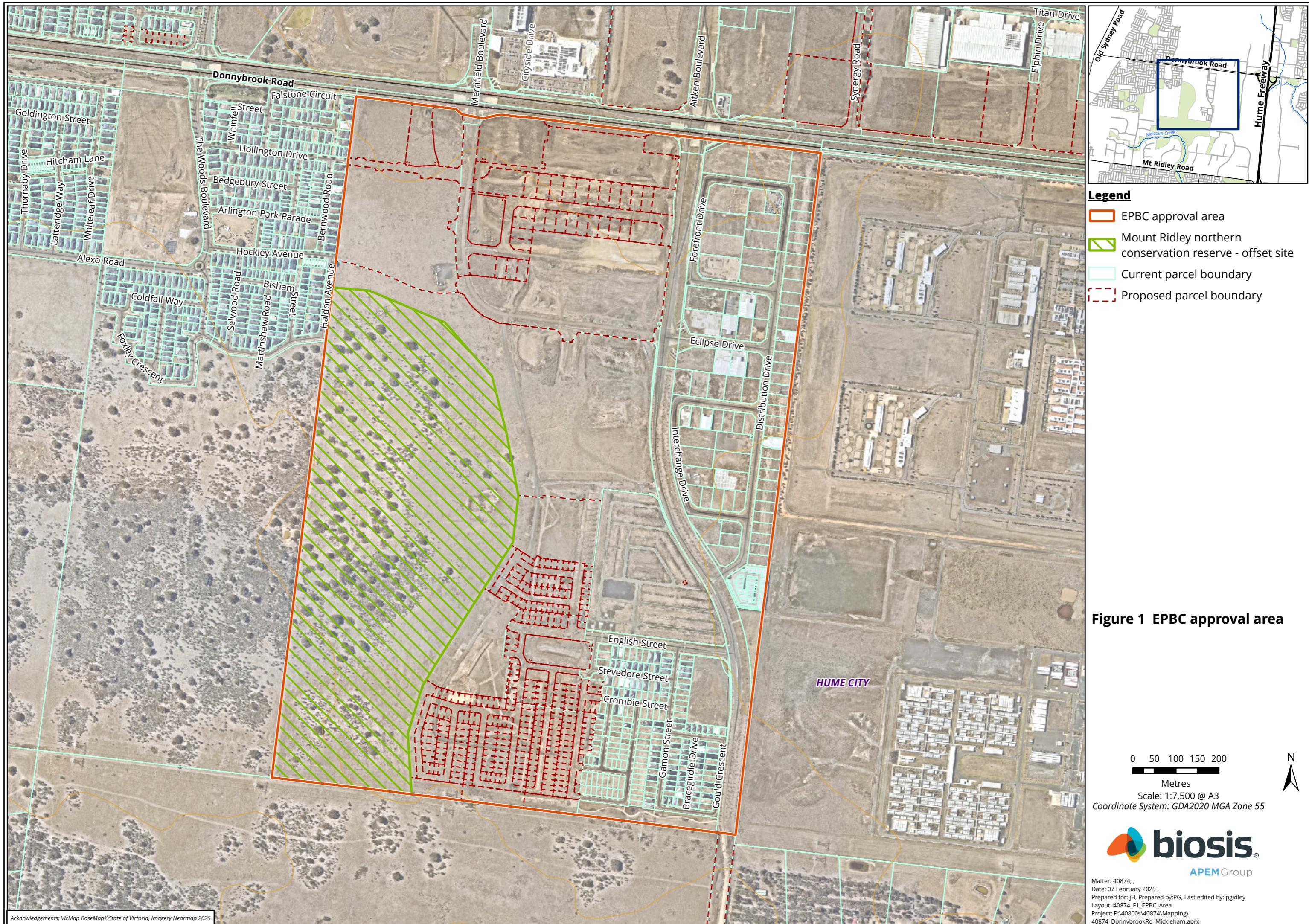
1.4 Activities undertaken during reporting period

During the period of 9 November 2024 to 8 November 2025, the following activities have been undertaken:

- Carrying out of management actions relating to the implementation of the reserve management plan, including:
 - Fence maintenance
 - Fire break maintenance
- Parks Victoria completed the 10 year review of the reserve management plan and prepared an updated management plan.
- MAB have completed targeted surveys for Golden Sun Moth, vegetation assessment and 10-year review of achievement of the management plan objectives by Biosis.
- The targeted survey results, Year 10 review and updated management plan have been provided to DCCEEW.
- MAB have been notified by DCCEEW that a department lead audit of the approval will be undertaken in 2026.

1.5 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).



2 Compliance with EPBC approval conditions

This chapter addresses compliance with the EPBC conditions under EPBC 2013/6913 approval that were current throughout the reporting period. Compliance with the conditions are outlined in Table 1.

This section addresses the requirement in the *Annual Compliance Report Guidelines: Reporting under the Environment Protection and Biodiversity Conservation Act 1999* (DCCEEW 2023) for a compliance table. Table 1 includes the full wording of all conditions under EPBC 2013/6913 approval, the condition reference number, a designation regarding compliance (highlighted green), non-applicability (highlighted green) or non-compliance (highlighted red), a summary of evidence and comments, and references to other parts of this compliance report which relate to the approval condition. It should be noted that some conditions are ongoing (highlighted orange) and relevant until completion of the action.

Table 1 Assessment of compliance with EPBC approval conditions 9 November 2024 – 8 November 2025 (Year 4)

Number	Compliance Year 4	Evidence / Comments	
Part A Conditions specific to the action			
1.	<p>To compensate for the loss of 54.55 hectares of Golden Sun Moth habitat, the approval holder must protect at least 33.45 hectares of Golden Sun Moth habitat on land identified as part of 285 Donnybrook Road Mickleham, Victoria.</p> <p>The approval holder must place an in perpetuity protection mechanism on the offset site prior to the commencement of construction. The approval holder must demonstrate to the Department that the offset site is protected in perpetuity prior to the commencement of construction.</p>	Compliant	The offset area is secured in-perpetuity via a land transfer to the Victorian Government and its creation as reserve as part of Mount Ridley Nature Conservation Reserve. The land transfer was finalised on 19 June 2017.
2.	The approval holder must provide the Department with offset attributes and a shapefile for the offset site prior to the commencement of construction.	Compliant	The Department confirmed compliance with condition 2 on 11 October 2017.
3.	<p>At least three months prior to the commencement of construction, the approval holder 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 be implemented prior to the commencement of construction. At a minimum, the offset management plan must include:</p> <ul style="list-style-type: none"> a. Baseline data and supporting evidence that documents the extent and condition of the habitat for the Golden Sun Moth at the offset site. b. Illustrations and maps that clearly define the location of the boundaries of the offset site c. detailed information, including proposed commitments and timelines regarding management arrangements that will be undertaken at the offset site, from the commencement of construction and then into the future, to ensure the ongoing rehabilitation and improvement of the offset site. This must be consistent with all the recommended habitat measures identified in the Approved Conservation Advice for <i>Synemon plana</i> (golden sun moth) and relevant EPBC Act policy statements and papers. d. Information and commitments about monitoring and reporting on the improvements in habitat condition of the offset site and ongoing use of the site by the Golden Sun Moth. e. Information and commitments about the ongoing maintenance of the offset site, including weed and pest control and the maintenance of fencing. f. the offset management plan must be revised within ten years of the commencement of construction. 	Compliant	The <i>Woodland Reserve Management Plan version 1.6 2017</i> was approved on 11 October 2017 and prior to the commencement of construction.
4.	Prior to the commencement of construction, the approval holder must ensure the offset site is securely fenced so as to prevent dumping and entry of vehicles, except for vehicles conducting activities in accordance with the approved offset management plan.	Compliant	Fencing was installed prior to commencement of construction and the department confirmed compliance with condition 4 on 11 October 2017.
Part B Standard administrative conditions			
5.	Within ten days after the commencement of construction, the approval holder must advise the Department in writing of the actual date of commencement of construction.	Non-compliant	<p>The commencement of the action occurred on 9 November 2021. MAB notified DCCEEW on 21 June 2024 at the request of the department that construction had commenced.</p> <p>The department confirmed that the contravention of condition 5 had been substantiated and a warning was issued on 3 October 2024.</p> <p>No further action is required.</p>
6.	<p>The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement all management plans required by the 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.</p> <p>Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.</p>	Non-compliant	<p>Parks Victoria are responsible for implementing the reserve management plan.</p> <p>MAB requested the annual report outlined in section 5.3 of the reserve management from Parks Victoria by letter on 12 December 2025. Parks Victoria did not provide a response.</p> <p>No annual report by the reserve manager was prepared outlining the management actions and monitoring findings. Section 2.1 outlines the requirements of the reserve management plan and how these are being met.</p>

Number	Current condition of approval	Compliance Year 4	Evidence / Comments
7.	Within three months of every twelve month anniversary of the commencement of construction, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans 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. Potential or actual contraventions of the conditions of the approval must be reported to the Department in writing within 2 days of the approval holder becoming aware of the actual or potential contravention. All contraventions must also be included in the compliance reports.	Non-compliant	A compliance report for Year 1 and Year 2 was not prepared or published. The department issued an infringement notice on 3 October 2024 for this contravention of condition 7. The compliance report for Year 3 was published on the MAB website on 7 February 2026. This report addresses compliance for Year 4 and this assessment will be published on the Merrifield project website by MAB.
8.	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 of the independent audit submitted to the Minister. The independent audit must be undertaken by a person approved for this purpose by the Minister prior to the commencement of the audit. The audit must be undertaken under criteria approved by the Minister. Audit criteria must be agreed to by the Minister. The audit report must address the approved audit criteria to the satisfaction of the Minister.	Compliant	No independent audits were requested by the Minister in Year 4.
9.	If the approval holder wishes to carry out any activity otherwise than in accordance with a management plan as specified in the condition, the approval holder must submit to the Department for the Minister's written approval a revised version of that management plan. The approval holder must not commence any activity not in accordance with the approved management plan unless and until the Minister has approved the varied management plan in writing. If the Minister approves the revised management plan, that management plan must be implemented in place of the management plan originally approved.	Compliant	No variations to the management plan have been sought.
10.	If the Minister believes that it is necessary or convenient for the better protection of the threatened species or migratory species to do so, the Minister may request that the approval holder make specified revisions to the management plan specified in the conditions and submit the revised management plan for the Minister's written approval. The approval holder must comply with such a 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 the specified in the conditions.	Compliant	No direction has been provided by the Minister to the approval holder.
11.	If, at any time after five years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister.	Non-Compliant	The action commenced 9 November 2021. This date is longer than 5 years after the date of approval. The department confirmed that the contravention of condition 11 had been substantiated and a warning was issued on 3 October 2024. No further action is required.
12.	Unless otherwise agreed in writing by the Minister, the approval holder must publish all management plans referred to in these conditions of approval on the approval holder's website. Each management plan must be published on the website within one month of being approved.	Not applicable	The reserve management plan is available on the MAB website for the Merrifield estate – Woodland Reserve Management Plan Merrifield Melbourne .

2.1 Compliance with the Woodland Reserve Management Plan

Condition 3 and Condition 7 imply compliance with the endorsed reserve management plan. This section provides an assessment of compliance with the management actions outlined in the reserve management plan for the reporting period. The management plan year most closely aligns to Year 10.

Parks Victoria is responsible for the implementation of the reserve management plan. Table 7.1 and 7.2 outline the management actions required to be undertaken by year and is summarised below:

Management actions undertaken	Compliance – Year 10 2024/25	Comment
Fuel Breaks – Establishment and Maintenance	Completed	In-house team at Parks Victoria
Site Assessment	Completed	TREC Land Services completed a site assessment for the Year 10 review and management plan update. Copy provided to DCCEEW on 3 November 2025.
Fencing – New Kangaroo Fencing	Completed	Completed in previous years -no further work required
Dam Filling and rehabilitation	Completed in previous years	No further work required
Weed Control – Artichoke Thistle	Unknown	Parks Victoria did not provide records of weed control for Year 10. The revised management plan (TREC Land Services 2025 p46) notes " <i>A combination of weedy species are present across Mt. Ridley Offset however it is evident the some weed control has occurred and woody weeds are minimal as a result</i> ".
Weed Control – Woody Weeds	Unknown	<i>A combination of weedy species are present across Mt. Ridley Offset however it is evident the some weed control has occurred and woody weeds are minimal as a result</i> ".
Weed Control – Grassy/herbaceous Weeds	Unknown	
Eucalypt Thinning	Unknown	Parks Victoria did not provide records of Eucalypt thinning for Year 10. The revised management plan notes (TREC Land Services 2025 p23) " <i>Importantly, the current survey also confirmed the presence of GSM within tree clearings produced by the recent thinning of River Red Gum saplings</i> ".
Fencing – Inspection and Repairs	Completed	Fence inspected weekly by Parks Victoria rangers. On 30 January 2025 Parks Victoria provided evidence that a fence had been repaired.
Targeted GSM Survey	Completed	TREC Land Services and Biosis commissioned for 24/25 flying season. Results were provided to DCCEEW on 3 November 2025.
Slashing	N/A	Not planned for Year 10
Prescribed Burn - mosaic and monitoring	N/A	Not planned for Year 10
Reporting	Partially completed	Parks Victoria did not prepare an annual report.

Management actions undertaken	Compliance – Year 10 2024/25	Comment
		<p>MAB undertook a 10 year review of the management plan implementation. The <i>Mount Ridley Conservation Reserve offset site Targeted Golden Sun Moth survey and habitat assessment</i> prepared by Biosis was provided to DCCEEW on 3 November 2025.</p>
Data source		

3 Future planning and management

The EPBC approval and associated conditions are in effect until December 2034.

The 10 years of management of the offset site has concluded. The Year 10 assessment (Biosis 2025) of the Mount Ridley Nature Conservation Reserve Northern Block Extension found the site continues to act as a suitable offset for Golden Sun Moth.

Section 8 of the reserve management plan (Abzeco 2017) outlines the offset guide calculator inputs that were used in the initial assessment. The baseline quality of the offset site was a combination of the vegetation quality assessment scores of the remnant native vegetation in the offset site and the observed quality of the introduced vegetation that constituted Golden Sun Moth habitat. According to the reserve management plan, an initial score of 5/10 was given to offset site, with a target of 7/10 at the end of the management period (2025). We note that no evidence is publicly available as to how the initial site assessment score and target score were calculated and it is not possible to objectively evaluate the conservation gains delivered.

While not all actions outlined in the Abzeco Woodland Reserve Management Plan (Abzeco 2017) were delivered every year as indicated in the management plan, Golden Sun Moth continues to persist within the offset area and the population density has increased through the management actions undertaken. In our view, the management actions have facilitated improvement in the overall quality and extent of the suitable Golden Sun Moth habitat.

There has been a decrease in suitable habitat by 1.1 hectares and this can be rectified through the management recommendations in the Abzeco Woodland Reserve Management Plan (2017) and management actions outlined in the Mt Ridley Conservation Reserve Management Plan (TREC Land Services 2025). While there has been a decrease in the area of suitable habitat central to the site due to eucalypt regrowth there has been an enhancement and expansion of areas within the offset site that are suitable habitat in the northern part of the site.

Condition 1 of the approval states that at least 33.45 hectares of Golden Sun Moth habitat must be secured, and this condition is continuing to be met.

Based on the records provided by Parks Victoria and observations onsite, there is evidence of the successful delivery of fencing, access management, stock exclusion and maintenance, biomass control and managing woody weeds to the target standard. Due the dry conditions it was not possible to empirically evaluate the success of meeting the herbaceous weed coverage targets.

Actions outlined in the recent My Ridley Conservation Management Plan (TREC Land Services 2025) will contribute to enhancing the quality of GSM habitat within the reserve and maintain the conservation gains achieved. The 2025 management plan outlines several steps to retain and improve Golden Sun Moth habitat including:

- Retaining wide grassy, low bio-mass firebreaks around the southern and eastern site borders to provide functional habitat patches for GSM that will not be impacted by tree recruitment or woodland restoration.
- Ensuring all future extensions of woodland into treeless zones used by GSM will maintain an open structure suitable for GSM,
- Ensure all Chilean Needle Grass eradication is completed incrementally to avoid removal of native GSM food species.

References

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