

**Aitken Boulevard Road Construction EPBC 2022/9150**

# Compliance Report

**21 March 2025 – 21 March 2026**

Final Report

Prepared for MAB Corporation Pty Ltd

2 June 2026

## Biosis offices

### New South Wales

#### Albury

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

#### Gosford

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

#### Newcastle

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

#### Sydney

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

#### Western Sydney

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

#### Wollongong

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

### Victoria

#### Ballarat

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

#### Melbourne

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

#### Wangaratta

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



## Document information

<b>Report to:</b>	MAB Corporation Pty Ltd
<b>Prepared by:</b>	Maya Rychner
<b>Biosis project no.:</b>	40806
<b>File name:</b>	40806.Aitken.Blvd.EPBC2022-9150.Compliance.Report.FIN.20260602
<b>Citation:</b>	Biosis 2026. Aitken Boulevard Road Construction (EPBC 2022/9150) Compliance Report 21 March 2025 – 21 March 2026. Report prepared for MAB Corporation. Author: Rychner. M, Biosis Pty Ltd, Melbourne, VIC. Project no. 40806

## Document control

Version	Internal reviewer	Date issued
Draft version 01	MD	14/05/2026
Final version 01	MD	02/06/2026

## Acknowledgements

Biosis acknowledges the contribution of the following people and organisations in undertaking this study:

- MAB Corporation Pty Ltd: Luke Mitrione and Antonio Brekalo
- Australian Commonwealth Department of Climate Change Energy the Environment and Water for access to the Protected Matters Search Tool

Biosis staff involved in this project were:

- Mitchell 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.*

© Biosis Pty Ltd

This document is subject to copyright and may only be used for the purposes in respect of which it was commissioned and in accordance with the Terms of Engagement of the commission. Unauthorised use of this document in any form whatsoever is prohibited.

Disclaimer:

Biosis Pty Ltd has completed this assessment in accordance with the relevant federal, state and local legislation and current industry best practice. The company accepts no liability for any damages or loss incurred as a result of reliance placed upon the report content or for any purpose other than that for which it was intended.

# Contents

<b>Contents.....</b>	<b>ii</b>
<b>1 Introduction .....</b>	<b>1</b>
1.1 Description of activities .....	1
1.2 New environmental risk.....	1
1.3 Declaration of accuracy.....	2
<b>2 Compliance table.....</b>	<b>1</b>
<b>Appendices .....</b>	<b>1</b>
<b>Appendix 1 Non-compliance notification to the Department: Aitken Boulevard stockpile .....</b>	<b>2</b>
<b>Appendix 2 Non-compliance notification to the Department: Aitken Boulevard road opening</b>	<b>3</b>
<b>Tables</b>	
Table 1 EPBC approval compliance table .....	1

# 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 Year 2 period from 21 March 2025 – 21 March 2026.

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

- Carrying out of management actions relating to the implementation of the Matted Flax-lily Translocation Plan, including identification of a suitable recipient site and submission of the revised Translocation Plan to DCCEEW.
- Carrying out of the associated Offset Management Plans, including Year 1 monitoring and Year 1 environmental offset compliance reporting.

## 1.2 New environmental risk

Two instances of non-compliance were identified in the reporting period in contravention with Condition 1 and 6(d) of the approval. These are discussed further in Table 1 below. Following detailed assessment and implementation of corrective actions, neither instance of non-compliance was deemed to pose risk to the environment.

### 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 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>	Non-compliant	<p>Incidental construction activities occurred outside of the action area approved under EPBC 2022/9160, in contravention with Condition 1.</p> <p>On 9 April 2025, MAB’s ecological consultant, Biosis Pty Ltd (Biosis), reported a stockpile located outside of the approved action area. Biosis observed the stockpile during its annual monitoring scope of work as required by the Site Environment Management Plan (SEMP) endorsed under Conditions 3, 4 and 5. The stockpile was reported to be approximately 70 metres in length and located adjacent to the south-west boundary of the road reserve near the Mt Ridley Road intersection. The stockpile appeared to be the result of trenching work completed along the boundary of the action area.</p> <p>On 10 April 2025, Biosis undertook a detailed assessment of the non-compliant stockpile location and adjacent areas. Whilst the placement of the stockpile in this location outside the approved action area results in non-compliance with Condition 1 of the approval, no harm occurred to a protected matter (Appendix 1).</p> <p>MAB notified the Department on 10 April 2025 (Appendix 1). A response was received from the Department on 20 August 2025, stating that: <i>having considered the details of the incident and the</i></p>

			<i>corrective actions undertaken by MAB, at this time the department will not be taking any further action in relation to the contravention of condition 1 of the approval.</i>
<b>2</b>	<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"> <li><i>a) 2.257 hectares (ha) of NTGWPP</i></li> <li><i>b) 4.34 ha of Golden Sun Moth habitat</i></li> <li><i>c) 0.463 ha of SHWFTLP</i></li> <li><i>d) 0.794 ha of Matted Flax-lily habitat</i></li> </ul>	Compliant	Works have not resulted in any clearing of MNES other than what was approved for removal as part of the approval process.
<b>3</b>	<p><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 implement the SEMP approved by the Minister in writing until the expiry date of this approval.</i></p>	Partially non-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 was mostly implemented as intended, including construction management measures, monitoring and reporting. However, as discussed above, a stockpile was identified outside of the approved action area in contravention with the approved SEMP. Upon receiving reports of the non-compliance, MAB took immediate steps to direct removal of the stockpile from this area and rectify the misplacing of construction exclusion fencing along the south-west boundary of the action area.</p> <p>Construction of Aitken Boulevard was completed in early August 2025 and therefore the SEMP is now considered complete.</p>
<b>4</b>	<p><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></p>	Compliant	A SEMP was prepared and submitted to the Department on 17 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.
<b>5</b>	<p><i>The SEMP must be consistent with the Environmental Management Plan Guidelines, and must include:</i></p>	Compliant	A SEMP was prepared and submitted to the Department on 17 June 2024 to mitigate harm to protected matters. The SEMP was approved by the Department on 29 July 2024.

	<ul style="list-style-type: none"> <li>a) <i>Details of the relevant protected matters and a reference to the EPBC Act approval conditions to which the plan refers.</i></li> <li>b) <i>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></li> <li>c) <i>Commitments capable of ensuring that the environmental objectives are achieved.</i></li> <li>d) <i>Reporting and review mechanisms to demonstrate compliance with the commitments made in the plan.</i></li> <li>e) <i>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></li> <li>f) <i>Impact avoidance, mitigation and/or repair measures, and the timing of those measures.</i></li> <li>g) <i>A monitoring program, which must include:</i> <ul style="list-style-type: none"> <li>i. <i>measurable performance indicators</i></li> <li>ii. <i>trigger values for corrective actions</i></li> <li>iii. <i>the timing and frequency of monitoring, ensuring monitoring is capable of detecting trigger values and changes in the performance indicators</i></li> <li>iv. <i>proposed corrective actions if trigger values are reached.</i></li> </ul> </li> </ul>		
<p><b>6</b></p>	<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>	<p>Partially non-compliant</p>	<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. The plants are being housed at the Native Grass Matters nursery in Little River, Victoria. The Department was notified of the Matted Flax-lily salvage on 28 August</p>

	<ul style="list-style-type: none"> <li>a) <i>The approval holder must implement the Matted Flax-lily Translocation Plan until the expiry date of this approval.</i></li> <li>b) <i>The approval holder must not commence construction until it has salvaged all Matted Flax-lily plants from the Action area.</i></li> <li>c) <i>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></li> <li>d) <i>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></li> <li>e) <i>The approval holder must translocate the salvaged Matted Flax-lily plants within 5 years of commencement of the Action.</i></li> <li>f) <i>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></li> <li>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></li> <li>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></li> </ul>		<p>2024.</p> <p>On 5 August 2025, Aitken Boulevard was opened to the public. Non-compliance with Condition 6(d) of EPBC 2022/9160 has occurred as Condition 6(d) states: <i>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> This occurred due to complexities in finding a suitable recipient site - discussions occurred with several land managers of potential Matted Flax-lily translocation sites over 2024-2025 however none eventuated at that time due to a lack of suitable sites and management arrangements.</p> <p>The Department was notified as soon as MAB became aware of the non-compliance (Appendix 2).</p> <p>Whilst the opening of Aitken Boulevard prior to the Department's approval of a revised Translocation Plan results in non-compliance with Condition 6(d) of the approval, no harm has occurred to a protected matter resulting in non-compliance with any other conditions of approval or the EPBC Act.</p> <p>A revised Translocation Plan was submitted to the Department on 28 January 2026 in accordance with Condition 6(c), identifying the Mt Ridley Nature Conservation Reserve as the designated recipient site. The revised Translocation Plan was approved by the Department on 28 April 2026.</p>
<p><b>7</b></p>	<p><i>To avoid and mitigate harm as a result of the Action on protected matters, the approval holder must implement the</i></p>	<p>Compliant</p>	<p>The Matted Flax-lily Translocation Plan is being implemented as</p>

	<i>Matted Flax-lily Translocation Plan until the expiry date of this approval.</i>		intended, including: <ul style="list-style-type: none"> <li>• Salvage of Matted Flax-lily plants in 2024.</li> <li>• Submission of the revised Translocation Plan to the Department in January 2026.</li> <li>• Department approval of the revised Translocation Plan in April 2026.</li> <li>• Coordination of Matted Flax-lily planting with the land manager of the recipient site, Parks Victoria. Planting is anticipated to occur in autumn 2027 with preparatory works to begin in late 2026.</li> </ul>
<b>8</b>	<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	The offset sites were secured via Memorandum of Understanding (MoU) agreements prior to the commencement of the action: <ul style="list-style-type: none"> <li>• VLQ-7483-2 EPBC offset MOU – MAB Menenia Pty Ltd – Final, dated 18 July 2022</li> <li>• VLQ-7483-2 Rosedust and Copperdust and Menenia OTA 20240412, dated 19 April 2024</li> <li>• VLQ-7483-3 EPBC offset MOU – MAB van Wijick – Final, dated 18 July 2022</li> <li>• VLQ-7483-4 MOU – NTGVVP and GSM, dated 11 August 2023</li> </ul>
<b>9</b>	<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.
<b>10</b>	<i>The approval holder must commence implementing the following offset management plans by the commencement of the Action and continue to implement them at least until the expiry of this approval:</i> <ol style="list-style-type: none"> <li><i>The NTGVVP and Golden Sun Moth Offset Management Plan</i></li> <li><i>The SHWFTLP Offset Management Plan and</i></li> </ol>	Compliant	The Offset Management Plans are being implemented as intended, including ongoing vegetation management and monitoring. The following Year 1 reports have been prepared and provided to the Department in the reporting period: <ul style="list-style-type: none"> <li>• Year 1 annual monitoring report for the Matted Flax-lily offset site, Nulla Vale.</li> </ul>

	c) <i>The Matted Flax-lily Offset Management Plan.</i>		<ul style="list-style-type: none"> <li>• Year 1 landowner report and vegetation assessment report for the Golden Sun Moth and Natural Temperate Grassland offset site, Cressy.</li> <li>• Year 1 annual monitoring report for the Seasonal Herbaceous Wetland offset site, Mininera.</li> <li>• Year 1 offset compliance monitoring report for the three offset sites.</li> </ul> <p>Biosis undertook Year 1 offset compliance monitoring of the three offset sites in late 2025, and found that initial management actions had commenced for all three offset sites and the sites are generally tracking well against OMP targets. Following the compliance monitoring, Biosis provided recommendations to each landowner for incorporation into Year 2 management.</p>
11	<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>	Not applicable	No variation requested.
12	<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>	Not applicable	
13	<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>	Not applicable	

	<p>a) <i>Notify the department electronically that the approved action management plan has been revised and provide the department with:</i></p> <ul style="list-style-type: none"> <li>i. <i>An electronic copy of the RAMP.</i></li> <li>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></li> <li>iii. <i>An explanation of the differences between the approved action management plan and the RAMP.</i></li> <li>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></li> <li>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></li> </ul> <p>b) <i>Subject to condition 15, implement the RAMP from the RAMP implementation date.</i></p>		
<p><b>14</b></p>	<p><i>The approval holder may revoke its choice to implement a RAMP under condition 12 at any time by giving written notice to</i></p>	<p>Not applicable</p>	

	<i>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>		
<b>15</b>	<p><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></p> <p><i>a) Condition 12 does not apply, or ceases to apply, in relation to the RAMP.</i></p> <p><i>b) The approval holder must implement the action management plan specified by the Minister in the notice.</i></p>	Not applicable	
<b>16</b>	<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	
<b>17</b>	<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.
<b>18</b>	<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.
<b>19</b>	<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.
<b>20</b>	<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.
<b>21</b>	<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</i>	Compliant	Monitoring data has been prepared in accordance with the Guidelines for biological survey and mapped data, Commonwealth of Australian 2018.

	<i>biological survey and mapped data, Commonwealth of Australia 2018, or as otherwise specified by the Minister in writing.</i>		
<b>22</b>	<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 Australian 2021.
<b>23</b>	<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	All baseline monitoring reports and Year 1 monitoring reports have been submitted to the Department.
<b>24</b>	<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 2025 – 21 March 2026.
<b>25</b>	<i>Each compliance report must be consistent with the Annual Compliance Report Guidelines, Commonwealth of Australia 2023.</i>	Compliant	
<b>26</b>	<i>Each compliance report must include:</i> <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</i>	Compliant	This report has been prepared to address the requirements of Condition 24-27 for the reporting period from 21 March 2025 – 21 March 2026.

	<p><i>within the 12-month period at the end of which that compliance report is prepared.</i></p> <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>		
<b>27</b>	<p><i>The approval holder must:</i></p> <p>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></p> <p>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></p> <p>c) <i>Provide the weblink for the compliance report in the notification to the department.</i></p> <p>d) <i>Keep all published compliance reports required by these conditions on the website until the expiry date of this approval.</i></p> <p>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></p> <p>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>		<p>This report has been prepared to address the requirements of Condition 24-27 for the reporting period from 21 March 2025 – 21 March 2026. The compliance report was published on the proponent’s website in May 2026.</p>
<b>28</b>	<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-</i></p>	Compliant	<p>Two instances of non-compliance were identified in the reporting period:</p>

	<i>compliance with the conditions or commitments made in a plan.</i>		<ul style="list-style-type: none"> <li>Incidental construction activities occurred outside of the action area approved under EPBC 2022/9160, in contravention with Condition 1.</li> <li>Aitken Boulevard was opened to the public ahead of a revised Matted Flax-lily Translocation Plan being submitted and approved by the Department, in contravention with Condition 6(d).</li> </ul> <p>The Department was notified within two business days of MAB becoming aware of the non-compliance, in accordance with Condition 28. Please refer to Appendix 1 and Appendix 2.</p>
<b>29</b>	<p><i>The approval holder must specify in the notification:</i></p> <ul style="list-style-type: none"> <li><i>a) Any condition or commitment made in a plan which has been or may have been breached.</i></li> <li><i>b) A short description of the incident and/or potential non-compliance and/or actual non-compliance.</i></li> <li><i>c) The location (including co-ordinates), date and time of the incident and/or potential non-compliance and/or actual non-compliance.</i></li> </ul>	Compliant	Two instances of non-compliance were identified in the reporting period, as described above. MAB notified the Department in accordance with the requirements of Condition 29. Please refer to Appendix 1 and Appendix 2.
<b>30</b>	<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"> <li><i>a) Any corrective action or investigation which the approval holder has already taken.</i></li> <li><i>b) The potential impacts of the incident and/or non-compliance.</i></li> <li><i>c) The method and timing of any corrective action that will be undertaken by the approval holder.</i></li> </ul>	Compliant	Two instances of non-compliance were identified in the reporting period, as described above. MAB notified the Department in accordance with the requirements of Condition 30. Please refer to Appendix 1 and Appendix 2.

<p><b>31</b></p>	<p><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></p>	<p>Not applicable</p>	<p>An independent audit will be conducted in 2029, for the first five-year period following commencement of the action.</p>
<p><b>32</b></p>	<p><i>For each independent audit, the approval holder must:</i></p> <ul style="list-style-type: none"> <li><i>a) 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></li> <li><i>b) 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></li> <li><i>c) Submit the audit report to the department for approval within the timeframe specified and approved in writing by the department.</i></li> <li><i>d) Publish each audit report on the website within 15 business days of the date of the department's approval of the audit report.</i></li> <li><i>e) Keep every audit report published on the website until this approval expires.</i></li> </ul>	<p>Not applicable</p>	
<p><b>33</b></p>	<p><i>Each audit report must report for the five-year period preceding that audit report.</i></p>	<p>Not applicable</p>	
<p><b>34</b></p>	<p><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></p>	<p>Not applicable</p>	

<p><b>35</b></p>	<p><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></p>	<p>Not applicable</p>	
<p><b>36</b></p>	<p><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 approval holder must submit any spatial data that comprises completion data as a shapefile.</i></p>	<p>Not applicable</p>	

# Appendices

---

# Appendix 1 Non-compliance notification to the Department: Aitken Boulevard stockpile

---

11 April 2025

Environmental Compliance Branch Division  
Department of Climate Change, Energy, the Environment and Water  
GPO Box 3090  
CANBERRA ACT 2601

By Email: [environment.compliance@deeccw.gov.au](mailto:environment.compliance@deeccw.gov.au)

To whom it may concern,

### **AITKEN BOULEVARD ROAD CONSTRUCTION (EPBC 2022/9105)**

On 21 March 2024, approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was granted to The Trustee for ARB Rosedust Trust & The Trustee for MRB Rosedust Trust & The Trustee for The Lyndust Trust (Approval Holder), subsidiaries of MAB, to construct a major arterial road and associated infrastructure and drainage works at Mickleham, Victoria (EPBC 2022/9150) (**Attachment 1**).

EPBC 2022/9160 approved significant impacts to Matters of National Environmental Significance (MNES) Matted Flax-lily *Dianella amoena*, Golden Sun Moth *Synemon plana*, Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP) and Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains Community (SHWFTLP), subject to 36 conditions. The action commenced on 19 August 2024 (**Attachment 2**).

The purpose of this letter is to notify the Department that incidental construction activities have occurred outside of the action area approved under EPBC 2022/9160.

### **Construction activities outside the approved action area**

MAB engaged an independent civil contractor to deliver construction of the project, including site preparation, vegetation removal, road and infrastructure construction, and overall project management and delivery.

On 9 April 2025, MAB's ecological consultant, Biosis Pty Ltd (Biosis), reported that a soil stockpile associated with the works was located marginally outside of the approved action area. Biosis observed the stockpile during its annual monitoring scope of work as required by the Site Environment Management Plan (SEMP) endorsed under Conditions 3, 4 and 5 of EPBC 2022/9160 (**Attachment 3**). The stockpile was reported to be approximately 70 metres in length and located at the southern end of the activity area, along and slightly adjacent to the western boundary of the Aitken Boulevard road reserve (at the north-west corner of the future Mt Ridley Road and Aitken Boulevard intersection) (**Attachment 4**). The stockpile appears to be the result of utility trenching works completed along the boundary of the action area.

## Details of non-compliance

Non-compliance with Condition 1 of EPBC 2022/9150 has occurred as Condition 1 states:

*To avoid and mitigate harm to protected matters, the approval holder must not undertake the Action outside the Action Area.*

**Importantly, the advice from Biosis is that no harm has occurred to protected matters. The non-compliance with Condition 1 is limited to the stockpile being located outside the approved Action Area.**

In accordance with Condition 28 of EPBC 2022/9150, the Department must be notified within 2 business days of the Approval Holder becoming aware of non-compliance. This notification is being provided within the specified timeframe.

Conditions 29 and 30 of EPBC 2022/9150 specify information that must be provided to the Department when reporting non-compliance. The below sections address these requirements.

## Additional details to support the Department's review

### Investigation to date

On 10 April 2025, Biosis undertook a detailed assessment of the non-compliant stockpile location and adjacent areas. The following advice was provided:

*The non-compliant stockpile location is located on private property, on an area managed as a garden lawn. The stockpile has since been removed and is now bare ground. The substrate is artificial and according to the landowner who was on site at the time, consists of local soil, transported historically from neighbouring developments (housing and road construction), likely decades ago. It is therefore an unnatural rise in topography and was created to mitigate flooding and direct water away from the residence. The vegetation would therefore have recolonised and would not be considered remnant.*

*Biosis undertook an assessment of vegetation directly adjacent to the stockpile location, which can be inferred to the area beneath the stockpile. The dominant flora species are introduced including Toowoomba Canary-grass *Phalaris aquatica*, and Couch *Cynodon dactylon* var. *dactylon*. Indigenous species are scattered throughout including Wallaby Grass *Rytidosperma* sp. and Spear Grass *Austrostipa* sp.*

*When determining whether the vegetation would have met the condition thresholds to be classified as Natural Temperate Grassland, it would not meet the minimum cover of native vegetation for that community and therefore cannot be classified as that TEC. Native flora (including native annual plants) contribute up to 43% cover of the total perennial vegetation cover which is below the 50% cover threshold. Furthermore, key diagnostic species (including Wallaby Grasses and Spear Grasses) do not contribute more than 50% of the perennial tussock cover. The relative cover of these key diagnostic species is 46%.*

*In conclusion, the vegetation beneath the stockpile location is unlikely to have met the condition threshold to be classified as Natural Temperate Grassland. In addition, threatened species such as Matted Flax-lily *Dianella amoena* and occupied habitat for Golden Sun Moth *Synemon plana* are unlikely due to the artificial substrate.*

**Attachment 5** includes photos of the non-compliant stockpile area.

## **Potential impacts**

Based on the findings of Biosis' site assessment described above, no impacts have occurred to protected matters outside the approved action area.

Previous surveys undertaken by Biosis as part of the assessment and approval process for this project indicate the most significant areas containing, or considered to contain, protected matters outside the approved Action Area are the Mt Ridley Nature Conservation Reserve and the Windmill Park Sanctuary. Distinct no-go zones were identified for these areas within Section 3 of the endorsed SEMP.

Whilst the placement of the stockpile in this location outside the approved Action Area results in non-compliance with Condition 1 of the approval, no harm has occurred to a protected matter resulting in non-compliance with any other conditions of approval or the EPBC Act.

## **Corrective actions to date**

Upon receiving reports of the non-compliance, MAB took immediate steps to direct removal of the stockpile from this area and rectify the misplacing of construction exclusion fencing along the south-west boundary of the Action Area. As described within Biosis' assessment, the stockpile has been removed and is now bare ground.

## **Proposed further corrective actions**

The corrective actions undertaken to date have rectified the non-compliance on-ground.

The continued proper implementation of the endorsed SEMP is the most appropriate further corrective action. In addition to the implementation requirements of Section 4.3 of the SEMP, MAB will engage Biosis to undertake monthly monitoring site inspections to ensure works are achieving the requirements of the SEMP and conditions of approval. The inspections will occur until the end of the contractor's tenure on-site.

Biosis is currently preparing the annual compliance report for this approval. This non-compliance will be recorded.

Yours sincerely,



Matthew Planner  
**General Manager Communities**

## Appendix 2 Non-compliance notification to the Department: Aitken Boulevard road opening

---

18 August 2025

Environment Compliance Branch Division  
Department of Climate Change, Energy, the Environment and Water  
GPO Box 3090  
Canberra ACT 2601

To whom it may concern,

**NON-COMPLIANCE ASSOCIATED WITH AITKEN BOULEVARD ROAD CONSTRUCTION (EPBC 2022/9150) OUR REF: MATTER 40806**

On 21 March 2024, approval under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) was granted 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 (MAB), to construct a major arterial road (including associated infrastructure and drainage works) at Mickleham, Victoria (EPBC 2022/9150) (**Attachment 1**).

EPBC 2022/9160 approved significant impacts to Matters of National Environmental Significance (MNES) Matted Flax-lily *Dianella amoena*, Golden Sun Moth *Synemon plana*, Natural Temperate Grassland of the Victorian Volcanic Plain and Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains Community, subject to 36 conditions.

Condition 6 of the approval requires the approval holder to salvage and translocate Matted Flax-lily from the Action Area in accordance with the Matted Flax-lily Translocation Plan (**Attachment 2**).

The purpose of this letter is to notify the Department that an instance of non-compliance has occurred with Condition 6(d) of EPBC 2022/9160.

## Details of non-compliance

On 5 August 2025, Aitken Boulevard was opened to the public.

Non-compliance with Condition 6(d) of EPBC 2022/9160 has occurred as Condition 6(d) states:

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.

Matted Flax-lily plants were salvaged from the Action Area on 4 April 2024, all plants that were salvaged, are currently being housed at the Native Grass Matters nursery in Little River, Victoria. MAB's ecological consultant, Biosis Pty Ltd (Biosis) and MAB are currently actively working to finalise a suitable recipient site, at which point a revised Translocation Plan will be submitted to the Minister for approval.

Biosis has advised MAB that the opening of the road was in breach of Condition 6(d) and, in accordance with Condition 28 of EPBC 2022/9150, this letter serves as notification to the department of MAB becoming aware of non-compliance.

Conditions 29 and 30 of EPBC 2022/9150 specify information that must be provided to the Department when reporting non-compliance. The below sections address these requirements.

MAB Property  
Developments Pty Ltd

Office Level 5, 441 St Kilda Road  
Melbourne VIC 3004

Phone 03 8681 2222  
Email enquiries@mab.com.au

ABN 14 221 712 062  
ACN 676 703 245

Post PO Box 7657  
St Kilda Road VIC 8004

Website mab.com.au

## Opening of Aitken Boulevard

The delivery of the state significant roadworks of Aitken Boulevard between Mt Ridley Road and Donnybrook Road have been ongoing since development in Merrifield South commenced in 2020. The specific section of Aitken Boulevard subject to the EPBC 2022/9150 approval, are road works that MAB delivered on behalf of the Department of Transport (DTP) and Hume City Council (Council) on land owned by the Roads Corporation (now Department of Transport).

MAB were required to complete the works by the end of 2021 (as per a section 173 agreement on title) and there was significant pressure from both Council and DTP to complete and open the road as soon as possible. Due to these pressures, it was critical that upon completion of the civil works that the road be made available for public use.

## Matted Flax-lily translocation

Matted Flax-lily plants were salvaged from the Action Area on 4 April 2024 by Peter Wlodarczyk 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. The Department was notified of the Matted Flax-lily salvage on 28 August 2024.

The plants are being housed at the Native Grass Matters nursery in Little River, Victoria.

Biosis is actively working to finalise a suitable recipient site and has been involved in discussions with several land managers of potential Matted Flax-lily translocation sites for over 12 months, however several opportunities have not eventuated due to a lack of suitable sites and management arrangements.

Biosis is currently progressing discussions with one land manager of a potential recipient site in close proximity to the Action Area and has received in-principal support for the Matted Flax-lily translocation proposal. Biosis intends to undertake a site assessment shortly to identify precise locations to plant each Flax-lily and identify any site-specific management requirements to be incorporated into the updated Translocation Plan.

Following the site visit and final approval from the land manager, Biosis intends to revise the Matted Flax-lily Translocation Plan to identify the designated site and submit the Plan to the Department for review and approval. Based on anticipated time frames, Biosis expect to issue the updated Plan to the Department by December 2025, subject to discussions with the land manager and other stakeholders.

## Potential impacts

Non-compliance with Condition 6(d) of the approval has not incurred any impacts to protected matters.

Whilst the opening of Aitken Boulevard prior to the Department's approval of a revised Translocation Plan results in non-compliance with Condition 6(d) of the approval, no harm has occurred to a protected matter resulting in non-compliance with any other conditions of approval or the EPBC Act.

## Corrective actions

The opening of Aitken Boulevard and non-compliance with Condition 6(d) does not incur any impacts to protected matters, and as such, no relevant corrective action has been taken or identified. Biosis is actively pursuing discussions with the land manager of the potential Matted Flax-lily recipient site, and best efforts are underway to formalise this recipient site as soon as possible.

Please contact me if you have any enquiries.

Yours sincerely,



Matthew Planner  
**General Manager Communities**

## Appendix

- **Appendix A** - Department of Climate Change, Energy, the Environment and Water Notification of Proposal Approval – Aitken Boulevard Road Construction, Mickleham, Victoria (EPBC 2022/9150)
- **Appendix B** - Biosis – Aitken Boulevard 300 Mt Ridley Road, Mickleham – Matted Flax-lily Translocation Plan



**Appendix A - Department of Climate Change, Energy, the Environment and  
Water Notification of Proposal Approval – Aitken Boulevard Road  
Construction, Mickleham, Victoria (EPBC 2022/9150)**



## Notification of proposed approval

### Aitken Boulevard Road Construction, Mickleham, Victoria (EPBC 2022/9150)

This decision is made under section 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Note that section 134(1A) of the EPBC Act applies to this approval. That provision provides, in general terms, that if the approval holder authorises another person to undertake any part of the Action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such conditions.

### Proposed Approved Action


<b>person to whom the approval is granted (approval holder)</b>	THE TRUSTEE FOR ARB ROSEDUST TRUST & THE TRUSTEE FOR MRB ROSEDUST TRUST & THE TRUSTEE FOR THE LYNDUST TRUST
<b>ABN of approval holder</b>	44 391 605 409
<b>Proposed Action</b>	To construct a major arterial road (including associated infrastructure and drainage works) at Mickleham, Victoria. See EPBC Act referral 2022/9150.

### Proposed Approval decision

<b>Proposed decision</b>	My decision on whether or not to approve the taking of the Action for the purposes of the controlling provision for the Action is as follows.	
	<b>Controlling Provision</b>	<b>Decision</b>
	Listed threatened species and communities (section 18 and section 18A)	Approved
<b>period for which the proposed approval has effect</b>	This approval has effect until 19 March 2044.	
<b>proposed conditions of approval</b>	The approval is subject to conditions under the EPBC Act as set out in Annexure A.	

Person authorised to make decision

---

<b>name and position</b>	Rachel Short Branch Head Environment Assessments (Vic and Tas) and Post Approvals Branch
<b>signature</b>	
<b>date of decision</b>	21 March 2024

---

**Annexure A**

Note: Words appearing in **bold** have the meaning assigned to them at PART C – DEFINITIONS.

---

**Part A – Operational Conditions**

---

**CLEARING LIMITS**

- 1) To avoid and mitigate **harm** to **protected matters**, the approval holder must not undertake the Action outside the **Action area**.
- 2) To avoid and minimise **harm** to **protected matters**, the approval holder must not **clear** more than:
  - a) 2.257 hectare (ha) of **NTGVVP**
  - b) 4.34 ha of **Golden Sun Moth habitat**
  - c) 0.463 ha of **SHWFTLP**
  - d) 0.794 ha of **Matted Flax-lily habitat**

**SITE ENVIRONMENT MANAGEMENT PLAN**

- 3) 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 implement the SEMP approved by the **Minister** in writing until the expiry date of this approval.
- 4) 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**.
- 5) The SEMP must be consistent with the **Environmental Management Plan Guidelines**, and must include:
  - a) Details of the relevant **protected matters** and a reference to the **EPBC Act** approval conditions to which the plan refers.
  - 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.

- c) Commitments capable of ensuring that the environmental objectives are achieved.
- d) Reporting and review mechanisms to demonstrate compliance with the commitments made in the plan.
- 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.
- f) Impact avoidance, mitigation and/or repair measures, and the timing of those measures.
- g) A monitoring program, which must include:
  - i) measurable performance indicators
  - ii) trigger values for corrective actions
  - iii) the timing and frequency of monitoring, ensuring monitoring is capable of detecting trigger values and changes in the performance indicators
  - iv) proposed corrective actions if trigger values are reached.

**Matted Flax-lily (*Dianella amoena*) Translocation Plan**

- 6) 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**.
  - a) The approval holder must implement the **Matted Flax-lily Translocation Plan** until the expiry date of this approval.
  - b) The approval holder must not commence **construction** until it has **salvaged** all **Matted Flax-lily** plants from the **Action area**.
  - 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**.
  - 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**.
  - e) The approval holder must **translocate** the salvaged **Matted Flax-lily** plants within 5 years of **commencement of the Action**.
  - 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**.
  - g) 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.
  - h) 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**.

## OFFICIAL

- 7) 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.

### OFFSETS

- 8) 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.
- 9) 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**.

### Offset Management Plans

- 10) The approval holder must commence implementing the following offset management plans by the **commencement of the Action** and continue to implement them at least until the expiry of this approval:
- The **NTGVVP and Golden Sun Moth Offset Management Plan**
  - The **SHWFTLP Offset Management Plan** and
  - The **Matted Flax-lily Offset Management Plan**.

---

## Part B – Administrative conditions

---

- 11) 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.
- 12) 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**.
- 13) 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:
- Notify the **department** electronically that the approved action management plan has been revised and provide the **department** with:
    - An electronic copy of the RAMP.
    - An electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP.

## OFFICIAL

- iii) An explanation of the differences between the approved action management plan and the RAMP.
  - iv) 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**.
  - v) 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**.
- b) Subject to condition 15, implement the RAMP from the RAMP implementation date.
- 14) 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.
- 15) 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:
- a) Condition 12 does not apply, or ceases to apply, in relation to the RAMP.
  - b) The approval holder must implement the action management plan specified by the **Minister** in the notice.
- 16) 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.

**Note:** Conditions [12], [13], [14] and [15] are not intended to limit the operation of section 143A of the **EPBC Act** which allows the approval holder to submit a revised action management plan, at any time, to the **Minister** for approval.

### NOTIFICATION OF DATE OF COMMENCEMENT OF THE ACTION

- 17) 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**.
- 18) The approval holder must not **Commence the Action** later than 5 years after the date of this approval decision.

### COMPLIANCE RECORDS

- 19) The approval holder must maintain accurate and complete **compliance records**.
- 20) 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.

**Note:** **Compliance records** may be subject to audit by the **department**, or by an independent auditor in accordance with section 458 of the **EPBC Act**, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the **department's** website or through the general media.

- 21) 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.

## OFFICIAL

- 22) 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.
- 23) 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.

### ANNUAL COMPLIANCE REPORTING

- 24) 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**).
- 25) Each **compliance report** must be consistent with the *Annual Compliance Report Guidelines*, Commonwealth of Australia 2023.
- 26) Each **compliance report** must include:
  - a) Accurate and complete details of compliance and any non-compliance with the conditions and the **plans**, and any **incidents**.
  - 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.
  - c) A schedule of all **plans** in existence in relation to these conditions and accurate and complete details of how each **plan** is being implemented.
- 27) The approval holder must:
  - a) 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.
  - b) Notify the **department** electronically, within 5 **business days** of the date of publication that a **compliance report** has been published on the **website**.
  - c) Provide the weblink for the **compliance report** in the notification to the **department**.
  - d) Keep all published **compliance reports** required by these conditions on the **website** until the expiry date of this approval.
  - e) Exclude or redact **sensitive ecological data** from **compliance reports** published on the **website** or otherwise provided to a member of the public.
  - f) 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**.

**Note:** **Compliance reports** may be published on the **department's** website.

## REPORTING NON-COMPLIANCE

- 28) 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**.
- 29) The approval holder must specify in the notification:
- Any condition or commitment made in a **plan** which has been or may have been breached.
  - A short description of the **incident** and/or potential non-compliance and/or actual non-compliance.
  - The location (including co-ordinates), date and time of the **incident** and/or potential non-compliance and/or actual non-compliance.

**Note:** If the exact information cannot be provided, the approval holder must provide the best information available.

- 30) 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:
- Any corrective action or investigation which the approval holder has already taken.
  - The potential impacts of the **incident** and/or non-compliance.
  - The method and timing of any corrective action that will be undertaken by the approval holder.

## INDEPENDENT AUDIT

- 31) 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**).
- 32) For each **independent audit**, the approval holder must:
- 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**.
  - 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**.
  - Submit the **audit report** to the **department** for approval within the timeframe specified and approved in writing by the **department**.
  - Publish each **audit report** on the **website** within 15 **business days** of the date of the **department's** approval of the **audit report**.
  - Keep every **audit report** published on the **website** until this approval expires.
- 33) Each **audit report** must report for the five-year period preceding that audit report.

- 34) 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.

#### COMPLETION OF THE ACTION

- 35) 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.
- 36) 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 approval holder must submit any spatial data that comprises **completion data** as a **shapefile**.

---

### Part C – Definitions

---

In these conditions any bolded use of a word or term refers to the below definition of that word or term:

**Action area** means the location of the Action, represented in Attachment A by the zone enclosed by the solid orange line designated as 'Proposed action area'.

**Atlas of Living Australia** means the national biodiversity database commonly known as the Atlas of Living Australia, which was available online at the website <https://www.ala.org.au/> on 6 February 2024.

**Audit report** means a written report of compliance and fulfilment of the conditions attached to this approval, objectively evaluated against the audit criteria approved by the **department**.

**Business day** means a day that is not a Saturday, a Sunday or a public holiday in Victoria.

**Clear, cleared or clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation.

**Cloning** means the propagation of new genetically identical individuals from **salvaged Matted Flax-lily** as summarised in section 1.3 of the **Matted Flax-lily Translocation Plan**.

**Commence the Action or Commencement of the Action** means the date on which the first instance of any on-site Clearing, Construction or other physical activity associated with the Action is undertaken, but does not include minor physical disturbance necessary to:

- a) Undertake pre-clearance surveys or monitoring programs.
- b) Install signage and/or temporary fencing to prevent unapproved use of the **Action area**, so long as the signage and/or temporary fencing is located where it does not **harm any protected matter**.

## OFFICIAL

- c) Protect environmental and property assets from fire, weeds, and feral animals, including use of existing surface access tracks.
- d) Install temporary site facilities for persons undertaking pre-commencement activities so long as these facilities are located where they do not **harm** any **protected matter**.

**Completion data** means an environmental report and spatial data clearly detailing how the conditions of this approval have been met.

**Completion of the Action** means the date on which all activities associated with this approval have permanently ceased and/or been completed.

**Compliance records** means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval (including compliance with commitments made in **plans**) in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.

**Compliance report** means a written report of compliance with, and fulfilment of, the conditions attached to the approval.

**Construction** means:

- a) the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site,
- b) the alteration, maintenance, repair or demolition of any building or structure,
- c) any work which involves breaking of the ground (including pile driving) or bulk earthworks,
- d) the laying of pipes and other prefabricated materials in the ground,
- e) any associated excavation work, and
- f) any works associated with the construction of a road.

**Construction** does not include the installation of temporary fences and signage.

**Department** means the Australian Government agency responsible for administering the **EPBC Act**.

**Environmental Management Plan Guidelines** means the *Environmental Management Plan Guidelines*, Commonwealth of Australia 2014.

**Environmental Offsets Policy** means the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy*, Commonwealth of Australia 2012.

**EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

**Golden Sun Moth** means **EPBC Act** listed species *Synemon plana*.

## OFFICIAL

**Golden Sun Moth habitat** means habitat for the **Golden Sun Moth**. The location of **Golden Sun Moth habitat** in the **Action area** is represented in Attachment C by the zones shaded lilac designated as 'Golden Sun Moth habitat'.

**Harm** means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.

**Incident** means any event which has the potential to, or does, **harm** any **protected matter**.

**Independent** means a person or firm who does not have any individual, financial\*, employment\* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder's staff, representatives, or associated persons.

\*Other than for the purpose of undertaking the role for which an independent person is required

**Independent audit** means an audit conducted by an **independent** and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019.

**Matted Flax-lily** means the **EPBC Act** listed species *Dianella amoena*

**Matted Flax-lily habitat** means habitat suitable for the growth of **Matted Flax-lily**. The location of **Matted Flax-lily habitat** in the **Action area** is represented in Attachment B by the zone enclosed by the lime green line designated as 'Habitat Zone'.

**Matted Flax-lily Offset Management Plan** means the document titled *Aitken Boulevard road construction, Mickleham: EPBC 2022/9150 Offset Management Plan for Matted Flax-lily Dianella amoena Final version* dated 28 February 2024 or a later revised version approved by the **Minister** in writing.

**Matted Flax-lily Offset site** means the area providing compensation for impacts of the Action on **Matted Flax-lily**, represented in Attachment H by the zone enclosed by the solid blue line designated as 'Offset site'.

**Matted Flax-lily Translocation Plan** means the document titled *Aitken Boulevard 300 Mt Ridley Road Mickleham: Matted Flax-lily Translocation Plan* dated 15 November 2023 or a later revised version approved by the **Minister** in writing.

**Matted Flax-lily Translocation site** means the designated translocation site specified in the **Matted Flax-lily Translocation Plan** after a revised version has been approved by the **Minister** in accordance with Condition 6.

**Minister** means the Australian Government Minister administering the **EPBC Act**, including any delegate thereof.

**Monitoring data** means the data required to be recorded under the conditions of this approval.

## OFFICIAL

**NTGVVP** means the **EPBC Act** listed threatened ecological community *Natural Temperate Grassland of the Victorian Volcanic Plain*. The location of **NTGVVP** in the **Action area** is represented in Attachment D by the zones shaded orange designated as 'Natural Temperate Grassland of the Victorian Volcanic Plain' and the green lines designated 'Habitat zone'.

**NTGVVP and Golden Sun Moth Offset Management Plan** means the document titled *Aitken Boulevard road construction, Mickleham: EPBC 2022/9150 Offset Management Plan for Natural Temperate Grassland of the Victorian Volcanic Plain and Golden Sun Moth *Synemon plana** Final version dated 28 February 2024 or a later revised version approved by the **Minister** in writing.

**NTGVVP and Golden Sun Moth Offset site** means the area providing compensation for impacts of the Action on **NTGVVP** and **Golden Sun Moth**, represented in Attachment F by the zone enclosed by the solid blue line designated as 'Offset site'.

**New or increased impact** means any direct or indirect increase in the impacts of an Action, an increase to the likelihood of an impact occurring, a reduction to the monitoring or mitigation measures for a **protected matter**, and/or a change to the nature or management of an environmental offset as outlined in the *Guidance on 'new or increased impact' relating to changes to approved management plans under EPBC Act environmental approvals*, Commonwealth of Australia 2017.

**Plan** means any action management plan or strategy that the approval holder is required by these conditions to implement.

**Protected matter** means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

**Salvage** means removing **Matted Flax-lily** plants from where they are growing in the ground, labelling them to identify their source location and growing and **cloning** them in a temporary location in preparation for **translocation**, as described in section 4.3.2 of the **Matted Flax-lily Translocation Plan**.

**Secure(d)** means to provide ongoing conservation protection on the title of the land under an enduring protection mechanism, such as a Landowner Agreement under section 69 of the Conservation, Forests and Lands Act 1987 (Vic), or a Trust for Nature covenant under Victorian Conservation Trusts Act 1972 between the landowner and Trust for Nature, or another enduring protection mechanism agreed to in writing by the **department**, to provide in perpetuity protection for the site against development incompatible with conservation.

**Sensitive ecological data** means data as defined in the *Sensitive Ecological Data – Access and Management Policy V1.0*, Commonwealth of Australia 2016.

**Shapefile** means location and attribute information about the Action provided in an Esri shapefile format containing:

- a) '.shp', '.shx', '.dbf' files,

## OFFICIAL

- b) a '.prj' file which specifies the projection or geographic coordinate system used, and
- c) an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

**SHWFTLP** means the **EPBC Act** listed threatened ecological community *Seasonal Herbaceous Wetland (Freshwater) of the Temperate Lowland Plains*. The location of **SHWFTLP** in the **Action area** is represented in Attachment E by the zones shaded purple designated as 'Seasonal Herbaceous Wetland (Freshwater) of the Temperate Lowland Plains'.

**SHWFTLP Offset Management Plan** means the document titled Aitken Boulevard road construction, Mickleham: EPBC 2022/9150 Offset Management Plan for Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains Final version dated 28 February 2024 or a later revised version approved by the **Minister** in writing.

**SHWFTLP Offset site** means the area providing compensation for impacts of the Action on **SHWFTLP**, represented in Attachment G by the zone enclosed by the solid blue line designated as 'Offset site'.

**Suitably qualified expert** (for the purpose of undertaking environmental surveys) means a person who has relevant professional qualifications and at least 3 years of work experience designing and implementing surveys for **NTGVVP**, **Golden Sun Moth**, **SHWFTLP** and **Matted Flax-lily** and can give an authoritative assessment and advice on the presence of **NTGVVP**, **Golden Sun Moth**, **SHWFTLP** and **Matted Flax-lily** using relevant protocols, standards, methods and/or literature.

**Suitably qualified person** means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

**Translocate** means the series of actions described in section 4.5 of the **Matted Flax-lily Translocation Plan** to establish **salvaged** and propagated plants to thrive with minimal management in a new long-term location.

**Victorian Biodiversity Atlas** means the biodiversity database commonly known as the Victorian Biodiversity Atlas, which was available online at the website <https://www.environment.vic.gov.au/biodiversity/victorian-biodiversity-atlas> on 6 February 2024, or a subsequent version endorsed by the Victorian Government.

**Website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Attachments

Attachment A: Action area



Figure 2 Proposed action area



M.dwg: 37123  
Date: 27 February 2024  
Prepared for: S.M. Prepared by: S.M., D.K. Last edited by: umishall  
Layout: 37123\_02.dwg  
Project: P1371000-D123MAPPING  
37123\_A1.dwg/371000.dwg

0 50 100 150 200 250  
Metres  
Scale 1:5,000 @ A3  
Coordinate System: GDA 1994 VICGRID94



Attachment B: Map showing location of Matted Flax-lily plants within the Action area.



Figure 3 Matted Flax-lily recorded in the proposed action area

Attachment C: Map showing location of Golden Sun Moth habitat within the Action area.



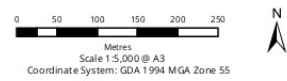
Attachment D: Map showing extent of NTGVVP within the Action area.



Figure 5 NTGVVP recorded in the proposed action area

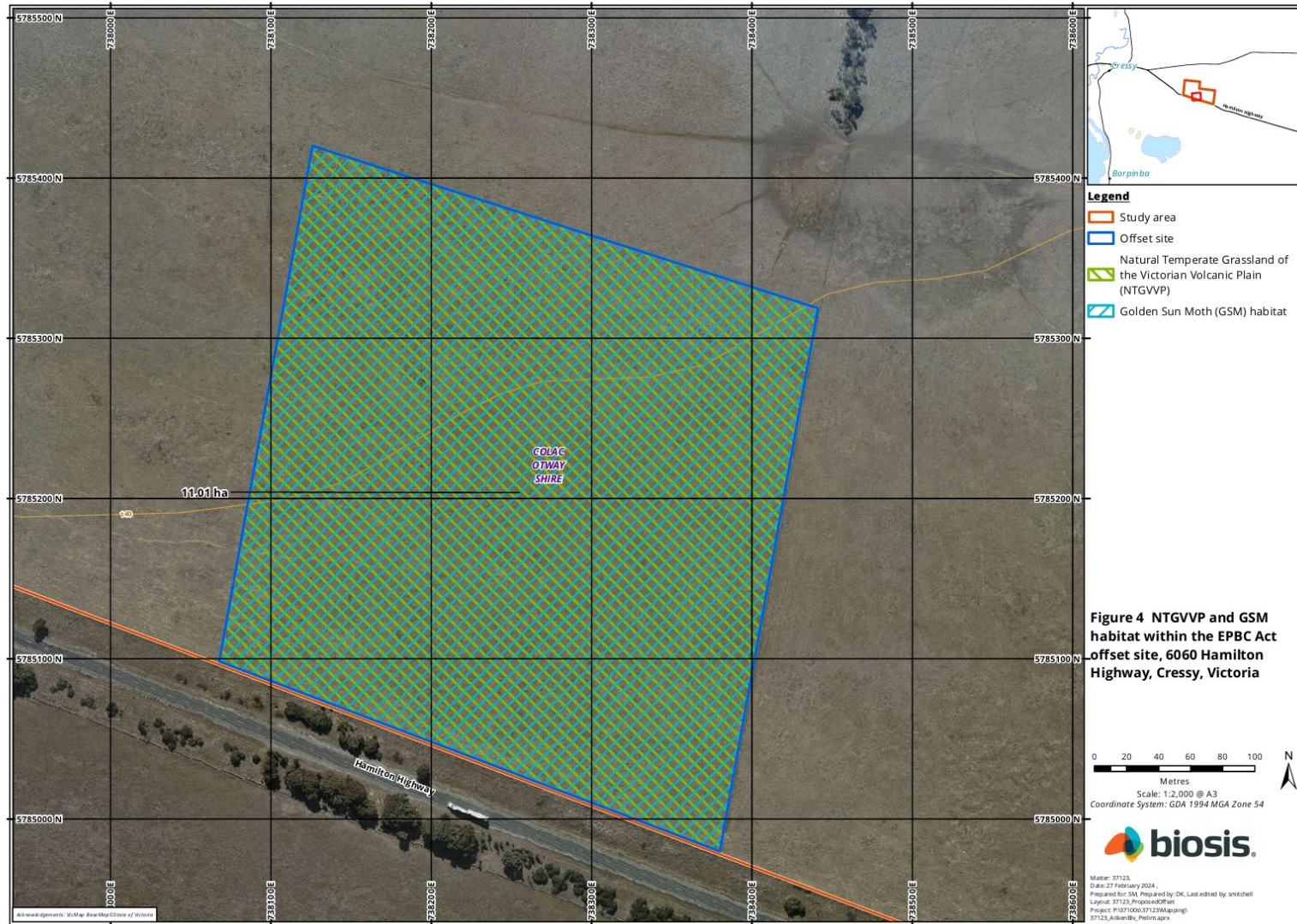


M id:nc: 37123,  
Date: 27 February 2024  
Prepared for: 367 7920000 by: SMM, DK, Last edited by: smithill  
Layer: 37123\_Plan\_Aerial\_NTGVVP  
Project: P1371000\_37123\_Mapping  
37123\_Mid:nc:367792000.aprx





Attachment F: Map showing location of proposed NTGVVP and Golden Sun Moth offset site.



Attachment G: Map showing location of proposed SHWFTLP Offset site.



Attachment H: Map showing location of proposed Matted Flax-lily Offset site.





**Appendix B – Biosis – Aitken Boulevard 300 Mt Ridley Road, Mickleham –  
Matted Flax-lily Translocation Plan**



Aitken Boulevard  
300 Mt Ridley Road Mickleham:  
Matted Flax-lily Translocation Plan

Prepared for Rosedust Pty Ltd and Copperdust Pty Ltd

15 November 2023

## Biosis offices

### NEW SOUTH WALES

#### Albury

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

#### Newcastle

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

#### Sydney

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

#### Western Sydney

Phone: (02) 9101 8700  
Email: [sydneyoffice@biosis.com.au](mailto:sydneyoffice@biosis.com.au)

#### Wollongong

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

### VICTORIA

#### Ballarat

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

#### Melbourne (Head Office)

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

#### Wangaratta

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

**Report to:** Rosedust Pty Ltd

**Prepared by:** Steve Mueck

**Biosis matter no.:** 37123

Version/date	Internal review by	Date sent to client
Draft version 01	SGM	05/06/2022
Draft version 02	SGM/MD	15/11/2023

**File name:** 37123.Aitken.Blvd.MFL.Translocation.DFT02.20231115

**Citation:** Biosis 2023. Aitken Boulevard, 300 Mt Ridley Road Mickleham: Matted Flax-lily Translocation Plan. Report for Rosedust Pty Ltd and Copperdust Pty Ltd. Author: Steve Mueck, Biosis Pty Ltd, Melbourne. Project No. 37123

## Acknowledgements

Biosis Research acknowledges the contribution of the following people and organisations in undertaking this study:

- MAB Corporation: Luke Mitrione
- Department of Environment, Land Water and Planning for access to the Victorian Biodiversity Atlas

The following Biosis staff were involved in this project:

- Sally Mitchell for mapping

© Biosis Pty Ltd

This document is and shall remain the property of Biosis Pty Ltd. The document may only be used for the purposes for which it was commissioned and in accordance with the Terms of the Engagement for the commission. Unauthorised use of this document in any form whatsoever is prohibited.

Disclaimer:

Biosis Pty Ltd has completed this assessment in accordance with the relevant federal, state and local legislation and current industry best practice. The company accepts no liability for any damages or loss incurred as a result of reliance placed upon the report content or for any purpose other than that for which it was intended.

## Contents

<b>1. Introduction .....</b>	<b>1</b>
1.1 Project background.....	1
1.2 Translocation Site Requirements .....	1
1.3 Summary of the Translocation Proposal .....	3
1.4 Timeframe and implementation .....	3
<b>2. Translocation Site.....</b>	<b>5</b>
2.1 Nominated Recipient Site .....	5
2.2 Recipient site (Description) .....	5
2.3 Suitability of Recipient Site.....	5
<b>3. Translocation Proposal.....</b>	<b>7</b>
<b>4. Translocation Process.....</b>	<b>9</b>
4.1 Introduction.....	9
4.2 Recipient Site .....	9
4.3 Translocation Stages.....	10
4.3.2 Preparation of Nursery Clones .....	10
4.4 Site preparation .....	10
4.5 Replanting of MFL.....	10
4.6 Management and Monitoring.....	11
4.7 Performance Targets .....	12

### List of Figures

Figure 1: Location of Matted Flax-lily plants to be salvaged from Aitken Boulevard at 300 Mt Ridley Road, Mickleham Victoria.....	2
Figure 2: Reserve - the translocation recipient site for Matted Flax-lily plants to be salvaged from Aitken Boulevard.6	6

## Summary

Biosis Pty Ltd was commissioned by Rosedust Pty Ltd (Rosedust) to prepare a Matted Flax-lily *Dianella amoena* (MFL) Translocation Plan for the salvage of 20 plants recorded within the road reserve of Aitken Boulevard, Mickleham, Victoria. The site is proposed for road construction.

The 20 MFL within the road reserve are proposed to be translocated as part of a mitigation translocation to a reserve yet to be defined in consultation with the Department of Energy, Environment and Climate Action (DEECA) (Note that yellow highlighted text within this plan will need to be refined to be relevant to the selected translocation site).

Rosedust is responsible for implementing the actions outlined in this plan until the relocated individuals of MFL are considered to be established at the translocation recipient site.

Each plant within the Aiken Boulevard road reserve will be salvaged by hand and the material divided to establish at least ten clones within a nursery which specialises in the propagation of indigenous plants. This will result in a nursery population of 200 clones.

Of the ten clones for each plant, four will be planted within the selected translocation site (80 plants). Planted material will be subject to a rigorous monitoring program. Plants which die before becoming established will be replaced with clones from the same plant retained within the nursery population. A plant will be considered established when a minimum of three of the four plant clones have survived within the recipient site for a minimum period of five years.

Land within five metres of each planted clone will be subject to intensive weed management and revegetation works.

The translocation plan is considered to be fully implemented when a minimum of 90% of plants (18/20) are considered established (i.e. three clones from each of 18 plants representing at least 54 independent plants). This is expected to occur in 2028.

# 1. Introduction

---

## 1.1 Project background

The delegate of the Minister for the Environment determined at the referral stage that the proposed action associated with EPBC 2022/9150 is likely to result in a significant impact to Matted Flax-lily *Dianella amoena* (MFL). Therefore, the proponent has proposed to mitigate this impact through the salvage and translocation of the individual MFL within the development footprint. This plan reflects the anticipated requirements for the conditions of the EPBC Act approval for Referral 2022/9150. These will be outlined in the approval document to be provided by the Department of Climate Change, Energy, Environment and Water (DCCEEW) in due course. These anticipated conditions include that the road construction works not disturb more than 20 Matted Flax-lily (MFL) and the 20 known plants within the project footprint will be translocated to a site in consultation with the Victorian Department of Energy, Environment and Climate Action (DEECA).

DEECA required the council permit to have a condition stating:

*Prior to native vegetation removal, an approved Matted Flax-lily Translocation Plan is to be implemented to the satisfaction of the Responsible Authority, in consultation with DEECA.*

A total of 20 individuals of MFL are to be salvaged from the road reserve (Figure 1). Salvaged plants will be propagated and maintained at an appropriate nursery. This nursery will maintain 10 clones of each of the 20 plants salvaged (i.e. 200 plants) in a manner that allows the clones of each individual to be identified. These clones will be supplied to the translocation program in accordance with this plan.

The locations of the 20 MFL within Aitken Boulevard are documented in Biosis (2021).

This translocation plan must be approved by DEECA prior to its implementation.

## 1.2 Translocation Site Requirements

All plants are proposed to be translocated into a single recipient site. This minimises the extent of infrastructure required to conduct the translocation and maintains the integrity of this population which is being salvaged from a single remnant of native vegetation.

Given the number of plants involved in this translocation a minimum size of five hectares is proposed for the recipient site. This minimum size requirement is also expected to provide a diversity of microhabitats to allow plants to disperse into other suitable environments and provide for the future expansion of the translocated population.

The translocation recipient site must provide a similar environment/habitat type to that occupied by this species at Aitken Boulevard and ongoing conservation management is required to provide habitat security. These requirements include:

- The site needs to be managed on an ongoing basis to maintain the populations indefinitely;
- Long term management arrangements need to be identified;
- The sites will be located on the Victorian Volcanic Plains within the Whittlesea or Hume municipalities;
- Should be on public land or land with sympathetic management agency or structure;
- Should be at least five hectares in size to provide habitat diversity and allow for future population recruitment;



- Legend**
- Proposed action area
  - Construction footprint
  - ▲ Matted Flax-Lily
  - Habitat Zone

Acknowledgements: VicMap BaseMap © State of Victoria

**Figure 1 Matted Flax-lily recorded in the proposed action area**

- Include areas of gentle relief (plains) with or without stony knolls with well-drained or moderately draining soils (surface rocks should be a prominent feature and gilgai soils may be present);
- Soils should be moderately friable, cracking clays;
- Vegetation should be of the ecological vegetation classes (EVC) Plains Grassland (EVC 132), Plains Grassy Woodland (EVC 55) or Stony Knoll Shrubland (EVC 649);
- Grazing by domestic stock must be excluded;
- Site(s) will be fenced for protection from any threatening processes;
- Weed control is a requirement for site preparation and is also an ongoing management requirement; and
- Plant must be monitored to ensure their establishment.

### 1.3 Summary of the Translocation Proposal

Details of the translocation proposal are provided in this plan. However, key points are summarised below:

Material from plants salvaged from the road reserve of Aitken Boulevard will be replanted within nominated recipient site. Material will be salvaged from the 20 plants located within the road reserve (Figure 1) and will be propagated in a nursery to provide 10 clones from each plant (200 tube-stock plants).

From this material, 4 clones (tubes) sourced from each of the original 20 plants (80 plants) will be planted in clonal pairs into the selected reserve in an attempt to establish three clones from each plant (60 plants). For each plant the remaining six clones (120 plants) will be retained in a nursery as a backup to replace any translocated clones which die before being considered established. Each pair of clones will be planted in suitable habitat and be separated by at least five metres from both each other and the planting of other MFL plants.

Where a clone from the nursery backup is used to replace plants within a reserve, the remaining nursery plants will be divided to maintain the backup of six clones per plant.

The establishment of three clones from each plant using the salvaged material will be taken as the successful translocation of that individual. An individual clone will be considered established if the planted material survives within the planting area for a period of five years.

The translocation program will be considered completed when 18 of the 20 translocated plants are each represented by three established clones (i.e. at least 54 plants). All 20 plants will be subject to a MFL monitoring program until at least 18 are considered to be established.

### 1.4 Timeframe and implementation

The translocation program will commence as soon as this plan is approved (anticipated to be September 2022) and will follow the timetable outlined in Table 1. Preparation of the proposed recipient site within the selected Conservation Reserve will also begin as soon as this plan is approved, with selection of planting sites and initial weed control.

The material required for planting (4 clones of each plant) will be held at a nursery until the translocation site is ready. Once the translocation plan reaches the defined success rate (survival of three clones from each of at least 18 salvaged plants for a period of five years) then the remaining nursery held plants will no longer be required. Excess plants, that may be transferred to other projects, will no longer be the responsibility of Rosedust and Copperdust.

**Table 1.** Summary of actions and timing

Step	Timing	Action
1	late 2022 (post-approval)	Salvage of 20 plants within the road reserve of Aitken boulevard
2	June 2023	Preparation of planting locations within the selected recipient site.
3	February 2024	Preparation of Conservation Reserve recipient site completed.
4	April 2024 (when soil moisture conditions are appropriate)	Planting of salvaged plants into the selected recipient site.
5	April 2024	Ongoing weed control, weekly monitoring and other management actions as specified continued in the selected recipient site. Water plants as required. Replace any clones that die.
6	May 2024 to April 2025	Monthly monitoring of translocated plants in the selected recipient site. Water plants as required and increase the frequency of monitoring if considered necessary. Replace any clones that die.
7	May 2025 to April 2029	Monitoring translocated plants every two months in the selected recipient site. Monitoring of plants established for two years will be incorporated into an annual MFL monitoring program. If at the end of April 2029 three clones from 90% of the original plants (18 individuals) have survived (54 plants) then the translocation program is considered successful and this translocation plan will be considered completed. If some clones have died then monitoring of replanted individuals needs to return to Step 5 until the five year survival goal has been achieved.
8	November / December each year from 2024.	Include translocated plants in an annual MFL monitoring program conducted in December of each year. Submit annual report to DEECA on the outcomes of the Translocation Plan.
9	<b>April 2029*</b>	<b>Submit final report to DEECA on the outcomes of the Translocation Plan with recommendations.</b>

\* another report may be required after this if it takes longer to establish these plants.

## 2. Translocation Site

---

### 2.1 Nominated Recipient Site

Options are yet to be proposed for the recipient site. The selected recipient site is approximately XX kilometres north of the Melbourne CBD, and XX kilometres (direction) of Aitken Boulevard (Figure 2).

While the Reserve is the recommended recipient site for the MFLs salvaged from Aitken Boulevard, the management actions and strategies identified in this translocation plan can be applied to any site selected by DEECA.

### 2.2 Recipient site (Description)

The Reserve is located in Suburb. It is currently (provide description of the context of the recipient site). Other adjacent roads include Rise, Avenue, Way and Boulevard.

The reserve is managed as a remnant of the ecological vegetation class (EVC) To Be Defined (EVC XXX). The site supports some remnant indigenous understorey although it also supports significant infestations of exotic grasses such as Chilean Needle-grass *Nassella neesiana* and Toowoomba Canary-grass *Phalaris aquatica*. Describe the condition of the site.

On-going management activities to be conducted by the City of XXXX include weed and biomass control works.

Specific areas for planting the MFL salvaged from Aitken Boulevard will be selected in consultation with the relevant Parks Environmental Manager. Site selection will focus on weed dominated areas in close proximity to areas supporting more native vegetation.

### 2.3 Suitability of Recipient Site

The Reserve supports a remnant of Plains Grassy Woodland within the Victorian Volcanic Plain bioregion. The reserve supports a number of rocky rises and a scattered cover of mature River Red-gums *Eucalyptus camaldulensis*. The site is managed as a conservation reserve by the City of XXXX. Ongoing management activities include weed control and ecological burning.

Provide a description of any existing MFL: MFL is known from the site as both a small natural population (>10 plants) and other translocated plants (>10 plants). The reserve therefore supports suitable habitat for MFL and has a number of areas considered to be unoccupied habitat which require some level of rehabilitation.

The translocation site selected within the Reserve, the associated management protocols defined within this plan and the Reserve Conservation Management Plan (Biosis 2022 – to be prepared) satisfies all of the site requirements outlined in this plan.

**Figure 2:** Reserve - the translocation recipient site for Matted Flax-lily plants to be salvaged from Aitken Boulevard.

## 3. Translocation Proposal

---

The successful translocation of the plants salvaged from Aitken Boulevard will be achieved as follows:

### Sound and detailed translocation planning

Details of the translocation plan are provided in Section 4.

### Commitment and Expertise

Biosis Pty Ltd (or an equivalent consultant) will provide ecological expertise to the translocation project from the initial planning stages through to ongoing monitoring and site management. All work will be undertaken by qualified ecologists, supervised by senior staff with previous experience in translocation and vegetation management.

Biosis has designed and supervised a number of projects for translocation and management of threatened flora besides Matted Flax-lily. These projects include:

- Salvage of Matted Flax-lily, re-establishment of propagules, and ongoing management and monitoring at Larundel Grassland reserve, Bundoora (Mueck 2004, Brown and Mueck 2006);
- Salvage, direct translocation and ongoing management of Matted Flax-lily at South Morang Flora and Fauna Reserve, South Morang (Yugovic 2005);
- Machine salvage and direct translocation of Spiny Rice-flower at the former Laverton RAAF Base, Laverton (Mueck 2000);
- Tree-spade salvage and direct translocation of Spiny Rice-flower and mixed grassland species at Cairnlea, the former Albion Explosives Factory (Costello unpublished data);
- Salvage by hand and propagation of rare or threatened cranesbills (*Geranium* sp. 1, *Geranium* sp. 3, *Geranium* sp. 14, *Geranium solanderi*) and Arching Flax-lily *Dianella* sp. aff *longifolia* (Benambra), from the Broadmeadows to Craigieburn Railway Reserve, Broadmeadows (Costello 2004, Costello and Koehler 2004);
- Salvage by hand for direct translocation and propagation of grassy wetland species and tree-spade salvage and direct translocation of Smooth Rice-flower *Pimelea glauca* and mixed grassland/grassy wetland species into Epsom Conservation Reserve, Mordialloc (Costello 2000, 2002, 2005).
- Salvage and translocation of MFL from Alliance Business Park into the Epping Nature Conservation Reserve (Biosis 2021).

The on-ground aspects of the project will be undertaken by indigenous vegetation management specialists and include ecological burning, weed control and the control of pest animals. Appointment of these management specialists is via a tender process. Tenders will be requested periodically and appointees selected on both cost and reliability criteria.

### Funding

The manager of the Reserve (City of XXXX) has committed to management of the selected reserve guided by a comprehensive reserve management plan (Biosis 2022 – to be prepared). The reserve is within an urbanised environment which excludes the presence of domestic stock and has been otherwise fenced to exclude non-management vehicles. The Reserve has been managed by the City of XXXX since 20XX and ongoing funding for the ecological management requirements of the reserve is provided by this municipality.

Funding arrangements for the management of the plants in accordance with this plan will be provided by Rosedust and Copperdust and will subject to negotiation with the City of XXXX.

## Removal and ongoing control of threatening processes

The most immediate threats to the viability of the recipient site are as follows:

- Weed invasion, particularly by tall-growing, high threat perennial grasses such as Toowoomba Canary-grass *Phalaris aquatica* and Chilean Needle-grass *Nassella neesiana*;
- Inappropriate burning regimes/biomass control (i.e. biomass accumulation outside that defined by the approved management plans); and
- While grazing by domestic stock is no longer a threat, grazing by Eastern Grey Kangaroos and rabbits may become a threat in future. Rabbits are currently being controlled in the reserve by baiting.

Management of the Conservation Reserve is detailed in Biosis (2022 – to be prepared) and summarised in Section 4. This active ecological management will continue to be undertaken by experienced native vegetation management contractors.

Management actions include fencing of the reserve, installation of signage and pathways for controlled public access, weed control and biomass control.

Management of the Conservation Reserve is an ongoing and permanent requirement.

### Timing

This translocation plan will apply until three clones from at least 18 of the 20 salvaged plants (90%) have become established (at least 54 plants). Establishment is defined as the survival of a planted clone for a period of five years. However, management of the conservation reserve and the salvaged plants will continue in perpetuity, albeit at a lower intensity. After plants are established, management will comprise periodic biomass reduction as needed, weed control and maintenance of fencing, gates, pathways and signage. Once established the translocated plants will be incorporated into an annual MFL monitoring program conducted within the reserve.

## 4. Translocation Process

---

### 4.1 Introduction

Matted Flax-lily is a tufted, mat-forming perennial lily, which spreads vegetatively by underground rhizomes. The species is fully described in Carr and Horsfall (1995). Each plant consists of sparse to dense tufts of leaves, which are narrow, 4–12 mm wide (Carr and Horsfall 1995), blue-green in colour, and usually have small ‘teeth’ on the upper edges and mid-rib. The leaf tufts may be widely spaced along the rhizome (up to 30 cm), making it difficult to accurately determine the number of individual plants within an area. Matted Flax-lily flowers during late spring – summer. The flowering inflorescence is a spreading panicle, often 50–60 cm in height, with scented pale mauve to blue flowers. Blue fleshy berries containing the seeds are produced after flowering.

The species is known from grassland and grassy woodland in Victoria, and there are historic records from Tasmania, where the species may still occur (Carr and Horsfall 1995). There are believed to be approximately 1400 plants remaining, in 120 separate populations (Carter unpublished). This is likely to underestimate the actual total population, as additional populations continue to be recorded as further survey is conducted in areas of suitable habitat on the urban fringe of Melbourne.

The recovery plan for this species (Carter 2010) is not endorsed by DAWE as it is not current.

Carr and Horsfall (1995) note that recruitment for Matted Flax-lily is believed to be non-existent. Populations are clearly fragments of much larger populations that have persisted in highly degraded vegetation. Seedlings have not been seen in the wild (Carr pers. comm. in Carter unpublished). Buzz pollination by native bee species is required for seed production, hence the habitat requirements for these species is important. The species is self-compatible.

MFL is readily propagated by division and seed, although it may be difficult to collect large quantities of seed, as the berries are often sparse and drop quickly once ripe. The plants proposed to be salvaged from Aitken Boulevard are small but could still be divided to form many new plants after plants are established and grown in a nursery.

### 4.2 Recipient Site

The reserve has been identified as the primary recipient site.

The initial planting in the Reserve will include four plants (clones) from each of the 20 salvaged parent plants.

The most intact areas of the conservation reserve will not be used as a recipient site, given the potential for disturbance that can result from transplant operations and ongoing management. Instead, a moderately disturbed area within the reserve has been identified as the primary receptor area. This area will be subject to intensive weed control and revegetation works with an objective of re-establishing a native Plains Grassland / Plains Grassy Woodland community (as appropriate) incorporating the translocated population of MFL. Weed control works will commence as soon as possible with the objective of planting the MFL in April 2023.

Broad recipient areas include all land within the area specified in Figure 2. Within this area, particular planting sites will be identified and marked on-ground by a botanist in consultation with the relevant council Parks Environmental Manager. These will be located to avoid disturbance to any existing indigenous plants.

## 4.3 Translocation Stages

The following stages and issues in translocation are discussed below:

- Preparation of nursery clones
- Site preparation
- Replanting
- Management
- Monitoring
- Performance targets

### 4.3.2 Preparation of Nursery Clones

Direct translocation into the reserve is not proposed, given the need to prepare the recipient site and the potential for re-introduction of weeds in the salvaged material. Plants will be held in a suitable nursery for maintenance and growing on.

A minimum of ten clones is required for each plant. Of these ten, four will be planted out to contribute to the wild population and six will be held in the nursery as a security measure.

The nursery holding the plants required for this translocation will be responsible for maintaining the security plants as long as required. The total length of time for holding plants will be determined by the time taken to identify and prepare all recipient sites and for the plants to become established. Once the plan is deemed successful the excess nursery plants will no longer be required. Any additional plants remaining after the translocation plan has been completed will no longer be the responsibility of Rosedust and Copperdust.

Detailed actions are as follows:

1. Plants will be hardened off before planting into the conservation reserve.
2. Clones from each original salvaged plant will be planted into the nominated reserve with the aim of these plants providing a new wild population or augmenting an existing population of MFL.

## 4.4 Site preparation

The recipient site within the Reserve will be identified by a botanist in consultation with the relevant Reserve manager. Preparation of these areas will begin within one month of the approval of this translocation plan (no later than September in any year before the translocation occurs). Each site will be large enough to allow eight clones to be planted, for ease of monitoring and ongoing management and to provide for potential cross-pollination. Sites have been selected such that access for planting, management and monitoring is possible without trafficking more intact sections of the reserve. The sites will be marked with star pickets or similar to allow translocated plants to be easily monitored and protected during management works.

Weed control in the planting areas will be satisfactorily completed before plants are installed. The cover of perennial weeds within a minimum one metre radius of each planting site will be <1%.

Land within five metres of the receptor site will be subject to extensive revegetation works using locally indigenous species with the objective of establishing the vegetation as an area of indigenous native vegetation over a period of five years.

## 4.5 Replanting of MFL

1. Replanting will occur during the cooler months (autumn to mid-spring). Planting sites will be accessed with minimal disturbance to the reserve from vehicles and equipment.

2. The minimum spacing between clones and between plants and any reserve boundary will be five (5) metres, to allow for vegetative expansion.
3. At each recipient site, the planting hole will be dug by hand (use of a hand auger is appropriate) with minimal disturbance to the surrounding soil, and any excavated soil will be removed from the reserve. Watering of the planting hole is recommended before planting.
4. Each plant will be planted with the final soil level approximately equal or slightly lower than the natural surface and will be thoroughly watered.
5. Each plant will be labelled (with a durable metal label) and numbered for record keeping and monitoring purposes.
6. The location of the recipient site will be recorded using GPS and the data transferred onto an appropriately scaled map, allowing planted material to be readily relocated.

Additional relevant data will be recorded including the name of the person undertaking the work, date, time of day and prevailing climatic and other conditions (e.g. temperature, recent rainfall, frosts, fires, natural soil moisture and any other features that might affect the survival of the plant).

## 4.6 Management and Monitoring

Reserve management actions and issues are described by this plan and the Reserve Conservation Management Plan (Biosis 2022 – to be prepared).

Monitoring and specific management guidelines are as follows:

1. The planted MFL (80) will be inspected weekly for at least the first month (as determined by the supervising botanist), then monthly for a total of one year and then every two months for two years post planting. This will allow for prompt management actions as necessary to maximise the chance of survival. Records of inspections will be kept and include descriptions of the condition of the plants, and will include inspections of the naturally occurring plants for comparison. Translocated plants will be photographed every six months for two years and then annually until plants are considered established.
2. Watering may be required periodically, particularly during the first summer or any other dry periods, as determined by monitoring. If the plants are deemed to be declining in health due to moisture stress, watering will be organised promptly. Additional monitoring may be required if watering is required over a prolonged period. Records of watering events will be kept.
3. Vegetation competition (native or exotic) will be controlled for a minimum of one metre around each of the 80 plants.
4. Weed control works will be conducted throughout the receptor site to facilitate the establishment of a native vegetation community. Intensive weed control works will be conducted within five metres of all planted material. Weed levels within five metres of planted material (about 80 square metres) will be maintained at less than 5% total cover (five square metres) of perennial weeds and less than 10% total cover (10 square metres) of annual weeds;
5. Revegetation works will incorporate a variety of techniques including direct seeding and planting tube-stock with a goal of establishing a minimum 25% cover of indigenous perennial species (as a percentage of total vegetation cover) within five metres of each planting at the end of five years.
6. Any vegetation competing with planted MFL will be regularly controlled using appropriate techniques. Control techniques may include hand weeding, brush-cutting or careful application of selective herbicides. Removal of weeds may require action each month during the spring growing season.

7. Any other threats, such as grazing by rabbits or kangaroos will be monitored and managed as required. Any control activities undertaken will be recorded.
8. Any decline in the population will be reported to DEECA within two months with an explanation of the remedial management actions planned and taken.
9. In addition to the regular inspections to assess management requirements, the plant survival and growth will be assessed annually, at the same time each year (between 1 October and 1 March) up until plants are considered established. The dimensions of each patch and number of leaf tufts will be recorded, and production of flowering stems noted. Observations of seed set, germination of Matted Flax-lily plants and the fate of seedlings will be recorded.
10. Any dead plants will be promptly replaced from the nursery with clones from the same parent plant. The nursery plant will also be replaced as back up.
11. Plants are considered established and independent after surviving for five years.
12. Once three clones from a plant are considered established then this translocation plan will no longer apply to any clones of that plant and that plant will be managed in line with the ongoing Reserve Conservation Management Plan and be incorporated into an annual MFL monitoring program.
13. Replaced plants will be monitored until three clones from that plant are considered established.
14. The translocation plan is considered to be complete when a minimum of 90% of plants (18/20) are considered established (i.e. three clones from each of 18 plants representing at least 54 plants).

Previous translocations of MFL have benefited from the establishment of watering infrastructure such as a tank and drip irrigation system. This should be considered as an efficient and cost effective method to ensure the survival of planted MFL during their initial establishment period (the first 2 years).

## 4.7 Performance Targets

The over-riding objective of this translocation plan is the long term conservation of genetic material from the salvaged population and a long-term increase in the local population of the species at the recipient site. Based on previous translocation exercises associated with this species it is anticipated that the large majority of plants will be able to successfully establish within the reserve within the nominated establishment period.

The translocation program will be deemed a success if it meets the following criteria:

1. When 18 of the salvaged plants become established (90% of the 20 individuals salvaged). This is achieved when three clones from that plant have survived for a period of five years after planting (at least 54 plants);
2. Weed levels within five metres of planted material will be maintained at less than 5% total cover of perennial weeds and less than 10% total cover of annual weeds. Maintaining this minimum standard is considered an acceptable level of weediness, such that competition from weeds does not reduce the potential expansion of each transplanted flax-lily and will allow other native ground flora increase in cover;
3. The receptor sites have been revegetated to the extent where the cover of indigenous species is greater than 25% of the vegetation cover present within five metres of each planted clone; and
4. The success of the translocation project has been regularly reviewed and management adjusted as required to maintain the health of plants.

In the unlikely event the criteria for success have not been met within 10 years from the date of approval of this plan then Rosedust and Copperdust will provide DEECA with an assessment of the translocation program that examines the reasons why the program was unable to meet its performance targets. This assessment will be provided within 10 years and 6 months from the date of approval of this plan.

### **Reporting**

The results of the translocation process and ongoing monitoring will be reported to the relevant authorities (DEECA) by Rosedust and Copperdust on an annual basis. The final report will include an evaluation of the success of the program, methods used and recommendations for future programs. The report will also provide recommendations for the ongoing management of the translocated MFL plants.

## References

Biosis Research 2012. *275 O'Herns Road, Epping, Victoria: Flora, fauna and habitat hectare assessment*. Report to MAB. Authors: Mueck, S., Byrne, A. & Gilmore, D., Biosis Research, Melbourne. Project no. 13806.

Biosis 2021. *Alliance Business Park (East) 165-195 O'Herns Road Matted Flax-lily Translocation Annual Monitoring Report 2021*. Report prepared for MAB Corporation. R. Baulch, Biosis Pty Ltd, Melbourne. Project no. 30319.

Biosis 2022 – to be prepared. Ecological management plan for defined reserve. Plan prepared for Rosedust and Copperdust as part of the approval for EPBC 2022/9150

Ecology Australia 2007. *Lyndarum Estate, Epping. Conservation Management Plan*. Unpublished report for A.V. Jennings, Author Geoff Carr, Ecology Australia, Fairfield, Victoria.

Mueck S. & Brown L. 2005. *Vegetation Monitoring for the Larundel Grassy Woodland Reserve, Bundoora, Victoria*. Biosis Research Pty. Ltd.

Mueck S. 2000. Translocation of Plains Rice-flower (*Pimelea spinescens* ssp. *spinescens*) Laverton, Victoria. *Ecological Management and Restoration* **1(2)** 111-116.

Yugovic J. 2005. *South Morang Flora and Fauna Reserve Management Plan*. Biosis Research Pty. Ltd.

