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# **EPBC 2011/6057**

# **ANNUAL COMPLIANCE REPORT**

PERIOD – 21 SEPTEMBER 2022 – 20 SEPTEMBER 2023

Date of report: Wednesday, 26 June 2024  
Revision B (correction to hyperlinks)



## Contents

1	Description of Activities	1
2	Project Status	1
3	Approval Conditions & Compliance	2
4	New Environmental Risks	2
5	Declaration of Accuracy	2
6	Appendix A - Approval Conditions & Compliance	3
7	Appendix B - Department Letter to Commence Construction	11

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## Figures

	<i>Figure 1. Approved action underway/completed, taken September 2023</i>	1
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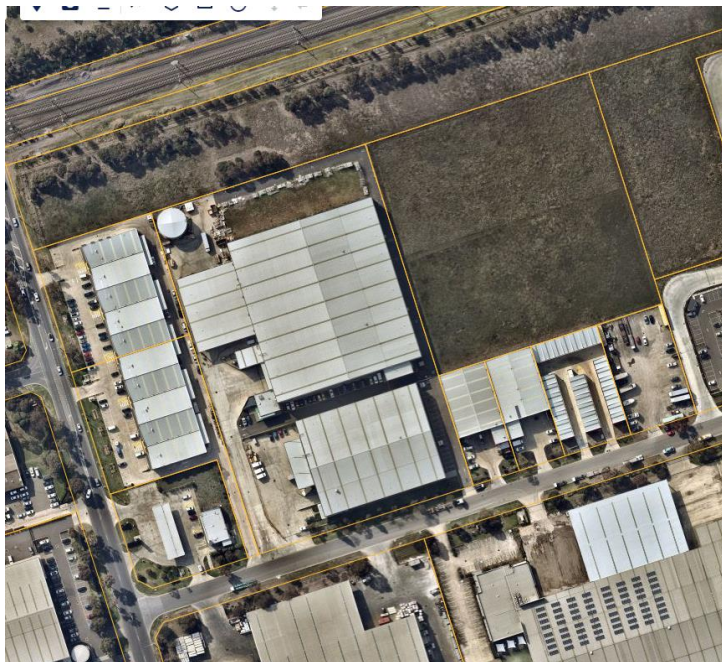
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## 1 Description of Activities

Item	Input
EPBC number	2011/6057
Project name	Industrial Development, Altona North, Victoria
Approval holder and ACN or ABN	Maidstone St Joint Venture Pty Ltd [ACN 601 888 064] [assigned from Ali Holdings #1 Pty Ltd [ACN 068 304 772], refer letter issued to the Department from Biosis Pty Ltd on 11 March 2015]
The Approved Action	The construction of an industrial development at Lot 1 (PS613111) Maidstone Street, Altona North, Victoria
Location of the project	210-238 Maidstone St, Altona North, Victoria
Person accepting responsibility for the report	Charles Andrew Buxton
Dates for the reporting period of the report	21 September 2022 – 20 September 2023
Date of preparation of the report	Wednesday, 26 June 2024

## 2 Project Status

The construction of industrial facilities on part of the land is substantially complete. Refer below aerial image taken September 2023. The approval holder is no longer completing works on the site – construction is by other landowners. Further development on the balance of the site may occur over time, but per below image, is substantially complete.



*Figure 1. Approved action underway/completed, taken September 2023*

## 3 Approval Conditions & Compliance

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Refer to appendix A for approval conditions and compliance assessment

## 4 New Environmental Risks

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To the best of the declarant's knowledge and belief, no new environmental risks have become apparent during the reporting period.

## 5 Declaration of Accuracy

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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 (please print): **Charles Andrew Buxton**

Position (please print): Director

Organisation: Maidstone St Joint Venture Pty Ltd [ACN 601 888 064]

Date: Wednesday, 26 June 2024

## 6 Appendix A - Approval Conditions & Compliance

Number	Condition	Compliance Statement	Evidence / Comments
1.	The person taking the action must not remove or adversely impact more than 3.52 hectares of Natural Temperate Grassland of the Victorian Volcanic Plain and habitat for the Golden Sun Moth.	Compliant	As per letter from Biosis to Department dated 11 March 2015, the property supported 5.25ha of native grassland and 1.81ha was protected in Offset Zone 1, therefore the resulting 3.44ha of grassland removed was below the threshold.
2.	To compensate for the loss of Natural Temperate Grassland of the Victorian Volcanic Plain and habitat for the Golden Sun Moth the person taking the action must provide a biodiversity offset package to protect a minimum of 14.08 hectares each of Natural Temperate Grassland of the Victorian Volcanic Plain and habitat for the Golden Sun Moth.	Closed/ Compliant	Closed – offset package consisting of 1.81ha in Offset Zone 1, together with 12.35ha in the Offset Area exceeds the 14.08ha requirement. Refer condition 3 for further details.

3.	<p>At least three months prior to the commencement of construction, the person taking the action must submit to the Minister for approval a biodiversity offset package that must address the following:</p> <ul style="list-style-type: none"> <li>a. ensure that at least 12.35 hectares of land corresponding to Natural Temperate Grassland of the Victorian Volcanic Plain and that provides habitat for the Golden Sun Moth, including confirmed presence of Golden Sun Moth, of equal or higher quality to that identified in Condition 1, is protected and managed in perpetuity (known as the Offset Area); and</li> <li>b. ensure that Offset Zone 1 is secured for perpetuity and managed for a minimum of ten years for the protection of Natural Temperate Grassland of the Victorian Volcanic Plain, habitat for the Golden Sun Moth and five known Spiny Riceflower plants.</li> </ul> <p>Construction must not commence until the biodiversity offset package has been approved by the Minister. The biodiversity offset package must be implemented as approved.</p>	Closed/ Compliant	This condition was to be satisfied prior to commencement of construction. Compliance was achieved before this reporting period - refer letter at Appendix B from the Department confirming approval to commence construction.
4.	The person taking the action must provide the department with evidence of financial transactions undertaken to secure the Offset Area referred to in Condition 3a, at least three months prior to the commencement of construction, unless otherwise agreed in writing with the department.	Closed/ Compliant	Refer letter at Appendix B from the Department confirming approval to commence construction.

5.	<p>To ensure the protection and management of Offset Zone 1, as referred to in Condition 3b, at least three months prior to the commencement of construction, unless otherwise agreed in writing with the department, the person taking the action must:</p> <ul style="list-style-type: none"> <li>a. enter into an Agreement to secure Offset Zone 1. The department must be provided with a signed copy of the Agreement and evidence of lodgement with the Titles Office, within two weeks of lodgement;</li> <li>b. ensure that the Agreement is registered on the title on which Offset Zone 1 is located. The department must be provided with evidence of registration within two weeks of registration;</li> <li>c. receive written approval from the department of any changes to the Agreement; and</li> <li>d. implement the Conservation Management and Offset Management Plan.</li> </ul>	Closed/ Compliant	This condition was to be satisfied prior to commencement of construction. Compliance was achieved before this reporting period - refer letter at Appendix B from the Department confirming approval to commence construction.
6.	<p>For the protection of the five known Spiny Rice-flower plants, as identified at Appendix 2, within Offset Zone 1, prior to the commencement of construction the person taking the action must:</p> <ul style="list-style-type: none"> <li>a. fence and clearly mark Offset Zone 1 as a 'no-go zone'; and</li> <li>b. ensure that a minimum three metre buffer zone is maintained between areas of construction and Offset Zone 1.</li> </ul>	Closed/ Compliant	This condition was to be satisfied prior to commencement of construction. Compliance was achieved before this reporting period - refer letter at Appendix B from the Department confirming approval to commence construction.
7.	<p>Pre-clearance surveys of the project impact area must be undertaken prior to the commencement of construction by a suitably qualified ecologist. The person taking the action must notify the department within 48 hours of identification of any Spiny Riceflower plants.</p>	Closed/ Compliant	This condition was to be satisfied prior to commencement of construction. Compliance was achieved before this reporting period - refer letter at Appendix B from the Department confirming approval to commence construction.
8.	<p>If Spiny Rice-flower plants are identified in the project impact area during preclearance surveys, implementation of the Spiny Rice-flower Salvage and Translocation Plan must commence, and all Spiny Rice-flower plants must be translocated prior to the commencement of construction.</p>	Closed/ Compliant	This condition was to be satisfied prior to commencement of construction. Compliance was achieved before this reporting period - refer letter at Appendix B from the Department confirming approval to commence construction.

9.	<p>If more than five Spiny Rice-flower plants are identified in the project impact area during pre-clearance surveys, at a minimum the following compensatory measures must be implemented. Unless otherwise agreed in writing with the department, the person taking the action must:</p> <ul style="list-style-type: none"> <li>a. provide the department with a Spiny Rice-flower Offset Management Plan prepared in consultation with a suitably qualified ecologist;</li> <li>b. ensure that the Spiny Rice-flower Offset Management Plan clearly identifies the number and location of Spiny Rice-flower plants identified in the project impact area;</li> <li>c. ensure that the Spiny Rice-flower Offset Management Plan provides details of a suitable biodiversity offset for Spiny Rice-flower to compensate for the additional loss of Spiny Rice-flower plants in the project impact area that is consistent with the EPBC Act Environmental Offsets Policy active at the time the Spiny Rice-flower Offset Management Plan is provided to the Minister for approval; and</li> <li>d. ensure that the Spiny Rice-flower Offset Management Plan includes commitments to protect the biodiversity offset in perpetuity.</li> </ul> <p>Construction must not commence until the Spiny Rice-flower Offset Management Plan has been approved by the Minister. The Spiny Rice-flower Offset Management Plan must be implemented as approved.</p>	Closed/ Compliant	This condition was to be satisfied prior to commencement of construction. Compliance was achieved before this reporting period - refer letter at Appendix B from the Department confirming approval to commence construction.
10.	Within five days after the commencement of the action, the person taking the action must advise the department in writing of the actual date of commencement.	Closed/ Compliant	Department was notified via email on 23 September 2016 that Commencement occurred on 21 September 2016.



11.	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans, and make them available upon request to the department. Such records may be subject to audit by the department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the department's website. The results of audits may also be publicised through the general media.	Closed/ Compliant	The biodiversity offset package, approved by the minister under condition 3, provided that the person taking action had prepaid third parties to implement the management plans under this approval. Therefore, the person taking action has no further obligations under this condition.
12.	Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the department at the same time as the compliance report is published.	Compliant	This report forms the compliance action for this condition. It has been published to the website of the person taking action at this link: <a href="https://cadenceproperty.com.au/project/maidstone-epbc-compliance/">https://cadenceproperty.com.au/project/maidstone-epbc-compliance/</a> As per condition 11, management plans are being implemented by others.

13.	<p>The person taking the action must notify the department in writing of any non-compliance with conditions as soon as practicable and within no later than two business days of becoming aware of the non-compliance. The notice provided to the department under this condition must specify:</p> <ul style="list-style-type: none"> <li>a. the condition that the person taking the action has breached;</li> <li>b. the nature of the non-compliance;</li> <li>c. how the non-compliance will affect the approved action;</li> <li>d. how the non-compliance will affect the impacts of the approved action, in particular how the non-compliance will affect the impacts on listed threatened species and communities;</li> <li>e. the measures the person taking the action will take to address the impacts of the non-compliance on listed threatened species and communities to rectify the non-compliance; and</li> <li>f. the time by when the person taking the action will rectify the non-compliance.</li> </ul>	Compliant	No non-compliances identified during the reporting period.
14.	<p>Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.</p>	Compliant	No direction received during the reporting period.

15.	If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plans as specified in the conditions, the person taking the action must submit to the department for the Minister's written approval a revised version of that management plan. The varied activity shall not commence until the Minister has approved the varied management plan in writing. The Minister will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome overtime. If the Minister approves the revised management plan, that management plan must be implemented in place of the management plan originally approved.	Compliant	The person taking action did not carry out any activity otherwise than in accordance with the management plans as specified in the conditions.
16.	If the Minister believes that it is necessary or convenient for the better protection of the listed threatened species and communities to do so, the Minister may request that the person taking the action make specified revisions to the management plan specified in the conditions and submit the revised management plan for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plan must be implemented. Unless the Minister has approved the revised management plan, then the person taking the action must continue to implement the management plan originally approved, as specified in the conditions.	Compliant	No direction received during the reporting period.
17.	If, at any time after five years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.	Closed/ Compliant	Action substantially commenced within five years of the date of the approval.

18.	Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within one month of being approved.	Closed/ Compliant	<p>The person taking action did not have a website at the time of each management plan being approved. The native vegetation consultant acting on behalf of the person taking action, Biosis Pty Ltd, originally published the management plans on behalf of the person taking action. This has now been superseded, with requisite management plans published on the website of the person taking action here:</p> <p><a href="https://cadenceproperty.com.au/project/maidstone-epbc-compliance/">https://cadenceproperty.com.au/project/maidstone-epbc-compliance/</a></p>
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## 7 Appendix B – Department Letter to Commence Construction



Australian Government  
Department of the Environment

Our reference: 2011/6057

Mr Steve Mueck  
Senior Consultant Botanist  
Biosis  
PO Box 489  
PORT MELBOURNE VIC 3207

Dear Mr Mueck

### Industrial Development, Altona North, Victoria (EPBC 2011/6057)

Thank you for your email dated 6 July 2016 to the Department, for and on behalf of Maidstone Street Joint Venture Pty Ltd, seeking agreement to commence construction in accordance with the conditions attached to the approval of this action under the *Environment Protection and Biodiversity Conservation Act, 1999*. I note that the Conservation Management and Offset Management Plan and the Spiny Rice-flower Offset Management Plan required for this project have previously been approved by a delegate of the Minister. I also note that the fencing and signage of Offset Zone 1 has been completed as required under condition 6. The Department's records show that you have provided evidence of the financial transactions undertaken to secure the Offset Area.

On this basis and in accordance with condition 4 of the project's approval, I have decided to approve your request to commence construction forthwith.

As you are aware, the Department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the Department on request.

Should you require any further information please contact Hagen Ganai, Assistant Director, Post Approvals Section, on (02) 6274 1699 or by email: [post.approvals@environment.gov.au](mailto:post.approvals@environment.gov.au).

Yours sincerely

Peter Blackwell  
Acting Director  
Post Approvals Section  
Compliance & Enforcement Branch  
Environment Standards Division

21 July 2016