

Final Report

Annual Compliance Report: 1 Year Post-Approval

Cade Business Park development at 75-135 Bolinda Rd,
Campbellfield, Victoria (EPBC 2020/8748)

Prepared for

Forte Group Pty Ltd

October 2024



Ecology and Heritage Partners Pty Ltd

MELBOURNE: 292 Mt Alexander Road, Ascot Vale VIC 3032 GEELONG: 230 Latrobe Terrace, Geelong West VIC 3218

BRISBANE: Level 22, 127 Creek Street, Brisbane QLD 4000 ADELAIDE: 78 Edmund Avenue, Unley SA 5061

CANBERRA: 19-23 Moor Street, Turner ACT 2612 SYDNEY: Level 5, 616 Harris Street, Ultimo NSW 2007

www.ehpartners.com.au | 1300 839 325

DOCUMENT CONTROL

Assessment type	Annual Compliance Report: 1 Year Post-Approval
Reporting Period	13 April 2022 to 13 April 2023
Address	75-135 Bolinda Rd, Campbellfield, Victoria
Project number	13138
Project manager	Jeremy Coyne (Associate Zoologist / Natural Heritage Team Leader)
Report reviewer	Alex Wilkinson (Senior Zoologist)
Other EHP staff	Emma Hinde (Zoologist), Richard Moore (Zoologist), Amelia Weight (Zoologist), Sarah Hill (Zoologist)
Mapping	Monique Elsley (GIS Officer)
File name	13138_EHP_ Year 1 Annual Compliance Report for the Cade Business Park development at 75-135 Bolinda Rd Campbellfield, Victoria (EPBC 2020 8748)_13 April 2022 to 2023_Finalv2_11102024
Client	Forte Group Pty Ltd
Bioregion	Victorian Volcanic Plain
Catchment Management Authority	Melbourne Water
Council	Hume City Council

VERSION CONTROL

Report version	Comments	Report updated by:	Date submitted
Draft	Report sent to client for review	Jeremy Coyne	21/12/2023
Final	Final report submitted to DCCEEW	Jeremy Coyne	23/02/2024
Finalv2	Report revised based on DCCEEW feedback and sent to client for review. Report submitted to DCCEEW.	Jeremy Coyne Sarah Hill	11/10/2024

 Ecology and Heritage Partners acknowledge the Traditional Owners of the country we live and work on, and we pay our respect to Elders past, present and emerging.

Copyright © Ecology and Heritage Partners Pty Ltd

This document is subject to copyright and may only be used for the purposes for which it was commissioned. The use or copying of this document in whole or part without the permission of Ecology and Heritage Partners Pty Ltd is an infringement of copyright.

Disclaimer

Although Ecology and Heritage Partners Pty Ltd have taken all the necessary steps to ensure that an accurate document has been prepared, the company accepts no liability for any damages or loss incurred as a result of reliance placed upon the report and its contents.

CONTENTS

1	EXECUTIVE SUMMARY	5
2	INTRODUCTION.....	7
2.1	Background	7
2.2	Objectives	7
2.3	Offset Site Security.....	8
3	MONITORING METHODS	9
4	RESULTS	11
4.1	Construction and Proposed Impacts.....	11
4.2	Growling Grass Frog Monitoring	13
4.3	Fauna Salvage and Relocation.....	16
4.4	Habitat Monitoring	19
4.5	Schedule of Management Actions	24
4.6	EPBC Act Approval Conditions Compliance Table	37
5	CONCLUSION AND RECOMMENDATIONS	55
	DECLARATION OF ACCURACY	57
	REFERENCES.....	58
	FIGURES	59
	APPENDICES.....	64
	Appendix 1 – Photopoint Locations and Details	65
	Appendix 2 – Fence Design	82
	Appendix 3 – Landscape Plan.....	86
	Appendix 4 - Section 173 Agreement	90
	Appendix 5 – Compliance records from Mark Huang (email)	105
	Appendix 6 - EPBC Act Condition Variation.....	106
	Appendix 7 – Notification of Non-compliance (Offset area 2 and 3 delay), and Provision of Yr1 report, s173 and shapefiles to DCCEEW (Pat M)	111
	Appendix 8 – Water Level Gauge installed in Offset Area 1 Wetland	112

Appendix 9 – Warning Letter from Stewart Ward (Potential Breach of EPBC Approval Conditions – 11/04/2023).....	113
Appendix 10 - Letter of Commencement.....	117
Appendix 11 – Warning Letter from Thomas Smith (Potential Breach of EPBC Approval Conditions – 08/01/2024).....	120
Appendix 12 – Provision of PD and GGFCMP to DAWE (email)	123
Appendix 13 – Provision of initial compliance report to DCCEEW (Patrick Maginness) (email).....	124
Appendix 14 – Bolinda Road Baseline Monitoring Report (Year 0)	125

1 EXECUTIVE SUMMARY

Ecology and Heritage Partners Pty Ltd were commissioned by Forte Group Pty Ltd to prepare a Conservation Management Plan for the nationally threatened Growling Grass Frog *Litoria raniformis* (GGF) for the Cade Business Park development at 75-135 Bolinda Road Campbellfield, Victoria (EPBC 2020/8748) (Figure 1).

The proposed action includes clearance and redevelopment across the site with the exception of the central quarry void and the habitat corridor proposed to be created on the southern boundary of the study area. Based on the proposed action, all areas of high-quality breeding and foraging habitat will be retained. The intention of the Growling Grass Frog Conservation Management Plan (GGFCMP) (Ecology and Heritage Partners 2023) is to detail the Management strategy to mitigate the loss of an area of low quality and degraded terrestrial Growling Grass Frog habitat around the rim of the quarry void covering approximately 1.5 hectares.

This report details the results of monitoring undertaken one year post-approval (i.e. between 13 April 2022 to 2023), including the status of one matter of National Environmental Significance (MNES) that occurs within the site, Growling Grass Frog.

Offset Sites

To mitigate against the potential impacts (i.e. impact to terrestrial habitat and isolation) to the resident GGF population, habitat creation and improvement is being undertaken within the study area in four distinct offset areas (Figure 2). The creation of dedicated GGF waterbodies within the proposed dispersal corridor and the improvement of terrestrial habitat within the quarry void will provide additional breeding and foraging habitat for the species (once complete), and improve habitat connectivity and frog dispersal within the property to allow for a future link from the study area to Merri Creek (i.e. across the Council owned land). Habitat improvements within and directly surrounding the quarry wetland have provided additional foraging and refuge habitat, and provide refuge habitat in the form of rock beaching around the banks of the quarry wetland.

Growling Grass Frog

Created waterbodies and habitat within the quarry void have been secured under an on-title Section 173 Agreement [Planning and Environment Act 1987] and will be protected from the surrounding industrial land uses. The site will be managed for the purposes of conservation of GGF through the control of pest animals and environmental weeds, in accordance with the relevant Responsible Authority to ensure the land is secured and managed appropriately in perpetuity. Additionally, a Section 69 agreement will be submitted under the *Victorian Planning and Environment Act 1987*, in accordance with condition 11 of the approval.

The ongoing survival of the extant GGF population will be established by maintaining and enhancing wetland hydroperiods and fringing and aquatic vegetation cover within the proposed movement corridor. Appropriate population and habitat monitoring is a key element to assess the impact of the development and/or monitor the suitability of the site's management regime.

Conclusion and Recommendations

Year 1 monitoring indicated that a healthy population of GGF are persisting within the waterbody at offset area 1 (Table 3), along with multiple tadpoles and metamorphs of varying stages of development, confirming that the waterbody is being utilised by the species for breeding purposes (Plate 6). The overall quality of GGF

habitat within the quarry void is improving, with weed control efforts effectively removing the majority of woody weeds and Artichoke Thistle *Cynara cardunculus* L. Rubbish removal and litter control has been moderately effective, with some litter still present, or being blown in to the quarry void from adjacent areas. The works undertaken throughout Year 1 were as outlined by the GGFCMP, and additional recommendations from the Year 0 Annual Report, in compliance with the EPBC Act approval conditions. As per the GGFCMP, there have been no trigger thresholds for corrective work triggered. Management and monitoring is required to ensure that the offset site maintains optimal habitats for the species to ensure that the vegetation and habitat for GGF continues to improve. The following works should be incorporated into Year 2 management and monitoring in addition to GGFCMP management requirements (Ecology and Heritage Partners 2023: Table 5):

- Regularly consult an experienced zoologist for maintenance issues that could impact on the GGF population and associated habitat;
- Ongoing habitat and GGF monitoring as per the approved GGFCMP (Ecology and Heritage Partners 2023;)
- Undertake routine monitoring to investigate the success of aquatic and terrestrial plant establishment and weed densities;
- Replace any failed plantings;
- Control any weeds invading terrestrial habitat by hand, or spot treatment methods with frog sensitive herbicides;
- Regular inspection of the fencing is required to ensure its effectiveness;
- The control of pest animals such as foxes and cats will be undertaken in accordance with local government laws and relevant legislation;
- Hygiene Protocol (Murray et.al. 2011) to be used to guide best practice Chytrid management;
- Installation of permanent frog exclusion fencing around offset area 4 prior to the completion of construction;
- Construction of the water delivery system;
- The habitat corridor to be constructed as per the GGFCMP to allow frogs to naturally colonise the wetlands during the species active season;
- Complete and submit the application for the Section 69 Agreement to DEECA;
- Revise mitigation and monitoring measures in agreement with responsible authorities, if necessary; and,
- Monitor the level of any public disturbance in and around GGF habitat and manage accordingly (e.g. fencing repairs and signage).

2 INTRODUCTION

2.1 Background

Ecology and Heritage Partners Pty Ltd were commissioned by Forte Group Pty Ltd to prepare a Growling Grass Frog Conservation Management Plan (GGFCMP) for the nationally threatened Growling Grass Frog *Litoria raniformis* (GGF) for the proposed commercial development at 75-135 Bolinda Road Campbellfield, Victoria (EPBC 2020/8748). To mitigate against the potential impacts (i.e. impact to terrestrial habitat and isolation) to the resident GGF population, habitat creation and improvement will be undertaken within the study area in four distinct offset areas (Figure 2).

As part of the implementation of the GGFCMP, appropriate population and habitat monitoring schedules must be implemented to assess the impact of the development and/or monitor the suitability of the site's management regime (Ecology and Heritage Partners 2022). Section 3.7 of the GGFCMP states:

“water quality monitoring is to be established within the quarry wetland prior to the commencement of construction and at a second site within the movement corridor immediately following the completion of the constructed wetlands. Trigger values are to be established and based on pre-construction water quality within the quarry wetland.”

Table 1 shows the results of the habitat assessments and baseline water quality recorded within the offset area 1 (site 1). The purpose of this report is to document the management practices implemented within the offset areas, as required under the approved GGFCMP (Ecology and Heritage Partners 2023).

2.2 Objectives

The overall objective is to protect and improve the quality and extent of native vegetation and significant ecological values present within the offset site, and in accordance with EPBC 2020/8748 and associated GGFCMP. The GGFCMP outlines management actions to meet this objective through the protection, enhancement, and ongoing management of GGF habitat. The GGFCMP also outlines monitoring requirements to ensure that the species is not adversely affected during works and following development of the site. Specifically, the GGFCMP aims to:

- Determine what management actions are required to complete the proposed development without negatively impacting the resident GGF population;
- Provide a map showing the extent of current GGF habitat within the study area;
- Demonstrate measures taken to avoid and minimise impacts during the project planning stage;
- Provide detailed management measures to further minimise impacts on the GGF population during development works;
- Provide detailed management and habitat design measures which provides for the construction, maintenance and enhancement of a permanent breeding site for GGF including:
 - Pre-development: habitat enhancement requirements, including development design considerations; details of design, construction and location of additional habitat;

- During development: management requirements for protecting existing habitat from sedimentation and pollution and direct disturbance that may result from development activities; providing advice and recommendations on other habitat protection requirements, such as establishment of 'no-go' Areas and clearly marked fencing; and,
 - Post-development: management requirements, including vegetation, water quality, protection of habitat from current and potential future threats (such as foxes, feral and domestic cats and Eastern Gambusia).
- Outline monitoring, maintenance and reporting requirements post development; and,
 - Provide the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) with sufficient information to continue their assessment of the referred activity, and ultimately progress the implementation of the management plan during development works.

2.3 Offset Site Security

Condition 10 of the EPBC Act approval specifies that:

"Prior to commencement of the action the Offset Area must be secured through a section 173 or section 69 agreement under the Victorian Planning and Environment Act 1987, or alternatively through a Trust for Nature covenant under the Victorian Conservation Trust Act 1972."

A section 173 Agreement entered by the proponent and approved by Council on 8 July 2022. A Section 69 will be prepared and submitted, as per condition 11 of the EPBC Act approval which specifies that:

"If the action is secured through a section 173 agreement under the Victorian Planning and Environment Act 1987 prior to the commencement of the action, the approval holder must register on the relevant title/s a section 69 agreement under the Victorian Planning and Environment Act 1987 or a Trust for Nature covenant under the Victorian Conservation Trust Act 1972, within 24 months of the date of this approval decision. The Section 173 agreement, if applied, must remain in place until another form of protection identified in this condition is registered on the relevant title/s."

3 MONITORING METHODS

Baseline data to determine the condition and extent of GGF habitat, as well as the current population status within the offset site was recorded by EHP in 2021/22 and 2022/23 survey seasons. The data collected during the biodiversity assessment and subsequent targeted surveys was used to inform the GGFCMP (Ecology and Heritage Partners 2023). As per the approved GGFCMP, ecological and population monitoring is undertaken annually during the development and for the first 10 years following the completion of construction, as per the approved GGFCMP.

The first year of compliance monitoring and reporting was undertaken by Ecology and Heritage Partners from 13 April 2022 to 13 April 2023. Nocturnal Growling Grass Frog surveys were undertaken within the study area, and at three separate reference sites in the surrounding area where the species has previously been observed (Table 1). Surveys were conducted during the species' active season (October - March), in weather conditions considered optimal for detection (i.e. warm and humid, overnight temperature not less than 14°C) and when the species was known to be active elsewhere in the region (Table 2). The survey effort consisted of spotlighting (using a hand-held 30-watt 12-volt spotlight) in and around each of the sites searching for frogs in open water; floating, emergent and fringing vegetation; and under logs and other refuge. The following habitat features were recorded as part of the assessment:

- Waterbody type;
- Visual water quality;
- Flow and depth;
- Overall habitat quality;
- Cover of fringing, emergent, floating and submerged vegetation;
- Availability and suitability of shelter and over-wintering sites;
- Presence of introduced fish, particularly Eastern Gambusia and Goldfish;
- Presence of pollutants, rubbish and other threatening processes;
- Photographic reference at marked locations so that comparisons of habitat conditions can be made over time;
- Landscape connectivity; and
- In situ water quality using a calibrated Horiba™ multiprobe measuring; dissolved oxygen, pH, electrical conductivity, temperature and total dissolved solids.

Several diurnal surveys were undertaken throughout the year during fauna salvage and site meetings to record the type and cover of fringing, emergent, submerged and floating aquatic vegetation, and other refugia. Dip netting was undertaken within the waterbody to target tadpoles and predatory fish. Each nocturnal survey involved spotlighting surveys, call identification, and active searching for adults and metamorphs. More specifically;

- An initial period of five minutes was spent listening to any calling frogs (all species) in and adjacent to habitats;
- The advertisement call was broadcast to elicit a response from any adult males present;

- Surveyors used “Olight” LED hand-held spotlights (up to 1020 lumens/8.4 volts) to locate any calling males on floating vegetation in the waterbody and around the perimeter of waterbodies; and,
- Surveyors actively searched ground-level habitat including surface rocks, underneath hard litter, and at the base of vegetation for frogs.

During the habitat assessments, attributes of the land traversed on foot between sites was also noted for the presence (or otherwise) of suitable dispersal and/or foraging habitat. The entire site, including construction areas and open trenches were also searched during monitoring events for any GGF outside the offset area. These areas were traversed on foot, with no GGF found within the construction area during any monitoring event. Results of the habitat and water quality assessment is provided below (Table 1).

4 RESULTS

4.1 Construction and Proposed Impacts

Construction of Stage 1 is underway, with approved impacts to areas of GGF habitat within and surrounding the northern sections of the quarry void largely complete at the time of this report. The north-west area of the quarry void has been partially impacted (as per the approval), with some backfilling and piling undertaken to stabilise this area (Plate 1 and 2). The access track through the quarry void has been reinstated, and will be used to access the area for future monitoring and habitat maintenance activities (Plate 1 and 3). Habitat enrichment activities within Offset Area 1 (Wetland and Terrestrial habitat) and Offset Area 4 commenced on 13 April 2022, with soil scraping occurring between 13 April to 29 June 2022, rock beaching between 22 April to 22 May 2022, jute mat laying between 15 to 29 June 2022 and initial woody weed control on 11 November 2022 (Plate 1 to 4).

Construction of the proposed movement corridor has not yet been commenced due to changes in the construction schedule for stages 2 and 3. Condition 3(f) of the approval states that the approval holder must:

“ensure the habitat enrichment activities at Offset Area 2 and Offset Area 3 are completed within 24 months of the date of this approval decision.”

Due to unforeseen delays in the construction of stage 1 and 2, it was determined that an extension was required to complete the construction of offset area 2 and 3. Accordingly, an official ‘Request for Variation’ was submitted by Ecology and Heritage Partners (on behalf of Forte Group Pty Ltd) to the EPBC Post Approval Section on 05/08/2024, in order to vary EPBC approval condition 3(f) to include a 27-month extension (from 24 months to 51 months) to complete the construction of Offset Area 2 and 3 (See Appendix 6a and 6b).



Plate 1. Access track to offset area with backfilling and piling being undertaken, and jute matting laid (Ecology and Heritage Partners Pty Ltd 14/02/2023).



Plate 2. Offset area with fringing and floating vegetation (Ecology and Heritage Partners Pty Ltd 14/02/2023).



Plate 3. The north-west area of offset area where backfilling and piling undertaken, and jute matting laid (Ecology and Heritage Partners Pty Ltd 14/02/2023).



Plate 4. Rock beaching within the offset area (Ecology and Heritage Partners Pty Ltd 15/06/2022).



Plate 5. Rock beaching within the offset area (Ecology and Heritage Partners Pty Ltd 15/06/2022).

4.2 Growling Grass Frog Monitoring

The habitat assessment identified that high quality habitat for GGF remains present within the study area by means of a large waterbody at the base of the quarry void. The waterbody provides a large, open and permanent area of water that supports varying levels of fringing and emergent aquatic vegetation (Plate 2 and 3). A healthy population of GGF were observed within the waterbody at offset area 1 (Table 3), along with multiple tadpoles and metamorphs of varying stages of development, confirming that the waterbody is being utilised by the species for breeding purposes (Plate 6).

Sites 2-4 were found to have varying habitat quality, with Summerset Drain (sites 2 and 3) containing poor quality habitat with a large amount of litter present, likely as a result of recent significant rainfall and stormwater flow (Plate 7).

Table 1. Habitat assessment results from February 2023.

Site	Waterbody type	Water quality (visual)	Water quality (in situ)	Flow	Capacity full (%)
Site 1 (Within study area)	Offset Area 1	Very Good	Temp: 25.39°C PH: 8.45 EC: 7.68 mS/cm DO: 12.65 mg/L TDS: 5.24 g/L	Still	100+
Site 2	Somerset Road Drain, Pond 1	Moderate	Temp: 21.38°C PH: 8.37 EC: 3.37 mS/cm DO: 12.9 mg/L TDS: 2.16 g/L	Moderate	80
Site 3	Somerset Road Drain, Pond 2	Poor	Temp: 22.62°C PH: 8.39 EC: 3.47 mS/cm DO: 9.42 mg/L TDS: 2.22 g/L	Still	80
Site 4	Merri Creek, East of Somerset Road Drain	Poor	Temp: 23.5°C PH: 8.24 EC: 3.77 mS/cm DO: 12.8 mg/L TDS: 2.41 g/L	Still	80

Sites 2-4 were found to have varying habitat quality, with Summerset Drain (sites 2 and 3) containing poor to moderate quality water.



Plate 6. GGF observed on top of jute matting in offset area 1 (site 1) (Ecology and Heritage Partners Pty Ltd 23/02/2023).



Plate 7. GGF observed within Site 3 and rubbish within the site (Ecology and Heritage Partners Pty Ltd 23/02/2023).

4.2.1 Hydrology and Water Quality

The approved GGFCMP states that conductivity should not increase beyond the approximate limit for the species of 10000 $\mu\text{S}/\text{cm}$ (Heard and Scroggie 2008). The following trigger values have been set to identify any potential reduction in water quality if conditions deteriorate from the baseline (pre-construction) water quality conditions.

- If turbidity is >20% of the background condition;
- If electrical Conductivity is >1% of the background condition;
- If Dissolved Oxygen Concentration is <1% of the background condition;
- If pH ± 0.5 pH unit from background condition; and,
- All other water quality parameters (including any nutrients or heavy metals) have not substantially exceeded background conditions (i.e. no statistically significant difference ($\alpha > 0.05$)).

Given water quality observed during monitoring has not exceeded the levels above, no corrective action is required at this stage (Table 1).

Water levels within site 1 appear to have risen significantly since the installation of rock beaching and habitat enrichment activities. A water level gauge has been installed in the north of the waterbody which will be used to evaluate ongoing water level fluctuations. The proposed wetlands within the movement corridor will incorporate a water delivery system to direct water from within the quarry void into the wetlands to ensure water levels are suitable for the species during dry periods (e.g. during drought). The approved GGFCMP states that as a precaution, the total amount extracted from the quarry wetland will not exceed 20,000 litres/week, as the recharge rate from the underground aquifer are not known. The management plan also states that trigger values to cease any pumping will be established based on pre-construction water levels to ensure the wetland habitat remains suitable for GGF. Given the water level appears to have risen by approximately one metre since the project was approved, and water level gauges have been installed following the subsequent increase in water level, it is not known exactly how much the water level increased prior to the gauge being

installed. Consequently, trigger values to stop pumping should be set at 1.5 meters below the baseline water level.

Table 2: Details and weather conditions of the nocturnal GGF surveys

Date	Survey Times	Air temp (°C) Start	Humidity (%)	Wind (0-4)	Post rain	GGF active elsewhere on the survey night
16/02/2023	21:53-23:05	26.7 °C	43%	0	No	Western Treatment Plant
23/02/2023	21:10-23:50	26.4 °C	47%	0	No	Western Treatment Plant

Table 3: Survey results and site observations

Date	Site	GGF Observed	GGF Calling	Tadpoles Observed	Site Notes
16/02/2023	Site 1 (Within study area)	172	No	4 Tadpoles, 9 Metamorphs	GGF and tadpoles observed, predominantly juveniles and newly emerged metamorphs (3.5-5cm) showing evidence of successful breeding activity within the quarry wetland. Water quality very good with low turbidity and large numbers and diversity of aquatic invertebrates. Litter observed within and around the waterbody. Floating vegetation almost exclusively algae, with some areas of fringing vegetation in the form of phragmites and environmental weeds such as Kikuyu Grass <i>Cenchrus clandestinus</i> . Biomass reduction evident outside offset area 1 following slashing and weed control being undertaken. GGF seen sheltering within jute matting and basking on placed rocks and gravel maintenance tracks. No fish observed.
23/02/2023	Site 1	165	No	No Tadpoles, 6 Metamorphs	GGF and Metamorphs observed, predominately smaller (5cm) and likely from this years cohort. Several larger frogs also observed (10cm). Metamorphs found to be coming out onto land. Buff Banded Rail <i>Gallirallus philippensis</i> observed praying on GGF.
23/02/2023	Site 2	14	No	No	GGF found both basking on concrete slabs on edges of stormwater drain as well as within water. Water turbidity higher than site 1 with litter also found within the waterbody. Floating vegetation exclusively algae, with some fringing vegetation in the form of phragmites. No fish observed.
23/02/2023	Site 3	13	No	No	GGF found within the creek on top of algae and floating rubbish. Habitat within the creek found to be of poorer quality with fringing phragmites.
23/02/2023	Site 4	4	No	No	Creek barely flowing with a lot of litter present, likely as a result of recent significant rainfall and stormwater flow. Phragmite reeds found to be pulled out upstream and dumped on banks of river from recent rainfall events, therefore choking the river banks and making it difficult to traverse.

*Please note that site 1 is within the study area

Ongoing population and habitat monitoring must be conducted in accordance with the detailed GGFCMP (Ecology and Heritage Partners 2023) to assess any impacts associated with proposed development and to ensure habitat conditions within the study area remain suitable for the species. Monitoring at the quarry waterbody and through the dispersal corridor will be conducted during the species' active period between

September and March following the initial disturbance event, and then once annually (in the active season) for the life of the Conservation Management Plan.

4.3 Fauna Salvage and Relocation

GGF salvage and relocation was conducted on a total of seventeen separate days, from 13 April to 29 June 2022, as per condition 3.e of the approval. Salvage was conducted during construction of rock beaching around the perimeter of the quarry wetland, and during scalping prior to installation of jute matting (Plate 8 to 11). The salvage and relocation measures were undertaken both immediately prior to and during the development works, as required. Salvage involved a suitably qualified Zoologist experienced with these operations actively searching soil, vegetation and other ground debris (i.e. checking under boulders, vegetation and debris) for frogs immediately prior to, and during habitat improvement works. Salvage and relocation was undertaken using the following methods;

4.3.1 Capture

- Frogs were captured by suitably qualified and experienced zoologists, who are capable of purposeful capture that does not result in unnecessary stress, energy expenditure or injury to the fauna.
- Zoologists changed to a new pair of disposable latex gloves between each frog capture in accordance with the Hygiene Protocol (Murray *et.al.* 2011) (section 5.1). Gloved hands were dipped in the local water in the immediate area so that loss of skin secretions is minimised when frogs are picked up.

4.3.2 Handling

- Frogs and tadpoles were only handled by suitably qualified and experienced zoologists, and were handled as little as possible to avoid inadvertent removal of skin secretions which can predispose them to infection.
- Zoologists changed to a new pair of disposable latex gloves between the handling of each frog and tadpole, in accordance with the Hygiene Protocol (Murray *et.al.* 2011) (section 5.1). Gloved hands were dipped in the local water in the immediate area so that loss of skin secretions is minimised when frogs are handled.

4.3.3 Holding

- Frogs were placed into new and clean plastic sample bags, with a 'one bag – one frog' policy, in accordance with the Hygiene Protocol (Murray *et.al.* 2011) (Plate 10 and 11). Containers were not reused.
- All frogs captured were be assessed for signs of injury or illness, particularly for signs of Chytrid Fungus infection, in accordance with the Hygiene Protocol (Murray *et.al.* 2011) (section 5.1).

4.3.4 Transporting

- The transportation of frogs only required ferrying of individuals in their sample containers on foot across Offset Area 1.

4.3.5 Releasing

- Frogs were be released into Offset Area 1 immediately into favourable micro-habitats that afford protection from exposure and predation. Frogs were be released into areas with suitable existing rock, debris and/or dense vegetation provided adequate refuge, around the perimeter of the waterbody.
- All frogs were visually monitored after release to ensure that they do not show signs of stress or vulnerability.

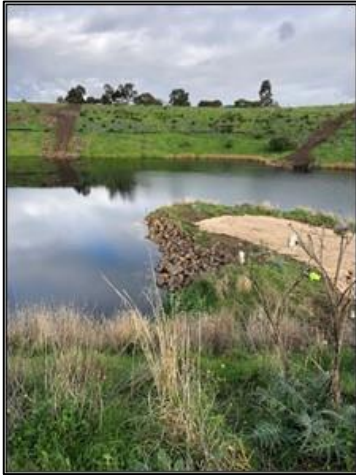


Plate 8 . Vegetation and suitable habitat present within offset area 1 (site 1) (Ecology and Heritage Partners Pty Ltd 28/06/2022).



Plate 9. Rock beaching and habitat improvement works underway in offset area 1 (site 1) (Ecology and Heritage Partners Pty Ltd 26/04/2022).



Plate 10. GGF salvaged during habitat improvement works (Ecology and Heritage Partners Pty Ltd 27/04/2022).



Plate 11. Several GGF salvaged during habitat improvement works, stored as per GGFCMP requirements (Ecology and Heritage Partners Pty Ltd 27/04/2022).

Table 4: A summary of year 1/2 salvage activities and dates is presented below.

Date	Activity
13/04/2022	GGF salvage and relocation
20/04/2022	GGF salvage and relocation
21/04/2022	GGF salvage and relocation
26/04/2022	GGF salvage and relocation
27/04/2022	GGF salvage and relocation
28/04/2022	GGF salvage and relocation
29/04/2022	GGF salvage and relocation
12/05/2022	Site monitoring
13/05/2022	GGF salvage and relocation
01/06/2022	GGF salvage and relocation
15/06/2022	GGF salvage and relocation
16/06/2022	GGF salvage and relocation
17/06/2022	GGF salvage and relocation
22/06/2022	GGF salvage and relocation
23/06/2022	GGF salvage and relocation
24/06/2022	GGF salvage and relocation
28/06/2022	GGF salvage and relocation
29/06/2022	GGF salvage and relocation
14/02/2023	GGF and habitat monitoring
16/02/2023	GGF monitoring
23/02/2023	GGF monitoring

A total of 57 GGF were collected and safely relocated during fauna salvage operations. All individuals appeared healthy, and no GGF were seen to be killed or injured during the works. The highest density of GGF were collected from the northern slopes of the quarry void within offset area 1, in jute matting zones prior to jute matting being installed. All salvaged GGF were released within 100 metres of the capture location, around the western edge of the waterbody where large amounts of well-established rock beaching was already present.

No disturbance is proposed for this area, and all frogs were released in areas where rocks and grassy vegetation provided safe refuge from predators and protection from environmental exposure.

4.4 Habitat Monitoring

The degradation of GGF habitats can occur through a wide range of active and passive processes. Typical processes contributing to habitat degradation include:

- Lack of adequate maintenance;
- Ongoing erosion and sedimentation;
- Chemical and/or hard rubbish influx following flood events;
- Increased weed encroachment into areas of indigenous or planted terrestrial and aquatic vegetation
- Vegetation trampling, removal and/or dieback; and,
- Low water levels and/or poor water quality.

Significantly degraded habitat is unlikely to support GGF, reducing the dispersal and breeding opportunities which would normally be facilitated by areas of non-degraded habitat. As per the approved GGFCMP, any evidence of habitat degradation must be noted as part of the monitoring program.

4.4.1 Photopoints

Photopoint monitoring involves repeat photographs being taken from a fixed point at least once per year, which can show work completed, results and improvement or deterioration in site condition over time. The location of photopoints at this site has been selected by on-site ecologists during the initial monitoring event. These photopoints provide detailed photographic coverage of the site from different vantage points and angles, and photos will be taken at each of these points during each monitoring period required under the GGFCMP.

See Appendix 1 for photopoint images, locations and details recorded during the 2022/23 monitoring period.

4.4.2 Inductions

A suitably qualified and experienced zoologist was on site on 13 April 2022 to conduct site inductions for persons engaged to work on site throughout the duration of the development. Present during the induction was the site supervisor, several members of the team at Australian Ecosystems, representatives from Forte Group Pty Ltd and members of the monitoring team from Ecology and Heritage Partners. The induction included the following:

- Information regarding the environmental values within and surrounding the quarry void, including the significance of the site, Merri Creek and the local region for GGF;
- Diagnostic, ecological and behavioural information relating to GGF;
- The legislative context of the proposed action;
- An outline of the Duty of Care of all persons on site to avoid and minimise the occurrence and extent of potential impacts to the environment and GGF;
- All no-go zones and sensitive habitat areas for GGF;

- The key objectives and measures outlined in this CMP; and,
- The provision of an information pamphlet summarising key points.

4.4.3 Sediment/ Frog Exclusion Fencing

Frog exclusion fencing was installed around offset area 1 in November 2022 (Plate 12). Following the results of the GGF salvage in April 2022, where several individual GGF were observed over wintering within vegetation outside offset area 1, it was deemed inappropriate to install frog exclusion fencing around the water body until a migration phase was completed to allow any GGF outside offset area 1 to migrate down the hill into the waterbody during their active season, thus avoiding individuals being fenced out of the offset area.

Fencing was monitored during subsequent targeted surveys and habitat monitoring, and deemed to be effective. Frog exclusion fencing is serving a dual purpose of sediment fencing, and was observed to be effectively excluding sediment laden runoff from entering offset area 1. No GGF were observed outside the fenced area or within the construction area following installation.



Plate 12. Frog exclusion fencing installed around offset area 1 (Ecology and Heritage Partners Pty Ltd 27/04/2022).

4.4.4 Safety Fencing and Signage and Washdown Bays

Safety fencing has been installed around the perimeter of the quarry void. Temporary exclusion fencing is deemed to be an appropriate approach and was in place during all monitoring and site meeting, following the commencement of construction in stage 1 of the project.

A washdown bay was in place at the entrance to the site, which was identified with appropriate signage (Plate 13).



Plate 13. Site entrance (Ecology and Heritage Partners Pty Ltd 14/02/2023).

4.4.5 Rubbish Removal

Some hard rubbish was still present within the quarry void during monitoring events (Plate 14), however the prevalence of litter and hard rubbish appeared to be reduced following rubbish removal by Australian Ecosystems. As rubbish continues to be an issue within the offset area due to it being blown in from surrounding areas, ongoing rubbish removal and monitoring will be required, as per the approved GGFCMP.



Plate 14. Hard rubbish observed within offset area (Ecology and Heritage Partners Pty Ltd 14/02/2023).

4.4.6 Supplementary Plantings

Additional tube stock was planted in June and August 2023 within the jute matting zones in the offset site (Plate 15). Supplementary plantings had varying success, with resident Eastern Grey Kangaroos *Macropus giganteus* (EGK) evidently feeding on and disturbing the plants. Australian Ecosystems continued to hand weed and brush cut within and around these supplementary planting zones to increase survivorship. EGK have since been eliminated from the site following an approved Authority to Control Wildlife permit being issued. Therefore, impacts to the GGF habitat and supplementary planting by EGK are likely to be minimised moving forward.



Plate 15. Tube stock disturbed by EGK (Ecology and Heritage Partners Pty Ltd 26/10/2022).

4.4.7 Weed Control

Australian Ecosystems undertook monthly hand weeding, knapsack spraying and brush cutting to reduce the overall cover of biomass (Plate 16). Pest plant monitoring was undertaken monthly by Australian Ecosystems. Daily works records were completed following each visit, with the primary objective to reduce overall weed cover and biomass within the offset area. Slashing using handheld brush cutters and herbicide application were the main management techniques. Weed spraying was only undertaken outside offset area 1, above the frog fencing.



Plate 16. Biomass reduction via hand weeding, knapsack spraying and brush cutting (Ecology and Heritage Partners Pty Ltd 26/10/2022).

4.4.8 Pest Animal Control

During habitat monitoring within the quarry void in February 2023, a rabbit warren and several Red foxes *Vulpus vulpus* were observed within the quarry void (Plate 17). This was reported the following day to the site manager, and it is understood that Australian Ecosystems returned the following week to destroy a Fox den within the site. Contractors engaged to implement the approved ATCW permit have also been advised to eliminate foxes and rabbits opportunistically if/when observed on site.

No Eastern Gambusia *Gambusia holbrooki* or any other fish species were observed within the quarry wetland during targeted surveys and dip netting.



Plate 17. Rabbit warren observed in Offset Site 4 (Ecology and Heritage Partners Pty Ltd 16/02/2023).

4.5 Schedule of Management Actions

The following section relates to the management actions and targets summarised in Table 1 of the GGFCMP prepared for the offset site (Ecology and Heritage Partners 2023).

Table 5. Schedule of management actions

Year	Objective	Timing of activity	Standard to be achieved	Status
1 and ongoing	Staged development. Development of the Bolinda Road Commercial Development will be undertaken in nine stages to protect and enhance existing habitat until the dispersal corridor has been constructed.	Throughout construction	Habitat enhancement activities associated with Offset Area 1 within the quarry void will commence during the first stage of the development.	Commenced. Ongoing supplementary planting.
			Temporary frog exclusion fencing and signage will be installed around the parameter of Offset Area 1 prior to the commencement of stage 1 (see figure 3 and 3a).	Complete. Ongoing monitoring and maintenance of fencing required.
			The habitat corridor will be constructed from Stage 2 onwards to allow frogs to naturally colonise the wetlands during the species active season.	Incomplete. To be commenced following approval of submitted request for a 27-month extension (from 24-months to 51-months for condition 1f of the approval) to complete habitat enrichment of Offset areas 2 and 3.
			Frog Exclusion fencing will be installed along the entire northern boundary of the dispersal corridor (i.e. along the northern boundary of Offset Areas 2 and 3) prior to the	Incomplete

Year	Objective	Timing of activity	Standard to be achieved	Status
			commencement of Stage 2 to prevent GGF from entering the development area during and after construction.	
			Construction of the water delivery system will commence from Stage 2 onwards and be completed prior to the conclusion of earthworks and landscaping of wetlands within dispersal corridor, to allow water to be released into constructed wetlands if necessary.	Incomplete
			Permanent frog exclusion fencing will be installed around the perimeter of offset area 4 (i.e. around the edge of the development area) (Appendix 2c and 3) and along the entire northern boundary of the dispersal corridor prior to the completion of construction.	Incomplete. Designs approved and currently being fabricated as per the DCCEEW-approved Frog Fence type and design, using AMX60 Wildlife Fencing (See Appendix 2a, b and c).
			Temporary frog fencing in all areas will be decommissioned once permanent frog exclusion fencing and all construction activities within the dispersal corridor have been completed.	Incomplete

Year	Objective	Timing of activity	Standard to be achieved	Status
1 and ongoing	Salvage and Relocation The salvage and relocation of GGF individuals from within the Offset Area 1 prior to habitat improvement activities	Both immediately prior to and during the development works, as required	Salvage and relocation will be undertaken as follows: 1. The salvage and relocation of GGF individuals from within the Offset Area 1 will be undertaken prior to habitat improvement activities. 2. Temporary refuge habitat in the form of sheets of tin currently remains in place within Offset Area 1. 3. If it is found that the tin is located in an area where rock beaching is to be incorporated under the Land Management Plan (Appendix 3), the tin must be relocated within Offset Area 1. 4. Salvage and relocation procedures must be initiated to reduce the occurrence of death, injury or displacement of individuals. 5. All areas where rock beaching is to be incorporated must be identified using clearly visible timber stakes and/or bunting prior to works being carried out. 6. The area will be searched by a suitably qualified Zoologist and appropriate salvage and relocation protocols initiated. 7. If a suitably qualified zoologist is not present during a stage of development where GGF is located on site, contractors are required to temporarily halt works in that area, contact a zoologist and follow procedures outlined in section 3.8.7.	Complete (section 4.2)
1 and ongoing	Establish no-go zones and temporary exclusion fencing. Preserve existing habitat and subsequently the habitat corridor and no go areas during construction.	Prior to the commencement of Stage 2 and prior to construction of the habitat corridor	Fencing will be installed along the entire northern boundary of the dispersal corridor (i.e. along the northern boundary of Offset Areas 2 and 3) prior to the commencement of Stage 2 to prevent GGF from entering the development area during and after construction.	Incomplete, ongoing
		Prior to completion of construction	Permanent frog exclusion fencing will be installed around the perimeter of the quarry void (i.e. around the edge of the development area) (Appendix 3) and along the entire northern boundary of the dispersal corridor prior to the completion of construction.	
		Following completion of permanent exclusion fencing	Temporary frog fencing in all areas will be decommissioned once permanent frog exclusion fencing and all construction activities within the dispersal corridor have been completed.	

Year	Objective	Timing of activity	Standard to be achieved	Status
		Monthly	Fencing and “no go” zones inspected monthly for damage or evidence of dumping/activity.	
		As required	All no-go zones and sensitive habitat areas for GGF clearly signed and discussed during on site inductions.	Complete, ongoing.
1 and ongoing	Creation of Dedicated GGF Wetlands. The creation of dedicated GGF waterbodies within the proposed movement corridor and the improvement of terrestrial habitat within the quarry void will provide additional breeding and foraging habitat for the species and improve habitat connectivity and frog dispersal.	Following establishment of no-go zone and exclusion fencing	The habitat corridor will be constructed during the early stages (i.e. from Stage 2 onwards) of the development to allow frogs to naturally colonise the wetlands during the species active season. Design feature of constructed wetlands: 1. Wetlands will be designed to permanently contain water and will be filled from treated stormwater runoff from rooftops within the development. 2. Depth gauges will be installed in all ponds, and wetland depth will be monitored monthly for the first two years following construction. 3. Supplied with the best feasible water quality consistent with Melbourne Water standard stormwater treatment practice. 4. Able to be filled from the adjacent waterbody within the quarry void when required (section 3.5). 5. Able to sustain appropriate vegetation to provide habitat (see below). 6. Will be clay-lined to retain water with a loamy or sand-substrate topsoil. 7. Include rock mattresses, covering minimum 20% of the bank area, as alternative refuge and overwintering sites around the pond margins (Plate 4 and 5, Figure 3 and 3a). 8. Trees and/or large shrubs must not be planted within 20 metres of the banks of GGF wetlands as this may shade out ponds, thus potentially rendering them unsuitable for the species. 9. Designed, constructed and managed so that they predominantly comprise open water, low water turbidity, be still, and have low nitrate, phosphate, and salinity levels.	Incomplete
1 and ongoing	Revegetation and habitat enhancement of Offset Areas.	During stage 1 in Offset area 1.	While the existing GGF habitat within the quarry void will not be impacted by the development, these areas will be enhanced through the provision of supplementary terrestrial habitat (rock, logs and other ground debris) and aquatic habitat	Complete, ongoing.

Year	Objective	Timing of activity	Standard to be achieved	Status
	The existing GGF habitat within the quarry void (Offset area 1) and the area within the dispersal corridor (Offset areas 2 and 3) will be enhanced through the provision of appropriate revegetation and habitat enhancement.	Following earthworks and landscaping of wetlands within dispersal corridor (Offset area 2 and 3)	(supplementary aquatic vegetation). Habitat enhancement activities associated with Offset Area 1 within the quarry void will commence during the first stage of the development. 1. To achieve these habitat requirements, in each GGF wetland there will be three distinct zones. 2. Timing of works- works will be undertaken between April and August inclusively and ideally planting should occur in late winter/ early spring, providing there is adequate rainfall. 3. All works must be subject to disease control in accordance with the measures contained in Section 4.1 and the Hygiene Protocols for the Control of Diseases in Australian Frogs (Murray et.al. 2011). 4. Protective netting will be installed, where required, to prevent damage to aquatic plants by waterfowl. 5. Trees and/or large shrubs must not be planted within 20 meters of the banks of GGF wetlands. 6. A minimum topsoil depth of 150 mm within all pond planting areas. 7. The planting area will contain floristically diverse and structurally similar vegetation, planted at a nominal density of <u>six individuals per square meter</u> with the provision for areas of bare ground between plantings. 8. Recommended species for wetland planting known to be present in GGF habitats are provided in Attachment C of the GGFCMP. 9. There must be no alteration to existing aquatic vegetation, or introduction of additional predatory species within the quarry void where existing breeding habitat is present. The following species must not be introduced into Offset Area 2 and 3 or included in the list of suitable species to be planted in order to avoid the risk of constructed wetlands becoming choked with vegetation; Narrowleaf Cumbungi <i>Typha domingensis</i> Broadleaf Cumbungi <i>Typha orientalis</i> Lesser Reed-mace <i>Typha latifolia</i>	

Year	Objective	Timing of activity	Standard to be achieved	Status
			Common Reed <i>Phragmites australis</i> Tall Spike-rush <i>Eleocharis sphacelata</i>	
1 and ongoing	Chemical/petroleum spill and hard rubbish dumping. Protect exiting and constructed GGF habitat from contamination.	Both immediately prior to and during the development works, as required	1. Chemical and fuel storage area to be established as far from GGF habitat as practical. 2. Equipment to be regularly serviced and inspected daily. 3. Personnel to undergo adequate training in equipment usage. 4. Engage a specialist contractor, as required, to clean up contaminants such as oil spills, etc. 5. Inspection of all drainage points leading to the water bodies for chemical spills, leaks, and rectify where necessary. 6. Once-off intensive hard litter removal (and if required between normal maintenance schedules). 7. Several 'Spill Response Kits' will be maintained on site in areas where chemicals are stored and in construction areas. Appropriate training will be provided on how to use the kits if a spillage occurs on site.	Complete, ongoing.
1 and ongoing	Chytrid management. Chytrid fungus is a major threat to amphibian populations in Australia. Hygiene Protocol will be used to guide best practice Chytrid management.	During habitat enhancement, construction of habitat corridor, management of offset areas and throughout construction.	1. All footwear and equipment (e.g. nets, buckets, callipers, headlamps, waders), will be thoroughly cleaned and disinfected before entering and exiting the quarry, and between sites including between the site of salvage and No-Go-Area. 2. Any equipment used to handle frogs and tadpoles will be cleaned and disinfected between each use. 3. The tyres of all vehicles will be cleaned and disinfected before entering and exiting the construction area of the movement corridor (if required). 4. The tyres/tread and other parts of machinery and plant (e.g. the excavator bucket; pumps) involved in the habitat construction and associated activities, will be cleaned and disinfected before entering the construction area of the movement corridor. 5. A new pair of disposable latex gloves will be used between each frog and tadpole. Gloved hands will be dipped in the local water in the immediate area so that loss of skin secretions is minimised when frogs are picked up. 6. Frogs will be placed into new and clean plastic sample bags, with a 'one bag- one frog' policy. Bags will not, under any circumstances, be reused. 7. Disinfection methods will follow the procedures outlined in the Hygiene Protocol.	Ongoing

Year	Objective	Timing of activity	Standard to be achieved	Status
		During salvage and relocation.	Follow handling guidelines for salvage and relocation (see section 6.1 and Attachments B and D of the GGFCMP).	
		Ongoing	Sterilise footwear before entering offset areas.	
1 and ongoing	Manage artificial lighting and noise. Artificial light and noise will be kept to a minimum to reduce impacts to GGFs.	During construction activities	1. Construction activities will comply with the Hume City Council Building and Works Code of Practice (Hume City Council 2013). 2. Building or other works that may produce noise can only be carried out between the hours 7.00 am and 6.00 pm on weekdays, 9.00 am and 5.00 pm on Saturdays, and 12.00 noon and 4.00 pm on Sundays. 3. Sources of artificial light from the surrounding development will be directed away from the quarry void and movement corridor.	Ongoing
		Design and installation phase	1. No additional lighting directed towards the wetland within the quarry void or along the dispersal corridor. 2. Shields will be placed on lights to reduce lateral light spill. 3. If necessary embedded lights will be used on walkways adjacent to the dispersal corridor. 4. Use of high intensity lights in white or blue range (<50 nm wavelengths) will be avoided.	
1 and ongoing	Monitor and control pest fauna species. If Eastern Gambusia is observed within Offset Area 2, protocols outlined in Section 3.6 will be implemented. Feral Animal Control measures will be implemented in the study area to reduce the population size of foxes.	Both immediately prior to and during the development works, as required	1. Assessment of feral predators within Offset Area 1 and 4 prior to the commencement of construction. 2. If evidence of foxes is found, appropriate control measure to be implemented immediately. 3. Destroying any dens discovered on site.	Complete, ongoing.
		During dispersal corridor construction	1. The newly constructed wetlands will be hydrologically independent from Merri Creek. 2. The wetlands will contain a drainage outlet at the lowest point of the waterbody for removing some or all water from the system.	
		Monitor fish in autumn and September.	1. Monitoring of created habitats will be undertaken every six months for the first two years during the development, and annually for the first ten years following the completion of construction of the GGF habitat areas (Offset areas 1, 2 and 3).	

Year	Objective	Timing of activity	Standard to be achieved	Status
			- Wetlands will be drained (i.e. via a valve) and allowed to completely dry out should Eastern Gambusia be detected. - Wetlands will only be drained outside of the GGF active season (i.e. not to be drained in Spring and Summer). - Wetlands will be re-filled naturally once the wetlands have completely dried and after it is confirmed that Eastern Gambusia (or other predatory fish) is not present. - If water levels within the wetlands have not reached a minimum of 0.5m after one month, wetlands will be filled using the water delivery system.	
		Opportunistic and ongoing	Destroy any fox dens found on site.	
1 and ongoing	Monitor and manage vegetation in habitat corridor. Once constructed, habitat in the offset areas will need to be maintained through ongoing revegetation or slashing. Maintenance of the retained habitat area is to be undertaken as the need is identified through monitoring.	Twice annually (autumn and spring) in years 1 and 2. Annually for the first ten years following the completion of construction.	- Monitoring of created habitats will be undertaken every six months for the first two years during the development, and annually for the first ten years following the completion of construction of the GGF habitat areas (Offset areas 1, 2 and 3). - Monitoring of vegetation will be conducted in autumn and spring. - Replace any failed plantings. - Increase planting density by planting additional vegetation, or conversely, removal of wetland vegetation (if it is smothering the waterbody); as required. - Control any weeds invading terrestrial habitat by hand, or spot treatment methods with frog sensitive herbicides. - Building material and other unwanted materials (e.g. plastic, polystyrene) will be removed from wetlands/waterways and ponds. - Identify and remove barriers to frog dispersal. - Where relevant gross pollutant traps and/or sediment filters will be checked and, if necessary, subsequently cleaned, particularly after heavy rain or storm events.	Incomplete. To be undertaken once habitat corridor is constructed.
		As required, based on conditions.	- Increasing the intensity of feral animal controls. - Additional refuge sites such as rocks, logs and dense low-lying vegetation will be added if it is considered, during site monitoring, that the area of shelter is insufficient. - Routine maintenance of grassed areas within the reserve area around the periphery of the waterbodies.	

Year	Objective	Timing of activity	Standard to be achieved	Status
			4. Monitor the level of any public disturbance in and around GGF habitat and manage accordingly (e.g. fencing repairs and signage). 5. Revise mitigation and monitoring measures in agreement with responsible authorities, if necessary.	
1 and ongoing	Pest plant monitoring and control. It is important to ensure that any weed control works using herbicides are both targeted (i.e. spot spraying) and undertaken at the right time of the year. Where possible, weeds will be controlled by hand or with the use of implements.	Monitoring quarterly for two years, then biannually. Ongoing pest plant controls as required	Monitoring of created habitats will be undertaken every six months for the first two years during the development, and annually for the first ten years following the completion of construction of the GGF habitat areas (Offset areas 1, 2 and 3). 1. Where possible, weeds will be controlled by hand or with the use of implements. 2. Where herbicide application is necessary, waterway sensitive products such as Roundup Bioactive®, Weedmaster Duo® or Weedmaster 360® must be employed, without the addition of surfactant; 3. When used in riparian areas, will be directly sponged or wicked onto weeds to minimise off target damage. 4. Herbicides must not be used within 10 meters of wetlands during the breeding season (October-March). 5. Any weed control works must be completed in a manner that minimises soil disturbance. 6. Pest plants that reproduce sexually (by seed) must be controlled before seeds ripen. The following species must not be introduced into Offset Area 2 and 3 or included in the list of suitable species to be planted in order to avoid the risk of constructed wetlands becoming choked with vegetation; Narrowleaf Cumbungi <i>Typha domingensis</i> Broadleaf Cumbungi <i>Typha orientalis</i> Lesser Reed-mace <i>Typha latifolia</i> Common Reed <i>Phragmites australis</i> Tall Spike-rush <i>Eleocharis sphacelate</i>	Incomplete. To be undertaken once habitat corridor is constructed.

Year	Objective	Timing of activity	Standard to be achieved	Status
			If these species are observed within Offset Area 1 and 2 during habitat monitoring a nominated principal contact of Forte Group Pty Ltd must be notified, and a wetland revegetation specialist contractor must be engaged to remove these species so that wetlands remain clear and support open water. A suitably qualified zoologist must be notified prior to removal so that appropriate salvage and relocation activities can be assessed and implemented.	
1 and ongoing	Water quality monitoring. A monitoring program has been designed to identify any potential reduction in water quality if conditions deteriorate from the baseline (pre-construction) water quality conditions.	Both immediately prior to and during the development works, as required	1. A water quality monitoring site will be established within the quarry wetland prior to the commencement construction and at a second site within the movement corridor immediately following the completion of the constructed wetlands. 2. Trigger values will be established and based on pre-construction water quality within the quarry wetland. Given that there is no long-term water quality data for the quarry wetland the following trigger values will be used; • If turbidity is >20% of the background condition; • If electrical Conductivity is >1% of the background condition; • If Dissolved Oxygen Concentration is <1% of the background condition; • If pH ± 0.5 pH unit from background condition; and, • All other water quality parameters (including any nutrients or heavy metals) have not substantially exceeded background conditions (i.e. no statistically significant difference ($\alpha > 0.05$)). 3. Water quality monitoring will be conducted on a monthly basis as soon as approvals are granted, prior to commencement of construction, to establish background conditions and appropriate trigger values at allocated sites. 4. If water quality results exceed trigger values appropriate measures will be implemented and correction actions (e.g. release of high-quality water from the Water Delivery System) will be taken to ensure the water quality is suitable for GGF. Weekly monitoring will be undertaken until the water quality conditions return to background conditions or within SEPP Waters of Victoria (WoV) objectives (EPA 2018).	Complete. Ongoing.
1 to 10	GGF Population Monitoring Surveys will be conducted to assess the impact of the development and/or monitor	Annually during the development and for the first 10 years following	Each monitoring event will comprise diurnal and nocturnal surveys. If, at the end of the annual surveys will be conducted to assess the impact of the development and/or monitor the suitability of a site's management regime monitoring the results indicate a	Complete. Ongoing.

Year	Objective	Timing of activity	Standard to be achieved	Status
	the suitability of a site's management regime.	the completion of construction	decline in the GGF population or degradation of GGF habitat, the CMP will be re-evaluated and adapted accordingly. 1. At least seven nights of surveys will be conducted; at least four in the early part of the active season (to collect data when calling and mobility is high) and three later in the season (when reproductive output is greatest i.e. tadpoles, metamorphs). 2. Tadpole surveys will be undertaken annually for the first four years post-development, then in years 6, 8 and 10. 3. Monitoring of created habitats will be undertaken every six months for the first two years during the development, and annually for the first ten years following the completion of construction of the GGF habitat areas (Offset areas 1, 2 and 3).	
2 and ongoing	Management of Constructed Wetland Hydroperiod Water levels will be actively maintained and checked monthly over the species breeding season (October to March).	Following completion of construction of dispersal corridor and ongoing	Design features and active management to be implemented: 1. Rainwater runoff supplied from the rooftops of buildings and structures within the development will be the primary water source for the constructed wetlands. 2. The wetlands will contain a drainage outlet at the lowest point of the waterbody for removing some or all water from the system. 3. Water levels will be actively maintained and checked monthly over the species breeding season (October to March). 4. Depth gauges will be installed in all ponds, and wetland depth will be monitored monthly for the first two years following construction. 5. Water levels will not be allowed to fall below 0.5 metres and will be checked every two months if water levels are shown to be relatively stable over cooler months (April-September). 6. Water will be release from the water delivery system if levels fall below 0.5 metres within the constructed wetlands during the species active breeding season (Spring and Summer) and will be regularly filled in order to retain water over the entire breeding season. 7. A secondary underground drainage network will be installed via Onslow Avenue to a legal point of discharge. 8. Major event flows will be safely conveyed through the constructed wetlands, with flows greater than the capacity of the underground drainage conveyed through the secondary underground drainage network to a legal point of discharge.	Incomplete. Depth gauges installed within quarry wetland.

Year	Objective	Timing of activity	Standard to be achieved	Status
2 and ongoing	Management of Quarry Wetland Hydroperiod Water levels will be actively maintained and checked monthly over the species breeding season (October to March).	Following completion of construction of dispersal corridor and ongoing	Design features and active management to be implemented: 1. A water delivery system will direct water from within the quarry void into the constructed wetlands to ensure water levels are suitable for the species during dry periods (e.g. during drought). 2. The design of this system will incorporate a holding tank to be filled with water from the quarry wetland and discharged into Pond 1 within the constructed dispersal corridor. 3. The proposed location of the pumping station and underground tank are shown on Figure 3a, with an above ground high density polyethylene pipe incorporated to avoid disturbance of the existing habitat within the quarry void. 4. The pipe will be capped, and a perforated section of pipe will be submerged in the waterbody at the end of the pipe to avoid any frogs or tadpoles being injured by pumping activities. 5. The total amount extracted from the quarry wetland will not exceed 20,000 litres/week and will only occur a maximum of once every two weeks to allow groundwater to recharge the waterbody. 6. Pumping will only occur at a maximum flow rate of 20 Litres per minute. 7. Water quality and levels within the quarry void will be regularly monitored as part of the monitoring program outlined in the Section 3.9.1. 8. A depth gauge will be installed in the quarry wetland, and trigger values to cease pumping will be established based on pre-construction water levels to ensure the wetland habitat remains suitable for GGF. 9. If water levels within the quarry wetland fall to 1m below pre-construction levels pumping must cease, and levels must be monitored weekly until conditions return to within 0.5m of pre-construction levels, when pumping activities can recommence if necessary.	Incomplete.
1 to 10	Annual Monitoring Reporting and Review. A summary of the results of all monitoring procedures, habitat creation (i.e. wetlands)	Annual reporting as required	1. The annual audit will outline the progress of the CMP implementation and identify any key issues and management responses. 2. Management actions may need to be amended or updated if new information becomes available, or if management actions are considered inappropriate or inadequate for the long-term persistence of GGF within the site.	Ongoing.

Year	Objective	Timing of activity	Standard to be achieved	Status
	and any maintenance activities will be provided to DAWE on an annual basis throughout the 10-year implementation of the CMP.		3. New information may become available through ongoing monitoring procedures or following review of ongoing reporting submitted to DAWE. Recommendations based on this information will be provided to the responsible land manager. 4. In addition to revisions triggered by adaptive management, additional changes to this CMP may be required following the EPBC Act assessment and approval process. Any proposed amendments or deviations to the actions and requirements of this CMP must be approved by DAWE, and the plan must be updated with any approved changes.	

4.6 EPBC Act Approval Conditions Compliance Table

The following section demonstrates compliance or non-compliance with all conditions of the EPBC Act approval (2020/8748).

It is noted that whilst compliance has been achieved for 40 EPBC Act approval conditions, there remains 18 conditions for which compliance could not be proven. As the proponent, Forte Group Pty Ltd is responsible for correcting non-compliances as noted below in Table 6.

Table 6. EPBC Act Approval Conditions and Compliance Table

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments/Corrections
1	The approval holder must not clear more than 5.06 hectares of Growling Grass Frog dispersal and foraging habitat within the project area	Compliant, ongoing	The approval holder has not cleared more than 5.06 hectares of Growling Grass Frog (GGF) dispersal and foraging habitat. Construction of Stage 1 is underway, with approved impacts to areas of GGF habitat within and surrounding the northern sections of the quarry void largely complete at the time of this report. The north west area of the quarry void has been partially impacted (as per the approval), with some backfilling and piling undertaken to stabilise this area (Plate 3).
2	The approval holder must not clear outside of the project area	Compliant, ongoing	During site visits, Ecology and Heritage Partners did not observe that the approval holder had cleared outside of the project area (Plates 1 to 3).
3	To compensate for impacts to Growling Grass Frog dispersal and foraging habitat and creating a physical barrier restricting Growling Grass Frog dispersal the approval holder must: a. implement the Growling Grass Frog Conservation Management Plan and Weed Management Plan;	Compliant, ongoing	Implementation of Management Actions outlined in the Growling Grass Frog Conservation Management Plan (GGFCMP) and Weed Management Plan (WMP) has commenced. For example, temporary frog exclusion fencing was installed around the perimeter of Offset Area 1 in December 2022 (see Plate 3), and weed control efforts which commenced on 11 November 2022 have effectively removed majority of woody weeds within the quarry void (see Plate 16). Table 5 lists all the requirements of these management plans and states whether the requirements have been met.
	b. construct the Offset Areas as specified in the Landscape Design Plan;	Compliant	To date, all construction and rehabilitation of Offset Areas (i.e. Offset Areas 1 and 4) has been compliant with the layout, design and requirements outlined in the Landscape Management Plan (Plates 1 to 5, 9 and 16).

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments/Corrections
	c. ensure the habitat enrichment activities at Offset Area 1 (Wetland), Offset Area 1 (Terrestrial) and Offset Area 4 are completed before the 1 September 2022;	Non-compliant, ongoing	Habitat enrichment activities within Offset Area 1 (Wetland and Terrestrial habitat) and Offset Area 4 commenced on 13/04/2022 (see Plates 4 and 5). Specifically, soil scraping occurred between 13 April to 29 June 2022, rock beaching occurred between 22 April to 22 May 2022, jute mat laying occurred between 15 to 29 June 2022 and initial woody weed control occurred on 11 November 2022 (see Appendix 5 – attached copy of Compliance Records provided by Forte Group Pty Ltd). Note that other enrichment activities occurred outside the current reporting period and will therefore be covered in the Year 2 Compliance Report (i.e. tube stock planting commenced in June 2023, brush-cutting of high grass commenced October 2023, and chainsaw-cutting of large trees occurred in February 2024). As such, some habitat enrichment activities were not completed before the deadline of 1 September 2022 (i.e. woody weed control, tube stock planting, grass brush-cutting and chainsaw-cutting of trees). To correct this non-compliance, all initial habitat enrichment activities were planned to be completed by February 2024 at the latest (to be addressed in the Year 2 Compliance Report), whilst ongoing maintenance (i.e. control of new weeds, repairs to frog fencing, replanting dead tube stock, brush-cutting of tall grass) will continue to occur as per the approved GGFCMP.
	d. stage 1 of the action must not commence during the Growling Grass Frog Breeding Season. If the habitat enrichment activities at Offset Area 1 (Wetland), Offset Area 1 (Terrestrial) and Offset Area 4 are not completed within the timeframe specified by condition 3(c) then all construction activity must cease until they are completed;	Compliant	Stage 1 of the action commenced on 13 April 2022, which is outside the Growling Grass Frog Breeding Season (i.e. October to March) and is therefore compliant. Habitat enhancement activities within Offset Area 1 (Wetland and Terrestrial habitat) and Offset Area 4 occurred between 13/04/2022 and 29/02/2024 (see Plates 4 and 5; Appendix 5 – Compliance records), which is outside the specified timeframe. However, construction of Stage 2 works has not yet commenced. Given that habitat enhancement activities are now complete (with ongoing maintenance continuing to occur), Stage 2 construction activity can now occur in accordance with this condition.

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments/Corrections
	e. a suitably qualified person must be onsite during stage 1 of the action to facilitate the translocation of any GGF within stage 1, to Offset Area 1 (Wetland), Offset Area 1 (Terrestrial) or Offset Area 4	Compliant	GGF salvage and relocation was conducted on 17 separate days, from 13 April 2022 to 29 June 2022 (see Section 4.3). Salvage was conducted during construction of rock beaching around the perimeter of the quarry wetland, and during scalping prior to installation of jute matting (see Plate 8 to 11, and Table 4).
	f. ensure the habitat enrichment activities at Offset Area 2 and Offset Area 3 are completed within 24 months of the date of this approval decision;	Non-compliant, ongoing	Construction of the proposed movement corridor (i.e. Offset Areas 2 and 3) has not yet commenced due to changes in the construction schedule for Stages 1 and 2. These works will therefore occur more than 24 months after the date of approval decision (i.e. 8 March 2022). Due to unforeseen delays in the construction of Stage 1 and 2, it was determined that an extension was required to complete the construction of offset area 2 and 3. Accordingly, to correct this non-compliance, an official 'Request for Variation' was submitted by Ecology and Heritage Partners (on behalf of Forte Group Pty Ltd) to the EPBC Post Approval Section on 05/08/2024, in order to vary EPBC approval condition 3(f) to include a 27-month extension (from 24 months to 51 months) to complete the construction of Offset Area 2 and 3 by 8 June 2026 (See Appendices 4a and 4b – attached copy of EPBC Variation request to DCCEEW). This non-compliance was detected on 20/02/2024 by Ecology and Heritage Partners Pty Ltd. The department was notified of this non-compliance on 23/02/2024 via email from Jeremy Coyne (Associate Zoologist, Ecology and Heritage Partners Pty Ltd) to Patrick Maginness (Senior Compliance Officer, DCCEEW) (See Appendix 7 - attached copy of email notification of non-compliance to DCCEEW).
	g. ensure Offset Area 2 maintains a minimum operating depth of 1.5 m over 50% of the total wetland surface area during the Growling Grass Frog breeding season.	Non-compliant, ongoing	Given the water levels within Offset Area 2 appear to have risen by approximately one metre since the project was approved, and water level gauges have been installed following the subsequent increase in water level (See Appendix 8 – Installed water level gauge), it is not known exactly how much the water level increased prior to the gauge being installed. However, visual estimates throughout site monitoring can confirm that that at least 50%

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments/Corrections
			of the of the total wetland area maintained an approximate depth greater than 1.5 metres throughout October to March. Following installation of gauges, water depth will be recorded throughout the second year of post-approval monitoring and reported appropriately in the Year 2 Compliance Report. This non-compliance was detected on 08/07/2024 by Ecology and Heritage Partners Pty Ltd. The department has been notified of this non-compliance via submission of the current Year 1 Post-Approval Compliance Report to Patrick Maginness (Senior Compliance Officer, DCCEW) on 11/10/2024 via email epbcmonitoring@dceew.gov.au.
4	To ensure a viable population of the Growling Grass Frog persists within the project area the approval holder must; a. measure and submit to the department, within three months of the date of this approval decision, detailed advice in writing of the pre-construction water level;	Non-compliant	Water level was not measured pre-construction; however to correct this non-compliance, water level gauges were installed in November 2023 (See Appendix 8 – Installed water level gauge), and thus water depth will be measured throughout the entire 10-year population and habitat monitoring program. Following installation of gauges, water depth will be recorded throughout the second year of post-approval monitoring and reported appropriately in the Year 2 Compliance Report. This non-compliance was detected on 20/07/2024 by Ecology and Heritage Partners Pty Ltd. The department has been notified of this non-compliance via submission of the current Year 1 Post-Approval Compliance Report to Patrick Maginness (Senior Compliance Officer, DCCEW) on 11/10/2024 via email epbcmonitoring@dceew.gov.au.
	b. not pump more than 20, 000 litres of water from Offset Area 1 (Wetland) in any period of seven consecutive days;	Compliant / Not Applicable	No water has yet been pumped out of Offset Area 1 (Wetland).
	c. immediately stop any removal of water from Offset Area 1 (Wetland) if the water level at Offset Area 1 (Wetland) is more than one metre below the pre-construction water level.	Compliant / Not Applicable	No water has yet been pumped out of Offset Area 1 (Wetland).

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments/Corrections
	d. not commence the action unless the approval holder has submitted to the department the background condition of Offset Area 1 (Wetland) to inform the water quality thresholds outlined in the Growling Grass Frog Conservation Management Plan.	Non-compliant	Baseline water quality thresholds (recorded in January 2022) were outlined in the pre-construction Monitoring Report which Ecology and Heritage Partners submitted to Forte Group Pty Ltd on 22 March 2022. This was not submitted to the department. To correct this non-compliance, the pre-construction Monitoring Report (i.e. Year 0) has been submitted to the department on 11/10/2024, alongside the submission of the current Year 1 Post-Approval Compliance Report to Patrick Maginness (Senior Compliance Officer, DCCCEW) via email epbcmonitoring@dceew.gov.au. Throughout the monitoring period, water quality parameters did not exceed the trigger values outlined in the approved GGFCMP, and therefore corrective action was not considered a requirement at the time.
5	Upon commencement of stage two to eight of the action, temporary fencing as outlined in the GGFCMP must not restrict the Growling Grass Frog within Offset Area 1 (Wetland), Offset Area 1 (Terrestrial) from accessing Offset Area 4	Compliant / Not Applicable	Stage two to eight of the action have not yet commenced.
6	Water depth must continue to be monitored at Offset Area 2 until the completion of the 10-year population and habitat monitoring program outlined in the GGFCMP.	Non-compliant, ongoing	Water level was not measured pre-construction; however to correct this non-compliance, water level gauges were installed in November 2023 (see Appendix 8 – Installed water level gauge), and thus water depth will be measured throughout the entire 10-year population and habitat monitoring program. Following installation of gauges, water depth will be recorded throughout the second year of post-approval monitoring and reported appropriately in the Year 2 Compliance Report. This non-compliance was detected on 16/02/2023 by Ecology and Heritage Partners Pty Ltd, and the client was promptly notified. However, according to Forte Group Pty Ltd, a suitable qualified contractor proved difficult to engage which caused further delays in the completion of this action. The department has been notified of this non-compliance via submission of the current Year 1 Post-Approval Compliance Report by Ecology and Heritage

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments/Corrections
			Partners Pty Ltd to Patrick Maginness (Senior Compliance Officer, DCCEEW) via email epbcmonitoring@dceew.gov.au on 11/10/2024.
7	If no tadpoles are found present with the offset areas in the first four years of population and habitat monitoring, then surveying for tadpoles must continue to be completed annually until the completion of the 10 year survey program required in the GGFCMP.	Compliant / Not Applicable	Tadpoles were recorded during this first year of population and habitat monitoring (see Table 3).
8	If population decline is detected at the project area through population and habitat monitoring, the approval holder must, within two months of such detection, submit to the department for the Minister's approval, a version of the GGFCMP revised to describe the extent and cause of the population decline and proposed contingency actions (if necessary) to ensure the population level returns to the baseline population level with two reporting periods. If the revised GGFCMP has not been approved by the Minister in writing within three months of its submission to the department, and the Minister notifies the approval holder that the GGFCMP is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the GGFCMP revised by the department. The approval holder must then implement the approved GGFCMP for the remainder of the life of this approval. Note: this may include (although is not limited to) adjustments to the amount of water that can be extracted from Offset Area 1 (Wetland) as specified at condition 4c.	Compliant / Not Applicable	The population monitoring completed one year post-approval (see Table 3) did not detect a population decline at the project area compared with the baseline data recorded in January 2022.

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments/Corrections
9	The approval holder must provide the department with an annual report detailing the results of the population and habitat monitoring as specified in the GGFCMP. Note: this may be included in the annual compliance reporting outlined at condition 21.	Compliant	This Annual Compliance Report details the results of the population and habitat monitoring undertaken one year post-approval, as specified in the GGFCMP. Ecology and Heritage Partners submitted the current Year 1 Post-Approval Compliance Report to Patrick Maginness (Senior Compliance Officer, DCCEEW) via email epbcmonitoring@dceew.gov.au on 11/10/2024.
10	Prior to commencement of the action the Offset Area must be secured through a section 173 or section 69 agreement under the Victorian Planning and Environment Act 1987, or alternatively through a Trust for Nature covenant under the Victorian Conservation Trust Act 1972.	Compliant	The Offset Area was secured on 5 July 2022 through an Agreement under Section 173 of the Planning and Environment Act 1987 (see Appendix 4 – attached copy of the approved s173 agreement). A copy of this S173 Agreement was sent via email to Patrick Maginness (DCCEEW) by Jeremy Coyne (Ecology and Heritage Partners) on 23/02/2024 (Appendix 5 – attached copy of email submission of s173 agreement to DCCEEW).
11	If the action is secured through a section 173 agreement under the Victorian Planning and Environment Act 1987 prior to the commencement of the action, the approval holder must register on the relevant title/s a section 69 agreement under the Victorian Planning and Environment Act 1987 or a Trust for Nature covenant under the Victorian Conservation Trust Act 1972, within 24 months of the date of this approval decision. The Section 173 agreement, if applied, must remain in place until another form of protection identified in this condition is registered on the relevant title/s. Note: if the action is secured through a section 69 agreement under the Victorian Planning and Environment Act 1987, or Trust for Nature covenant under the Victorian Conservation Trust Act 1972, this must remain in place for the life of the approval.	Non-compliant	The Offset Area was secured on 5 July 2022 through an Agreement under Section 173 of the Planning and Environment Act 1987 (see Appendix 4 – attached copy of the approved s173 agreement). An application for a Section 69 (s69) Agreement under the Victorian Planning and Environment Act 1987 is under preparation, and will be submitted to DEECA as soon as possible. Therefore, the s69 Agreement was not secured within 24 months of the date of approval decision (i.e. 8 March 2022). This non-compliance was detected by DCCEEW and outlined in an official Warning Notice issued by Stewart Ward (Assistant Director, DCCEEW) to William Tan (Forte Developments Managing Director) on 11/04/2023 regarding the potential breach of conditions attached to the EPBC 2020/8748 approval (see Appendix 9- Warning Letter from Stewart Ward).

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments/Corrections
12	Within 10 business days of the Offset Area being secured in accordance with condition 10 and/or 11, the approval holder must provide the department with: a. written evidence demonstrating the entire Offset Area has been secured;	Non-compliant	This non-compliance was detected by DCCEEW and outlined in an official Warning Notice issued by Stewart Ward (Assistant Director, DCCEEW) to William Tan (Forte Developments Managing Director) on 11/04/2023 regarding the potential breach of conditions attached to the EPBC 2020/8748 approval (see Appendix 9- Warning Letter from Stewart Ward). To correct this non-compliance, a copy of this S173 Agreement was sent via email to Patrick Maginness (DCCEEW) by Jeremy Coyne (Ecology and Heritage Partners) on 23/02/2024 (Appendix 5 – attached copy of s173 Agreement email submission to DCCEEW).
	b. shapefiles and offset attributes for the Offset Area.	Non-compliant	This non-compliance was detected by DCCEEW and outlined in an official Warning Notice issued by Stewart Ward (Assistant Director, DCCEEW) to William Tan (Forte Developments Managing Director) on 11/04/2023 regarding the potential breach of conditions attached to the EPBC 2020/8748 approval (see Appendix 9- Warning Letter from Stewart Ward). To correct this non-compliance, a copy of this s173 Agreement and associated Offset shapefiles was sent via email to Patrick Maginness (DCCEEW) by Jeremy Coyne (Ecology and Heritage Partners) on 23/02/2024 (see Appendix 5 – attached copy of shapefiles submission to DCCEEW).
13	If the Minister is not satisfied that a viable population of the Growling Grass Frog has been maintained in the Offset Area, the Minister may (in writing) require the approval holder to submit a new plan or program (including additional surveys) for the Minister’s approval to reduce, mitigate, remediate, or offset for impacts to the Growling Grass Frog. If the Minister approves the plan or program, the approved plan or program must be implemented. Note: to avoid doubt, any proposed offset measures must be additional to that required by the Growling Grass Frog Conservation Management Plan and Weed Management Plan.	Compliant	A statement has not been received from the Minister regarding the viability of the GGF population in the Offset Area, and they do not require the approval holder to submit a new plan or program.

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments/Corrections
14	The approval holder must notify the department in writing of the date of commencement of the action, within 10 business days after the commencement of the action.	Non-compliant	This was not completed within 10 business days from the commencement of the action. This non-compliance was detected by DCCEEW and outlined in an official Warning Notice issued by Stewart Ward (Assistant Director, DCCEEW) to William Tan (Forte Developments Managing Director) on 11/04/2023 regarding the potential breach of conditions attached to the EPBC 2020/8748 approval (see Appendix 9- Warning Letter from Stewart Ward). In order to correct this non-compliance, Ecology and Heritage Partners officially notified the department in writing on 5 July 2024, of the date of commencement of the action (on behalf of the approval holder Forte Group Pty Ltd). This was provided via an email sent from Sarah Hill (Zoologist, Ecology and Heritage Partners Pty Ltd) to Patrick Maginness (Senior Compliance Officer, DCCEEW) on 05/07/2024 (See Appendix 10a and 10b – copy of letter and email notification to DCCEEW of action commencement).
15	The approval holder must notify the department in writing of the date on which the habitat enrichment activities at the Offset Area are completed, within 10 business days of the habitat enrichment activities at the Offset Area being completed.	Non-compliant	Habitat enrichment activities (i.e. rock beaching, jute mat laying, weed control spraying, chainsawing of trees) were completed by 29 February 2024, whilst ongoing maintenance (i.e. control of new weeds, repairs to frog fencing, replanting dead tube stock, brush-cutting of tall grass) will continue to occur as per the approved GGFCMP (see Appendix 5 – Compliance records). The department was not notified within 10 business days of habitat enrichment completion. In order to correct this non-compliance, Ecology and Heritage Partners notified the department of this habitat enrichment completion date via the submission of the current Year 1 Post-Approval Compliance Report by Ecology and Heritage Partners Pty Ltd to Patrick Maginness (Senior Compliance Officer, DCCEEW) via email epbcmonitoring@dceew.gov.au on 23/02/2024.
16	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	Compliant	The action commenced on 13 April 2022, which is within 5 years from the date of approval (i.e. 8 March 2022) (see Appendix 10b – Letter of Commencement).

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments/Corrections
17	The approval holder must maintain accurate and complete compliance records.	Compliant	Accurate and complete compliance records have been kept for most aspects of this project (refer to Appendix 5 and all 'evidence/comments/corrections' and referenced Appendices in this table (i.e. Table 6). Detailed record-keeping will continue to be kept for the remainder of the life of the project.
18	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 an independent auditor in accordance with section 458 of the EPBC Act, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the department's website or through the general media.	Compliant	A letter was issued by Stewart Ward (Assistant Director, DCCEEW) to William Tan (Forte Developments Managing Director) on 11/04/2023, which requested evidence for several EPBC approval conditions which were deemed non-compliant (see Appendix 9 - Warning Letter from Stewart Ward). Additional evidence was then requested in a second letter issued by Thomas Smith (Approvals Compliance Assistant Director) to William Tan on 08/01/2024 (see Appendix 11- Warning Letter from Thomas Smith). To address this department request, the requested evidence and compliance records has been outlined in the current Year 1 Post-Approval Compliance Report, submitted to the department via email epbcmonitoring@dceew.gov.au on 23/02/2024.
19	The approval holder must: a. submit plans electronically to the department;	Compliant	The GGFCMP, WMP and LMP were published on the website of the proponent (i.e. Forte Group Pty Ltd) and DCCEEW on 07/06/2021 for public comment. These management plans are still available on the Forte Group website via the following link: https://www.fortedevelopments.com.au/commercial/cade.html . This link has been provided to DCCEEW along with all Offset Site shapefiles. Offset shapefiles were also sent via email to Patrick Maginness (DCCEEW) by Jeremy Coyne (Ecology and Heritage Partners) on 23/02/2024 (see Appendix 5 – attached copy of shapefile submission to DCCEEW).

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments/Corrections
	b. unless otherwise agreed to in writing by the Minister, publish each plan on the website within 20 business days of the date; i. of this approval decision, or ii. the plan is approved by the Minister, or iii. a revised action management plan is submitted to the Minister or the department under conditions 27 and/or 28.	Compliant	The GGFCMP, WMP and LMP were published on the website of the proponent (i.e. Forte Group Pty Ltd) and DCCEEW on 07/06/2021 for public comment. These management plans are still available on the Forte Group website via the following link: https://www.fortedevelopments.com.au/commercial/cade.html. This link has been provided to DCCEEW along with all Offset Site shapefiles. All plans (i.e. PD, GGFCMP, LMP, SMS and WMP) were also sent via email to Conor Dwyer (DAWE) by Donna Sewell (Ecology and Heritage Partners) on 11/02/2021 (see Appendix 12- copy of email submission of plans to DAWE).
	c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public and submit to the department an unredacted version of any plan for which a redacted version is published;	Compliant	The GGFCMP, WMP and LMP were published on the website of the proponent (i.e. Forte Group Pty Ltd) and DCCEEW on 07/06/2021 for public comment, with all sensitive information redacted/excluded. These management plans are still available on the Forte Group website via the following link: https://www.fortedevelopments.com.au/commercial/cade.html. This link has been provided to DCCEEW along with all Offset Site shapefiles. All plans (i.e. PD, GGFCMP, LMP, SMS and WMP) were also sent via email to Conor Dwyer (DAWE) by Donna Sewell (Ecology and Heritage Partners) on 11/02/2021 (see Appendix 12- copy of email submission of plans to DAWE).
	d. keep plans published on the website until the end date of this approval.	Compliant	The GGFCMP, WMP and LMP were published on the website of the proponent (i.e. Forte Group Pty Ltd) and DCCEEW on 07/06/2021 for public comment. These management plans are still available on the Forte Group website via the following link: https://www.fortedevelopments.com.au/commercial/cade.html. This link has been provided to DCCEEW along with all Offset Site shapefiles. All plans (i.e. PD, GGFCMP, LMP, SMS and WMP) were also sent via email to Conor Dwyer (DAWE) by Donna Sewell (Ecology and Heritage Partners) on 11/02/2021 (see Appendix 12- copy of email submission of plans to DAWE).

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments/Corrections
20	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under a plan is prepared in accordance with the department's Guidelines for biological survey and mapped data (2018) and submitted electronically to the department in accordance with the requirements of the plan.	Compliant	The GGFCMP, WMP and LMP were published on the website of the proponent (i.e. Forte Group Pty Ltd) and DCCEEW on 07/06/2021 for public comment. These management plans are still available on the Forte Group website via the following link: https://www.fortedevelopments.com.au/commercial/cade.html . This link has been provided to DCCEEW along with all Offset Site shapefiles and relevant data. Offset shapefiles were also sent via email to Patrick Maginness (DCCEEW) by Jeremy Coyne (Ecology and Heritage Partners) on 23/02/2024 (see Appendix 5 – attached copy of shapefile submission to DCCEEW).
21	The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must: a. publish each compliance report on the website within 60 business days following the relevant 12 month period;	Non-compliant, ongoing	The first iteration of this compliance report was published on Forte Group's website and a link provided to Patrick Maginness (DCCEEW) by William Tan (Forte Group) on 29/02/2024 (See Appendix 13 – copy of email submission of report link to DCCEEW). This action was therefore not completed within 60 days following monitoring completion date (i.e. April 2023). To correct this non-compliance, the current updated Year 1 Post-approval Compliance Report has been submitted to DCCEEW on 11/10/2024 and will be published on the website following approval.
	b. notify the department by email that a compliance report has been published on the website and provide the weblink for the compliance report within 5 business days of the date of publication;	Compliant / Not Applicable	The first iteration of this compliance report was published on Forte Group's website and a link provided to Patrick Maginness (DCCEEW) by William Tan (Forte Group) on 29/02/2024 (See Appendix 13 – copy of email submission of report link to DCCEEW), which was within 5 days of the date of publication. The current updated Year 1 Post-approval Compliance Report has been submitted to DCCEEW on 11/10/2024 and will be published on the website following approval. DCCEEW will be notified within 5 days of this action.
	c. keep all compliance reports publicly available on the website until this approval expires;	Compliant / Not Applicable	This updated Compliance Report will be published on the website once approved by DCCEEW.

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments/Corrections
	d. exclude or redact sensitive ecological data from compliance reports published on the website;	Compliant / Not Applicable	This updated Compliance Report will be published on the website once approved by DCCEEW.
	e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the department within 5 business days of publication. Note: Compliance reports may be published on the department's website.	Compliant / Not Applicable	This updated Compliance Report will be published on the website once approved by DCCEEW.
22	The approval holder must notify the department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in Growling Grass Frog Conservation Management Plan and Weed Management Plan. The notification must be given as soon as practicable, and no later than 2 business days after becoming aware of the incident or non-compliance. The notification must specify: a. any condition which is or may be in breach;	Non-compliant	The department was notified of non-compliance regarding delayed construction of Offset Areas 2 and 3 (see above comments for Condition 3.f), however, was not notified of any other non-compliance as specified in this table. This non-compliance has been corrected through the submission of the current Year 1 Post-Approval Compliance Report to Patrick Maginness (Senior Compliance Officer, DCCEEW) via email epbcmonitoring@dceew.gov.au on 11/10/2024, which outlines all identified non-compliances.
	b. a short description of the incident and/or non-compliance;	Non-compliant	The department was notified of non-compliance regarding delayed construction of Offset Areas 2 and 3 (along with a short description of the non-compliance) (see above comments for Condition 3.f), however, was not notified of any other non-compliance as specified in this table. This non-compliance has been corrected through the submission of the current Year 1 Post-Approval Compliance Report to Patrick Maginness (Senior Compliance Officer, DCCEEW) via email epbcmonitoring@dceew.gov.au on 11/10/2024, which outlines all identified non-compliances.
	c. the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.	Non-compliant	The department was notified of non-compliance regarding delayed construction of Offset Areas 2 and 3 (see above comments for Condition 3.f), which included the best information available (note that it was not relevant in this case to provide co-ordinates or a specific date and time of non-compliance).

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments/Corrections
			As above, the department was not notified of any other non-compliance as specified in this table. This non-compliance has been corrected through the submission of the current Year 1 Post-Approval Compliance Report to Patrick Maginness (Senior Compliance Officer, DCCEEW) via email epbcmonitoring@dceew.gov.au on 11/10/2024, which outlines all identified non-compliances.
23	The approval holder must provide to the department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying: a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;	Non-compliant	The department was notified of non-compliance regarding delayed construction of Offset Areas 2 and 3 (along with the planned corrective action of organising an Approval Condition variation regarding Offset Area 2 and 3 construction timeframes) (see above comments for Condition 3.f). As above, the department was not notified of any other non-compliance as specified in this table. This non-compliance has been corrected through the submission of the current Year 1 Post-Approval Compliance Report to Patrick Maginness (Senior Compliance Officer, DCCEEW) via email epbcmonitoring@dceew.gov.au on 11/10/2024, which outlines all identified non-compliances.
	b. the potential impacts of the incident or non-compliance;	Non-compliant	The department was notified of non-compliance regarding delayed construction of Offset Areas 2 and 3 (see above comments for Condition 3.f). This delay is necessary to avoid negative impacts to the GGF population, as Offset Areas 2 and 3 should only be constructed once Stage 2 Construction Works commence. Constructing this habitat corridor from Stage 2 onwards will prove an important link with Merri Creek and allow frogs to naturally colonise the wetlands during the species active season. Therefore, this 'non-compliance' will not result in negative impacts to the GGF population. As above, the department was not notified of any other non-compliance as specified in this table. This non-compliance has been corrected through the submission of the current Year 1 Post-Approval Compliance Report to Patrick Maginness (Senior Compliance Officer, DCCEEW) via email epbcmonitoring@dceew.gov.au on 11/10/2024, which outlines all identified non-compliances.

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments/Corrections
	c. the method and timing of any remedial action that will be undertaken by the approval holder.	Non-compliant	The department was notified of non-compliance regarding delayed construction of Offset Areas 2 and 3 (along with the planned corrective action of organising an Approval Condition variation regarding Offset Area 2 and 3 construction timeframes) (see above comments for Condition 3.f). The department was notified when this variation application was submitted (i.e. timing). As above, the department was not notified of any other non-compliance as specified in this table. This non-compliance has been corrected through the submission of the current Year 1 Post-Approval Compliance Report to Patrick Maginness (Senior Compliance Officer, DCCEEW) via email epbcmonitoring@dceew.gov.au on 11/10/2024, which outlines all identified non-compliances and associated corrective actions.
24	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	Compliant / Not Applicable	The Minister has not requested in writing that any independent audits are undertaken.
25	For each independent audit, the approval holder must:	Compliant / Not Applicable	The Minister has not requested in writing that any independent audits are undertaken.
	a. provide the name and qualifications of the independent auditor and the draft audit criteria to the department;	Compliant / Not Applicable	The Minister has not requested in writing that any independent audits are undertaken.
	b. only commence the independent audit once the audit criteria have been approved in writing by the department;	Compliant / Not Applicable	The Minister has not requested in writing that any independent audits are undertaken.
	c. submit an audit report to the department within the timeframe specified in the approved audit criteria.	Compliant / Not Applicable	The Minister has not requested in writing that any independent audits are undertaken.

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments/Corrections
26	The approval holder must publish the audit report on the website within 10 business days of receiving the department's approval of the audit report and keep the audit report published on the website until the end date of this approval.	Compliant / Not Applicable	The Minister has not requested in writing that any independent audits are undertaken.
27	The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister as a part of this approval or as subsequently revised in accordance with these 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.	Compliant	An application for an Approval Condition Variation was submitted to the department's Post-Approvals Section on 05/08/2024 (See Appendices 4a and 4b – attached copy of EPBC Variation request to DCCEEW).
28	The approval holder may choose to revise the Weed Management Plan, 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.	Compliant / Not Applicable	No revisions were made to the Weed Management Plan.
29	If the approval holder makes the choice under condition 28 to revise the Weed Management Plan without submitting it for approval, the approval holder must: a. notify the department in writing that the Weed Management Plan has been revised and provide the department with: i. an electronic copy of the RAMP; ii. an electronic copy of the RAMP marked up with track changes to show the differences between the Weed Management Plan and the RAMP;	Compliant / Not Applicable	No revisions were made to the Weed Management Plan.

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments/Corrections
	iii. an explanation of the differences between the Weed 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; and 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 31, implement the RAMP from the RAMP implementation date.	Compliant / Not Applicable	No revisions were made to the Weed Management Plan.
30	The approval holder may revoke their choice to implement a RAMP under condition 28 at any time by giving written notice to the department. If the approval holder revokes the choice under condition 28, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 28.	Compliant / Not Applicable	The approval holder has not revoked their choice to implement a RAMP
31	If the Minister gives a notice to 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 28 does not apply, or ceases to apply, in relation to the RAMP	Compliant / Not Applicable	The Minister has not given notice that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact.

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments/Corrections
	b. the approval holder must implement the action management plan specified by the Minister in the notice	Compliant / Not Applicable	The Minister has not given notice that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact.
32	At the time of giving the notice under condition 31, the Minister may also notify that for a specified period of time, condition 28 does not apply for one or more specified action management plans. Note: conditions 28, 29, 30 and 31 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.	Compliant / Not Applicable	The Minister has not given notice that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact.
33	Within 30 days after the completion of the action, the approval holder must notify the department in writing and provide completion data.	Compliant / Not Applicable	Completion of the action has not yet occurred.

5 CONCLUSION AND RECOMMENDATIONS

Year 1 monitoring was undertaken as outlined in the GGFCMP and based on recommendations from the Year 0 Monitoring Report (Appendix 14) to ensure compliance with the EPBC Act approval conditions. The overall quality of GGF habitat (outside construction areas) is improving, however ongoing management and monitoring is required to ensure that the offset site maintains optimal habitats for GGF.

The control of pest plants within offset areas is a major requirement for management, as habitat within the site is under continual pressure from the invasion of introduced grasses and weeds (e.g. Artichoke Thistle *Cynara cardunculus* and African Boxthorn *Lycium ferocissimum*). Excessive weed growth can smother and reduce the quality of frog habitat for breeding and foraging. In order to control and/or eradicate these weed species, particularly within the habitat improvement areas adjacent to the waterbody, several on-going techniques should be used, including physical removal, brush cutting and herbicide application. Herbicide must only be applied to weeds by using the spot-spraying technique, in order to prevent off-target issues.

Large numbers of GGF and tadpoles were observed during monitoring during the 2022-23 active season, predominantly juveniles and newly emerged metamorphs (3.5-5cm) showing evidence of successful breeding activity within the quarry wetland. Water quality was very good with low turbidity and large numbers and diversity of aquatic invertebrates. Floating vegetation is almost exclusively algae, with some areas of fringing vegetation in the form of phragmites and environmental weeds such as Kikuyu Grass. Biomass reduction was evident outside offset area 1 following slashing and weed control being undertaken. GGF were also seen sheltering within jute matting and basking on placed rocks and gravel maintenance tracks (Plate 6).

Maintenance of the retained habitat area is to continue as the need is identified through monitoring, with particular focus on the maintenance of aquatic vegetation diversity and structure, and terrestrial habitats. Ongoing rubbish removal will be required due to the ongoing presence of rubbish being blown in from surrounding areas. Further monitoring for rubbish and pest animals will be required, and corrective actions implemented if necessary, as per the requirements of the GGFCMP.

Given the water level within the quarry wetland appears to have risen by approximately one metre since the project was approved, and water level gauges have been installed following the subsequent increase in water level, it is not known exactly how much the water level increased prior to the gauge being installed. However, trigger values to stop pumping through the water delivery system (yet to be construction) should be set at 1.5 meters below the baseline water level.

Weed control throughout Year 1 has been effective at reducing the overall cover of weeds throughout the offset site, however, works should continue to reduce the overall cover of high threat weeds and annual grasses to below the accepted thresholds covered in the GGFCMP (Ecology and Heritage Partners 2023). Additionally, works should focus on preventing high threat weeds from setting seed and remove new recruits where possible, such as African Boxthorn which was identified within the site. However, it is acknowledged that pressure from windblown seed is a factor in reducing the overall cover of weeds within the offset site.

To ensure that GGF habitat continues to improve, the following works should be incorporated into Year 2 land management and monitoring in accordance with and addition to GGFCMP management requirements (Ecology and Heritage Partners 2023: Table 4):

- Regularly consult an experienced zoologist for maintenance issues that could impact on the GGF population and associated habitat;
- Ongoing habitat and GGF monitoring as per the approved GGFCMP (Ecology and Heritage Partners 2023;)
- Undertake routine monitoring to investigate the success of aquatic and terrestrial plant establishment and weed densities;
- Replace any failed plantings;
- Control any weeds invading terrestrial habitat by hand, or spot treatment methods with frog sensitive herbicides;
- Regular inspection of the fencing is required to ensure its effectiveness;
- The control of pest animals such as foxes and cats will be undertaken in accordance with local government laws and relevant legislation;
- Hygiene Protocol (Murray et.al. 2011) to be used to guide best practice Chytrid management;
- Installation of permanent frog exclusion fencing around offset area 4 prior to the completion of construction;
- Construction of the water delivery system;
- The habitat corridor to be constructed as per the GGFCMP to allow frogs to naturally colonise the wetlands during the species active season;
- Complete and submit the application for the Section 69 Agreement to DEECA;
- Revise mitigation and monitoring measures in agreement with responsible authorities, if necessary; and,
- Monitor the level of any public disturbance in and around GGF habitat and manage accordingly (e.g. fencing repairs and signage).

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 (please print) William Tan

Position (please print) Director

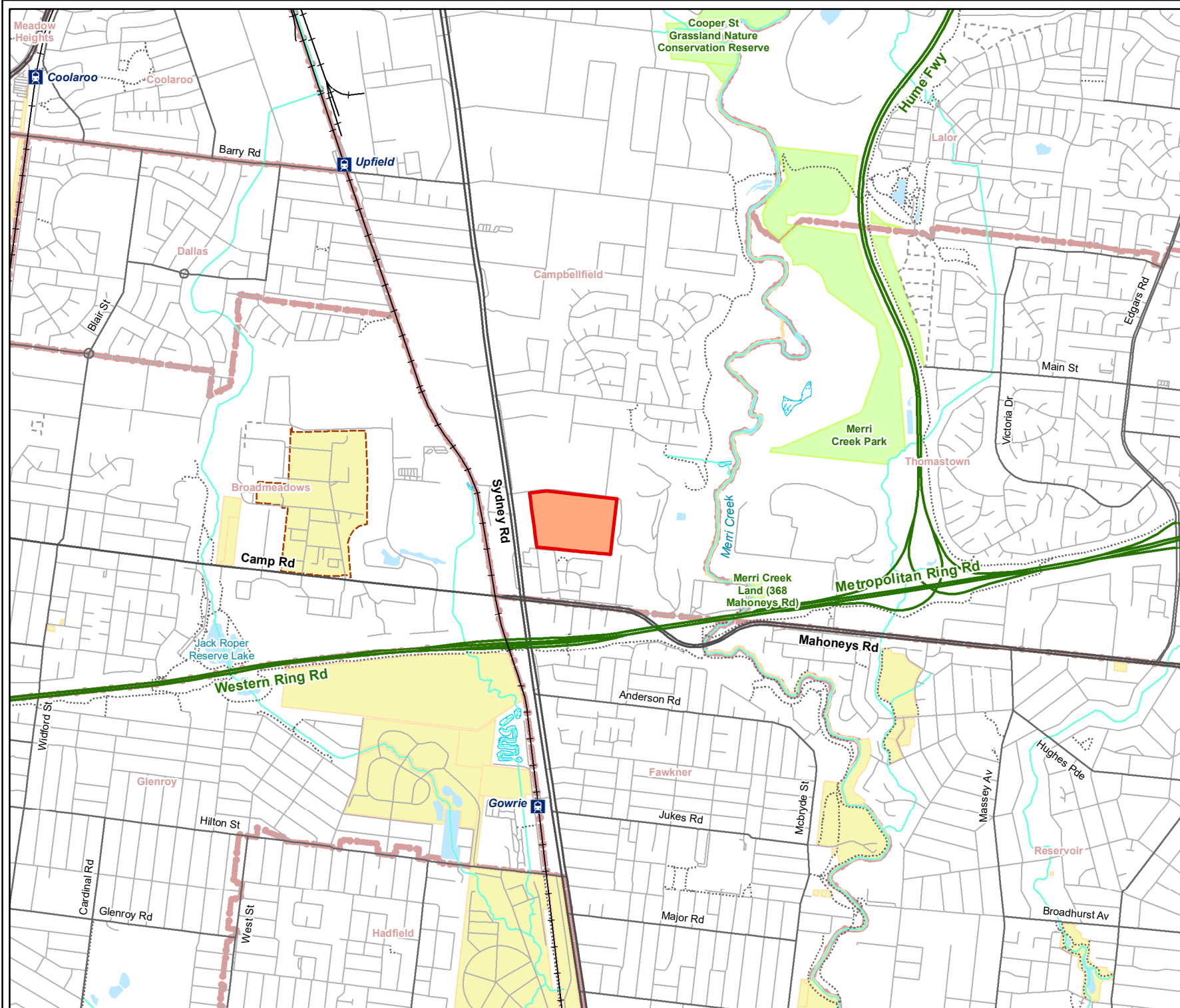
Organisation (please print including ABN/ACN if applicable) Forte Group Pty Ltd ABN: 36 600 98 520

Date 9 / 10 / 2024

REFERENCES

- Ecology and Heritage Partners 2023. Growling Grass Frog *Litoria raniformis* Conservation Management Plan for the Proposed Commercial Development at 75-135 Bolinda Road Campbellfield, Victoria (EPBC 2020/8748). Report prepared for Forte Group Pty Ltd.
- EPA 2018. State Environment Protection Policy: Water for Victoria. Environment Protection Authority Victoria, Melbourne.
- Heard, G., Robertson, P. and Scroggie, M.P. 2008. Microhabitat preferences of the endangered Growling Grass Frog *Litoria raniformis* in southern Victoria. Australian Zoologist **34(3)**: 414-425.
- Murray, K., Skerratt, L., Marantelli, G., Berger, L., Hunter, D., Mahony, M. and Hines, H. 2011. Hygiene protocols for the control of diseases in Australian frogs. A report for the Australian Government Department of Sustainability, Environment, Water, Population and Communities.
- Hume City Council 2023. Building and Works Code of Practice 2023- Annexure to the General Purposes Local Law No.1 2023. Hume City Council, Victoria.

FIGURES



Legend

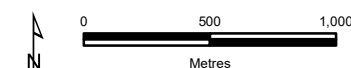
- Study Area
- Railway
- Freeway
- Major Road
- Collector Road
- Minor Road
- Proposed Road
- Walking Track
- Minor Watercourse
- Permanent Waterbody
- Wetland/Swamp
- Parks and Reserves
- Commonwealth Land
- Crown Land
- Localities



Figure 1

Location of the study area

75 Bolinda Road, Campbellfield

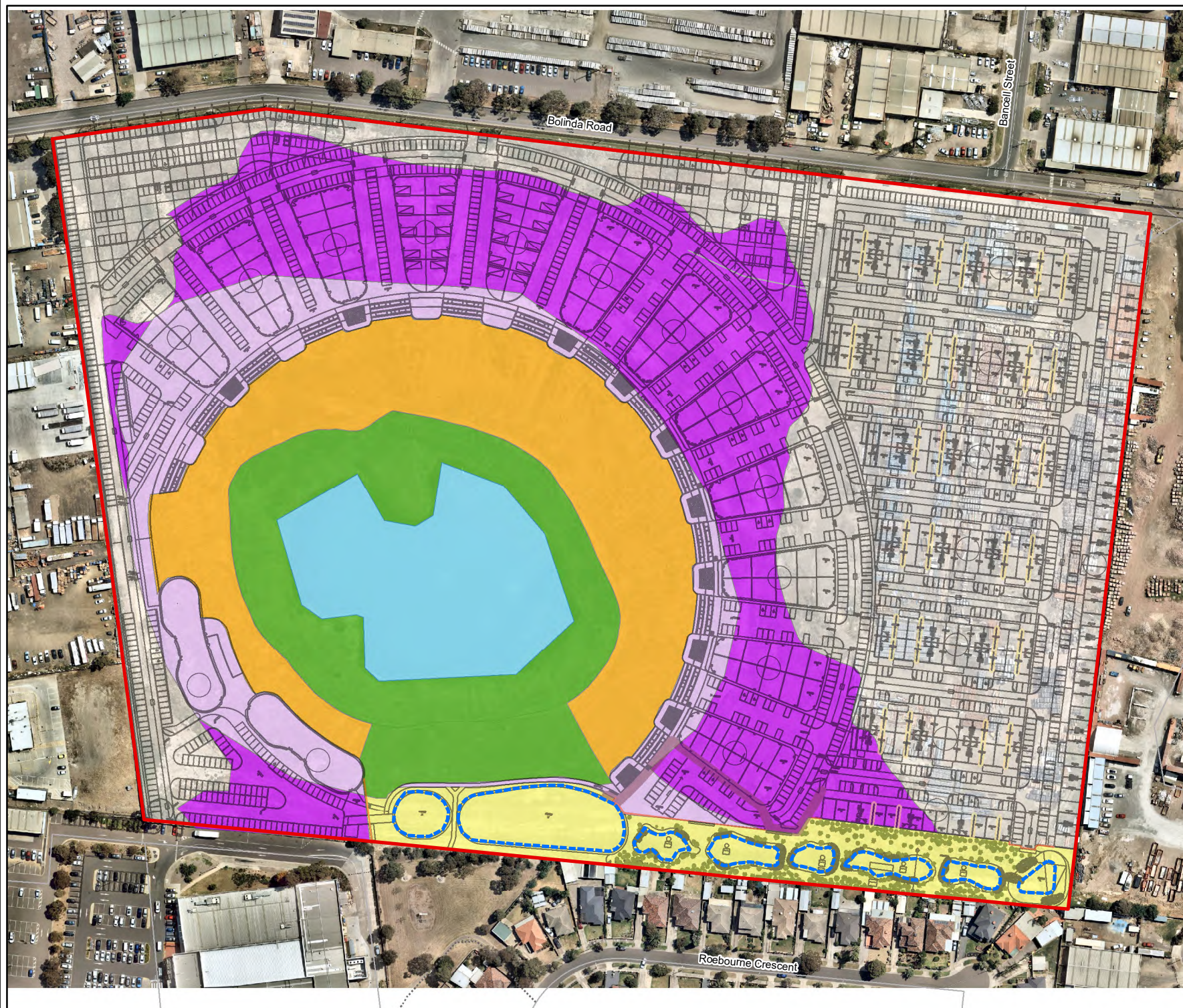


Map Scale: 1:30,000 @ A4
Coordinate System: GDA2020 MGA Zone 55



VicMap Data: The State of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

13138_Fig01_StudyArea_G20_10/11/2020_melsley



Legend

- Study Area
- Waterbody
- GGF habitat score 5 within quarry void (retained) (Offset Area 1)
- GGF habitat score 3 within corridor (retained) (Offset Areas 2 and 3*)
- GGF habitat score 3 within quarry void (retained) (Offset Area 4)
- GGF habitat score 3 (impacted)
- GGF habitat score 2 (impacted)
- *Extent of Offset Area 2 (constructed wetlands) within Offset Area 3



Figure 2
Proposed Offset Areas
 75 Bolinda Road,
 Campbellfield

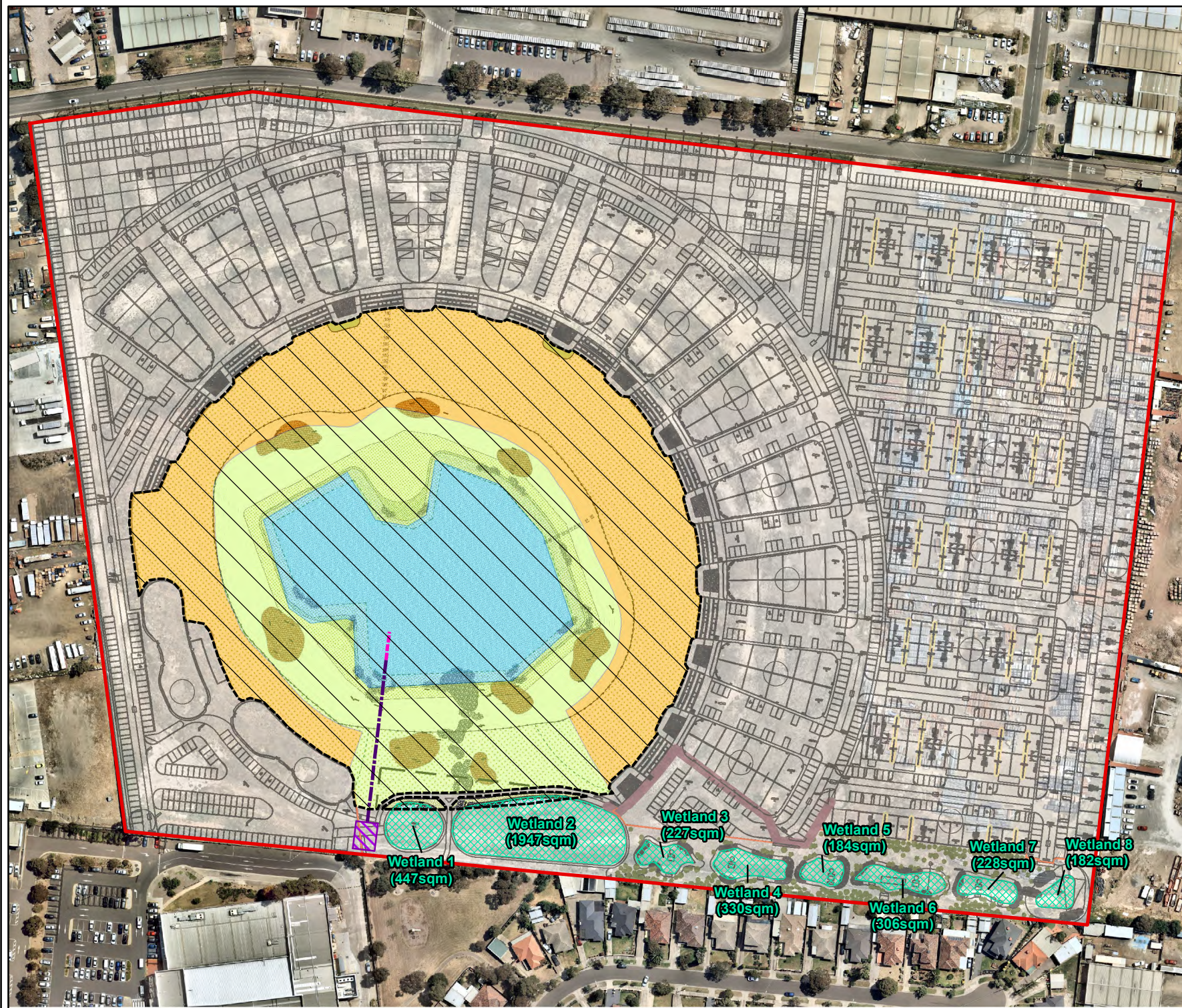


Map Scale: 1:2,400 @ A4
 Coordinate System: GDA2020 MGA Zone 55



VicMap Data: The State of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

13138_Fig01_PropOS_G20 6/12/2021 Melsley

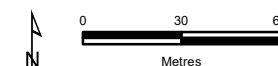


Legend

- Study Area
- No-go zone
- Offset Area 1 - Waterbody
- Offset Area 1 - Terrestrial
- Habitat Enrichment Offset Area 4
- Proposed Constructed Wetland
- Proposed pump station and underground holding tank
- Above ground High Density Polyethylene (HDPE) pipe
- Perforated pipe for frog and tadpole exclusion



Figure 3
Conservation Management Plan
 75 Bolinda Road,
 Campbellfield

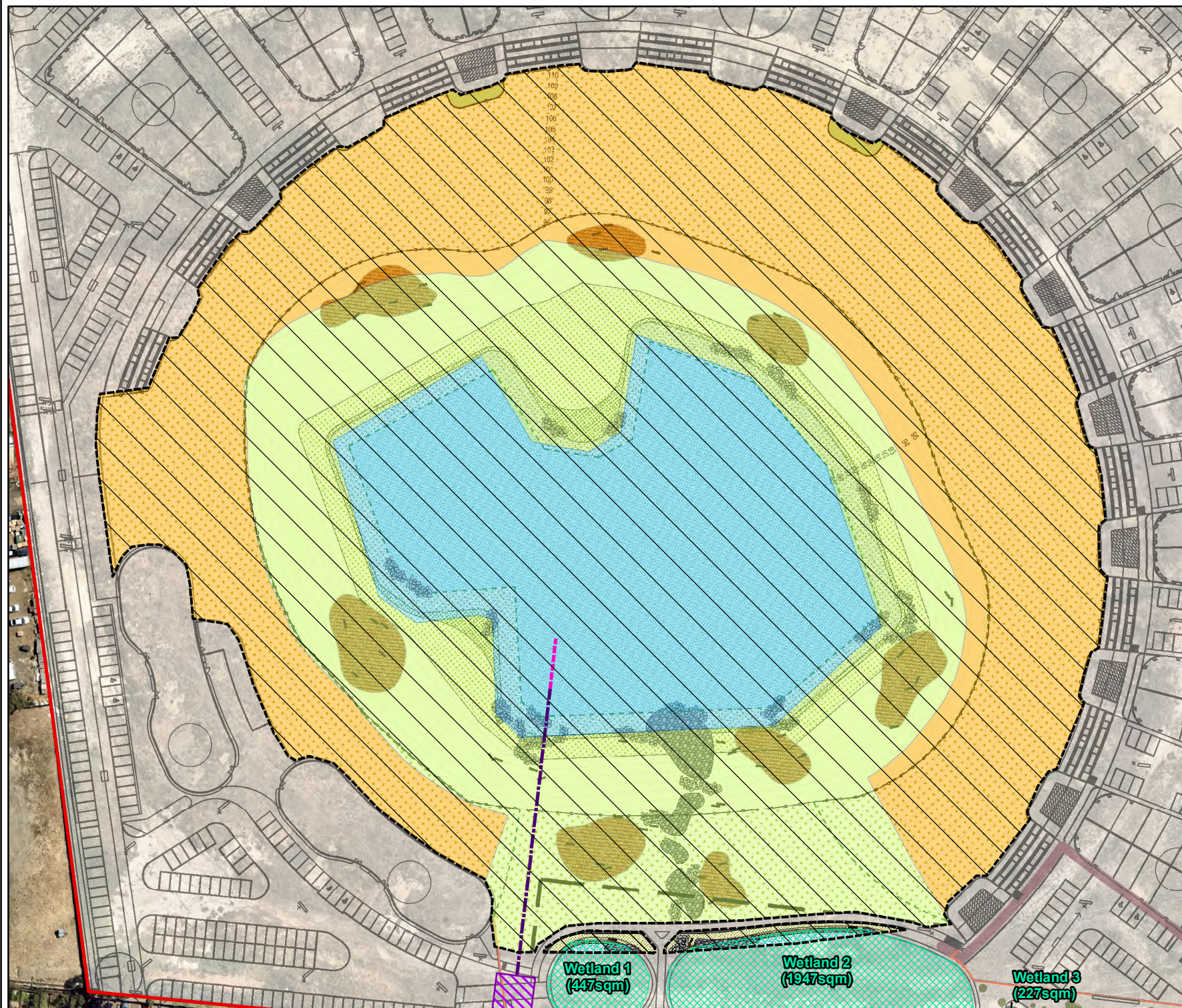


Map Scale: 1:2,300 @ A4
 Coordinate System: GDA2020 MGA Zone 55



VicMap Data: The State of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

13138_Fig02_GGF_CMP_G20 6/12/2021 Melsley

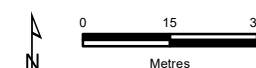


Legend

- Study Area
- No-go zone
- Offset Area 1 - Waterbody
- Offset Area 1 - Terrestrial
- Habitat Enrichment Offset Area 4
- Proposed Constructed Wetland
- Proposed pump station and underground holding tank
- Above ground High Density Polyethylene (HDPE) pipe
- Perforated pipe for frog and tadpole exclusion



Figure 3a
Conservation Management Plan
 75 Bolinda Road,
 Campbellfield



Map Scale: 1:1,300 @ A4
 Coordinate System: GDA2020 MGA Zone 55



VicMap Data: The State of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

13138 Fig02a GGF CMP G20 6/12/2021 Melsley

APPENDICES

Appendix 1 – Photopoint Locations and Details



Photopoint 1a, Offset Area 1

Location: 37°41'7.35"S, 144°57'38.35"E

Description of location: eastern side of Offset Area 1 (Terrestrial) peninsula/headland to north

Direction: North

Date photo taken: 14 February 2023

Description: Artichoke Thistle and Bristly Ox-tongue infestation, and supplementary planting location (with jute matting)



Photopoint 1b, Offset Area 1

Location: 37°41'7.35"S, 144°57'38.35"E

Description of location: eastern side of Offset Area 1 (Terrestrial) peninsula/headland to north

Direction: South

Date photo taken: 14 February 2023

Description: Offset Area 1 wetland, infestation of Artichoke Thistle, Bristly Ox-tongue, Wild Mustard and Bindweed, and supplementary planting location (with jute matting)



Photopoint 1c, Offset Area 1

Location: 37°41'7.35"S, 144°57'38.35"E

Description of location: eastern side of Offset Area 1 (Terrestrial) peninsula/headland to north

Direction: East

Date photo taken: 14 February 2023

Description: Offset Area 1 wetland with floating vegetation, infestation of Artichoke Thistle, Bristly Ox-tongue and Wild Mustard, and supplementary planting location (with jute matting)



Photopoint 1d, Offset Area 1

Location: 37°41'7.35"S, 144°57'38.35"E

Description of location: eastern side of Offset Area 1 (Terrestrial) peninsula/headland to north

Direction: West

Date photo taken: 14 February 2023

Description: Infestation of Toowoomba Canary-grass and Bristly Ox-tongue, and supplementary planting location (with jute matting)



Photopoint 2a, Offset Area 1

Location: 37°41'6.74"S, 144°57'39.72"E

Description of location: At north-east boundary of Offset Area 1 (Terrestrial Area).

Direction: North

Date photo taken: 14 February 2023

Description: Dead Artichoke Thistle and Horehound in Offset Area 2.



Photopoint 2b, Offset Area 1

Location: 37°41'6.74"S, 144°57'39.72"E

Description of location: At north-east boundary of Offset Area 1 (Terrestrial Area).

Direction: South

Date photo taken: 14 February 2023

Description: Offset Area 1 wetland, infestation of Artichoke Thistle, Wild Mustard and Wild Oat, and supplementary planting locations (with jute matting)



Photopoint 2c, Offset Area 1

Location: 37°41'6.74"S, 144°57'39.72"E

Description of location: At north-east boundary of Offset Area 1 (Terrestrial Area).

Direction: East

Date photo taken: 14 February 2023

Description: Frog exclusion fencing around Offset Area 1, and infestation of Artichoke Thistle, Wild Mustard and Wild Oat.



Photopoint 2d, Offset Area 1

Location: 37°41'6.74"S, 144°57'39.72"E

Description of location: At north-east boundary of Offset Area 1 (Terrestrial Area).

Direction: West

Date photo taken: 14 February 2023

Description: Offset Area 1 Wetland, frog exclusion fencing around Offset Area 1, and infestation of Artichoke Thistle, Wild Mustard and Wild Oat.



Photopoint 3a, Offset Area 1

Location: 37°41'10.17"S, 144°57'36.73"E

Description of location: Within Offset Area 1 (Terrestrial), just south of the peninsula/headland in the south-west.

Direction: North

Date photo taken: 14 February 2023

Description: Offset Area 1 wetland with submerged rocks and floating (algae), emergent (Common Spike-rush) and fringing vegetation (Wild Oat, Bristly Ox-tongue).



Photopoint 3b, Offset Area 1

Location: 37°41'10.17"S, 144°57'36.73"E

Description of location: Within Offset Area 1 (Terrestrial), just south of the peninsula/headland in the south-west.

Direction: South

Date photo taken: 14 February 2023

Description: Infestation of Artichoke Thistle, Wild Oat, Toowoomba Canary-grass, Wild Mustard, Fennel and Bristly Ox-tongue, and supplementary planting location (with jute matting)



Photopoint 3c, Offset Area 1

Location: 37°41'10.17"S, 144°57'36.73"E

Description of location: Within Offset Area 1 (Terrestrial), just south of the peninsula/headland in the south-west.

Direction: East

Date photo taken: 14 February 2023

Description: Small shrubs and infestation of Artichoke Thistle, Wild Oat, Wild Mustard, and Toowoomba Canary-grass.



Photopoint 3d, Offset Area 1

Location: 37°41'10.17"S, 144°57'36.73"E

Description of location: Within Offset Area 1 (Terrestrial), just south of the peninsula/headland in the south-west.

Direction: West

Date photo taken: 14 February 2023

Description: Offset Area 1 wetland with submerged woody debris, rocks and floating (algae), emergent (Common Spike-rush) and invasive fringing vegetation (Wild Oat, Bristly Ox-tongue, Artichoke Thistle).



Photopoint 4a, Offset Area 1

Location: 37°41'10.84"S, 144°57'38.37"E

Description of location: Within Offset Area 1 (Terrestrial), at southern point of wetland edge.

Direction: North

Date photo taken: 14 February 2023

Description: Offset Area 1 wetland



Photopoint 4b, Offset Area 1

Location: 37°41'10.84"S, 144°57'38.37"E

Description of location: Within Offset Area 1 (Terrestrial), at southern point of wetland edge.

Direction: South

Date photo taken: 14 February 2023

Description: Infestation of Artichoke Thistle, African Box-thorn, Wild Oat, Toowoomba Canary-grass, and Bristly Ox-tongue.



Photopoint 4c, Offset Area 1

Location: 37°41'10.84"S, 144°57'38.37"E

Description of location: Within Offset Area 1 (Terrestrial), at southern point of wetland edge.

Direction: East

Date photo taken: 14 February 2023

Description: Offset Area 1 wetland with submerged rocks and floating vegetation (algae), with invasive fringing vegetation (Kikuyu grass, Wild Oat).



Photopoint 4d, Offset Area 1

Location: 37°41'10.84"S, 144°57'38.37"E

Description of location: Within Offset Area 1 (Terrestrial), at southern point of wetland edge.

Direction: West

Date photo taken: 14 February 2023

Description: Offset Area 1 wetland with floating (algae), emergent *Phragmites sp.* and fringing vegetation (Kikuyu Grass, Wild Oat).



Photopoint 5, Offset Area 4

Location: 37°41'6.60"S, 144°57'37.93"E

Description of location: Northernmost point of Offset Offset Area 1 (Terrestrial), just south of Offset Offset Area 4 boundary

Direction: West

Date photo taken: 14 February 2023

Description: Rabbit warren

Appendix 2 – Fence Design

2a - DCCEEW Approval of fence design

From: William Tan <william.tan@fortedevelopments.com.au>
Sent: Thursday, November 23, 2023 1:32 PM
To: Maginness, Patrick <Patrick.Maginness@dcceew.gov.au>
Subject: RE: Site Visit to 75-135 Bolinda Rd Campbellfield. EPBC 2020/8748. [SEC=OFFICIAL]

Hi Pat,

Hope you are well.

As an update – we will have the report submission to yourself by next week. Our office have been liaising with Jeremy closely, and have been pushing for this to be issued as soon as possible.

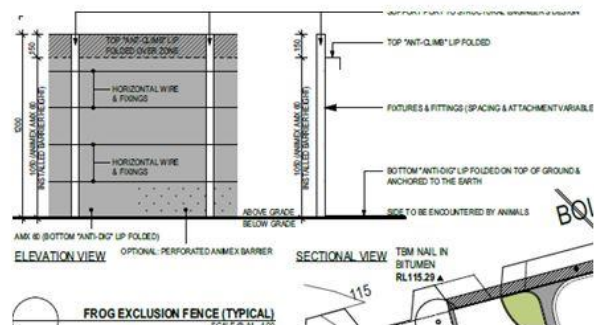
Hopefully that is OK and I'll provide an update as soon as we have it.

On another issue, I just wanted to confirm with the permanent frog fencing, which I have attached link below for the Council endorsed plans which outline the details of the frog fencing.

<https://www.dropbox.com/scl/fo/zgmvfkieunqlet61ry3o/h?rlkey=7aza6mjp57fuom2vett89aluj&dl=0>

Confirming this is OK to proceed given our office, Council's department and Jeremy had extensive discussion about this, and that is have been approved/endorsed. I have attached the extract below and specs of the fencing.

Let me know – thank you.



Kind Regards,



William Tan

Forte Group Pty Ltd
46-50 Keon Parade
Thomastown, VIC 3074
Tel: (03) 9460 5023
Fax: (03) 9460 1295
Mob: 0428 280 168
Email: william.tan@fortedevelopments.com.au
www.fortedevelopments.com.au

Appendix 2b – DCCEEW Approval of Fence Design

From: Maginness, Patrick <Patrick.Maginness@dcceew.gov.au>
Sent: Friday, November 24, 2023 8:03 AM
To: William Tan <william.tan@fortedevelopments.com.au>
Cc: EPBC Monitoring <epbcmonitoring@dcceew.gov.au>
Subject: RE: Site Visit to 75-135 Bolinda Rd Campbellfield. EPBC 2020/8748. [SEC=OFFICIAL]

Hello William
Thanks for your email.

I will check up on the management plans but it appears you have the Council and Ecologists approval to use the fencing so we would not foresee any issues.

I'll be in touch and look forward to any submissions you have.

Best regards

Patrick Maginness
Senior Compliance Officer – Approvals Compliance Section
Compliance and Enforcement Branch | Environmental Permitting and Compliance Division
Department of Climate Change, Energy, the Environment and Water
Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600
(GPO Box 3090) ACT 2601 Australia

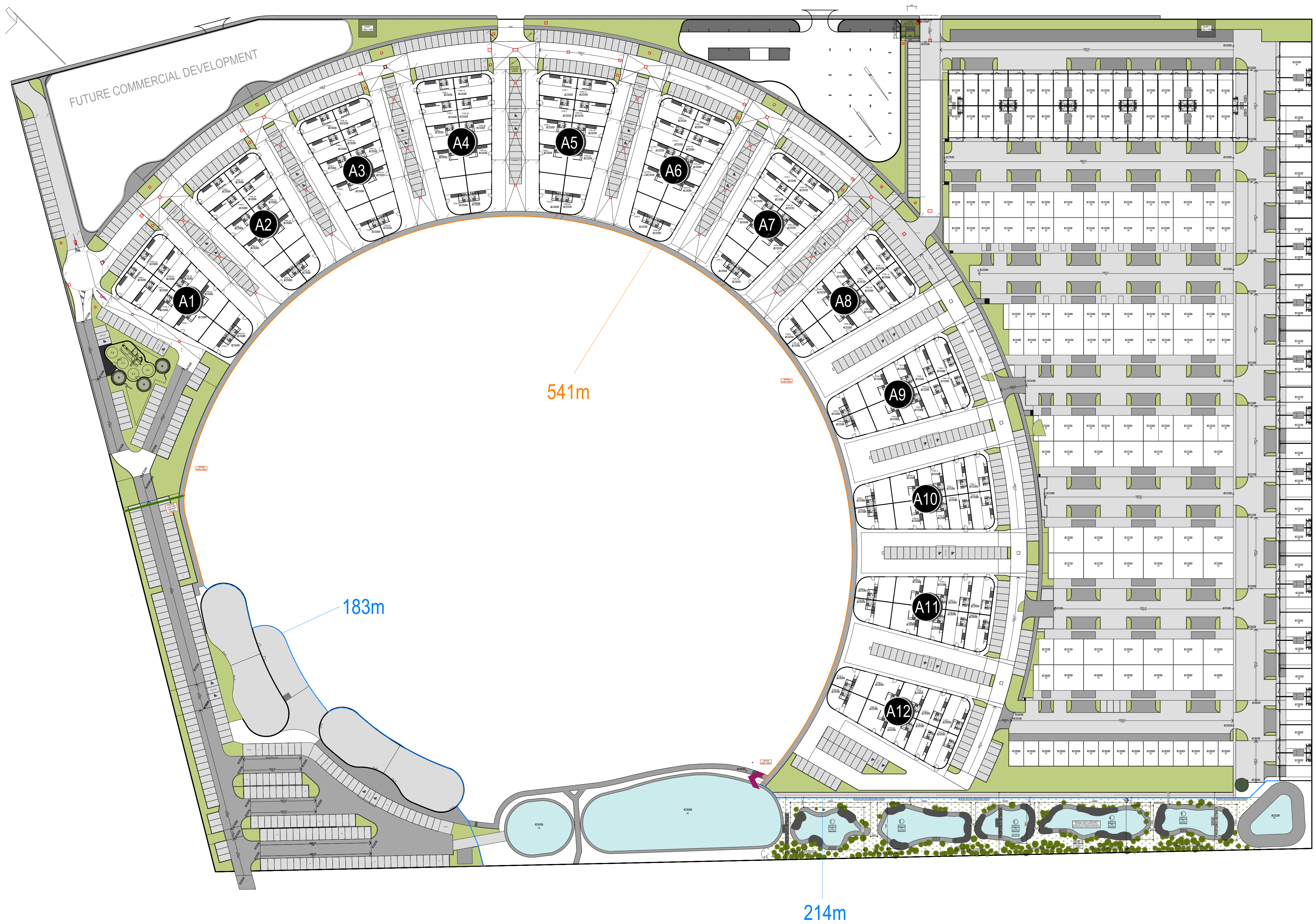
M 0409 617 974
E patrick.maginness@dcceew.gov.au

DCCEEW.gov.au A8N 63 573 932 849

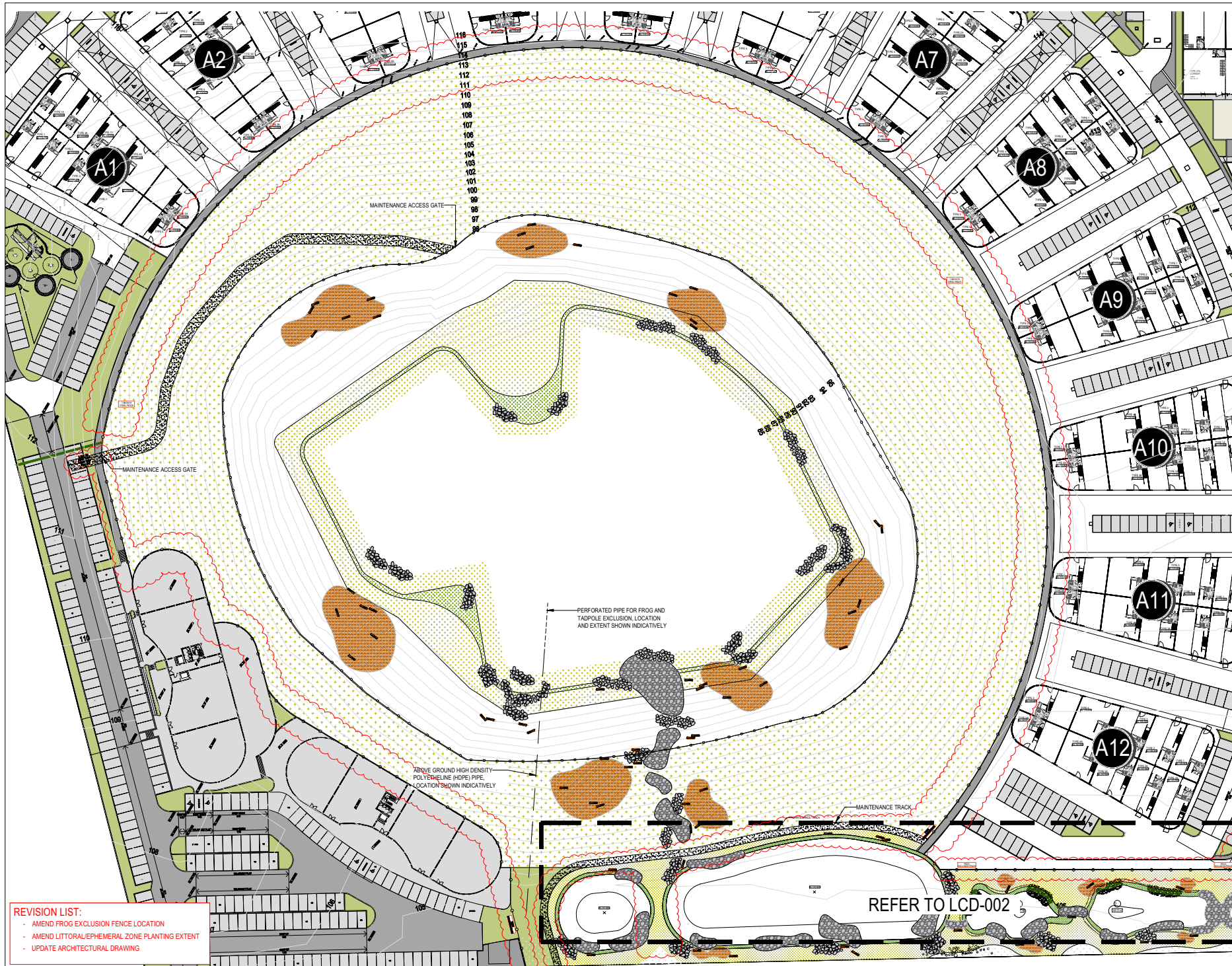


Acknowledgement of Country

Our department recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge Aboriginal and Torres Strait Islander Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.



Appendix 3 – Landscape Plan



WARNING
BEFORE OF UNDERGROUND SERVICES: THE LOCATIONS OF UNDERGROUND SERVICES ARE INDICATIVE ONLY. THEIR EXACT POSITION SHOULD BE PROVIDED ON SITE. SEE B/LCD-001-100.

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. REPORT ALL DISCREPANCIES TO SUPERINTENDENT PRIOR TO CONSTRUCTION. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS. ALL DIMENSIONS MAY NOT BE REPRODUCED OR DISTRIBUTED WITHOUT PRIOR PERMISSION FROM THE LANDSCAPE ARCHITECT.

STATUS
FOR ENDORSEMENT
NOT FOR CONSTRUCTION

NO.	REVISION	DATE
A	FOR ENDORSEMENT	01/04/2021
B	FOR ENDORSEMENT	19/04/2021
C	FOR ENDORSEMENT	24/05/2021
D	FOR ENDORSEMENT	09/12/2021
E	FOR ENDORSEMENT	30/03/2023

- LEGEND**
REFER TO PROPOSED PLANT SCHEDULE ON LCD-003.
- EXISTING GROWING GRASS FROG TERRESTRIAL ZONE - DISPERSAL AND FORAGING HABITAT TO BE RETAINED, PROTECTED AND ENHANCED
 - EXISTING HIGH QUALITY GROWING GRASS FROG TERRESTRIAL ZONE - FORAGING HABITAT TO BE RETAINED, PROTECTED AND ENHANCED
 - NEW FRINGING AND EMERGENT - LITTORAL AND EPHEMERAL ZONE
 - NEW EMERGENT - ENTRY ZONE
 - NEW SUBMERGENT AND FLOATING SUBMERGENT - EMBANKMENT ZONE
 - NEW WETLAND DEEP WATER ZONE
 - NEW TERRESTRIAL ZONE - SHORT, MOWN GRASS WITH AN OPEN STRUCTURE (20% MAX COVER), WITH PATCHES OF DENSE TUSsock PLANTING
 - EXISTING QUARRY VOID WATER BODY TO BE RETAINED AND PROTECTED
 - ROCK MATTRESSING PILES
 - AREA OF LARGE WOODY DEBRIS (WITHIN LITTORAL/EPHEMERAL ZONE)
 - WOOD LOGS/ RECYCLED TIMBER SLEEPERS
 - LARGE CONCAVE ROCKS (300-1500mm DIAMETER)
 - SMALL CONCAVE ROCKS (3-5 BOULDERS /m²)
 - SEDIMENT/FROG EXCLUSION FENCING TO BE INSTALLED AROUND THE PERIMETER OF THE VOID AREA
 - TEMPORARY FROG EXCLUSION FENCING
 - PROPOSED FOOTPATH
 - EXTENT OF MAINTENANCE ACCESS PATH

Level 4, 136 Exhibition Street
Melbourne VIC 3000
Tel. +61 3 9654 8844
Fax. +61 3 9654 8088
Email info@hansenpartnership.com.au
Web www.hansenpartnership.com.au

hansen
CLIENT
BOLINDA PLACE PTY LTD ATF
BOLINDA PLACE UNIT TRUST

PROJECT
75-135 Bolinda Road
Campbellfield

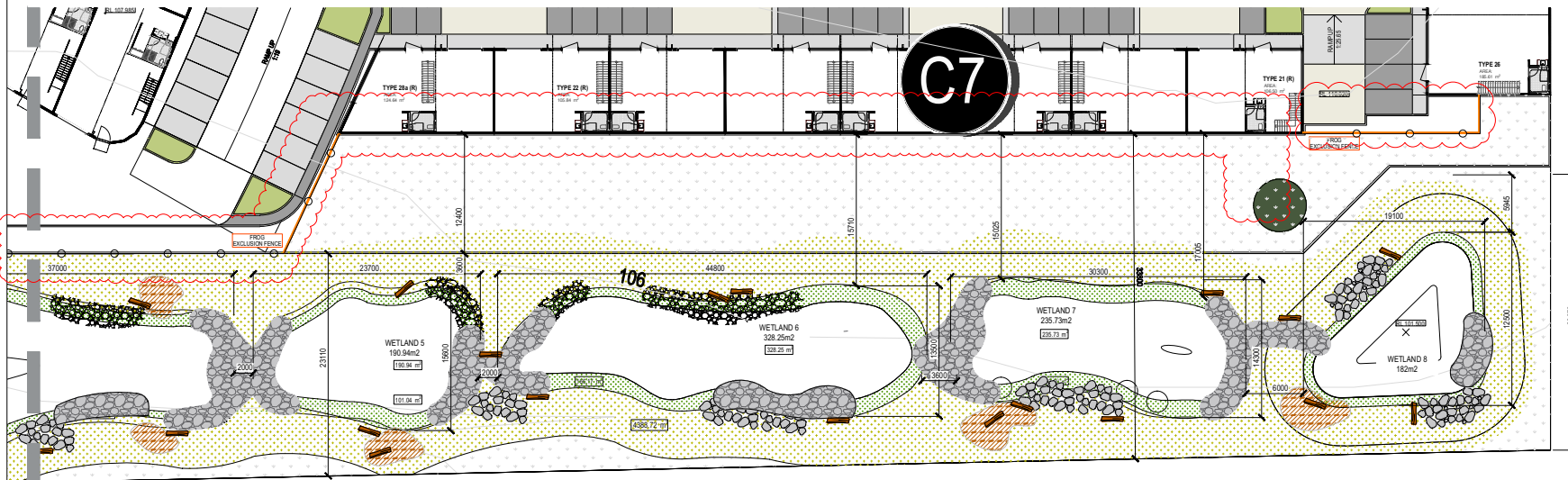
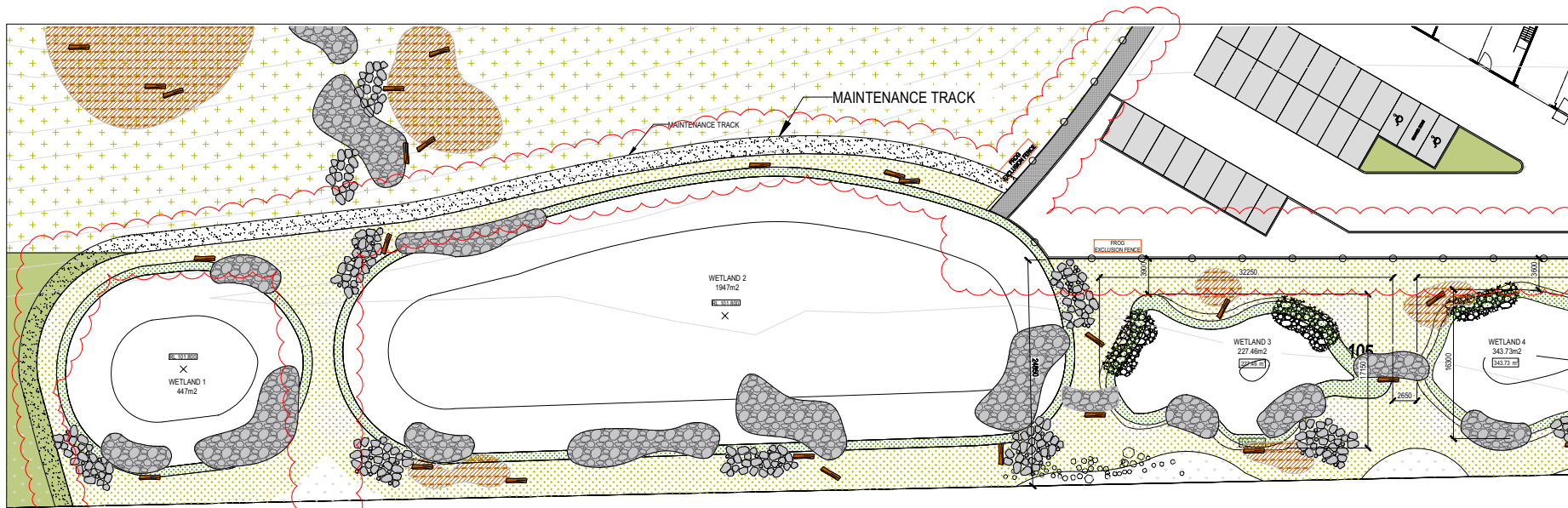
DRAWING TITLE
QUARRY VOID
LANDSCAPE PLAN

DRAWN BY CS
CHECKED BY CS
SCALE A1 1:500 A3 1:1000
PLOT DATE 2019.417
JOB NUMBER 2019.417
CLIENT REF -

DRAWING NUMBER
LCD-001
REV
E

- REVISION LIST:**
- AMEND FROG EXCLUSION FENCE LOCATION
 - AMEND LITTORAL/EPHEMERAL ZONE PLANTING EXTENT
 - UPDATE ARCHITECTURAL DRAWING

REFER TO LCD-002



- REVISION LIST:**
- AMEND FROG EXCLUSION FENCE LOCATION
 - AMEND TERRESTRIAL ZONE PLANTING EXTENT
 - UPDATE ARCHITECTURAL DRAWING

ROCK PILE NOTES:

- ROCK PILES AT LEAST ONE METRE DEEP MUST BE CONSTRUCTED ADJACENT TO THE WETLAND MARGIN USING A VARIETY OF ROCK SIZES BETWEEN 10CM - 1M IN DIAMETER.
- ROCK PILES INADJACENT TO THE DISPERSAL CORRIDOR PONDS SHOULD BE STACKED HIGH (1-1.5M).

WARNING

BEWARE OF UNDERGROUND SERVICES: THE LOCATIONS OF UNDERGROUND SERVICES ARE INDICATIVE ONLY. THEIR EXACT POSITION SHOULD BE PROVIDED ON SITE. SEE SA 100.000 PH 100.

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. REPORT ALL DISCREPANCIES TO SUPERINTENDENT PRIOR TO CONSTRUCTION. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS. ALL DIMENSIONS MAY NOT BE REPRODUCED OR DISTRIBUTED WITHOUT PRIOR PERMISSION FROM THE LANDSCAPE ARCHITECT.

STATUS

FOR ENDORSEMENT
NOT FOR CONSTRUCTION

NO.	REVISION	DATE
A	FOR ENDORSEMENT	01/04/2021
B	FOR ENDORSEMENT	19/04/2021
C	FOR ENDORSEMENT	24/05/2021
D	FOR ENDORSEMENT	09/12/2021
E	FOR ENDORSEMENT	28/03/2023

LEGEND

REFER TO PROPOSED PLANT SCHEDULE ON LCD-003.

- EXISTING GROWING GRASS FROG TERRESTRIAL ZONE - DISPERSAL AND FORAGING HABITAT TO BE RETAINED, PROTECTED AND ENHANCED
- EXISTING HIGH QUALITY GROWING GRASS FROG TERRESTRIAL ZONE - FORAGING HABITAT TO BE RETAINED, PROTECTED AND ENHANCED
- NEW FRINGING AND EMERGENT - LITTORAL AND EPHEMERAL ZONE
- NEW EMERGENT - ENTRY ZONE
- NEW SUBMERGENT AND FLOATING - SUBMERGENT - EMERGENCY ZONE
- NEW WETLAND DEEP WATER ZONE
- NEW TERRESTRIAL ZONE - SHORT, MOWN GRASS WITH AN OPEN STRUCTURE (20% MAX COVER), WITH PATCHES OF DENSE TUSsock PLANTING
- EXISTING QUARRY VOID WATER BODY TO BE RETAINED AND PROTECTED
- ROCK MATTRESSING PILES
- AREA OF LARGE WOODY DEBRIS (WITHIN LITTORAL/EPHEMERAL ZONE)
- WOOD LOGS/ RECYCLED TIMBER SLEEPERS
- LARGE CONCAVE ROCKS (300-1500mm DIAMETER)
- SMALL CONCAVE ROCKS (3-5 BOULDERS / m²)
- SEDIMENT FROG EXCLUSION FENCING TO BE INSTALLED AROUND THE PERIMETER OF THE NO-GO AREA
- TEMPORARY FROG EXCLUSION FENCING
- PROPOSED FOOTPATH
- EXTENT OF MAINTENANCE ACCESS PATH
- PROPOSED PUMP STATION & UNDERGROUND PUMPING TANK, SHOWN INDICATIVELY

hansen

Level 4, 136 Exhibition Street
Melbourne VIC 3000
Tel. +61 3 9654 8844
Fax. +61 3 9654 8088
Email info@hansenpartnership.com.au
Web www.hansenpartnership.com.au

CLIENT

BOLINDA PLACE PTY LTD ATF
BOLINDA PLACE UNIT TRUST

PROJECT

75-135 Bolinda Road
Campbellfield

DRAWING TITLE

WETLAND CORRIDOR
LANDSCAPE PLAN

DRAWN **CHECKED** **SCALE** **A3**

BY **CS** **1:250** **1:500**

PLOT DATE **JOB NUMBER** **CLIENT REF**

2019.417 -

DRAWING NUMBER **REV**

LCD-002 E



- NO SHRUBS TO BE PLANTED WITHIN 10M OF THE WETLANDS NORMAL WATER LEVEL (OUTER EDGE OF LITTORAL ZONE).
- ALLOW FOR TUSSOCK FORMING SPECIES OF PATCHY DENSE PLANTINGS.
- FROM 10M TO 100M FROM THE WETLAND, NEAR TERRESTRIAL AREAS TO BE SHORT, MOWN GRASS WITH AN OPEN STRUCTURE (20% COVER). LOW GRASS VEGETATION DOES NOT NEED TO BE NATIVE, BUT MOST NOT INCLUDE ANY INVASIVE SPECIES.
- TREES AND/OR LARGE SHRUBS MUST NOT BE PLANTED WITHIN 20M OF THE BANKS OF THE WETLANDS.

Appendix 4 - Section 173 Agreement



Maddocks

Lawyers
Collins Square, Tower Two
Level 25, 727 Collins Street
Melbourne VIC 3008
Australia

Telephone 61 3 9258 3555
Facsimile 61 3 9258 3666

info@maddocks.com.au
www.maddocks.com.au

DX 259 Melbourne

Agreement under section 173 of the Planning and Environment Act 1987

Subject Land: 75-135 Bolinda Road, Campbellfield

Hume City Council
and

Bolinda Place Pty Ltd
ACN 634 729 427



Contents

1. Definitions.....2

2. Interpretation3

3. Purposes of Agreement.....4

4. Reasons for Agreement.....4

5. Agreement required4

6. Owner's specific obligations4

6.1 Offset Area.....4

6.2 Further agreement5

7. Owner's further obligations5

7.1 Notice and registration5

7.2 Further actions5

7.3 Council's costs to be paid5

7.4 Time for determining satisfaction.....5

7.5 Interest for overdue money.....6

7.6 Notification of compliance with Owner's obligations6

8. Agreement under s 173 of the Act.....6

9. Owner's warranties6

10. Successors in title6

11. General matters6

11.1 Notices6

11.2 Counterparts7

11.3 No waiver7

11.4 Severability7

11.5 No fettering of Council's powers7

11.6 Inspection of documents.....7

11.7 Governing law7

11.8 Electronic Execution7

12. Commencement of Agreement.....7

13. Ending of Agreement.....7



Maddocks

Agreement under section 173 of the Planning and Environment Act 1987

Dated 5/7/2022

Parties

Name	Hume City Council
Address	1079 Pascoe Vale Road, Broadmeadows, Victoria
Short name	Council

Name	Bolinda Place Pty Ltd ACN 634 729 427
Address	Level 13, 664 Collins Street, Docklands, Victoria
Short name	Owner

Background

- A. Council is the responsible authority for the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. The Department issued the Approval Decision requiring the Owner to enter into this Agreement providing for the matters set out in conditions 10 and 11 of the Approval Decision
- D. As at the date of this Agreement, the Subject Land is encumbered by a mortgage in favour of the Mortgagee. The Mortgagee consents to the Owner entering into this Agreement.



Maddocks

The Parties agree

1. Definitions

In this Agreement unless the context admits otherwise:

Act means the *Planning and Environment Act 1987*.

Agreement means this Agreement and includes this Agreement as amended from time to time.

Approval Decision means the approval decision by the Department of Agriculture, Water and the Environment, as amended from time to time, dated 8 March 2022, authorising the development of the Subject land for industrial and commercial purposes in accordance in accordance with the EPBC Act.

CPI means the annual Consumer Price Index (All Groups-Melbourne) as published by the Australian Bureau of Statistics, or, if that index number is no longer published, its substitute as a cumulative indicator of the inflation rate in Australia, as determined by Council from time to time.

Current Address means:

- (a) for Council, the address shown on page one of this Agreement, or any other address listed on Council's website; and
- (b) for the Owner, the address shown on page one of this Agreement or any other address provided by the Owner to Council for any purpose relating to the Subject Land.

Current Email means:

- (a) for Council, contactus@hume.vic.gov.au, or any other email address listed on Council's website; and
- (b) for the Owner, any email address provided by the Owner to Council for the express purpose of electronic communication regarding this Agreement.

Department means the Department of Agriculture, Water and the Environment.

Endorsed Plans means the plans endorsed with the stamp of Council from time to time as the plans which forms part of the Planning Permit.

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

Indexation means an annual adjustment to the Satisfaction Fee carried out in accordance with CPI.

Mortgagee means the person registered or entitled from time to time to be registered as mortgagee of the Subject Land.

Offset Area/s has the same meaning as in the Approval Decision.

Owner means the person registered or entitled from time to time to be registered as proprietor of an estate in fee simple of the Subject Land and includes a mortgagee-in-possession.

**Maddocks**

Owner's obligations includes the Owner's specific obligations and the Owner's further obligations.

Party or **Parties** means the Parties to this Agreement but does not include a person who has transferred or otherwise disposed of all of their interests in the Subject Land.

Planning Permit means planning permit no. P22917, as amended from time to time, issued on 24 December 2021, authorising the use and development of the Subject Land for warehouses and caretakers dwellings, a childcare centre, a medical centre, retail premises and native vegetation removal in accordance with the Endorsed Plans.

Planning Scheme means the Hume Planning Scheme and any other planning scheme that applies to the Subject Land.

Satisfaction Fee means a fee payable by the Owner to Council for determining whether any one of the Owner's obligations has been undertaken to Council's satisfaction, or for deciding whether to give consent for anything this Agreement provides must not be done without Council's consent, and which is payable at the rate of:

- (c) \$330.70 if paid within 12 months from the date that this Agreement commences; or
- (d) \$330.70 plus Indexation if paid at any time after 12 months from the date that this Agreement commences.

Subject Land means the land situated at 75-135 Bolinda Road, Campbellfield being the land referred to in certificate of title volume 11166 folio 015 and any reference to the Subject Land includes any lot created by the subdivision of the Subject Land or any part of it.

2. Interpretation

In this Agreement unless the context admits otherwise:

- 2.1 the singular includes the plural and vice versa;
- 2.2 a reference to a gender includes all genders;
- 2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law;
- 2.4 any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;
- 2.5 a term used has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act, it has the meaning as defined in the Act;
- 2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;
- 2.7 the Background forms part of this Agreement;
- 2.8 the Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and
- 2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.



Maddocks

3. Purposes of Agreement

The Parties acknowledge and agree that the purposes of this Agreement are to:

- 3.1 give effect to the Planning Permit; and
- 3.2 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

4. Reasons for Agreement

The Parties acknowledge and agree that Council has entered into this Agreement for the following reasons:

- 4.1 Council would not have issued the Planning Permit without the condition requiring this Agreement; and
- 4.2 the Owner has elected to enter into this Agreement in order to take the benefit of the Planning Permit.

5. Agreement required

The Parties agree that this Agreement will continue to be required until the Owner has complied with all of the Owner's obligations.

6. Owner's specific obligations

The Owner covenants and agrees that:

6.1 Offset Area

The Owner must:

- 6.1.1 implement and maintain the Offset Areas in accordance with:
 - (a) the Approval Decision; and
 - (b) the Planning Permit;
- 6.1.2 comply with all Offset Area provisions, requirements and recommendations contained in the Approval Decision, including all works and maintenance required under the Approval Decision:
 - (a) at the full cost of the Owner; and
 - (b) within the timeframes set for carrying out any required action, the action must be carried out without delay having regard to any seasonal requirements; and
- 6.1.3 the Owner must protect and maintain the Offset Area in perpetuity to at least the standard required at the end of any relevant timeframe set out in the Approval Decision;



Maddocks

- 6.1.4 without limiting the generality of the Owner's obligations under clauses 6.1 and 6.2, the Owner must carry out all works necessary to achieve the Offset Areas to the satisfaction of Council and the Department.

6.2 Further agreement

The Owner must enter into an agreement pursuant to section 69 of the *Conservation, Forests and Lands Act 1987* (Vic) within 24 months from the date of the Approval Decision.

7. Owner's further obligations

7.1 Notice and registration

The Owner must bring this Agreement to the attention of all prospective occupiers, purchasers, lessees, licensees, mortgagees, chargees, transferees and assigns.

7.2 Further actions

The Owner:

- 7.2.1 must do all things necessary to give effect to this Agreement;
- 7.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the certificate of title of the Subject Land in accordance with s 181 of the Act; and
- 7.2.3 agree to do all things necessary to enable Council to do so, including:
 - (a) sign any further agreement, acknowledgment or document; and
 - (b) obtain all necessary consents to enable the recording to be made.

7.3 Council's costs to be paid

The Owner must pay to Council within 14 days after a written request for payment, Council's costs and expenses (including legal expenses) relating to this Agreement, including:

- 7.3.1 preparing, drafting, finalising, signing, recording and enforcing this Agreement;
- 7.3.2 preparing, drafting, finalising and recording any amendment to this Agreement;
- 7.3.3 determining whether any of the Owner's obligations have been undertaken to Council's satisfaction; and
- 7.3.4 preparing, drafting, finalising and recording any document to give effect to the ending of this Agreement.

7.4 Time for determining satisfaction

If Council makes a request for payment of a fee under clause 7.3.3; the Parties agree that Council will not decide whether the Owner's obligation has been undertaken to Council's satisfaction until payment has been made to Council in accordance with the request.

**Maddocks****7.5 Interest for overdue money**

7.5.1 The Owner must pay to Council interest in accordance with s 120 of the *Local Government Act 2020* on any amount due under this Agreement that is not paid by the due date.

7.5.2 If interest is owing, Council will apply any payment made to interest and any balance of the payment to the principal amount.

7.6 Notification of compliance with Owner's obligations

The Owner must notify Council of its compliance with all of the Owner's obligations.

8. Agreement under s 173 of the Act

Without limiting or restricting the respective powers to enter into this Agreement, and insofar as it can be so treated, this Agreement is made as a deed in accordance with s 173 of the Act.

9. Owner's warranties

The Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

10. Successors in title

Until such time as a memorandum of this Agreement is recorded on the certificate of title of the Subject Land, the Owner must require successors in title to:

10.1 give effect to this Agreement; and

10.2 enter into a deed agreeing to be bound by the terms of this Agreement.

11. General matters**11.1 Notices**

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

11.1.1 personally on the other Party;

11.1.2 by leaving it at the other Party's Current Address;

11.1.3 by posting it by priority prepaid post addressed to the other Party at the other Party's Current Address; or

11.1.4 by email to the other Party's Current Email.

**Maddocks****11.2 Counterparts**

This Agreement may be executed in counterparts, all of which taken together constitute one document.

11.3 No waiver

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

11.4 Severability

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

11.5 No fettering of Council's powers

This Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.

11.6 Inspection of documents

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

11.7 Governing law

This Agreement is governed by and is to be construed in accordance with the laws of Victoria.

11.8 Electronic Execution

11.8.1 Each Party consents to the signing of this Agreement by electronic means. The Parties agree to be legally bound by this Agreement signed in this way.

11.8.2 Each Party reserves the right to sign this Agreement by electronic means, including by use of software or an online service for this purpose.

12. Commencement of Agreement

This Agreement commences on the date specified on page one or if no date is specified on page one, the date Council executes this Agreement.

13. Ending of Agreement

13.1 This Agreement ends when the Owner has complied with all of the Owner's obligations; or

13.2 The Owner has entered into a further agreement pursuant to clause 6.2.



Maddocks

- 13.3 After this Agreement has ended, Council will, at the Owner's written request, apply to the Registrar of Titles under s 183(1) of the Act to cancel the record of this Agreement.



Maddocks

Signing Page

Signed, sealed and delivered as a deed by the Parties.

Signed by and on behalf, and with the authority, of)
the **Hume City Council** by Danielle Kos, Acting)
Manager Statutory Planning & Building Control)
Services, in the exercise of a power conferred by)
an Instrument of Delegation, in the presence of:)
)

DocuSigned by:
Danielle Kos
A1D0AF7EE6B44C2.....

DocuSigned by:
Christopher Bryce
E9D2B851134B4F0.....

Witness

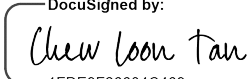
Christopher Bryce
.....
Name of Witness (please print)

This document was witnessed by audio visual link in accordance with the requirements of s12 of the *Electronic Transactions (Victoria) Act 2000*.



Maddocks

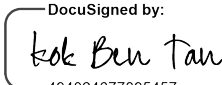
Executed as a deed by **Bolinda Place Pty Ltd ACN)**
634 729 427 in accordance with s 127(1) and s 127(3))
of the *Corporations Act 2001*:

DocuSigned by:

1FDE9F26604C469

Signature of Director

Chew Loon Tan

Print full name

DocuSigned by:

494024677895457

Signature of Director/Company Secretary

Kok Ben Tan

Print full name



Maddocks

Mortgagee's Consent

National Australia Bank Ltd as Mortgagee under instrument of mortgage no. AU080531V consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

.....

Land Titles Office
2 Lonsdale Street
MELBOURNE

Certificate of Title Volume 11166 Folio 015
Registered Proprietor/s: Bolinda Place Pty Ltd

Dated this 22nd day of JUNE

MICHAEL MOUNSEY.

Attorney

Sum

Signature of Witness



Appendix 5 – Compliance records from Mark Huang (email)

RE: Site Visit to 75-135 Bolinda Rd Campbellfield. EPBC 2020/8748. [SEC=OFFICIAL] -...



Mark Huang <mark.huang@fortedevel>

To Sarah Hill; William Tan

Cc Jeremy Coyne

Retention Policy 7 Year Delete (Allow Recovery) (7 years)

Expires 20/08/2031



Wed 2:06 PM

Hi Sarah,

Please see below for additional data

Activity	Performed by	Start	End
GGF Salvaging and Relocation	Ecology and Heritage Partners	Commenced 13 April 2022	Completed 29 June 2022
Rock beaching	Starbuck	Commenced 22/4/2022	Completed 22/5/2022
Jute mat laying	Forte and Starbuck	Commenced 15/6/2022	Completed 29/6/2022
Weed Control Spraying	Australian Ecosystems	Commenced 11 November 2022	Ongoing, maintenance
Frog Fence Installation	Advanced Group	Initial Installation December 2022	Ongoing (repairs as needed)
Hiko/tube stock planting	Australian Ecosystems	Commenced June 2023	Ongoing (replanting of dead plants)
Brush cutting of high grass	Australian Ecosystems	Commenced October 2023	Ongoing (maintenance)
Chain sawing of large trees	Australian Ecosystems	February 2024	Once-off

The work majority of work done was in Offset area 4.

Thank you,

Mark



Mark Huang

Forte Group Pty Ltd

46-50 Keon Parade

Thomastown, VIC 3074

Tel: (03) 9460 5023

Fax: (03) 9462 1295

Mob: 0478 655 750

Email: mark.huang@fortedevelopments.com.au

www.fortedevelopments.com.au

Appendix 6 - EPBC Act Condition Variation

Appendix 6a – EPBC Act Variation request to DCCEEW (email)

From: Sarah Hill <shill@ehpartners.com.au>

Sent: Monday, 5 August 2024 16:09

To: Post Approval <PostApproval@dcceew.gov.au>

Cc: Jeremy Coyne <jcoyne@ehpartners.com.au>

Subject: Request for Variation to EPBC Referral for 75-135 Bolinda Road Campbellfield, Victoria (EPBC 2020/8748) - 13138

You don't often get email from shill@ehpartners.com.au. [Learn why this is important](#)

Good afternoon,

On behalf of Forte Group Pty Ltd, as the proponent of 75-135 Bolinda Road Campbellfield, please find attached letter request for a variation to Referral 2020/8748 (attached for reference).

Please advise if any additional information is required in order for this request to be processed.

We would also appreciate if you could possibly advise expected timeframes regarding a decision on this matter.

Thank you,

Sarah Hill | Zoologist

Ecology and Heritage Partners

T 1300 839 325 | M 0484 949 652 | shill@ehpartners.com.au | www.ehpartners.com.au

Melbourne | Adelaide | Brisbane | Canberra | Geelong | Sydney



Appendix 6b – EPBC Variation request to DCCEEW (PDF)

EPBC Post Approvals Section

Department of Climate Change, Energy, the Environment and Water
GPO Box 858
Canberra ACT 2601

Via email: postapproval@dcceew.gov.au

Date: 05 August 2024

Our reference: 13138

To whom it may concern,

Re: Request for Variation to EPBC Referral for 75-135 Bolinda Road Campbellfield, Victoria (2020/8748)

On behalf of Forte Group Pty Ltd, as the proponent of 75-135 Bolinda Road Campbellfield, Victoria, the following is a request for a variation to Referral 2020/8748.

Context

The property located at 75-135 Bolinda Road Campbellfield, Victoria is proposed for a commercial development by Forte Group Pty Ltd (the proponent). The site is proposed to be developed in nine stages. A project referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) covering the proposed commercial development was submitted to DAWE on 10 August 2020 and deemed a 'Controlled Action' on 4 September 2020 with reference to significant impacts to foraging and dispersal habitat for the extant Growling Grass Frog *Litoria raniformis* population.

High quality Growling Grass Frog breeding habitat is present within the study area in the form of a large open waterbody at bottom of the former quarry pit. A resident population of the species is known to occur in this area. The resident population constitutes an 'important population' in accordance with the significant impact guidelines for the species. Based on the proposed action, all areas of high-quality breeding, foraging habitat will be retained. Only degraded and low-moderate quality terrestrial habitat that may occasionally be used for a small number of frogs during foraging and dispersal activities will be impacted. The development of the surrounding area will create a barrier to movement between the quarry waterbody and Merri Creek to the East.

To mitigate against the potential impacts (i.e. impact to terrestrial habitat and isolation) to the resident Growling Grass Frog population, habitat creation and improvement will be undertaken within the study area in four distinct offset areas. A development plan has been prepared as part of the planning permit application for the proposed commercial development, and this plan includes the provision of a dedicated movement corridor that will be constructed to facilitate frog dispersal between the quarry void and Merri Creek. High-quality habitat within the quarry void and associated dispersal corridors within the study area will be retained and enhanced through the provision of supplementary habitat and the construction of an

unbroken series of waterbodies constructed along the length of the dispersal corridor to allow unimpeded frog dispersal. These waterbodies have been designed and will be constructed taking into consideration DEECA's *Growling Grass Frog Habitat Design Standards*.

Accordingly, Ecology and Heritage Partners Pty Ltd were commissioned by Forte Group Pty Ltd to prepare a Growling Grass Frog Conservation Management Plan (GGFCMP). This GGFCMP provides a detailed plan for the management of the existing Growling Grass Frog population and associated habitats within the study area during pre-development, development, and post-development stages. As part of the implementation of the GGFCMP, appropriate population and habitat monitoring schedules must be implemented to assess the impact of the development and/or monitor the suitability of the site's management regime. Baseline (i.e. Year 0) and Year 1 monitoring was undertaken as outlined in the GGFCMP to ensure compliance with the EPBC Act approval conditions (2020/8748).

Construction of the proposed movement corridor has not yet been commenced due to changes in the construction schedule for Stages 2 and 3. Condition 3(f) of the approval states that the approval holder must:

"ensure the habitat enrichment activities at Offset Area 2 and Offset Area 3 are completed within 24 months of the date of this approval decision."

Due to unforeseen delays in the construction of Stage 1 and 2, habitat improvement works within the proposed movement corridor (i.e. Offset Area 2 and 3) could not be completed within the approved 24-month timeframe. It is important that the construction of this movement corridor (i.e. Offset Areas 2 and 3) complies with the GGFCMP and occurs from development Stage 2 onwards, as per the following management action stipulated in the GGFCMP:

"The habitat corridor will be constructed during the early stages (i.e. from Stage 2 onwards) of the development to allow frogs to naturally colonise the wetlands during the species active season."

As such, it has become apparent that the approval condition specifying this deadline requires a minor amendment to allow the Construction of Offset Areas 2 and 3 to occur in accordance with the updated development schedule. The proposed variation is described below.

Variation Details

The proposed variation involves a 27-month extension (from 24 months to 51 months) to complete the construction of Offset Area 2 and 3 by 8 June 2026, in order to comply with Approval Condition 3.f. This delay in the movement corridor construction is important to achieve compliance with the GGFCMP management actions, as Offset Areas 2 and 3 should only be constructed once Stage 2 Construction Works commence (as per the approved GGFCMP). Constructing this habitat corridor from Stage 2 onwards will provide an important link with Merri Creek and allow frogs to naturally colonise the wetlands during the species active season, whilst Stage 2 construction works occurring within the eastern portion of the study area will be fenced off to prevent Growling Grass Frog access into the construction area. Until Stage 2 construction commences within this eastern portion, there will be no impacts to existing Growling Grass Frog habitat in this area and there are currently no barriers to the species' movement between Offset Area 1 and the surrounding area to the east, therefore allowing continued access to Merri Creek.

This request for variation is based on the practical requirements of the proposed activity and is not expected to impede the mitigation and rehabilitation measures proposed in the approved GGFCMP. On the contrary, this variation will facilitate compliance with the objectives and management actions outlined in the endorsed GGFCMP.

If you have any queries regarding this request for variation or require any further documentation, please do not hesitate in contacting me.

Yours sincerely,

A handwritten signature in black ink, appearing to read "S Hill".

Sarah Hill

Zoologist

Ecology and Heritage Partners Pty Ltd

Appendix 7 – Notification of Non-compliance (Offset area 2 and 3 delay), and Provision of Yr1 report, s173 and shapefiles to DCCEEW (Pat M)

RE: Site Visit to 75-135 Bolinda Rd Campbellfield. EPBC 2020/8748. [SEC=OFFICIAL]

Jeremy Coyne <jcoyne@ehpartners.com.au>

To: Patrick MAGINNESS; William Tan; Mark Huang

Cc: epbcmmonitoring; Stewart WARD

2020-8748 - CR-23-003090 - 240108 - Bolinda Rd - Warning-signed.pdf
89 KB

13138_EHP_Year1 Compliance Final _21122023.pdf
6 MB

Section 173 agreement for 75-135 Bolinda Road, Campbellfield.pdf
275 KB

EHP13138 DWG 08-04-2022.zip
22 KB

↩ Reply
↩ Reply All
→ Forward

⋮

Fri 23/02/2024 2:18 PM

Some people who received this message don't often get email from jcoyne@ehpartners.com.au. [Learn why this is important](#)

Hi Patrick,

Please see attached documents and shapefiles. I believe these will satisfy items A to E of the attached letter request, however please let me know if you need more information to satisfy item D.

William should be able to provide a link shortly showing the final report published on the website as per condition F.

As covered in the attached Year 1 report, construction of the proposed movement corridor has not yet been commenced due to changes in the construction schedule for stages 2 and 3. Condition 3.f of the approval states that the approval holder must:

"ensure the habitat enrichment activities at Offset Area 2 and Offset Area 3 are completed within 24 months of the date of this approval decision."

Due to unforeseen delays in the construction of stage 1 and 2, the proponent requests a 15 month extension (from 24 months to 39 months) to complete the construction of offset area 2 and 3 in order to comply with this condition.

Monitoring of the offset site has continued through the 2023/24 Growling Grass Frog active season, and the species has been confirmed to be breeding in the wetland again this year. The report summarising the monitoring and progress of the action will be completed within the next 4-6 weeks, following further site visits during suitable conditions to observe the species.

Please let me know if there is anything else you require to satisfy the attached letter.

Kind regards,

Jeremy

Jeremy Coyne | Natural Heritage Team Leader / Zoologist

Ecology and Heritage Partners

T 1300 839 325 | M 0407 364 001 | jcoyne@ehpartners.com.au | www.ehpartners.com.au

Melbourne | Adelaide | Brisbane | Canberra | Geelong | Sydney



Appendix 8 – Water Level Gauge installed in Offset Area 1 Wetland



Appendix 9 – Warning Letter from Stewart Ward (Potential Breach of EPBC Approval Conditions – 11/04/2023)



Our reference: EPBC 2020/8748

Email: epbcmonitoring@dcceew.gov.au

William Tan
Forte Group Pty Ltd
46-50 Keon Parade
Thomastown. VIC. 3074

Dear Mr Tan,

Potential Breach of Approval Conditions attached to EPBC 2020/8748.

I am writing in relation to the 75-135 Bolinda Road Commercial Development, Campbellfield Vic, which was approved on March 8th, 2022, under the *Environment Protection and Biodiversity Conservation Act 1999*¹ (EPBC Act), with 33 conditions (EPBC 2020/8748).

Routine monitoring by the Department has identified evidence that suggests that sometime between 19 February 2022, and 23 May 2022 work commenced on the project site.

To assist the Department of Climate Change, Energy, the Environment and Water (department) in understanding the nature of the actions undertaken and the status of the approval, such as compliance with conditions, I am seeking information including:

A written response from you to each of the Approval Conditions, as listed in the table below, demonstrating Compliance with the Condition.

Condition Number	Actual condition requirement.	Compliance status
14	The Approval Holder must notify the department in writing of the date of commencement of the action , within 10 business days after the commencement of the action .	No written evidence provided to Department to date.
10	Prior to the commencement of the action the Offset Area must be secured through a section 173 or section 69 agreement under the Vic Planning and Environment Act 1987, or alternatively, through a Trust for Nature Covenant under the Vic Conservation Trust Act 1972	No written evidence provided to the Department that Approval Holder has secured offset via appropriate legal mechanism.

¹ The EPBC Act is available online at: <https://www.dcceew.gov.au/environment/epbc/our-role>

Condition Number	Actual condition requirement.	Compliance Status
11	If the action is secured through a section 173 agreement under the Victorian <i>Planning and Environment Act 1987</i> prior to the commencement of the action , the approval holder must register on the relevant title/s a section 69 agreement under the Victorian <i>Planning and Environment Act 1987</i> or a Trust for Nature covenant under the Victorian <i>Conservation Trust Act 1972</i> , within 24 months of the date of this approval decision. The Section 173 agreement, if applied, must remain in place until another form of protection identified in this condition is registered on the relevant title/s.	No written evidence provided to the Department that Approval Holder has secured offset via appropriate legal mechanism.
12	Within 10 business days of the Offset area being secured in accordance with Conditions 10 and/or 11, the Approval Holder must provide the department with: a – written evidence of the entire Offset area having been secured. b – shapefiles and offset attributes for the Offset area .	No written evidence provided to Department to date.
15	The Approval Holder must notify the department in writing on the date on which the habitat enrichment activities at the Offset area are completed, within 10 business days of the habitat enrichment activities at the Offset area being completed.	No written evidence provided to Department to date.
17	The approval holder must maintain accurate and complete compliance records .	Require evidence this is the case.
18	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	

Section 142 of the Act requires an approval holder to comply with conditions attached to an approval. Penalties may apply to approval holders who contravene conditions. The information supplied to the department will be used to assist the department in determining if the approval conditions have been met, and what enforcement measures may apply, if any.

Please be aware that the Act places a duty upon persons to provide accurate information in response to a requirement attached to the Act. You may choose to obtain independent legal advice in relation to any concerns you may have relating to potential non-compliance with the Act.

Please submit your response by email to epbmonitoring@dcceew.gov.au within two weeks of the date of this letter.

For further information relating to this matter please contact Patrick Maginness on patrick.maginness@dcceew.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to be 'Stewart Ward', with a stylized initial 'S' and a trailing flourish.

Stewart Ward
Assistant Director
Environmental Audit
11 April 2023

Appendix 10 - Letter of Commencement

Appendix 10a – Letter of Commencement provided to DCCEEW (Patrick Maginness)

RE: Site Visit to 75-135 Bolinda Rd Campbellfield. EPBC 2020/8748. [SEC=OFFICIAL]



Sarah Hill

To Patrick MAGINNESS

Cc Jeremy Coyne; william.tan@fortedevelopments.com.au; epbcmonitoring

Retention Policy 7 Year Delete (Allow Recovery) (7 years)

Expires 4/07/2031

 You replied to this message on 8/07/2024 4:31 PM.



5/07/2024



Hi Pat,

Thank you for your detailed response and advice.

On behalf of Forte Group Pty Ltd, in order to satisfy Condition 14 of the approval, please find attached an official **Letter of Commencement**. The action commenced on Wednesday 13 April 2022.

We are currently in the process of updating the Year 1 Annual Compliance Report. We acknowledge that the final version of this report is significantly overdue and will submit this as soon as possible. This report will include the table of compliance and advise all non-compliances.

We will promptly contact the Post Approvals section to request a variation to Condition 3(f) for the extended construction timeframes of Offset Area 2 and 3.

Can this variation request be submitted to PostApproval@dcceew.gov.au in a letter format? Are there any additional requirements?

Kind regards,

Sarah Hill | Zoologist

Ecology and Heritage Partners

T 1300 839 325 | M 0484 949 652 | shill@ehpartners.com.au | www.ehpartners.com.au

Appendix 10b – Letter of Commencement

EPBC Monitoring

Department of Climate Change, Energy, the Environment and Water
GPO Box 858
Canberra ACT 2601

Via email: EPBCmonitoring@dcceew.gov.au

Date: 5 July 2024

Our reference: 13138

To whom it may concern,

Re: Notification of Commencement of the Action at 75-135 Bolinda Road Campbellfield, Victoria (EPBC 2020/8748)

On behalf of Forte Group Pty Ltd, as the proponent of 75-135 Bolinda Road Campbellfield, Victoria (EPBC 2020/8748) and in accordance with Condition 14 of the approval, please accept this letter as formal notification that the action commenced on Wednesday 13 April 2022.

We note that the timeframe to report commencement of the action is 10 business days from the commencement of the action. It is therefore acknowledged that this official letter notification has been provided to the Department outside the timeframe stipulated within Condition 14 of the approval.

Please don't hesitate to contact me via shill@ehpartners.com.au if you have any questions regarding this correspondence or the project.

Kind regards,

Sarah Hill



Zoologist

Ecology and Heritage Partners Pty Ltd

Appendix 11 – Warning Letter from Thomas Smith (Potential Breach of EPBC Approval Conditions – 08/01/2024)



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Our reference: EPBC 2020/8748

Email: EPBCmonitoring@environment.gov.au

William Tan
Managing Director
Forte Developments
46-50 Keon Parade
Thomastown Victoria 3074.

Dear William,

**Contravention of *Environment Protection and Biodiversity Conservation Act 1999* for
EPBC 2020/8748.**

As you are aware, the Department of Climate Change, Energy, the Environment, and Water (the department) has been conducting inquiries into a potential contravention of section 142 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act); specifically, a potential breach of conditions attached to the EPBC 2020/8748 approval.

After reviewing a range of information including the information you have provided, the department has formed the view that a **contravention of conditions 9, 10, 14 and 21** have been substantiated.

Section 142 of the EPBC Act requires an approval holder to comply with conditions attached to an approval. Penalties may apply to approval holders who contravene conditions.

After careful consideration, the department has determined that Forte Group Pty Ltd will be issued warnings with respect to these contraventions of section 142 of the EPBC Act on the provision the following information is provided to the department with 30 business days of the date of this letter:

- a) **The 2023 Growling Grass Frog annual report** pursuant to condition 9, detailing the results of population and habitat monitoring specified in the Growling Grass Frog Conservation Management Plan;
- b) **Written evidence demonstrating Offset Area 1 (Wetland), Offset Area 1 (Terrestrial), Offset Area 2, Offset Area 3 and Offset Area 4 (the offset area) have been secured;**
- c) **Shapefile(s) of the offset area** containing a unique instance of each '.shp', '.shx', '.dbf' and '.prj' files, and accompanied by an '.xml' metadata file that describes the shapefile;
- d) **Offset attribute information, including physical address, boundary point coordinates and protected matter information;**
- e) A discrete written notification of the exact date of commencement of the action pursuant to condition 14; and
- f) **Written notification that an annual compliance report for the 12 month period following commencement of the action, has been published on a website attributed to Forte Group Pty Ltd, including a link to the published report.**

This letter will serve as the warning notice and finalise the compliance matter in relation to conditions 9, 10, 14 and 21 provided the above information is submitted to the department via email to epbcmonitoring@dcceew.gov.au within 30 business days of the date of this letter.

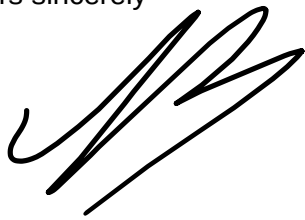
Please note that this matter will be recorded and considered to be part of your environmental history and may be considered in any future dealings with the department in relation to the EPBC Act and environmental matters.

Please ensure that you continue to maintain accurate records of all activities associated with, or relevant to, the conditions of the approval. Such documents and records may be used in the future to verify compliance with the conditions of the EPBC 2020/8748 approval. Annual compliance reports are required for each 12 month period following the date of the commencement of the action, and must be published within 60 business days following the relevant 12 months period.

The Department has an active compliance monitoring program and expects that all requirements of the approval are adhered to. Consistent with our published compliance policy, the department may take this non-compliance into account when determining an appropriate compliance or enforcement response to any future contraventions of the EPBC Act.

Should you have any questions regarding this matter please contact the approvals compliance section via epbcmonitoring@dcceew.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'TS' or similar initials, written in a cursive style.

Thomas Smith
Assistant Director (A/g)
Approvals Compliance Section
8 January 2024.

Appendix 12 – Provision of PD and GGFCMP to DAWE (email)

RE: Preliminary Documentation [SEC=OFFICIAL] (PN13138)



William Tan <william.tan@fortedevelopments.com.au>
To: Jeremy Coyne
Cc: Aaron Organ

[Reply](#) [Reply All](#) [Forward](#) [...](#)

Tue 9/03/2021 4:14 PM

From: Donna Sewell <delivery@spaces.hightailmail.com>
Sent: Thursday, 11 February 2021 12:13 PM
To: [Conor Dwyer@aws.gov.au](mailto:Conor.Dwyer@aws.gov.au)
Subject: Preliminary Documentation

opentext | HIGHTAIL

Donna Sewell has shared 1 file.



1 file • 17.5 MB total • Expires 03/13/2021

"Hi Conor,

On behalf of Jeremy Coyne, please find attached the updated Preliminary Documentation for the Proposed Commercial Development at 75-135 Bolinda Road Campbellfield, Victoria (EPBC 2020/8748). The document also includes the Growling Grass Frog Conservation Management, which has been updated to be consistent with the habitat improvement and construction detailed in the Preliminary Documentation. Please let me know if you have any comments or questions regarding the document.

Kind regards,
"



[VIEW ALL FILES](#)

Appendix 13 – Provision of initial compliance report to DCCEEW (Patrick Maginness) (email)

From: William Tan <william.tan@fortedevelopments.com.au>
Sent: Thursday, February 29, 2024 10:58 AM
To: Maginness, Patrick <Patrick.Maginness@dcceew.gov.au>; Jeremy Coyne <jcoyne@ehpartners.com.au>; Mark Huang <mark.huang@fortedevelopments.com.au>
Cc: EPBC Monitoring <epbcmonitoring@dcceew.gov.au>; Glover, Kimberly <Kimberly.Glover@dcceew.gov.au>
Subject: RE: Site Visit to 75-135 Bolinda Rd Campbellfield. EPBC 2020/8748. [SEC=OFFICIAL]

Hi Patrick,

Hope you are well!

As per Jeremy's email, please find attached in link to the report below on our website:

[Cade Business Park | Forte Group \(fortedevelopments.com.au\)](https://www.fortedevelopments.com.au/Cade-Business-Park-Forte-Group)

Let me know if you need anything else.

Thank you.

Kind Regards,



William Tan

Forte Group Pty Ltd
46-50 Keon Parade
Thomastown, VIC 3074
Tel: (03) 9460 5023
Fax: (03) 9462 1295
Mob: 0425 260 138
Email: william.tan@fortedevelopments.com.au
www.fortedevelopments.com.au

Appendix 14 – Bolinda Road Baseline Monitoring Report (Year o)

William Tan
Forte Group Pty Ltd
46-50 Keon Parade
Thomastown, VIC 3074
By email: william.tan@fortedevelopments.com.au

Date: 22 March 2022

Our reference: 13138

Dear William,

Re: Site Monitoring for baseline data and Targeted Surveys for Growling Grass Frog *Litoria raniformis* associated with the commercial development, 75-135 Bolinda Rd, Campbellfield, Victoria

Ecology and Heritage Partners Pty Ltd were commissioned by Forte Group Pty Ltd to prepare a Growling Grass Frog Conservation Management Plan (GGFCMP) for the nationally threatened Growling Grass Frog *Litoria raniformis* for the proposed commercial development at 75-135 Bolinda Road Campbellfield, Victoria (EPBC 2020/8748). To mitigate against the potential impacts (i.e. impact to terrestrial habitat and isolation) to the resident Growling Grass Frog population, habitat creation and improvement will be undertaken within the study area in four distinct offset areas (Figure 2).

As part of the implementation of the GGFCMP, appropriate population and habitat monitoring schedules must be implemented to assess the impact of the development and/or monitor the suitability of the site's management regime (Ecology and Heritage Partners 2022). Section 3.7 of the GGFCMP states:

"water quality monitoring is to be established within the quarry wetland prior to the commencement of construction and at a second site within the movement corridor immediately following the completion of the constructed wetlands. Trigger values are to be established and based on pre-construction water quality within the quarry wetland."

Table 1 shows the results of the habitat assessments and baseline water quality recorded within the offset area 1 (site 1).

Nocturnal Growling Grass Frog surveys were undertaken at four separate sites in the area on 13 January 2022. Surveys were conducted during the species' active season (October - March), in weather conditions considered optimal for detection (i.e. warm and humid, overnight temperature not less than 14°C) and when the species was known to be active elsewhere in the region (Table 2). The survey effort consisted of spotlighting (using a hand-held 30-watt 12-volt spotlight) in and around each of the sites searching for frogs in open water; floating, emergent and fringing vegetation; and under logs and other refuge. The following habitat features were recorded as part of the assessment:

- Waterbody type;
- Visual water quality;

- Flow and depth;
- Overall habitat quality
- Cover of fringing, emergent, floating and submerged vegetation;
- Landscape connectivity; and
- *In situ* water quality using a calibrated Horiba™ multiprobe measuring; dissolved oxygen, pH, electrical conductivity, temperature and total dissolved solids.

Each survey involved spotlighting surveys, call identification, and active searching for adults and metamorphs. More specifically;

- An initial period of five minutes was spent listening to any calling frogs (all species) in and adjacent to habitats;
- The advertisement call was broadcast to elicit a response from any adult males present;
- Surveyors used “Olight” LED hand-held spotlights (up to 1020 lumens/8.4 volts) to locate any calling males on floating vegetation in the waterbody and around the perimeter of waterbodies; and,
- Surveyors actively searched ground-level habitat including surface rocks, underneath hard litter, and at the base of vegetation for frogs.

During the habitat assessments, attributes of the land traversed on foot between sites was also noted for the presence (or otherwise) of suitable dispersal and/or foraging habitat. Results of the habitat and water quality assessment is provided below (Table 1).

Table 1. Habitat assessment results from January 2022.

Site	Waterbody type	Water quality (visual)	Water quality (in situ)	Flow	Capacity full (%)
Site 1 (Within study area)	Offset Area 1	Very Good	Temp: 27.54°C PH: 8.6 EC: 7.99 mS/cm DO: 12.74 mg/L TDS: 5.04 g/L	Still	100
Site 2	Somerset Road Drain, Pond 1	Poor	Temp: 22.62°C PH: 9.10 EC: 3.98 mS/cm DO: 15.58 mg/L TDS: 2.55 g/L	Still	80
Site 3	Somerset Road Drain, Pond 2	Poor	Temp: 26.12°C PH: 8.33 EC: 3.50 mS/cm DO: 16.56 mg/L TDS: 2.24 g/L	Still	80
Site 4	Merri Creek, East of Somerset Road Drain	Moderate	Temp: 25.89°C PH: 7.85	Moderate	40

			EC: 2.52 mS/cm DO: 9.55 mg/L TDS: 1.61 g/L		
--	--	--	--	--	--

The habitat assessment identified that high quality habitat for Growling Grass Frog is present within the study area by means of a large waterbody at the base of the quarry void. The waterbody provides a large, open and permanent area of water that supports varying levels of fringing and emergent aquatic vegetation (Plate 1). A healthy population of Growling Grass Frog were observed within the waterbody at offset area 1 (Table 3), along with multiple tadpoles and metamorphs of varying stages of development, confirming that the waterbody is being utilised by the species for breeding purposes (Plate 2).

Sites 2-4 were found to have varying habitat quality, with Summerset Drain (sites 2 and 3) containing very poor quality water which smelled strongly of petrol or diesel at the time of the survey (Plate 4). A report was submitted to the Environment Protection Authority by phone following this observation.



Plate 1. Vegetation and suitable habitat present within offset area 1 (site 1) (Ecology and Heritage Partners Pty Ltd 13/02/2022).

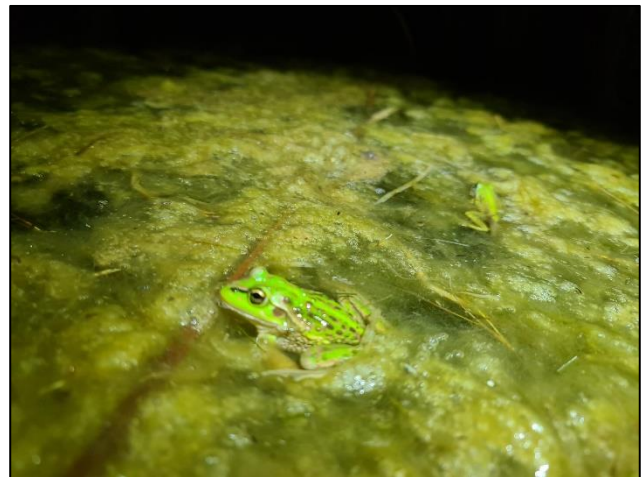


Plate 2. Growling Grass Frog and Matamorph observed together within offset area 1 (site 1) (Ecology and Heritage Partners Pty Ltd 13/02/2022).



Plate 3. Low turbidity and good coverage of submerged aquatic vegetation within offset area 1 (site 1) (Ecology and Heritage Partners Pty Ltd 13/02/2022).



Plate 4. Site 2 where strong fuel fumes were detected (Ecology and Heritage Partners Pty Ltd 11/03/2020).

Table 2: Details and weather conditions of the nocturnal Growling Grass Frog surveys

Date	Survey Times	Air temp (°C) Start	Humidity (%)	Wind (0-4)	Post rain	Growling Grass Frog active elsewhere on the survey night
13/01/22	2030 - 1200	27 °C	78%	0	No	Western Treatment Plant

Table 3: Survey results and site observations

Site	GGF Observed	GGF Calling	Tadpoles Observed	Site Notes
Site 1 (Within study area)	57	Yes	7	GGF and tadpoles observed, predominantly smaller (4-5cm) and likely from this years' cohort. Water quality very good with low turbidity and large numbers and diversity of aquatic invertebrates. Some litter observed within and around the waterbody. Floating vegetation almost exclusively algae, with some areas of fringing vegetation in the form of phragmites and environmental weeds such as Kykuyu Grass. No fish observed. Other species observed calling: Spotted Marsh Frog <i>Limnodynastes tasmaniensis</i>
Site 2	No	No	No	Very strong smell of petrol or diesel. Litter present with no sign of aquatic invertebrates. No Frogs observed or heard calling.
Site 3	No	No	No	Very strong smell of petrol or diesel. Litter present with no sign of aquatic invertebrates. No Frogs observed or heard calling.
Site 4	No	No	No	Creek flowing with litter present, likely as a result of recent significant rainfall and stormwater flow. Water quality moderate. Species observed calling: Spotted Marsh Frog <i>Limnodynastes tasmaniensis</i>

Ongoing population and habitat monitoring must be conducted in accordance with the detailed Growling Grass Frog Conservation Management Plan (Ecology and Heritage Partners 2022) to assess any impacts associated with proposed development and to ensure habitat conditions within the study area remain suitable for the species. Monitoring at the quarry waterbody and through the dispersal corridor will be conducted

during the species' active period between September and March following the initial disturbance event, and then once annually (in the active season) for the life of the Conservation Management Plan.

The results of the annual monitoring will be presented in an annual report and provided to the Department of Agriculture Water and the Environment (DAWE). If monitoring suggests an unexplained decline in the population of Growling Grass Frog at the site (i.e. not as a result of prevailing conditions), adaptive management actions will be reviewed and implemented to improve Growling Grass Frog habitat.

Should you have any questions please give me a call on 0407 364 001.

Yours faithfully,



Jeremy Coyne

Zoologist, Natural Heritage Team Leader
Ecology and Heritage Partners

Reference

Ecology and Heritage Partners 2022. Growling Grass Frog *Litoria raniformis* Conservation Management Plan for the Proposed Commercial Development at 75-135 Bolinda Road Campbellfield, Victoria (EPBC 2020/8748). Report prepared for Forte Group Pty Ltd.