

Table 1. Summary of approval conditions

Number	Condition	2015		2016	
		Compliant	Comments	Compliant	Comments
1	<i>The proposed action must not impact on more than 43 hectares of Golden Sun Moth habitat</i>	Compliant	Confirmed Plan of Subdivision shows retention of 12.64 hectares of GSM habitat and 42.38 hectares of loss. This equates to less than the approved amount.	Compliant	Closed out – refer to previous year 2015.
2	<i>With the exception of the associated infrastructure and activities within the preliminary development boundary, commencement of construction must not occur without a secured offset as required by condition 3.</i>	Refer below	Refer below	Refer below	Closed out – refer to previous year 2015 & 2016
3	<p><i>By 31 December 2015, the person taking the action must secure the ‘offset sites’ identified in Appendix A with a covenant under the Planning and Environment Act 1987, and secure another offset to compensate for the loss of up to 43 hectares of Golden Sun Moth habitat. The offset must be:</i></p> <p><i>a) Consistent with the EPBC Act Environment Offsets Policy (October 2012);</i></p> <p><i>b) A secured offset protected in perpetuity; and</i></p> <p><i>Approved by the Department.</i></p>	Compliant	<p>Offsite offset An offsite offset was secured through a third-party offset broker to compensate for the removal of GSM habitat at Rosenthal Estate.</p> <p>The offsite offsets were consistent with the offsets policy and secured in perpetuity.</p> <p>The offsite offset site was approved by the Department on 20th August 2015 and s173 agreement was registered on title protecting the offsite offset for perpetuity by December 2015</p>	Compliant	<p>Offsite offset Closed out – refer to previous year 2015</p>
		Not Compliant	<p>Onsite Offset – Appendix A Planning Permit issued by Council on the 6th October 2015 requiring protection of onsite offsets in perpetuity.</p> <p>Council delays in issuing a suitable S173 Agreement to protect the offsets in perpetuity meant that this did not occur before 31 December 2015.</p>	Compliant	<p>Onsite Offset Appendix A onsite offset secured and protected via a S173 Agreement registered on title by 23 May 2016.</p>
	<i>An offset Management Plan (OMP) must be prepared for the offset sites required by condition 3 and identified in Appendix A. At a minimum the OMP must address for each site:</i>	Compliant	OMP Version 4 was approved on the 20 th August 2015	Compliant	Closed out – refer to previous year 2015.
	<i>a) Baseline information about Golden Sun Moth population data, including results of targeted surveys;</i>	Compliant	OMP approved without baseline due to seasonal timing, approved OMP requires baseline to be undertaken in Year 0.	Compliant	Closed out – refer to previous year 2015
	<i>b) A detailed assessment of the current condition of the site, including current land management practices;</i>	Compliant	Detailed information in the approved OMP.	Compliant	Closed out – refer to previous year 2015
	<i>c) Detailed information about proposed short and long term management measures, including responsible parties, objectives and timeframes;</i>	Compliant	Detailed in the approved OMP.	Compliant	Closed out – refer to previous year 2015
	<i>d) Specific management targets and associated timeframes, including corrective measures if targets are not reached; and</i>	Compliant	Detailed in the approved OMP.	Compliant	Closed out – refer to previous year 2015
	<i>e) Proposed monitoring and reporting measures.</i>	Compliant	Detailed in the approved OMP.	Compliant	Closed out – refer to previous year 2015.
	<i>The OMP must be submitted to the Department at least three months prior to the commencement of works north of Harpers Creek. The OMP must be approved by the Department and implemented no later than 31 December 2015.</i>	Compliant	OMP Version 4 was approved on the 20 th August 2015	Compliant	Closed out – refer to previous year 2015
5	<i>Within 10 business days of the commencement of construction, the person taking the action must advise the Department in writing of the actual date of commencement.</i>	Compliant	<p>Notice of commencement submitted to Department of the Environment on 13th January 2016 confirming commencement of construction to commence post 10 days</p> <p>Department confirmed construction commencement date as 27th January 2016.</p>	Compliant	Closed out – refer to previous year 2015
6	<i>The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plan required by this approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department’s website. The results of audits may also be publicised through the general media.</i>	Compliant	Records have been kept of management actions including Annual Offset Management Plan reports and landowner reports.	Compliant	Records have been kept of management actions including Annual Offset Management Plan reports and landowner reports.
7	<i>Within three months of every 12 month anniversary of the commencement of construction, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published.</i>	Not Compliant	Annual reports were published to the website, but the department was not notified. The proponent was not aware of the format of the ACR requirement.	Not compliant	Annual reports were published to the website, but the department was not notified. The proponent was not aware of the format of the ACR requirement.
8	<i>Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report is submitted to the Minister. The independent auditor must be approved by the Minister and the audit report must address the criteria to the satisfaction of the Minister.</i>	N/A		N/A	
9	<i>If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plan as specified in the conditions, the person taking the action must submit to the Department, for the Minister’s written approval a revised version of that management plan. The varied activity shall not commence until the Minister has approved the varied management plan in writing. The Minister will not approve a varied management</i>	N/A		N/A	

Number	Condition	2015		2016	
		Compliant	Comments	Compliant	Comments
	<i>plan unless the revised management plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan, then it must be implemented in place of the management plan originally approved.</i>				
10	<i>If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities to do so, the Minister may request that the person taking the action make specified revisions to the management plan specified in the conditions and submit the revised management plan for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plan, then the person taking the action must continue to implement the management plan originally approved, as specified in the conditions.</i>	N/A		N/A	
11	<i>If, at any time after 5 years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.</i>	N/A		N/A	
12	<i>Unless otherwise agreed to in writing by the Minister, the person taking the action must publish the management plan referred to in these conditions of approval on their website within 1 month of being approved.</i>	Compliant	OMP was published on website before deadline.	Compliant	Closed out – refer to previous year 2015

Condition #	2017		2018		2019		2020		2021	
	Compliant	Comments	Compliant	Comments	Compliant	Comments	Compliant	Comments	Compliant	Comments
1	Compliant	Closed out – refer to previous year 2015.	Compliant	Closed out – refer to previous year 2015.	Compliant	Closed out – refer to previous year 2015.	Compliant	Closed out – refer to previous year 2015.	Compliant	Closed out – refer to previous year 2015.
2	Compliant	Closed out – refer to previous year 2015	Compliant	Closed out – refer to previous year 2015	Compliant	Closed out – refer to previous year 2015	Compliant	Closed out – refer to previous year 2015	Compliant	Closed out – refer to previous year 2015
3	Compliant	Closed out – refer to previous year 2015 & 2016	Compliant	Closed out – refer to previous year 2015 & 2016	Compliant	Closed out – refer to previous year 2015 & 2016	Compliant	Closed out – refer to previous year 2015 & 2016	Compliant	Closed out – refer to previous year 2015 & 2016
5	Compliant	Notice of commencement submitted to Department of the Environment on 13/01/2016.	Compliant	Notice of commencement submitted to Department of the Environment on 13/01/2016.	Compliant	Notice of commencement submitted to Department of the Environment on 13/01/2016.	Compliant	Notice of commencement submitted to Department of the Environment on 13/01/2016.	Compliant	Notice of commencement submitted to Department of the Environment on 13/01/2016.
6	Compliant	Records have been kept of management actions including Annual Offset Management Plan reports and landowner reports.	Compliant	Records have been kept of management actions including Annual Offset Management Plan reports and landowner reports.	Compliant	Records have been kept of management actions including Annual Offset Management Plan reports and landowner reports.	Compliant	Records have been kept of management actions including Annual Offset Management Plan reports and landowner reports.	Compliant	Records have been kept of management actions including Annual Offset Management Plan reports and landowner reports.
7	Not compliant	Annual reports were published to the website, but the department was not notified. The proponent was not aware of the format of the ACR requirement.	Not compliant	Annual reports were published to the website, but the department was not notified. The proponent was not aware of the format of the ACR requirement.	Not compliant	Annual reports were published to the website, but the department was not notified. The proponent was not aware of the format of the ACR requirement.	Not compliant	Annual reports were published to the website, but the department was not notified. The proponent was not aware of the format of the ACR requirement.	Not compliant	Annual reports were published to the website, but the department was not notified. The proponent was not aware of the format of the ACR requirement.
8	N/A		N/A		N/A		N/A		N/A	
9	N/A		N/A		Compliant	Warramben applied to the relevant authorities to change the OMP grazing regime to help reduce weed cover and keep biomass levels under control and on target in 2019. Approval obtained from DAWE to extend the grazing period.	N/A		N/A	
10	N/A		N/A		N/A		N/A		N/A	
11	N/A		N/A		N/A		N/A		N/A	
12	Compliant	Closed out – refer to previous year 2015	Compliant	Closed out – refer to previous year 2015	Compliant	Closed out – refer to previous year 2015	Compliant	Closed out – refer to previous year 2015	Compliant	Closed out – refer to previous year 2015

Condition		2022
#	Compliant	Comments
1	Compliant	Closed out – refer to previous year 2015.
2	Compliant	Closed out – refer to previous year 2015
3	Compliant	Closed out – refer to previous year 2015 & 2016
5	Compliant	Notice of commencement submitted to Department of the Environment on 13/01/2016.
6	Compliant	Records have been kept of management actions including Annual Offset Management Plan reports and landowner reports.
7	Compliant	Annual report has prepared in accordance with the ACR guidelines and were published to the website. The department was notified.
8	N/A	
9	N/A	
10	N/A	
11	N/A	
12	Compliant	Closed out – refer to previous year 2015

Table 2. Progress of Management Actions

(Only actions relevant to the ex-situ Warrambeen Offset site have been included)

Year	Action	Management Action	Timing	Compliant?	Notes
2015 – 2016					
0	0.1	Implement on-title legal agreements for offset site	Within three months of this plan being approved by DELWP and DoE	X	Timing of DAWE approval conditions and OMP are contradictory. Approval conditions take precedent. Offset was implemented by Dec-15. Section 173 agreement was secured May-16
0	0.2	Acquire baseline monitoring data	Within three months of this plan being approved by DELWP and DoE	✓	Conducting GSM surveys within three months of OMP approval was not possible due to seasonal constraints. Baseline surveys were undertaken as soon as the 2015/2016 season commenced. 62 individuals were found over three survey visits.
2016 – 2017					
1	1.1	Install permanent fences and access gates surrounding the offset sites	Within three months of this plan being approved by DELWP and DoE	✓	Landowner report completed
1	1.2	Conduct weed control	Species dependent	✓	
1	1.3	Monitor populations of pest animals and conduct control works if required	After peak breeding season - late summer/early autumn	✓	
1	1.4	Conduct monitoring for Golden Sun Moth	One year after commencement of OMP	✓	238 individuals – surveyed over two visits
1	1.5	Monitor biomass density and implement stock grazing regime or develop ecological burn/ fuel reduction plan if appropriate	Summer/autumn	✓	Landowner report completed
2017 – 2018					
2	2.1	Conduct weed control	Species dependent	✓	Landowner report completed
2	2.2	Monitor populations of pest animals and conduct control works if required	After peak breeding season - late summer/early autumn	✓	
2	2.3	Conduct monitoring for vegetation and Golden Sun Moth	Two years after commencement of OMP	✓	320 individuals – surveyed over two visits
2	2.4	Maintain fences	As required	✓	Landowner report completed
2	2.5	Monitor biomass density and implement stock grazing regime or develop ecological burn/ fuel reduction plan if appropriate	Summer/Autumn	✓	
2	2.6	Monitor and assess works, and prepare progress report for both in-situ and ex-situ offsets	Two years after commencement of OMP	✓	Reports prepared by May-17
2018 – 2019					
3	3.1	Conduct weed control	Species dependent	✓	Landowner report completed
3	3.2	Monitor populations of pest animals and conduct control works if required	After peak breeding season - late summer/early autumn	✓	
3	3.3	Conduct monitoring for Golden Sun Moth	Three years after commencement of OMP	✓	39 individuals – surveyed over two visits
3	3.4	Maintain fences	As required	✓	Landowner report completed
3	3.5	Monitor biomass density and implement stock grazing regime or develop ecological burn/fuel reduction plan if appropriate	Summer/Autumn	✓	
2019 – 2020					
4	4.1	Conduct weed control	Species dependent	✓	Landowner report completed

Year	Action	Management Action	Timing	Compliant?	Notes
4	4.2	Monitor populations of pest animals and conduct control works if required	After peak breeding season - late summer/early autumn	✓	
4	4.3	Conduct monitoring for Golden Sun Moth and vegetation	Four years after commencement of OMP	X	Did not survey due to incorrect numbering of years. Assumed to be Year 5 when monitoring is not required.
4	4.4	Maintain fences	As required	✓	Landowner report completed
4	4.5	Monitor biomass density and implement stock grazing regime or develop ecological burn/fuel reduction plan if appropriate	Summer/Autumn	✓	
4	4.6	Monitor and assess works, and prepare progress report for ex-situ offset	Four years after commencement of OMP	✓	Reports prepared by Mar-19
2020 - 2021					
5	5.1	Conduct weed control	Species dependent	✓	Landowner report completed
5	5.2	Monitor populations of pest animals and conduct control works if required	After peak breeding season - late summer/early autumn	✓	
5	5.3	Maintain fences	As required	✓	
5	5.4	Monitor biomass density and implement stock grazing regime or develop ecological burn/fuel reduction plan if appropriate	Summer/Autumn	✓	
		Due to incorrect numbering of years, GSM surveying was undertaken during this year under the assumption it was Year 6.			65 individuals - surveyed over one visit
2021 - 2022					
6	6.1	Conduct weed control	Species dependent	✓	Landowner report completed
6	6.2	Monitor populations of pest animals and conduct control works if required	After peak breeding season - late summer/early autumn	✓	
6	6.3	Conduct monitoring for Golden Sun Moth and vegetation	Six years after commencement of OMP	✓	165 individuals in total Survey 1 - 0 individuals Survey 2 - 0 individuals Survey 3 - 23 individuals Survey 4 - 142 individuals
6	6.4	Maintain fences	As required	✓	Landowner report completed
6	6.5	Monitor biomass density and implement stock grazing regime or develop ecological burn/fuel reduction plan if appropriate	Summer/Autumn	✓	
6	6.6	Monitor and assess works, and prepare progress report for ex-situ offset	Six years after commencement of OMP	✓	Mar-21

Table 3. Vegetation monitoring results

Key performance targets	Year 0	Year 1				Year 2				Year 3				Year 4	Year 5			
Monitoring period	2015	2016 - 2017				2017 - 2018				2018 - 2019				2019 - 2020	2020 - 2021			
Area		PG1	PG2	PG3	PG4	PG1	PG2	PG3	PG4	PG1	PG2	PG3	PG4	N/A	PG1	PG2	PG3	PG4
Maintenance of open structured Plains Grassland Community (biomass cover) (Areas PG1/PG2/PG3/PG4)	70%	80%	75%	70%	70%	80%	90%	95%	80%	75%	85%	80%	70%	Not required	70%	70%	70%	75%
Reduction of high threat weed cover to <1%	<5%	1-10%	1-15%	<1%	<1%	<1%	1-5%	<1%	1%	<1%	1%	1%	<1%		<1%	<1%	<1%	<1%
Reduction of medium threat weed cover to <5%	10%	10%	10%	10%	10%	10%	10%	10%	10%	5%	5%	5%	<5%		5%	5%	5%	<5%
maintenance of all other weeds ideally at a reduced cover to current levels	25%	40%	60%	30%	20%	40%	60%	30%	50%	50%	60%	40%	30%		50%	60%	40%	30%
No increase in pest animal activity from this plan; and minimal soil disturbance and no native vegetation loss from pest animal management activities	N/A	✓				✓				✓					✓			
Maintain fences	Installed	✓				✓				✓					✓			
Landowner monitoring form completed annually	✓	✓				✓				✓					✓			

Key performance targets	Year 6
Monitoring period	2021-2022
Maintenance of open structured Plains Grassland Community (biomass cover) (Areas PG1/PG2/PG3/PG4)	85%
Reduction of high threat weed cover to <1%	Weed cover above targets due to difficulties with the grazing regime and being an extremely wet year. Wild Sage cover has decreased. Fire and grazing will be used during suitable upcoming seasons.
Reduction of medium threat weed cover to <5%	
maintenance of all other weeds ideally at a reduced cover to current levels	
No increase in pest animal activity from this plan; and minimal soil disturbance and no native vegetation loss from pest animal management activities	✓
Maintain fences	✓
Landowner monitoring form completed annually	✓

490 Providing false or misleading information in response to a condition on an approval or permit

(1) A person is guilty of an offence if:

- (a) the person is the holder of an environmental authority; and
- (b) a condition attached to the environmental authority requires the person to provide information; and
- (c) the person provides information in response (or purportedly in response) to the requirement; and
- (d) the person is reckless as to whether the information is false or misleading in a material particular.

Note: The fault element in paragraph (1)(d) can be demonstrated by proof of knowledge. See subsection 5.4(4) of the Criminal Code.

(2) The offence is punishable on conviction by:

- (a) imprisonment for a term not more than 2 years, a fine not more than 120 penalty units, or both, if it is proved the person knew the information was false or misleading; or
- (b) imprisonment for a term not more than 1 year, a fine not more than 60 penalty units, or both, if it is proved the person was reckless as to whether the information was false or misleading.

Note: Subsection 4B(3) of the Crimes Act 1914 lets a court fine a body corporate up to 5 times the maximum amount the court could fine a person under this subsection.

491 Providing false or misleading information to authorised officer etc.

(1) A person is guilty of an offence if the person:

- (a) provides information or a document to another person (the recipient); and
- (b) knows the recipient is:
 - (i) an authorised officer; or
 - (ii) the Minister; or
 - (iii) an employee or officer in the Department; or
 - (iv) a commissioner;performing a duty or carrying out a function under this Act or the regulations; and
- (c) knows the information or document is false or misleading in a material particular.


(2) The offence is punishable on conviction by imprisonment for a term not more than 1 year, a fine not more than 60 penalty units, or both.

Note: Subsection 4B(3) of the Crimes Act 1914 lets a court fine a body corporate up to 5 times the maximum amount the court could fine a person under this subsection.

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.

This declaration covers years 2015-2022, all relevant documentation should be reviewed prior to signing.

Signed 

Full name (print) ALLISON MAREE CROMPTON

Position (print) DIRECTOR

Organization (including ABN/ACN if applicable) 005 878 062 T.F&A. MILLETT

Date 30 / 09 / 2022

PTY/LTD