

Audit of Ecology and
Heritage Partners
EPBC Compliance
Report for the
New Epping
Development
2024-2025

ECOAERIAL

Audit of Ecology and Heritage Partners EPBC Compliance Report for the New Epping Development 2024-2025

Client: Riverlee Caruso Epping Pt Ltd
Prepared by: EcoAerial Pty Ltd
23 Rosie Place, Altona 3018

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Executive Summary

EcoAerial Pty Ltd was engaged by the Verve Projects Pty Ltd, on behalf of the approval holder Riverlee Caruso Epping Pty Ltd, to conduct an independent audit of compliance with the conditions of Commonwealth environmental approval EPBC 2016/7755. The approval, granted on 24 May 2019 under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth), authorises the staged development of 215, 315W and 325C Cooper Street, Epping, Victoria (the New Epping project). The audit assessed the first annual compliance report prepared by Ecology and Heritage Partners for the 2024-2025 reporting period against the 27 conditions of approval; Conditions 18 and 19 establish the independent audit requirement.

The audit is retrospective. Commencement of the action, which occurred in February 2021, was not formally recognised until approximately March 2024 following correspondence with the Department, so the initial audit milestones had lapsed before auditing began.

The auditor's qualifications and the audit criteria were reviewed and approved in writing by the Department on 9 April 2026. The audit was undertaken in accordance with the Department of the Environment and Energy (2019) Independent Audit and Audit Report Guidelines and comprised a review of the compliance report, management plans, correspondence and records. An interview with the compliance report's author was undertaken on 17 April 2026; and a site inspection on 22 May 2026. Each condition and its sub-criteria were individually assessed.

Summary of findings. Across the 61 sub-criterion determinations, the majority were assessed as compliant. Five sub-criteria were assessed as non-compliant, and the balance were not applicable at this stage of the action, refer below:

Audit finding	Determinations
Compliant	33
Non-compliant	5
Not applicable	23
Total (sub-criterion determinations)	61

The five non-compliances are:

- Condition 5 (evidence that the offsets were legally secured not provided to the Department within 14 days).
- Condition 8 (commencement of the action not notified within 10 business days).
- Condition 13(b) (management plans not published on the website within 20 business days).
- Condition 13(c) (publication not notified to the Department within five business days).
- Condition 18 (the required independent audits lapsed).

Each is administrative or timing-related, the majority arising from the delayed recognition of the February 2021 commencement date, and in each case the underlying obligation has since been satisfied or addressed with the Department, including through the approval holder's response to the Department's Show Cause process.

Note: Conditions 5, 8 & 13b are considered non-compliant notwithstanding they occurred prior to the reporting period audited 2024-2025. The compliance report refers to these 3 conditions

as Not Applicable which is correct for the reporting period. The non-compliances had been addressed by the time of the first compliance report.

I have included the pre-compliance reporting period to ensure the audit addresses all conditions since the commencement of the action.

The not-applicable determinations predominantly reflect obligations whose triggering events have not yet occurred, principally that construction of the Growling Grass Frog habitat corridor and completion of the action remain outstanding, and that no revised action management plan has been implemented without approval.

Conclusion. *No non-compliance resulting in an unauthorised impact to Matters of National Environmental Significance (the Growling Grass Frog and Golden Sun Moth) was identified; the applicable habitat-clearing limits were met, and the required offsets have been legally secured.*

The identified non-compliances *are procedural rather than substantive and have been remediated or are being addressed*, including through a pending variation to the conditions of approval.

1 Introduction

EcoAerial has been engaged by Verge Projects Pty Ltd to audit the first annual compliance report for the implementation of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) 'Controlled Action' conditions for the New Epping Project.

Approval was granted by the Commonwealth Department of the Environment and Energy (DEE) on the 24 May 2019 for the staged development of 215, 315W and 325C Cooper Street, Epping, Victoria (EPBC 2016/7755). The following paragraph is extracted from the decision approval letter. The decision approval letter is provided in Appendix A.

'This decision is made under sections 130(1) and 133(1) of the Environment Protection and Biodiversity Conservation Act 1999 (Cwth). Note that section 134(IA) of the EPBC Act applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.'

Note that DEE is referred to as the 'Department' throughout the audit report.

1.1 Condition Requirements

The approval letter states 27 conditions are applicable to the staged development of 215, 315W and 325C Cooper Street, Epping, Victoria (EPBC 2016/7755). Condition 18 & 19 are relevant for the independent auditing requirements:

Condition 18:

- The approval holder must ensure that independent audits of compliance with the conditions are conducted for the 12-month period from commencement of the action and for every subsequent 24-month period until this approval expires, or as requested in writing by the Minister.

Condition 19:

- For each independent audit, the approval holder must:
 - provide the name and qualifications of the independent auditor and the draft audit criteria to the Department.
 - only commence the independent audit once the audit criteria have been approved in writing by the Department; and
 - submit an audit report to the Department within the timeframe specified in the approved audit criteria.

Refer to Appendix A for project approval letter / conditions and Appendix B for auditor's declaration of independence and qualifications.

2 Audit Approach

The audit entails assessing the annual compliance report written by Ecology and Heritage Partners (EH&P) outlining whether the 'Proponent' has met the EPBC 'Controlled Action' conditions. The Department of Environment and Energy (2019) Independent Audit and Audit Report Guidelines provide the principles for preparing the audit report, refer below.

The audit report must:

- include details of actual measurements made, sample sizes and audit evidence obtained. Where sample records are referenced (e.g. water quality monitoring records, inspection logs, pre-clearance surveys etc) a sufficiently representative sample of records must be reviewed
- not report by exception and must include details of all findings made against each criterion. Where the implementation of plans, reports, or programs etc (however described) is required by the approval conditions, the details of the individual commitments contained in those plans, reports, or programs etc are to be separately identified and measured
- ensure that findings are based on independently verifiable third-party evidence and must not place an over-reliance on representations made by the approval holder or their representatives.

The following tasks were undertaken for the audit process:

1. Review EH&P 2024~2025 Compliance Report and other relevant background reports:
 - a. Staged Redevelopment of 215, 315W and 325C Cooper Street, Epping, Victoria (EPBC 2016/7755) – 11/04/2025
 - b. Ecology Australia 2019. Offset Management Plan: 215, 315W and 325C Cooper St, Epping.
 - c. Ecology Australia 2019. Environmental Management Plan: 215, 315W and 325C Cooper St, Epping
2. Develop audit check list based on management actions and performance criteria stated in EH&P compliance report.
3. Undertake an on-site inspection to become familiar with the site, works undertaken and review performance criteria.
4. Write up and deliver Audit Report.

Please note: This a retrospective audit due to a misunderstanding between the *Proponent* and *Department* to when the '*Controlled Action*' commenced. Correspondence in relation to the misunderstanding from the Department and the '*Proponents*' response is provided in Appendix E.

2.1 Site maps

Figures 1~2 are from the endorsed Ecology Australia Offset and Growling Grass Frog Management Plans showing site boundaries, proposed areas of impact, no go zones and other features referred to in the approval conditions. Figure 3 is a retrospective aerial image of the site showing the first compliance reporting period, the subject of this audit.

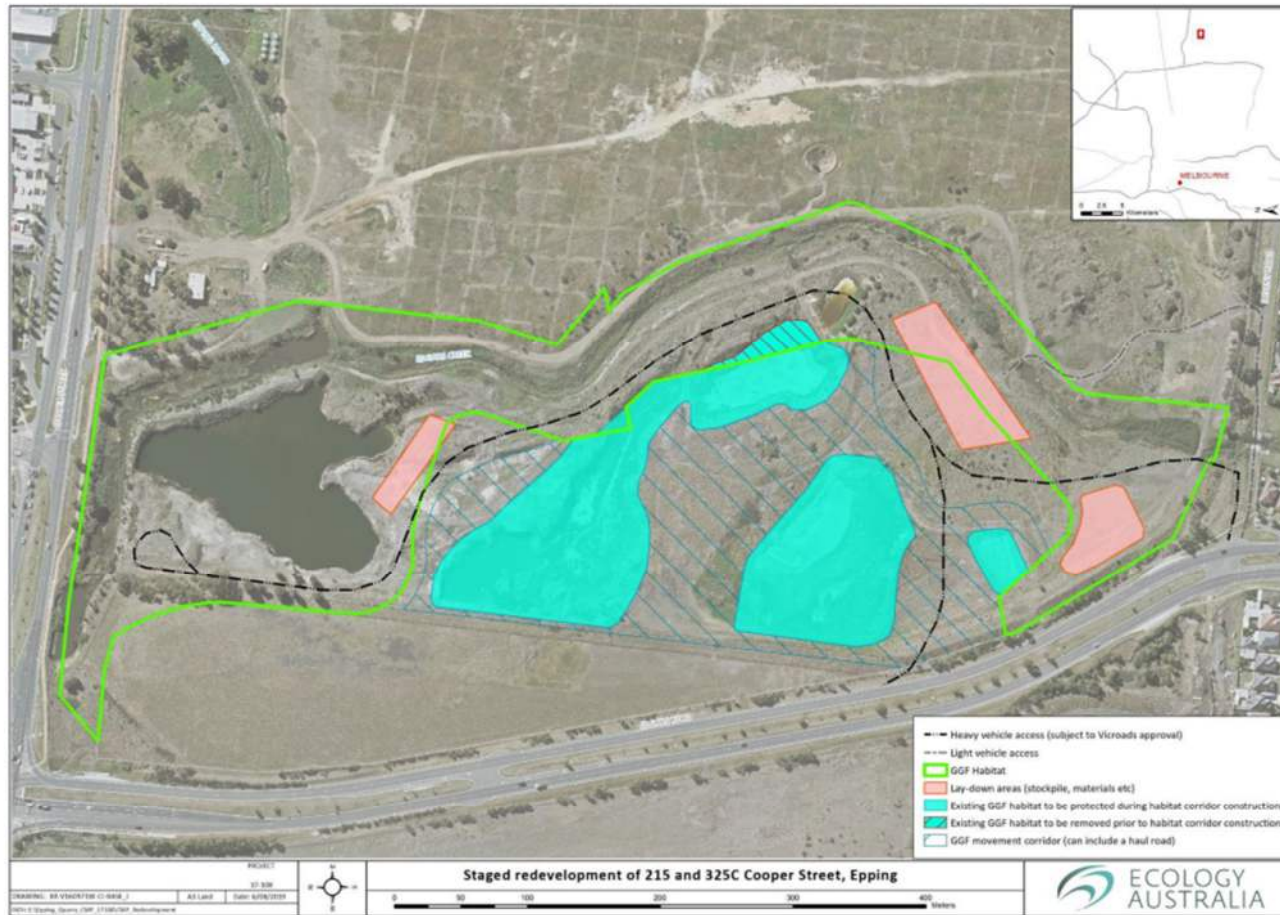


Figure 9 Existing Growling Grass Frog habitat and areas to be protected and removed during the construction of the corridor (no-go zones) and indicative lay-down areas and haul roads.

Final

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Figure 1: Protection areas during civil works prior to habitat corridor construction.

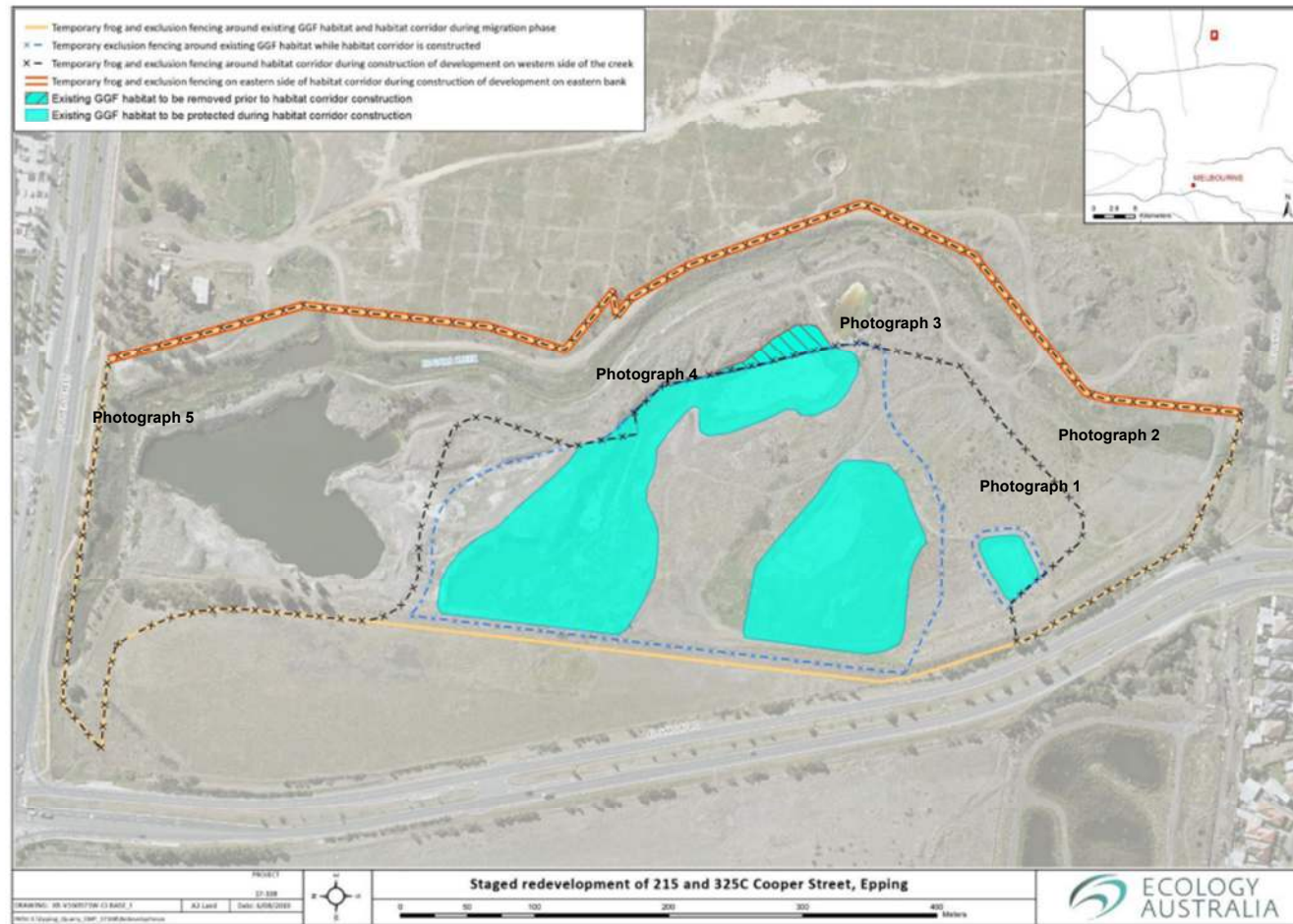


Figure 12 Indicative locations and timing of frog and exclusion fences during construction of habitat corridor and development precincts.

Final

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Figure 2: Location of exclusion fencing prior to habitat corridor construction



Figure 3: Aerial photograph detailing civil works during compliance reporting period.

3 Site Inspection

A site inspection was undertaken on 22/05/2026 with representatives from Verve Projects, Tim Stephens-Senior Project Manager & Matt Thompson - Construction Engineer; Fyfe, (formerly Ecology and Heritage Partners), Amelia Weight-Senior Ecologist; and Max Bright Civil, Simon Feldtmann - Civil contractor. The objective of the inspection was to be familiar with the site and where applicable, review compliance report statements. Photographs 1~4 were taken during the site inspection.



Photograph 1: Site Inspection with project representatives.



Photograph 2: Civil works completed in southern section of site.



Photograph 3: Growling Grass Frog habitat proposed for removal has been retained.



Photograph 4: Growling Grass Frog retaining fence as per Figures 1 & 2.



Photograph 5: Quarry pit outside of GGF habitat protection area.

4 Review of Compliance Key Performance Indicators

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Audit Criteria and Methodology
Staged Development Of 215, 315w and 325c Cooper Street, Epping. Project Number EPBC 2016/7755

Client: Riverlee Caruso Epping Pt Ltd
Date of Report: 4 August 2026
Report Prepared By: Rob Gration
Report Approved By: Richard Palmistra

Table 1: Performance Indicators of EPBC Conditions and Auditor Responses

Condition Number/reference	Criteria	Ecology & Heritage Partners (E&HP) Evidence/comments	Ecology & Heritage Partners Is the project compliant with this condition?	Auditors Verification Method	Evidence	Documents Sighted	Determination	Compliance Finding
1	The approval holder must clear no more than the following within the project site:	-	-	-	-	-	-	[COMPLIANT] [NON-COMPLIANT] [NOT APPLICABLE]
a	5.42 ha Golden Sun Moth habitat.	Works have not commenced on the western side of Edgars Creek: therefore, no Golden Sun habitat has been removed.	Compliant.	Reviewing documentation and undertake a site inspection of 215, 315w and 325c Cooper Street, Epping.	Reviewed NearMap image of western side of Edgars Creek. Reviewed Site inspection undertaken on 22 May 2026	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Report. Year 3 of Habitat Monitoring and Targeted Surveys for Growling Grass Frog: Figure 1 & 2. 3. Reviewed NearMap images Dated April 2025.	Relevant evidence was provided and sighted and site inspection undertaken. The Independent Auditor considers this criterion to be <u>compliant</u> .	COMPLIANT
b	17.39 ha of Growling Grass Frog habitat.	Works have not commenced on the western side of Edgars Creek. A small portion of Growling Grass Frog habitat has been removed on the eastern side of Edgar's Creek.	Compliant.	Reviewing documentation and by undertaking a site inspection of 215, 315w and 325c Cooper Street, Epping.	Reviewed NearMap images dated April 2025. Correspondence provided by Verve Projects Project Manager, Tim Stephens	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Verve Projects representative stated the small portion of GGF habitat referred to in the compliance report was retained. 3. Site inspection confirmed retention of small portion of GGF habitat proposed for removal, refer to Photograph 3. 4. NearMap images Dated April 2025.	Relevant evidence was provided and sighted and site inspection undertaken. The Independent Auditor considers this criterion to be <u>compliant</u> .	COMPLIANT
2	Prior to the commencement of the action, to compensate for the loss of up to 5.42 ha Golden Sun Moth habitat, the approval holder must provide documentary evidence to the Department that the impact has been offset by a 5.42 ha MUD Policy	Golden Sun Moth offers under the MUD Policy were secured on 28 May 2019.	Compliant.	Reviewing relevant documentation.	Tax invoice showing proof of purchase, Attachment 1, year 1 of compliance report.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Final report: Staged Redevelopment of 215, 315W and 325C Cooper Street, Epping, Victoria (EPBC 2016/7755) : Compliance Report. March 2026. Attachment 1: DEWLP Tax Invoice: DEWLP0060474	Relevant evidence was sighted detailed purchase of compensation to offset GSM habitat loss. The Independent Auditor considers	COMPLIANT

Condition Number/reference	Criteria	Ecology & Heritage Partners (E&HP) Evidence/comments	Ecology & Heritage Partners Is the project compliant with this condition?	Auditors Verification Method	Evidence	Documents Sighted	Determination	Compliance Finding
	Offset in accordance with the Melbourne Urban Development Policy.						this criterion to be <u>compliant</u> .	
3	To compensate for the loss of 17.39 ha of Growling Grass Frog habitat, the approval holder must implement the Growling Grass Frog Offset Strategy and ensure that a viable population of the Growling Grass Frogs is maintained at the proposed offset areas for 10 years.	A GGF Strategy has been implemented. However, construction of the Growling Grass Frog habitat corridor is not yet complete. The Growling Grass Frog offset strategy will commence following construction of the habitat corridor.	Not Applicable.	Not applicable. To be confirmed at time of next audit review.	Ecology Australia (2019) Offset management plan and EH&P (2024) addendum Onsite Offset Management Plan. .	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Ecology Australia (2019). Offset Management Plan: 215, 315W and 325C Cooper St, Epping. EPBC 2016 / 7755). 3. Ecology & Heritage Partners (2024) Addendum to Onsite and Offsite Offset Management Plan for 215 Cooper Street, New Epping, Victoria.	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be <u>Not applicable</u>	NOT APPLICABLE
4	Prior to the commencement of the action, the approval holder must prepare Offset Management Plans for the onsite and offsite offset areas proposed in the Growling Grass Frog Offset Strategy. The approval holder must not commence the action until both Offset Management Plans have been prepared. The Offset Management Plans must be provided to the Department within 14 days of the Offset Management Plans being prepared. Each Offset Management Plan must be implemented for the life of the approval. Each Offset Management Plan must:	Growling Grass Frog Offset Management Plans have been prepared by Ecology Australia Pty Ltd and submitted to the Department on 9 September 2019.	Compliant.	Reviewing relevant documentation.	Ecology Australia (2019) Offset management plan and EH&P (2024) addendum Onsite / Offsite Offset Management Plan. .	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Ecology Australia (2019). (2025). Offset Management Plan: 215, 315W and 325C Cooper St, Epping. EPBC 2016 / 7755). 3. Ecology & Heritage Partners (2024) Addendum to Onsite and Offsite Offset Management Plans for 215 Cooper Street, New Epping, Victoria.	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u>	COMPLIANT
a	be prepared by a suitably qualified expert	Included within the Growling Grass Frog Offset Management Plans prepared by Ecology Australia Pty Ltd.	Complaint.	Reviewing relevant documentation.	Ecology Australia (2019) Offset management plan and EH&P (2024) addendum Onsite Offset Management Plan. .	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Ecology Australia (2019). Offset Management Plan: 215, 315W and 325C Cooper St, Epping. EPBC 2016 / 7755).	The key Ecology Australia staff member, (Andrew McMahon), responsible for writing and developing the relevant Offset Management Plans is known within the industry for experience and is considered suitably qualified.	COMPLIANT

Condition Number/reference	Criteria	Ecology & Heritage Partners (E&HP) Evidence/comments	Ecology & Heritage Partners Is the project compliant with this condition?	Auditors Verification Method	Evidence	Documents Sighted	Determination	Compliance Finding
							The Independent Auditor considers this criterion to be <u>compliant</u> .	
b	be prepared in accordance with the principles of the EPBC Act Environmental Offsets Policy, and be consistent with the Growling Grass Frog Offset Strategy	Growling Grass Frog Offset Management Plans have been prepared in accordance with the EPBC Act Environmental Offsets Policy and are consistent with the Growling Grass Frog Offset Strategy.	Compliant.	Reviewing relevant documentation.	Ecology Australia (2019) Offset management plan and Dept SEWPC. EPBC Act Environmental Offsets Policy .	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Ecology Australia (2019). Offset Management Plan: 215, 315W and 325C Cooper St, Epping. EPBC 2016 / 7755) 3. Department of Sustainability, Environment, Water, Populations, and Communities 2012. <i>Environment Protection and Biodiversity Conservation Act 1999: Environmental Offsets Policy</i>.	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u>	COMPLIANT
c	include timelines and mechanisms for legally securing the offset area(s)	Included within the Growling Grass Frog Offset Management Plans prepared by Ecology Australia Pty Ltd.	Compliant.	Reviewing relevant documentation.	Ecology Australia (2019) Offset management plan and EH&P (2024) addendum Onsite Offset Management Plan. .	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Ecology Australia (2019). Offset Management Plan: 215, 315W and 325C Cooper St, Epping. (EPBC 2016 / 7755).	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u>.	COMPLIANT
d	provide a written description and map that clearly defines the location and boundaries of the offset area(s). This must be accompanied by the offset attributes and shapefile(s)	Included with submission of Offset Management Plans.	Compliant.	Reviewing relevant documentation and undertake a site inspection of 215, 315w and 325c Cooper Street, Epping.	Ecology Australia (2019) Offset management plan and EH&P (2024) addendum Onsite & Offsite Offset Management Plan. .	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Ecology Australia (2019). Offset Management Plan: 215, 315W and 325C Cooper St, Epping. (EPBC 2016 / 7755). 3. Ecology & Heritage Partners (2024) Addendum to Onsite & Offsite Offset Management Plan for 215 Cooper Street, New Epping, Victoria.	Relevant documentation was sighted and site inspection supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u>.	COMPLIANT
e	include a description, based on adequate surveys, of the current Growling Grass Frog population within each offset area, and the condition (prior to any management activities) of each offset area, including existing habitat (the baseline condition)	Included within the Growling Grass Frog Offset Management Plans prepared by Ecology Australia Pty Ltd.	Compliant.	Reviewing relevant documentation.	Ecology Australia (2019) Offset management plan	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Ecology Australia (2019). Offset Management Plan: 215, 315W and 325C Cooper St, Epping. (EPBC 2016 / 7755). Ecology & Heritage Partners (2024) Addendum to Onsite & Offsite Offset Management Plan for 215 Cooper Street, New Epping, Victoria.	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u>.	COMPLIANT
f	Detail timeframes, management actions, and strategies for:	-	-	-	-	-	-	-
i	maintaining a viable population of Growling	The Onsite Growling Grass Frog Offset Management Plan includes management actions for maintaining a	Compliant.	Reviewing relevant documentation.	Ecology Australia (2019) Offset management	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Ecology Australia (2019). Offset Management Plan: 215, 315W and	Relevant documentation was sighted	COMPLIANT

Condition Number/reference	Criteria	Ecology & Heritage Partners (E&HP) Evidence/comments	Ecology & Heritage Partners Is the project compliant with this condition?	Auditors Verification Method	Evidence	Documents Sighted	Determination	Compliance Finding
	Grass Frogs within the onsite offset; and	viable population of Growling Grass Frog within the onsite offset site.			plan and EH&P (2024) addendum Onsite & Offsite Offset Management Plan.	325C Cooper St, Epping. (EPBC 2016 / 7755). 3. Ecology & Heritage Partners (2024) Addendum to Onsite & Offsite Offset Management Plan for 215 Cooper Street, New Epping, Victoria.	supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u> .	
ii	for the creation, regeneration and/or revegetation of Growling Grass Frog habitat within the proposed onsite and offsite offset areas.	Included within the Growling Grass Frog Offset Management Plans prepared by Ecology Australia Pty Ltd.	Compliant.	Reviewing relevant documentation .	Ecology Australia (2019) Offset management plan and EH&P (2024) addendum Onsite and Offsite Offset Management Plans.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Ecology Australia (2019). Offset Management Plan: 215, 315W and 325C Cooper St, Epping. (EPBC 2016 / 7755). 3. Ecology & Heritage Partners (2024) Addendum to Onsite & Offsite Offset Management Plan for 215 Cooper Street, New Epping, Victoria.	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u> .	COMPLIANT
g	Management actions and strategies must include:	-	-	-		-	-	-
i	performance and completion criteria for evaluating the management of the offset area, and criteria for triggering remedial action and contingency responses	Included within the Growling Grass Frog Offset Management Plans prepared by Ecology Australia Pty Ltd.	Compliant.	Reviewing relevant documentation.	Ecology Australia (2019) Offset management plan and EH&P (2024) addendum Onsite & Offsite Offset Management Plan.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Ecology Australia (2019). Offset Management Plan: 215, 315W and 325C Cooper St, Epping. (EPBC 2016 / 7755).	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u> .	COMPLIANT
ii	a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria	Included within the Growling Grass Frog Offset Management Plans prepared by Ecology Australia Pty Ltd.	Compliant.	Reviewing relevant documentation.	Ecology Australia (2019) Offset management plan	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Ecology Australia (2019). Offset Management Plan: 215, 315W and 325C Cooper St, Epping. (EPBC 2016 / 7755).	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u> .	COMPLIANT
iii	a description of potential risks to the successful implementation of the plan, a description of the measures that will be implemented to mitigate against these risks and a description of the contingency measures that will be implemented if defined triggers arise	Included within the Growling Grass Frog Offset Management Plans prepared by Ecology Australia Pty Ltd.	Compliant.	Reviewing relevant documentation.	Ecology Australia (2019) Offset management plan	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Ecology Australia (2019). Offset Management Plan: 215, 315W and 325C Cooper St, Epping. (EPBC 2016 / 7755).	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u> .	COMPLIANT

Condition Number/reference	Criteria	Ecology & Heritage Partners (E&HP) Evidence/comments	Ecology & Heritage Partners Is the project compliant with this condition?	Auditors Verification Method	Evidence	Documents Sighted	Determination	Compliance Finding
iv	specify the timing and frequency of management actions, reporting and implementation of contingency responses and corrective actions, and the person/s responsible.	Included within the Growling Grass Frog Offset Management Plans prepared by Ecology Australia Pty Ltd.	Compliant.	Reviewing relevant documentation.	Ecology Australia (2019) Offset management plan	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Ecology Australia (2019). Offset Management Plan: 215, 315W and 325C Cooper St, Epping. (EPBC 2016 / 7755).	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be compliant.	COMPLIANT
5	Within 14 days of the offset(s) required under Condition 3 being legally secured, the approval holder must provide the Department with written evidence demonstrating that the offset(s) has/have been legally secured.	Not applicable to this compliance reporting period. The onsite Offset and the offsite Offset were secured independently of each other and at different times. This occurred prior to this compliance reporting report. Evidence was provided to Department, but not within the required 14 days of being secured.	Not applicable.	Reviewing relevant documentation.	Communications provided by Verve Project Management. DELWP receipt of purchase of Offsets	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Deed of covenants sighted by auditor provided to Department: • C2029_2 Vol 07446 Folio 143 Registered Deed. 30 June 2023 • C2029_2 Vol 11960 Folio 182 Registered Deed. 5 July 2023.	Whilst it has been considered <u>not applicable</u> in the compliance report, the evidence was not provided to the Department within the 14-days as required in the 'controlled action' documentation. Whilst I don't consider this a breach of significance, it is technically a <u>non-compliance</u>. We note that legally secured offsets have been secured.	NON-COMPLIANT
6	Within three (3) months following the third and fourth anniversary of the commencement of the action, the approval holder must provide a report demonstrating that a viable population of Growling Grass Frog has been maintained at the onsite offset site (as required under the Growling Grass Frog Offset Strategy). The report must be prepared by a suitably qualified expert.	Annual Growling Grass Frog monitoring has been undertaken since 2022 confirming that a viable population of the species has been maintained on site. It is noted that Condition 6 is applicable following completion of the construction of the habitat corridor which has not yet occurred. However, annual monitoring reports serve to provide evidence and status of the frog population.	Compliant.	Reviewing relevant documentation.	E&HP Annual Growling Grass Frog Reports	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Ecology and Heritage Partners 2023. 14592_EHP_Riverlee_GGFMonitoring_Year1_Final_v2_01062023. 3. Ecology and Heritage Partners 2024. 14592_EHP_Riverlee_GGFMonitoring_Year3_Final_19032024 4. Ecology and Heritage Partners 2025. 14592_EHP_Riverlee_GGFMonitoring_Year4_Final_27022025. 5. Ecology and Heritage Partners 2026. 14592_EHP_Riverlee_GGFMonitoring_Year4_Final_10032026.	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u>.	COMPLIANT

Condition Number/reference	Criteria	Ecology & Heritage Partners (E&HP) Evidence/comments	Ecology & Heritage Partners Is the project compliant with this condition?	Auditors Verification Method	Evidence	Documents Sighted	Determination	Compliance Finding
7	If the Minister is not satisfied that a viable population of Growling Grass Frog has been maintained as required in condition 6, the Minister may (in writing) require the approval holder to submit a new plan or program for the Minister's approval to reduce, mitigate, remediate or compensate impacts to Growling Grass Frogs. If the Minister approves the plan or program, then the approved plan or program must be implemented. Note: To avoid doubt, any proposed compensation measures must be additional to that required by the Growling Grass Frog Offset Strategy.	Not applicable as the construction of the Growling Grass Frog habitat corridor has not been completed. The Minister has not communicated any requirement under this Condition.	Not applicable.	Not applicable.	Not applicable.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight.	<u>Not applicable</u>	NOT APPLICABLE
8	The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.	Not applicable to this compliance reporting period. The Department was not notified of the action commencing in February 2021. This has been rectified in response to the Show Cause letter issued on 19 February 2024.	Not applicable.	Reviewing relevant documentation.	Show cause letter and response	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. 2016-7755 - 240219 - Show Cause. 3. 240308 Response to Show Cause Letter	Whilst it has been considered <u>not applicable</u> in the compliance report, the evidence was not provided to the Department within the 14-days as required in the ' <i>controlled action</i> ' documentation. Whilst I don't consider this a breach of significance, it is technically a <u>non-compliance</u> . We note this has now been rectified.	NON-COMPLIANT
9	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.	The action has commenced within 5 years of the approval.	Compliant.	Reviewing relevant documentation.	Department correspondence	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Interview with Verve representative, Tim Stephens.	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u> .	COMPLIANT

Condition Number/reference	Criteria	Ecology & Heritage Partners (E&HP) Evidence/comments	Ecology & Heritage Partners Is the project compliant with this condition?	Auditors Verification Method	Evidence	Documents Sighted	Determination	Compliance Finding
10	All management plans required under this approval should be prepared in line with the Department's Environmental Management Plan Guidelines.	The Environmental Management Plan prepared by Ecology Australia Pty Ltd is compliant with the Guidelines.	Compliant.	Reviewing relevant documentation.	Ecology Australia (2019) management plans and DCCEEW (2024). Environmental Management Plan Guidelines.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Ecology Australia 2019. Environmental Management Plan: 215, 315W and 325C Cooper St, Epping. 3. Ecology Australia (2019). Offset Management Plan: 215, 315W and 325C Cooper St, Epping. (EPBC 2016 / 7755). 4. DCCEEW 2024, Environmental Management Plan Guidelines, Department of Climate Change, Energy, the Environment and Water, Canberra, March. CC BY 4.0. 5. Reviewed email correspondence from Ecology and Heritage partners to the Department dated 26 June 2024 and Department receipt of correspondence re revised management plans were published on the project website on 25 June 2024.	Relevant documentation was sighted supporting compliance. <u>Note</u> the 2014 version of the Commonwealth . Environmental Management Plan Guidelines referred to develop the plans pre-2024 was not available. The plans were assessed against the 2024 Environmental management guidelines and considered consistent with this version of the guidelines. The Independent Auditor considers this criterion to be <u>compliant</u>.	COMPLIANT
11	The approval holder must maintain accurate and complete compliance records.	Annual Growling Grass Frog monitoring has been undertaken since 2022. A compliance report was completed for Year 1 of the action.	Compliant.	Reviewing compliance report completed for Year 1 of the action.	Ecology and Heritage Partners Compliance report/s	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. 14592_EHP_Riverlee_Onsite-Compliance_Report_Year-1_Final_11042025	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u>.	COMPLIANT
12	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.	The Department has not requested any compliance records.	Not applicable.	Not applicable.	Interview with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight.	The Minister has not requested in writing the approval holder to provide electronic copies of compliance records to the Department within the timeframe specified in the request. <u>Not applicable</u>	NOT APPLICABLE
13	The approval holder must:	-	-	-	-	-	-	-

Condition Number/reference	Criteria	Ecology & Heritage Partners (E&HP) Evidence/comments	Ecology & Heritage Partners Is the project compliant with this condition?	Auditors Verification Method	Evidence	Documents Sighted	Determination	Compliance Finding
a	submit plans electronically to the Department;	Management Plans were submitted to the Department on 9 September 2019.	Compliant.	Reviewing relevant documentation.	Receipt of plans.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Reviewed email correspondence from Ecology and Heritage partners to the Department dated 26 June 2024 and Department receipt of correspondence re revised management plans were published on the project website on 25 June 2024.	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u>.	COMPLIANT
b	publish each plan on the website within 20 business days of the date the plan is approved by the Minister (where approval of the Minister is required) or of the date a plan is submitted to the Department, unless otherwise agreed to in writing by the Minister;	Not applicable to this compliance reporting period. The management plans were provided to the Department prior to this reporting period; however, it took longer than the required 20 business days to publish the plans on approval holders website.	Not applicable.	Not applicable.	Accessed website.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Review of New Epping website on 29 April 2026. https://newepping.com.au/sustainability/	Whilst it has been considered <u>not applicable</u> in the compliance report, the plans were not published within 20 business days as required in the 'controlled action' documentation. The plans have been published on the New Epping website. The Independent Auditor considers this criterion to be <u>no-compliant</u>.	NON-COMPLIANT
c	notify the Department by email that plans have been published on the website within five business days of the date of publication:	Notification was provided to the Department, but this occurred more than 5 business days from the date of publication.	Non-compliant.	Discussions with E&HP representative.	Correspondence from department acknowledging plans have been uploaded to website.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Reviewed email correspondence from Ecology and Heritage partners to the Department dated 26 June 2024 and Department receipt of correspondence re revised management plans were published on the project website on 25 June 2024.	Condition is considered <u>non-compliant</u> based on the E&HP response. We note that plans are now published on the website and have reviewed the letter of acknowledgment from the Department.	NON-COMPLIANT
d	exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and	Approval holder not aware of any sensitive ecological data.	Not applicable.	Discuss with EHP the basis this is not applicable i.e., Growling Grass Frog and Golden Sun Moth records.	Check with department what constitutes sensitive ecological data.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight.	Condition was considered <u>not applicable</u> in compliance report. Further advice has been sought from the department.	NOT APPLICABLE

Condition Number/reference	Criteria	Ecology & Heritage Partners (E&HP) Evidence/comments	Ecology & Heritage Partners Is the project compliant with this condition?	Auditors Verification Method	Evidence	Documents Sighted	Determination	Compliance Finding
							seeking feedback if the GGF Offset plans and annual reports maps showing GGF locations / habitat are considered as sensitive information. Advice from the Department has not been provided to date. The Independent Auditor considers this criterion to <u>not applicable</u> based on current scenario.	
e	keep plans published on the website until the end date of this approval.	Management Plans remain available through Approval Holders website. https://newepping.com.au/sustainability/	Compliant.	Review website.	Accessed website	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Review of New Epping website on 29 April 2026. https://newepping.com.au/sustainability/	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u>.	COMPLIANT
14	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.	Monitoring reports have been prepared in accordance with the Department's Guidelines. Annual monitoring report included in compliance report.	Compliant.	EHP to provide advice on guidelines used.	Review Department Guidelines	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Ecology Australia (2019). (2025). Offset Management Plan: 215, 315W and 325C Cooper St, Epping. EPBC 2016 / 7755). 3. DEWHA 2009. Significant Impact Guidelines for the Vulnerable Growling Grass Frog (<i>Litoria raniformis</i>) EPBC Act Policy Statement 3.14. Published document prepared by the Commonwealth Department of Environment, Water, Heritage and the Arts. Commonwealth of Australia, Canberra. 4. DEWHA 2010. Survey Guidelines for Australia's Threatened Frogs. Public document prepared by the Commonwealth Department of Environment, Water, Heritage and the Arts. Commonwealth of Australia, Canberra.	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u>.	COMPLIANT
15	The approval holder must prepare a compliance report for each 12-month period following the date	Note: This Report is the second Annual Report following approval holder understanding, as of March 2023, that the Department considers	Compliant.	Reviewing relevant documentation.	Meeting with E&HP staff member and review of	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. 14592_EHP_Riverlee_GGFMonitoring_Year1_Final_v2_01062023.	Relevant documentation was sighted	COMPLIANT

Condition Number/reference	Criteria	Ecology & Heritage Partners (E&HP) Evidence/comments	Ecology & Heritage Partners Is the project compliant with this condition?	Auditors Verification Method	Evidence	Documents Sighted	Determination	Compliance Finding
	of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must:	commencement of the action occurred in February 2021. Further information provided in the approval holders response to the Departments 'Show Cause' letter dated 8/3/24.			compliance report.	3. 14592_EHP_Riverlee_GGFMonitoring_Year2_Final_19032024	supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u> .	
a	publish each compliance report on the website within 60 business days following the relevant 12-month period:	The first Annual Report was posted on the website on 17 April 2025, within 60 business days following the relevant 12-month period. This Report being the second Annual Report.	Compliant.	Reviewing relevant documentation.	Meeting with E&HP staff member. Accessed website.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Review of New Epping website on 29 April 2026. https://newepping.com.au/sustainability/	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u> .	COMPLIANT
b	notify the Department by email that a compliance report has been published on the website within five business days of the date of publication:	The Department was notified by email that the first Annual Report was published on the website within five business days of the date of publication.	Compliant	Reviewing relevant documentation.	Meeting with E&HP staff member. Letter notifying department.	3. Interview conducted 17 April 2026 with E&HP representative Amelia Weight.	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u> .	COMPLIANT
c	keep all compliance reports publicly available on the website until this approval expires;	The first Annual Report remains publicly available on the website. https://newepping.com.au/sustainability/	Compliant.	Review website.	Meeting with E&HP staff member. Accessed website.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Review of New Epping website on 29 April 2026. https://newepping.com.au/sustainability/	Relevant documentation was sighted supporting compliance. The Independent Auditor considers this criterion to be <u>compliant</u> .	COMPLIANT
d	exclude or redact sensitive ecological data from compliance reports published on the website; and	Approval holder not aware of any sensitive ecological data.	Compliant.	Discuss with EHP the basis this is not applicable i.e., Growling Grass Frog and Golden Sun Moth records.	Meeting with E&HP staff member. Check with department what constitutes sensitive ecological data.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Waiting on Department response	This condition was considered <u>compliant</u> pending further advice from the Department. The advice was to seek feedback if the GGF Offset plans and annual reports maps showing GGF locations / habitat are considered as sensitive information. Plans	COMPLIANT

Condition Number/reference	Criteria	Ecology & Heritage Partners (E&HP) Evidence/comments	Ecology & Heritage Partners Is the project compliant with this condition?	Auditors Verification Method	Evidence	Documents Sighted	Determination	Compliance Finding
							Advice from the Department has not been received at the time of this audit. The Independent Auditor considers this criterion to be <u>compliant</u> based on current scenario.	
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.	No sensitive ecological data was contained within the first Annual Report.	Not Applicable.	Discuss with EHP the basis this is not applicable i.e., Growling Grass Frog and Golden Sun Moth records.	Meeting with E&HP staff member. Check with department what constitutes sensitive ecological data.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Waiting on Department response.	Whilst it is noted this condition was considered not applicable, further advice was sought from the department. The advice was to seek feedback if the GGF Offset plans and annual reports maps showing GGF locations / habitat are considered as sensitive information. Plans Advice from the Department has not been received at the time of conducting this audit. The Independent Auditor considers this criterion to be <u>not applicable</u>.	NOT APPLICABLE
16	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 plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-	-	-	-	-	-	-	-

Condition Number/reference	Criteria	Ecology & Heritage Partners (E&HP) Evidence/comments	Ecology & Heritage Partners Is the project compliant with this condition?	Auditors Verification Method	Evidence	Documents Sighted	Determination	Compliance Finding
	compliance. The notification must specify:							
a	the condition which is or may be in breach; and	Non-compliance has been addressed in response to the Show cause letter issued on 19 February 2024.	Not Applicable.	Meeting with E&HP staff member. Review of show cause letter.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Show cause letter and Approval Holder response. 3. Email correspondence to the Department 15 February 2024. 4. Personal communication, (in relation to above email), Tim Stephens (Verve projects). <i>'Clarification from the Department regarding the management plans and works onsite, as part of our preparations to discharge conditions to enable commencement of the Edgars Creek works under the planning permit and the EPBC Act Approval. Following discussions with the Department on 13 February 2024 and 15 February 2024, it first became apparent that we had inadvertently commenced the action as part of the Stage 1 subdivision works'.</i> 5. <i>'In response, and to satisfy our obligations under the EPBC Act Approval, we self-reported under Condition 16a on 15 February 2024 by email to the Department. This was within the required timeframe required for any identified non-compliances.'</i>	Whilst it has been considered <u>not applicable</u> in the compliance report, a <i>breach</i> occurred prior to the current reporting period. The breach was due to a misunderstanding of when the 'action' commenced. The Department was notified in writing within 2-days of becoming aware of the incident. The non-compliance has since been addressed. The Independent Auditor considers this criterion to be <u>compliant</u>.	COMPLIANT
b	a short description of the incident and/or non-compliance.	Non-compliance has been addressed in response to the Show cause letter issued on 19 February 2024.	Not Applicable.	Meeting with E&HP staff member.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Show cause letter and Approval Holder response.	Whilst this condition is considered <u>not-applicable</u> in the compliance report, the show cause letter and 'Proponents' response has addressed the issue. The Independent Auditor considers this criterion to be <u>compliant</u>.	COMPLIANT
17	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	-	-	-	-	-	-	-

Condition Number/reference	Criteria	Ecology & Heritage Partners (E&HP) Evidence/comments	Ecology & Heritage Partners Is the project compliant with this condition?	Auditors Verification Method	Evidence	Documents Sighted	Determination	Compliance Finding
	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-compliance has been addressed in response to the Show cause letter issued on 19 February 2024.	Not Applicable.	Meet with E&HP staff member.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Show cause letter and Approval Holder response.	<u>Not applicable</u>	NOT APPLICABLE
b	the potential impacts of the incident or non-compliance; and	Non-compliance has been addressed in response to the Show cause letter issued on 19 February 2024.	Not Applicable.	Meet with E&HP staff member.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Show cause letter and Approval Holder response.	<u>Not applicable</u>	NOT APPLICABLE
c	the method and timing of any remedial action that will be undertaken by the approval holder.	Non-compliance has been addressed in response to the Show cause letter issued on 19 February 2024.	Not Applicable.	Meet with E&HP staff member.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Show cause letter and Approval Holder response.	<u>Not applicable</u>	NOT APPLICABLE
18	The approval holder must ensure that independent audits of compliance with the conditions are conducted for the 12-month period from commencement of the action and for every subsequent 24-month period until this approval expires, or as requested in writing by the Minister.	Commencement of action date of February 2021 was only recognised following discussion with the Department as of March 2024. Consequently the '12 month' and first of the '24 month' audits submissions had lapsed prior to the actual commencement of auditing. Compliance reports have since been completed as scheduled, with the first completed in February 2025 and submitted in April 2025. It should be noted that the Approval Holder is seeking approval to vary the Conditions of the Approval to re-synchronise reporting requirements to coordinate with the recognised commencement date. Further information provided in the approval holders response to the Departments 'Show Cause' letter dated 8/3/24.	Non-Compliant.	Discuss with EHP Project Manager and review communications with Department.	Meeting with E&HP staff member. Correspondence with Department.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Show cause letter and Approval Holder response.	Correspondence between the Department and approval holder details that the <u>non-compliance</u> has been addressed. The Independent Auditor considers this criterion to be <u>non-compliant</u> at the time of the commencement of the action.	NON-COMPLIANT
19	For each independent audit, the approval holder must:	-	-	-	-	-	-	-
a	provide the name and qualifications of the independent auditor and the draft audit criteria to the Department;	The first independent audit is scheduled for 12/03/2026	Not applicable.	Not applicable.	Correspondence with Department.	1. Email approval from Department for of the proposed auditors qualifications dated 7 April 2026.	The Independent Auditor considers this criterion to be <u>compliant</u> .	COMPLIANT
b	only commence the independent audit once the audit criteria have	First independent audit scheduled for March 2026.	Not applicable.	Not applicable.	Correspondence with Department.	1. Response from Department re audit criteria review and approval dated 9 April 2026 .	The Independent Auditor considers this criterion to be <u>compliant</u> .	COMPLIANT

Condition Number/reference	Criteria	Ecology & Heritage Partners (E&HP) Evidence/comments	Ecology & Heritage Partners Is the project compliant with this condition?	Auditors Verification Method	Evidence	Documents Sighted	Determination	Compliance Finding
	been approved in writing by the Department; and					2. 2016-7755 - Letter - Approved audit criteria and methodology.		
c	submit an audit report to the Department within the timeframe specified in the approved audit criteria.	Independent audits have not been undertaken as part of this approval. Next audit required March 2026.	Not applicable.	Not applicable.	Correspondence with Department.	1. Completed herewith.	The Independent Auditor considers this criterion to be <u>compliant</u> .	COMPLIANT
20	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.	Independent audits have not yet occurred. Next audit required March 2026.	Not applicable.	Not applicable.	Personal observation	1. Not applicable.	Audit is being currently being completed. The Independent Auditor considers this criterion to be <u>Not applicable</u> .	NOT-APPLICABLE
21	The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister under condition 7, 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.	A variation to the offset management plans has been submitted to the Department in June 2024. The Department is reviewing these submissions. Amendments will be finalised prior to completion of next compliance reporting period (February 2027).	Compliant.	Reviewing relevant documentation if available.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Correspondence confirming amendments have been submitted to the Department, however a response has not been received at the time of conducting this audit.	Amendments to the offset management plans were submitted to the Department in June 2024. Approval holder is waiting on response from Department. The Independent Auditor considers this criterion to be <u>compliant</u> .	COMPLIANT
22	The approval holder may choose to revise an action management plan approved by the Minister under condition 7, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact.	No RAMP has been implemented without approval. Note: A variation to the offset management plans has been submitted to the Department in June 2024. The Department is reviewing these submissions.	Not Applicable.	Not Applicable.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight. 2. Correspondence confirming amendments have been submitted to the Department, however a response has not been received at the time of conducting this audit.	Amendments to the offset management plans were submitted to the Department in June 2024. Approval holder is waiting on response from Department. The Independent Auditor considers this criterion to be <u>Not applicable</u> .	NOT-APPLICABLE
23	If the approval holder makes the choice under	-	-	-	-	-	-	-

Condition Number/reference	Criteria	Ecology & Heritage Partners (E&HP) Evidence/comments	Ecology & Heritage Partners Is the project compliant with this condition?	Auditors Verification Method	Evidence	Documents Sighted	Determination	Compliance Finding
	condition 22 to revise an action management plan without submitting it for approval, the approval holder must:							
a	notify the Department in writing that the approved action management plan has been revised and provide the Department with:	No RAMP has been implemented without approval.	Not applicable.	Not Applicable.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight.	The Independent Auditor considers this criterion to be <u>Not applicable</u> .	NOT-APPLICABLE
i	an electronic copy of the RAMP;	No RAMP has been implemented without approval.	Not applicable.	Not Applicable.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight.	The Independent Auditor considers this criterion to be <u>Not applicable</u> .	NOT APPLICABLE
ii	an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP;	No RAMP has been implemented without approval.	Not applicable.	Not Applicable.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight.	The Independent Auditor considers this criterion to be <u>Not applicable</u> .	NOT APPLICABLE
iii	an explanation of the differences between the approved action management plan and the RAMP;	No RAMP has been implemented without approval.	Not applicable.	Not Applicable.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight.	The Independent Auditor considers this criterion to be <u>Not applicable</u> .	NOT APPLICABLE
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	No RAMP has been implemented without approval.	Not applicable.	Not Applicable.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight.	The Independent Auditor considers this criterion to be <u>Not applicable</u> .	NOT APPLICABLE
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.	No RAMP has been implemented without approval.	Not applicable.	Not Applicable.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight.	The Independent Auditor considers this criterion to be <u>Not applicable</u> .	NOT APPLICABLE
b	subject to condition 25, implement the RAMP from the RAMP implementation date.	A variation to the management plans has not been submitted to the Minister.	Not applicable.	Not Applicable.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight.	The Independent Auditor considers this criterion to be <u>Not applicable</u> .	NOT APPLICABLE
24	The approval holder may revoke its choice to implement a RAMP under condition 22 at any time	No choice to implement a RAMP has been revoked.	Not applicable.	Not Applicable.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight.	The Independent Auditor considers this criterion to be <u>Not applicable</u> .	NOT APPLICABLE

Condition Number/reference	Criteria	Ecology & Heritage Partners (E&HP) Evidence/comments	Ecology & Heritage Partners Is the project compliant with this condition?	Auditors Verification Method	Evidence	Documents Sighted	Determination	Compliance Finding
	by giving written notice to the Department. If the approval holder revokes the choice under condition 22, the approval holder must implement the previous action management plan approved by the Minister.							
25	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:	No such notice from the Minister has been given.	Not applicable.	Not Applicable.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight.	The Independent Auditor considers this criterion to be <u>Not applicable</u> .	NOT APPLICABLE
a	condition 22 does not apply, or ceases to apply, in relation to the RAMP; and	No such notice from the Minister has been given.	Not applicable.	Not Applicable.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight.	The Independent Auditor considers this criterion to be <u>Not applicable</u> .	NOT APPLICABLE
b	the approval holder must implement the action management plan specified by the Minister in the notice.	No such notice from the Minister has been given.	Not applicable.	Not Applicable.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight.	The Independent Auditor considers this criterion to be <u>Not applicable</u> .	NOT APPLICABLE
26	At the time of giving the notice under condition 25, the Minister may also notify that for a specified period of time, condition 22 does not apply for one or more specified action management plans.	No such notice from the Minister has been given.	Not applicable.	Not Applicable.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight.	The Independent Auditor considers this criterion to be <u>Not applicable</u> .	NOT APPLICABLE
27	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	The action has not been completed.	Not applicable.	Not Applicable.	Meeting with E&HP staff member.	1. Interview conducted 17 April 2026 with E&HP representative Amelia Weight.	The Independent Auditor considers this criterion to be <u>Not applicable</u> .	NOT APPLICABLE

5 Summary of Audit findings

The following section details the findings of the audit undertaken of the Ecology and Heritage Partners EPBC Compliance Report - New Epping (EPBC 2016/7755), refer to Table 2 for summary of determinations.

Table 2: Summary of compliance determinations

Auditor determination	Number
Compliant	33
Non-compliant	5
Not-applicable	23
Total determinations	61

5.1 Compliant (33 determinations)

The following conditions and sub-criteria were assessed by the independent auditor as compliant: 1(a) and (b); 2; 4 and all sub-parts (a-e, f(i-ii), g(i-iv)); 6; 9; 10; 11; 13(a) and (e); 14; 15 and 15(a-d); 16(a & b); 19(a, b, c); 21.

5.2 Non-compliant (5 determinations)

The following conditions and sub-criteria were assessed by the independent auditor as non-compliant:

- Condition 5 - Written evidence that the offsets had been legally secured was not provided to the Department within the required 14 days. The offsets were legally secured (deeds sighted). Technically non-compliant; not considered a breach of significance.
- Condition 8 - The Department was not notified of the commencement of the action (February 2021) within 10 business days. A non-compliance at the time, since rectified through the Show Cause response.
- Condition 13(b) - The management plans were not published on the website within the required 20 business days.
- Condition 13(c) - Notification to the Department that the plans had been published was given more than five business days after publication.
- Condition 18 - The required independent audits (the 12-month and first 24-month submissions) lapsed because commencement was not recognised until approximately March 2024. Non-compliant at the time of commencement, notwithstanding subsequent correspondence.

Common thread: Conditions 8, and 18 (and, in part, 5 and 13) all stem from the delayed recognition of the February 2021 controlled action commencement date.

5.3 Not applicable (23 determinations)

The following conditions and sub-criteria were assessed as not applicable: 3; 7; 12; 13(d); 15(e); 17(a, b, c); 20; 22; 23(a, i-v, b); 24; 25 and 25(a, b); 26; 27.

The dominant reason for not applicable is triggering events have not yet occurred is construction of the Growling Grass Frog habitat corridor has not commenced / completed, no Revised Action

Management Plan has been implemented without approval (Conditions 22-27), the independent audit is not yet Department-approved (Condition 20), and the action has not been completed.

5.4 Concluding statement

This retrospective independent audit assessed the Ecology and Heritage Partners 2024-2025 compliance report against the 27 EPBC approval conditions (EPBC 2016/7755). Of the determinations made, the majority were assessed as compliant, six sub-criteria were assessed as non-compliant (Conditions 5, 8, 13(b), 13(c), and 18), and the balance were not applicable at this stage of the action, principally because construction of the Growling Grass Frog habitat corridor and completion of the action have not yet occurred.

The non-compliances are administrative and timing-related, the majority arising from the delayed recognition of the February 2021 commencement date, and in each case the underlying obligation has since been satisfied or addressed with the Department.

No non-compliances resulting in unauthorised impact to Matters of National Environmental Significance was identified.

Appendix A: EPBC Approval Conditions



APPROVAL

Staged redevelopment of 215, 315W and 325C Cooper Street, Epping, Victoria (EPBC 2016/7755)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

Details

Person to whom the approval is granted (approval holder)	Riverlee Caruso Epping Pty Ltd
ACN of approval holder	605 442 500
Action	To redevelop 215, 315W and 325C Cooper Street, Epping, Victoria for residential and commercial uses [see EPBC Act referral 2016/7755]

Approval decision

My decision on whether or not to approve the taking of the action for the purposes of the controlling provision for the action is as follows.

Controlling Provisions

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve

Period for which the approval has effect

This approval has effect until 1 April 2034.

Decision-maker

Name and position

Andrew McNee
Assistant Secretary of Assessments and Governance Branch
Department of the Environment and Energy

Signature

Date of decision 24 May 2019

Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

1. The approval holder must clear no more than the following within the **project site**:
 - a. 5.42 ha **Golden Sun Moth habitat**
 - b. 17.39 ha of **Growling Grass Frog habitat**
2. Prior to the **commencement of the action**, to compensate for the loss of up to 5.42 ha **Golden Sun Moth habitat**, the approval holder must provide documentary evidence to the **Department** that the impact has been offset by a 5.42 ha **MUD Policy Offset** in accordance with the **Melbourne Urban Development Policy**.
3. To compensate for the loss of 17.39 ha of **Growling Grass Frog habitat**, the approval holder must implement the **Growling Grass Frog Offset Strategy**, and ensure that a **viable population** of the **Growling Grass Frogs** is maintained at the proposed offset areas for 10 years.
4. Prior to the **commencement of the action**, the approval holder must prepare Offset Management Plans for the onsite and offsite offset areas proposed in the **Growling Grass Frog Offset Strategy**. The approval holder must not **commence the action** until both Offset Management Plans have been prepared. The Offset Management Plans must be provided to the **Department** within 14 days of the Offset Management Plans being prepared. Each approved Offset Management Plan must be implemented for the life of the approval. Each Offset Management Plan must:
 - a. be prepared by a **suitably qualified expert**
 - b. be prepared in accordance with the principles of the **EPBC Act Environmental Offsets Policy**, and be consistent with the **Growling Grass Frog Offset Strategy**
 - c. include timelines and mechanisms for **legally securing** the offset area(s)
 - d. provide a written description and map that clearly defines the location and boundaries of the offset area(s). This must be accompanied by the offset **attributes** and **shapefile(s)**
 - e. include a description, based on adequate surveys, of the current **Growling Grass Frog** population within each offset area, and the condition (prior to any management activities) of each offset area, including existing habitat (the baseline condition)
 - f. detail timeframes, management actions, and strategies for:
 - i. maintaining a **viable population** of **Growling Grass Frogs** within the onsite offset; and
 - ii. for the creation, regeneration and/or revegetation of **Growling Grass Frog habitat** within the proposed onsite and offsite offset areas.
 - g. management actions and strategies must include:
 - i. performance and completion criteria for evaluating the management of the offset area, and criteria for triggering remedial action and contingency responses
 - ii. a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria
 - iii. a description of potential risks to the successful implementation of the plan, a description of the measures that will be implemented to mitigate against these risks and a description of the contingency measures that will be implemented if defined triggers arise

- iv. specify the timing and frequency of management actions, reporting and implementation of contingency responses and corrective actions, and the person/s responsible.
5. Within 14 days of the offset(s) required under condition 3 being **legally secured**, the approval holder must provide the **Department** with written evidence demonstrating that the offset(s) has/have been **legally secured**.
6. Within three (3) months following the third and fourth anniversary of the **commencement of the action**, the approval holder must provide a report demonstrating that a **viable population** of **Growling Grass Frog** has been maintained at the onsite offset site (as required under the **Growling Grass Frog Offset Strategy**). The report must be prepared by a **suitably qualified expert**.
7. If the **Minister** is not satisfied that a **viable population** of **Growling Grass Frog** has been maintained as required in condition 6, the **Minister** may (in writing) require the approval holder to submit a new plan or program for the **Minister's** approval to reduce, mitigate, remediate or compensate impacts to **Growling Grass Frogs**. If the **Minister** approves the plan or program, then the approved plan or program must be implemented. *Note: To avoid doubt, any proposed compensation measures must be additional to that required by the **Growling Grass Frog Offset Strategy**.*

Part B – Standard administrative conditions

Notification of date of commencement of the action

8. The approval holder must notify the **Department** in writing of the date of **commencement of the action** within 10 **business days** after the date of **commencement of the action**.
9. 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**.

Management Plans

10. All management plans required under this approval should be prepared in line with the **Department's Environmental Management Plan Guidelines**.

Compliance records

11. The approval holder must maintain accurate and complete **compliance records**.
12. 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.

Preparation and publication of plans

13. The approval holder must:
 - a. submit **plans** electronically to the **Department** for approval by the **Minister**;
 - b. publish each **plan** on the **website** within 20 **business days** of the date the **plan** is approved by the **Minister** or of the date a revised action management plan is submitted to the **Minister**, unless otherwise agreed to in writing by the **Minister**;
 - c. notify the **Department** by email that **plans** have been published on the **website** within five **business days** of the date of publication;

- d. exclude or redact **sensitive ecological data** from **plans** published on the **website** or provided to a member of the public; and
 - e. keep **plans** published on the **website** until the end date of this approval.
14. 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**.

Annual compliance reporting

15. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or as otherwise 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;
 - b. notify the **Department** by email that a **compliance report** has been published on the **website** within five **business days** of the date of publication;
 - c. keep all **compliance reports** publicly available on the **website** until this approval expires;
 - d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**; and
 - 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. The first **compliance report** may report a period less than 12 months so that it and subsequent compliance reports aligns with the similar requirement under state approval.

Reporting non-compliance

16. 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 **plans**. The notification must be given as soon as practicable, and no later than two **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
- a. the condition which is or may be in breach; and
 - b. a short description of the **incident** and/or non-compliance.
17. 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;
 - b. the potential impacts of the **incident** or non-compliance; and
 - c. the method and timing of any remedial action that will be undertaken by the approval holder.

Independent audit

18. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted for the 12 month period from **commencement of the action** and for every subsequent 24 month period until this approval expires, or as requested in writing by the **Minister**.

19. For each **independent audit**, the approval holder must:
 - a. provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
 - b. only commence the **independent audit** once the audit criteria have been approved in writing by the **Department**; and
 - c. submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.
20. 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.

Revision of action management plans

21. The approval holder may, at any time, apply to the **Minister** for a variation to an action management plan approved by the **Minister** under condition 4, 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.
22. The approval holder may choose to revise an action management plan approved by the **Minister** under conditions 4, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the action in accordance with the RAMP would not be likely to have a **new or increased impact**.
23. If the approval holder makes the choice under condition 22 to revise an action management plan without submitting it for approval, the approval holder must:
 - a. notify the **Department** in writing that the approved action 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 approved action management plan and the RAMP;
 - iii. an explanation of the differences between the approved action management plan and the RAMP;
 - iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a **new or increased impact**; 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 25, implement the RAMP from the RAMP implementation date.
24. The approval holder may revoke its choice to implement a RAMP under condition 22 at any time by giving written notice to the **Department**. If the approval holder revokes the choice under condition 22, the approval holder must implement the previous action management plan approved by the **Minister**.

25. 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:
- condition 22 does not apply, or ceases to apply, in relation to the RAMP; and
 - the approval holder must implement the action management plan specified by the **Minister** in the notice.
26. At the time of giving the notice under condition 25, the **Minister** may also notify that for a specified period of time, condition 22 does not apply for one or more specified action management plans.

Note: conditions 22, 23, 24 and 25 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.

Completion of the action

27. Within 30 days after the **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.

Part C - Definitions

In these conditions, except where contrary intention is expressed, the following definitions are used:

- Business days** means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
- Clear/Cleared/Clearance** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the *Australian weeds strategy 2017 to 2027* for further guidance).
- Commencement of the action** (also **commence the action**) means the first instance of any specified activity associated with the action (inside of the **Impact Area**) including **clearance** of vegetation and **construction** of any infrastructure. Commencement does not include minor physical disturbance necessary to:
 - undertake surveys or monitoring programs;
 - install signage and /or temporary fencing to prevent unapproved use of the project area;
 - protect environmental and property assets from fire, weeds and pests, including erection or **construction** of fencing and signage, and maintenance or use of existing surface access tracks, if agreed in writing by the **Department**; and
 - manage traffic.
- Completion data** means an environmental report and spatial data information clearly detailing how the conditions of this approval have been met, including information detailing the date, location, approved **project site**, and actual **cleared** area, total area and type of **Golden Sun Moth habitat** and **Growling Grass Frog habitat cleared** within the **site**. The **Department's** preferred spatial data format is **shapefile**.
- Completion of the action** means the time at which all approved conditions have been fully met.

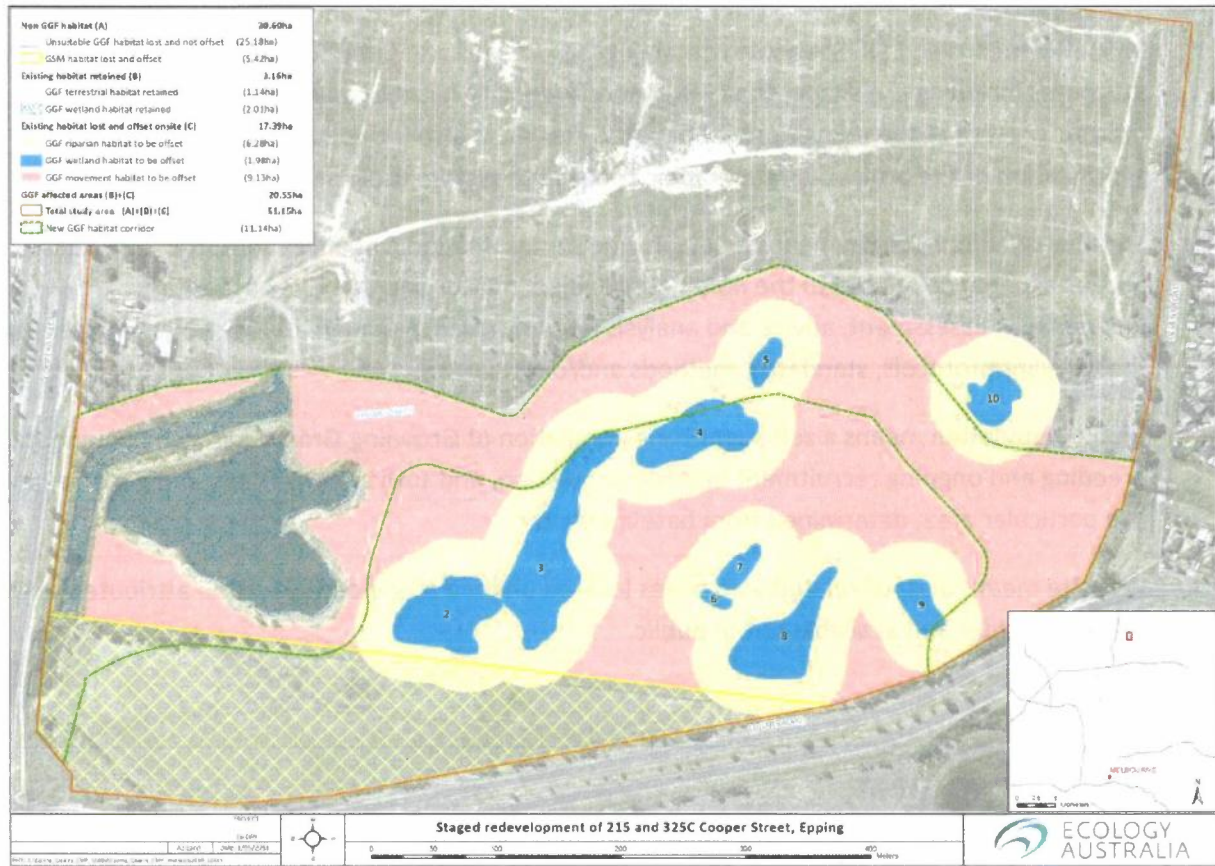
- f. **Compliance records** means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawful;
- g. **Compliance reports** means written reports:
 - i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plans**;
 - ii. consistent with the **Department's Annual Compliance Report Guidelines** (2014);
 - iii. include a **shapefile** of any **clearance** of any **protected matters**, or their habitat, undertaken within the relevant 12 month period; and
 - iv. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period.
- h. **Construction** means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work within the **Impact Area**; but excluding the installation of fences and signage.
- i. **DELWP** means the Victorian Government Department of Environment, Land, Water and Planning.
- j. **Department** means the Australian Government agency responsible for administering the **EPBC Act**.
- k. **Department's Environmental Management Plan Guidelines** means the *Environment Management Plan Guidelines*, Department of the Environment 2014 found at <http://www.environment.gov.au/epbc/publications/environmental-management-plan-guidelines>, or subsequent revision.
- l. **EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
- m. **EPBC Act Environmental Offsets Policy** means the *EPBC Act environmental offsets policy*, Department of Sustainability, Environment, Water, Population and Communities 2012 found at <http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy>, or subsequent revision.
- n. **Golden Sun Moth** means the **EPBC Act** listed threatened species *Synemon plana*.
- o. **Golden Sun Moth habitat** means the habitat for the **Golden Sun Moth** as defined in the current conservation advice for the species approved by the **Minister**.
- p. **Growling Grass Frog** means the **EPBC Act** listed threatened species *Litoria raniformis*.
- q. **Growling Grass Frog habitat** means the habitat for the **Growling Grass Frog** as defined in the species *approved conservation advice*.

- r. **Growling Grass Frog Offset Strategy** means the document with the title *Growling Grass Frog EPBC Act 1999 Offset Strategy – 215 Cooper St Epping*, dated 18 March 2019.
- s. **Impact area** means the area that excludes the area denoted as ‘Unsuitable GGF habitat lost and not offset (25.18ha)’ at Attachment A, being generally east of the existing Edgars Creek corridor.
- t. **Incident** means any event which has the potential to, or does, impact on **protected matter(s)**.
- u. **Independent audit** means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2015).
- v. **Legally securing** means to secure a legal agreement under relevant Victorian legislation, in relation to a site, to provide enduring protection for the site against development incompatible with conservation.
- w. **Melbourne Urban Development Policy** means the document *Policy Statement for Melbourne urban development proposals needing consideration under Parts 7, 8 and 9 of the EPBC Act*, Department of the Environment, February 2014, which provides for offsets of impacts of relevant projects in accordance with the Melbourne Strategic Assessment, a Victorian urban development program providing for Melbourne’s forecast population growth, endorsed by the **Minister**.
- x. **Monitoring data** means the data required to be recorded under the conditions of this approval.
- y. **Minister** means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.
- z. **MUD Policy Offset** means payment of the amount set out in an invoice from **DELWP** to compensate for the impacts of the proposed action, as evidenced by a receipt from **DELWP** acknowledging payment or other documentation that the **Minister** deems in writing to be sufficient.
- aa. **New or increased impact** means a new or increased environmental impact or risk relating to any **protected matter**, when compared to the likely impact of implementing the action management plan that has been approved by the **Minister** under condition 4, including any subsequent revisions approved by the **Minister**, as outlined in the *Guidance on ‘New or Increased Impact’ relating to changes to approved management plans under EPBC Act environmental approvals* (2017).
- bb. **Offset attributes** means an ‘.xls’ file capturing relevant attributes of the offset site, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the **EPBC Act protected matters** that the offset compensates for, and any additional **EPBC Act protected matters** that the offset compensates for, and any additional **EPBC Act protected matters** that are benefiting from the offset, and the size of the offset in hectares.
- cc. **Plan(s)** means any of the documents required to be prepared, approved by the **Minister**, and/or implemented by the approval holder and published on the **website** in accordance with these conditions (includes action management plans and/or strategies).
- dd. **Project site** means the area enclosed by red and/or blue lines as shown in Attachment B.

- ee. **Sensitive ecological data** means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*.
- ff. **Shapefile** means an ESRI Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes including the shape, the **EPBC Act** reference ID number and **EPBC Act** protected matters present at the relevant site. **Shapefile** files must also include either a '.prj' file or specification of the projection/geographic coordinate system used.
- gg. **Suitably qualified person** means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.
- hh. **Viable population** means a self-supporting population of **Growling Grass Frog** with documented breeding and ongoing recruitment into the population, and sufficient numbers and genetic variety in a particular area, determined from baseline data.
- ii. **Website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

ATTACHMENTS

Attachment A – Impact Area



DRIVE ORIGIN
 C1: 0001 & 0002
 F: 0003-0004
 G: 0005-0006
 H: 0007-0008

COOPER STREET

315W Cooper St
 Vol. 0920
 Fol. 082
 Lot 1
 100161377
 3-12-74

325C Cooper St
 Vol. 0942
 Fol. 096
 Reserve 2

STAGE 2

EDGARS ROAD

STAGE 1
 215 Cooper St

Vol. 0942
Fol. 081
Lot 1
100161348
22-05-04

Vol. 0767
Fol. 059
Lot 2
100161357
12-05-04

Vol. 0942
Fol. 081
Lot 1
100161348
22-05-04

CHILD'S ROAD

Curve	Station	Length
1	0+00.00	100.00
2	100.00	100.00
3	200.00	100.00
4	300.00	100.00
5	400.00	100.00
6	500.00	100.00
7	600.00	100.00
8	700.00	100.00
9	800.00	100.00
10	900.00	100.00
11	1000.00	100.00
12	1100.00	100.00
13	1200.00	100.00
14	1300.00	100.00
15	1400.00	100.00
16	1500.00	100.00
17	1600.00	100.00
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28	2700.00	100.00
29	2800.00	100.00
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31	3000.00	100.00
32	3100.00	100.00
33	3200.00	100.00
34	3300.00	100.00
35	3400.00	100.00
36	3500.00	100.00
37	3600.00	100.00
38	3700.00	100.00
39	3800.00	100.00
40	3900.00	100.00
41	4000.00	100.00
42	4100.00	100.00
43	4200.00	100.00
44	4300.00	100.00
45	4400.00	100.00
46	4500.00	100.00
47	4600.00	100.00
48	4700.00	100.00
49	4800.00	100.00
50	4900.00	100.00
51	5000.00	100.00
52	5100.00	100.00
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76	7500.00	100.00
77	7600.00	100.00
78	7700.00	100.00
79	7800.00	100.00
80	7900.00	100.00
81	8000.00	100.00
82	8100.00	100.00
83	8200.00	100.00
84	8300.00	100.00
85	8400.00	100.00
86	8500.00	100.00
87	8600.00	100.00
88	8700.00	100.00
89	8800.00	100.00
90	8900.00	100.00
91	9000.00	100.00
92	9100.00	100.00
93	9200.00	100.00
94	9300.00	100.00
95	9400.00	100.00
96	9500.00	100.00
97	9600.00	100.00
98	9700.00	100.00
99	9800.00	100.00
100		

Appendix B: Auditor's Declaration of Independence

I, [Robert Gration of EcoAerial Pty Ltd , 3 Rosie Place Altona Victoria 3018](#) declare that to the best of my knowledge and belief I and my organisation do not have any conflicting or competing interests with:

The Auditee, the Auditee's staff or representatives or other persons associated with the Auditee, including any personal, financial, business or employment relationship, except to the extent detailed below.

The project to be audited: [Staged development of 215, 315W and 325C Cooper Street, Epping, Victoria \(EPBC 2016/7755\)](#).

I shall notify the Department of the Environment within seven days of any change in these circumstances or any other change that may affect my independent status.

I shall at all times observe any professional code of conduct and/or ethics applicable to undertaking audits (i.e. – as prescribed by the agency with which I hold accreditation/membership). I take full responsibility for any factual inaccuracy or mistake made in giving this declaration, particularly to the extent that others rely upon the truth of this declaration. I acknowledge that the Department of the Environment may request further information to verify my independence at any time.

Details of any personal, financial, business or employment relationship with the Auditee, the Auditee's staff, representatives or associated persons. (This is in the context of both the person making the declaration and the organisation that they are employed by – specify 'nil' if none):

[Nil](#)

Details of any personal, financial, business or employment relationship with the project to be audited. (This is in the context of both the person making the declaration and the organisation that they are employed by - specify 'nil' if none):

I have been engaged by [Verve Project Management](#) on behalf of their client, [\(Riverlee Caruso Epping Pty Ltd\)](#), to undertake an independent audit of compliance reporting undertaken by [Ecology and Heritage Partners](#), now known as [Fyfe](#).

Details of audit qualifications and professional accreditations/memberships. [Refer to Curriculum Vitae attached below.](#)

In making this declaration, I am aware that section 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) makes it an offence in certain circumstances to knowingly provide false or misleading information or documents to specified persons who are known to be performing a duty or carrying out a function under the EPBC Act or the regulations. The offence is punishable on conviction by imprisonment for not more than 1 year, a fine not more than 60 penalty units, or both.



Signed

Full name [Robert Gration](#)

Organisation [EcoAerial Pty Ltd](#)

Date [4/08/2026](#)

Footnote:

- Where an organisation or a team of auditors is nominated to undertake the audit, each individual that is nominated is to complete a separate declaration.
- The curriculum vitae of all audit team members are to be submitted with the declaration outlining their relevant experience and qualifications.

Curriculum Vitae - Rob Gration Director / Principal Ecologist

Career Summary

Rob has 28-years professional experience in the resource management sector and has undertaken projects throughout Victoria, Queensland, New South Wales and South Australia as an environmental consultant.

Rob's specific area of expertise is environmental assessment, management and monitoring. Rob provides advice on environmental compliance, impact assessment and monitoring, preparation of referrals under the *Environment Protection & Biodiversity Conservation Act 1999* & relevant state acts, Peer Reviews, Expert Witness Statement, and Environmental Management Plans.

Professional History

- EcoAerial Pty Ltd - Director / Principal Ecologist. 2013-current.
- WSP Ecology Solutions - Ecology Business Unit Leader. 2011-2013.
- SMEC - Principal Ecologist / Team Manager. 2010-2011.
- Parsons Brinkerhoff - Principal Ecologist / Team Manager 2007-2009
- Environmental and Biodiversity Services - Senior Ecologist. 2006-2007
- Melbourne Polytechnic (formerly Northern Melbourne Institute of TAFE) - Senior Lecturer. 1998-2006.

Education and Training

- Master of Wildlife Management (Habitat), Macquarie University
- Post Graduate Certificate in Applied Science (Wildlife Ecology/Management), Charles Sturt University
- Associate Diploma Applied Science (Natural Resource Management), NMIT
- A-Grade Bat Banding Authority, Australian Bird and Bat Banding Scheme.

Professional Memberships

- Environment Institute of Australia and New Zealand (EIANZ).

- The Wildlife Management Society (USA)
- Australasian Bat Society

Summary of selected audits and peer reviews

Peer Review & Audits

Appointed Auditor of Balickera Tunnel Post Construction Monitoring Program – Hunter Water (Newcastle) NSW.

Principal Ecologist endorsed by the NSW Department of Planning and Environment as a 'species expert' in accordance with the Biodiversity Assessment Methodology (DPIE 2020) NSW. Engaged to audit ecological monitoring program undertaken by contracted ecologists.

Peer review of Flora and Fauna reports of a St Albans development site - Broadcast Australia.

Engaged to undertake a peer review of site surveys and reporting on flora and fauna report as a requirement of the planning approval process.

Appointed Auditor of Post Construction Implementation of Bat and Avian Management Plan of the Bald Hills Wind Farm – Mitsui (Gippsland), Victoria.

Principal ecologist endorsed by Commonwealth to audit the contractors engaged to implement Bat and Avian Management Plan.

Peer Review Echuca Moama Bridge – Roads and Maritime Services / VicRoads (NSW / Vic).

Engaged by Roads and Maritime Services (RMS) to undertake a peer review of bat calls attributed to EPBC Act and FFG Act listed *Nyctophilus corbeni* (Corben's Long-eared Bat) at the proposed new Echuca - Moama Bridge. Results of review were endorsed by DEWA and DELWP.

Review of National Koala Strategy – Commonwealth Department of Environment Water Heritage and the Arts (National).

Responsible for interviewing Victorian and South Australian stakeholders to gather information on how successful the implementation of the National Strategy had been. The objectives were to provide recommendations on how the Strategy may be updated to ensure for the ongoing conservation and management of koalas.

Review the effectiveness of local government planning scheme controls in protecting native vegetation – Port Phillip and Western Port Bay Catchment Management Authority (Victoria).

Reviewed the effectiveness of the local government controls in implementing native vegetation controls within Victorian planning schemes.

Peer review of fauna mitigation strategies for Sugarloaf Pipeline - North South Pipeline Alliance (Victoria).

Responsible for reviewing a post construction fauna management plan for a state listed threatened species, the Brush-tailed Phascogale. Recommended alternative strategies that both provided better outcomes for brush-tailed phascogale whilst reducing the budgeted cost to the client.

Peer review of preferred tenderer - North South Pipeline Alliance (Victoria)

Responsible for reviewing post construction fauna monitoring program. Involved providing recommendations for the proposed monitoring program to ensure it met the requirements of

the referral authority, the Department of Sustainability and Environment.

Financiers Audit – National Bank (Tasmania)

Responsible for reviewing strategies at two operational wind farms of EPBC Act protected avian and fauna species, including habitat protection, species conservation and offsets?

Due Diligence Review – Confidential Client (Queensland)

Responsible for assessing the biodiversity issues of the Queensland Government Wind Farm assets for six operational wind farms and 14-sites at concept stage.

Appendix C: Audit Report—Auditor’s Certification

Auditor’s name: Rob Gration

Position: Director / Principal Ecologist

Company: EcoAerial Pty Ltd

Contact details: Email: rob@ecoaerial.com.au. Mobile: 0414 689 853

Auditor’s qualifications and/or experience: Refer to Appendix B above.

Auditor’s declaration:

I, Robert Gration

- For environmental audits that are required by a condition of an *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval I certify that, to the best of my knowledge, all information provided in the audit report attached to this audit certification statement is true, correct and complete.

I am aware that section 491 of the EPBC Act makes it an offence in certain circumstances to knowingly provide false or misleading information or documents to specified persons who are known to be performing a duty or carrying out a function under the EPBC Act or the regulations. The offence is punishable on conviction by imprisonment for not more than 1 year, a fine not more than 60 penalty units, or both.

I am aware that section 461(4) of the EPBC Act makes it an offence in certain circumstances for an environmental auditor to include a statement in an audit report that is false or misleading in a material particular. The offence is punishable on conviction by imprisonment for not more than 6 months.

Signature:



Date: 4/08/2026

Appendix D: Controlled Action correspondence between Department and Proponent



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Mr Richard Palmistra
Senior Development Manager
Riverlee
Level 17, 379 Collins Street
MELBOURNE VIC 3000

Notified Breach of Approval Conditions attached to EPBC 2016/7755

Dear Mr Palmistra

Thank you for your email of 15 February 2024 notifying the Department of Climate Change, Energy, the Environment and Water (the department) of a likely breach of Condition 8 of the [EPBC Act approval for EPBC 2016/7755](#). You note the breach is due to encroachment into the eastern boundary of the **Impact Area**, which represents commencement of the action, and that the department had not been notified of commencement.

Condition 8 of the EPBC Act conditions of approval requires that Riverlee notify the department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action. Commencement of the action is defined in the approval as *'the first instance of any specified activity associated with the action (inside of the Impact Area) including clearance of vegetation and construction of any infrastructure'*.

Based on the department's investigations, the department considers commencement, triggered by *'clearance of vegetation and construction of any infrastructure'* in the eastern portion of the Impact Area, occurred between November 2020 and February 2021.

The department notes that on 23 December 2021 the department emailed Riverlee requesting advice on project status, including on commencement of the action. On 17 January 2022, Riverlee advised that the action had not commenced.

Given the above, the department has reviewed Riverlee's obligations as they relate to commencement of the action and environmental offsets, and has detected potential non-compliance with the requirements of **Conditions 4, 13 and 23**.

In summary, **Condition 4** requires Riverlee prepare offset management plans (OMPs) for the onsite and offsite offset area proposed in the Growling Grass Frog Offset Strategy, provide those plans to the department within 14 days of the plan being prepared, and implement those plans for the life of the approval. The OMPs must meet requirements specified in Condition 4 of the approval.

In an email dated 9 September 2019, Riverlee provided the department the OMPs for the onsite and offsite offset areas, on the understanding the plans required review and approval. It was noted to Riverlee by email 27 September 2019 that the OMPs were not required to be approved, and the requirement was clarified by a [variation to the conditions of approval](#) dated 5 November 2019.

The department understands that the current versions of the relevant offset documents to be:

- the *Growling Grass Frog EPBC Act 1999 Offset Strategy – 215 Cooper St, Epping, V2* dated 18 March 2019;

DCCEEW.gov.au

John Gorton Building - King Edward Terrace, Parkes ACT 2600 Australia
GPO Box 3090 Canberra ACT 2601 ABN: 63 573 932 849

- the *Offset Management Plan: 191 Springberg Lane, Perry Bridge (EPBC 2016/7755)*, Final version, dated 9 September 2019; and
- the *Offset Management Plan: 2015, 315W and 325C Cooper St, Epping (EPBC 2016/7755)*, Final version, dated 9 September 2019.

On 17 January 2022 Riverlee advised, amongst other matters, that Riverlee was ‘*in the process of finalising Offset Management Plans for the on and off-site offsets*’. That timing conflicts with the date of the ‘final’ versions submitted to the department, that the submitted plans be implemented for the life of approval, and with the implementation schedule in Table 8 of the offsite OMP.

The department is also concerned that the submitted OMPs do not meet the requirements of Condition 4 of the approval, in particular:

- **Condition 4(b)**, as there is no explanation or description given in either OMP as to how the plan has been prepared in accordance with the principles of the EPBC Act Environmental Offsets Policy, or how it is consistent with the Growling Grass Frog Offset Strategy; and
- **Conditions 4(f) and 4(g)**. Sections 5 of both OMPs, though specified in the respective OMP as doing so, do not contain timeframes for management actions and strategies for creating, regenerating and/or revegetating Growling Grass Frog habitat in the offset. Further, neither the first year or 10 year management period of the OMP are specified, and certain monitoring, reporting and auditing actions are baselined only to the unspecified 10 year management period.

Condition 13 of the approval, as varied 5 November 2019, requires that Riverlee must:

- publish each plan on the **website** within 20 business days of the date the plan is approved by the Minister (where approval of the Minister is required) or of the date a plan is submitted to the Department, unless otherwise agreed to in writing by the Minister. *Website* is defined as ‘*a set of related web pages located under a single domain name attributed to the approval holder and available to the public*’, which the department considers for this approval to be www.riverlee.com.au;
- notify the department by email that plans have been published on the website within five business days of the date of publication (from which sensitive ecological data must be redacted); and
- keep plans published on the website until the end date of this approval.

Following the 5 November 2019 variation of the approval, which was undertaken by agreement with Riverlee, Riverlee was required to publish each OMP on its website, give the department notice within five business days of the date of publication, and keep the OMPs published on that website.

On 2 May 2023 the department requested from Riverlee offset related information, including ‘*a weblink to your publicly available Offset Management Plan(s)/documents (these will be considered as confirmation that they have no sensitivities and ready for publication on the offsets register*’. Riverlee provided a sharefile link, and not a link to the above website. The department has more recently inspected the Riverlee website and cannot find evidence of OMP publication.

Given the above, the department is concerned that Riverlee has breached **Condition 8** of the approval, and that Riverlee:

- did not prepare OMPs consistent with the requirements of **Condition 4** of the approval;
- has not implemented the OMPs, prepared and submitted to the department in September 2019, for the life of the approval (**Condition 4**);
- has not published the OMPs on its website and/or did not keep those plans published on the website to the date of this letter. Furthermore, the department has no record of Riverlee giving the department notice of the date of plan/s publication (**Condition 13**); and
- has varied one or more OMPs, and not provided the revised version of the OMP to the department in accordance with the requirements of **Condition 23** of the approval.

The department invites your response to the above potential breaches of the conditions of approval. Please provide your response by **COB 8 March 2024**.

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 you provide the department will be used to assist the department in determining an appropriate and proportionate response to non-compliance, 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 myself and epbcmonitoring@dcceew.gov.au. For further information regarding this matter please contact me on 0422 369 431 or by email.

Yours sincerely



Vaughn Cox
Assistant Director
Approvals Compliance Section

19 February 2024