

18 July 2025

Nathan Jenkinson
Director
SOHO Living
Acting on behalf of
Asset1

Dear Nathan,

Annual Compliance Report for EPBC 2011/5812 associated with the residential development of 60 Harvest Home Road, Wollert, Victoria.

Project number: 2025-10: Draft 1: Produced on 18 July 2025

The original approval for EPBC 2011/5812 was signed by James Treguthera, Assistant Secretary, South-Eastern Australia Environment Assessments Branch, Australian Government Department of the Environment and dated 21 July 2014.

A Variation of conditions of approval for EPBC 2011/5812 was signed by Graeme Grosse, Branch Head, Compliance and Enforcement, on 11 December 2024.

The following outlines the conditions of approval associated with EPBC 2011/5812 as outlined in both the original approval and the variation of conditions of approval.

It is noted that the approval was issued to ASSET1 Constructions (Northeast) Pty Ltd (ACN 112 227 791) and has effect until 30 July 2030. The approved action of residential development has been completed for over 5 years.

The conditions of approval listed by this approval are noted in order below in *italics* with my assessment of the proponent's compliance with that condition described for each condition. A summary table of the results of this compliance report is provided in Appendix 1.

This compliance report covers the approval from its inception (21 July 2014) until July 2025.

Conditions of approval

- 1. The person taking the action must not remove or impact more than 17 hectares of habitat for the **Golden Sun Moth** within the **study area**.*

Compliance Assessment: Compliant

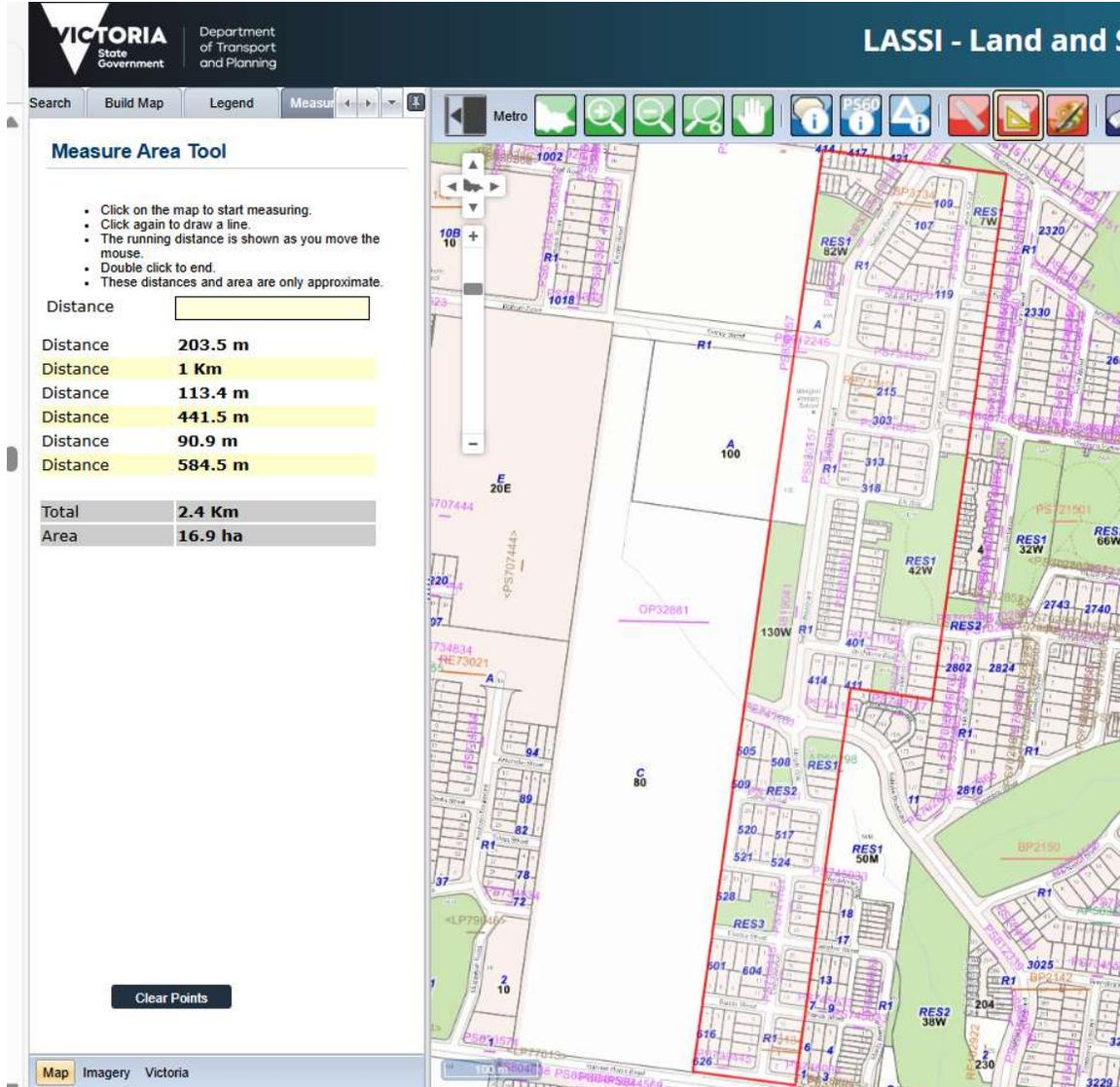
The original referral (**Attachment 1**) describes the development site as 17 hectares of agricultural land with the extent of the development area identified as 15 hectares.

Attachment 2 of the referral provides a detailed subdivisional Concept Plan with the total site area identified as 16.86 hectares.

An examination of the current Land and Survey Spatial Information (LASSI) mapping measures the original development site at approximately 16.9 hectares. Note that this includes an area identified as Reserve 1 (82W

Saltlake Boulevard Wollert 3750) which covers 3,623 square metres identified as native grassland to be retained in the original referral.

Figure 1: An extract from LASSI (<https://maps.land.vic.gov.au/lassi/>) measuring the extent of the completed subdivision as 16.9 hectares (North is up the page).



As the extent of the development area is less than 17 hectares, it is apparent that the proponent has contained the approved development to an action which did not remove more than 17 hectares of habitat for Golden Sun Moth within the study area as defined in Appendix A of the approval.

The proponent has completed the action within the study area and is therefore compliant with Condition 1. As the development of the residential subdivision by Asset1 Constructions (Northeast) Pty Ltd is complete and no additional works are approved by the City of Whittlesea or proposed by the proponent, no further reporting on Condition 1 for the life of the approval is considered necessary.

2. **(pre-December 2024)** The person taking the action must offset the loss of **Golden Sun Moth** habitat by securing, protecting and managing at least 40 hectares of **Golden Sun Moth** habitat at 346 Streatham-Carngham Road, Chepstow, as specified in the **Conservation Management Plan**. The offset site must be secured by a covenant under the Victorian Conservation Trust Act 1972 or under section 173 of the Victorian Planning and Environment Act 1987 prior to the **commencement of construction**.

2. **(post December 11, 2024)** The person taking the action must offset the loss of **Golden Sun Moth** habitat by securing the **offset site** under a Victorian Conservation Trust Act 1972 covenant or under section 173 of the Victorian Planning and Environment Act 1987 prior to the **commencement of construction**.

Compliance Assessment: Compliant pre and post December 11, 2024.

An offset agreement was signed between Asset1 Pty Ltd as trustee for the Asset1 (Northeast) Unit Trust (ACN 101 876 822) and the landowner of the nominated offset site at 346 Streatham-Carngham Road, Chepstow on 22 May 2014 (**Attachment 2**). The nominated 40 hectare offset site of Golden Sun Moth habitat was subsequently secured under section 173 of the Victorian *Planning and Environment Act 1987* signed and dated 18 December 2014 (**Attachment 3**).

A contract for the commencement of works signed on 17 August 2015 by the appointed civil contractor (Winslow Constructors Pty Ltd) was received by Asset 1 Construction (Northeast) Pty Ltd on 27 August 2015 (**Attachment 4**). The start date is therefore on or about 17 August 2015.

The nominated offset site was therefore secured by one of the defined legal instruments (s.173 Agreement signed by both parties on 18 December 2014) prior to the commencement of works as prescribed by this condition. As works can only commence once, this component of Condition 2 requires no further reporting for the life of the approval.

2A. *The person taking the action must implement the **Conservation Management Plan** until at least 4 October 2025, or another date specified in writing by the **Minister**.*

Compliance Assessment: Non-Compliant

Implementation of the Conservation Management Plan (CMP) has been contracted to the landowner of the offset site (Neville James Oddie & J.H. Oddie & Co Pty Ltd – **Attachment 2**) as the proponent has no expertise in this field.

Neville James Oddie has subsequently contracted the majority of pest plant and animal control works and the required monitoring to another company – ABZECO Pty Ltd. ABZECO prepared the approved **CMP** (ABZECO November 2014) and as an experienced manager of native vegetation, including indigenous grasslands, were considered well placed to implement the CMP.

ABZECO have prepared a summary document of works completed at the offset site (ABZECO 2025). A series of 14 quadrats designed to monitor Golden Sun Moth habitat condition were established with data collection from Year 1 completed on 26 and 27 October 2016 (ABZECO 2025: Section 3.2 - page 9). While data was collected in subsequent years, ABZECO (2025) represents the only formal reporting of this information.

Section 3.6 of the CMP indicates the Department of Environment and Primary Industries (DEPI) (now the Department of Energy, Environment and Climate Action – DEECA) would oversee the implementation of management actions, DEPI would only have had an interest in the area designated as a Victorian offset (Figure 1 in the CMP – Net Gain Offset Area – 0.760 hectares), rather than the 40 hectare federal offset area. There is also no evidence that DEPI were ever asked to or otherwise provided any oversight into this offset site.

Section 3.7 of the CMP indicates that surveys will be conducted in spring, will be conducted using the 1 m x 1 m quadrats at each of the 14 monitoring points, include a photo of each monitoring point and the collected data will be documented and provided to the regulatory authority as part of the annual management report. Unfortunately, ABZEKO have not produced any annual reporting with the only report produced to date being ABZEKO (2025).

The requirement for targeted Golden Sun Moth surveys are outlined by the CMP (ABZEKO 2914: Section 3.7 – Targeted Golden Sun Moth Survey page 11 of 32). While the survey requirements outlined are considered standard, they note a requirement for surveys to be conducted over four non-consecutive suitable days (or until moths are detected). This survey requirement is designed for the detection of Golden Sun Moth at sites supporting potential habitat, with a minimum of four surveys required to decide if Golden Sun Moth are present or absent. Subsequently the assessment of known populations has required four surveys to be able to quantify the species stocking rate component of the Habitat Quality scoring for Golden Sun Moth habitat.

ABZEKO (2025) note the results of Golden Sun Moth surveys within the offset site for the 2015-2016 flight season from 2 surveys, noting the entire site was surveyed on 17 November 2015 and 60% of the site being surveyed on 24 November 2015. However, the CMP indicates that surveys need to be completed over the entire site and, while four surveys may not be specifically documented as a requirement, it is at least implied as a requirement. This is based on the CMP requirement (ABZEKO 2914: Section 3.7 – Targeted Golden Sun Moth Survey page 11 of 32) that once moths are detected, survey effort should be concentrated around determining the size and distribution of the population. This requirement does not appear to have been fulfilled.

ABZEKO (2025) documents Golden Sun Moth surveys for the 2016-2017 flight season (data from 3 surveys provided) and indicated 2 surveys were conducted in the 2017-2018 flight season but provided no data. They also indicated surveys were conducted during the 2018-2019, 2021-2022, 2022-2023 and 2023-2024 flight seasons but no information was provided other than to say that Golden Sun Moth activity was moderate to high during the 2023-2024 flight season.

The CMP also requires the results of the Golden Sun Moth targeted surveys are to be documented and provided to the regulatory authority as part of the annual management report. This was not done.

Section 3.7 dot point 6 of ABZEKO (2014) outlines monitoring and review requirements. This notes that the landowner or appointed ecologists (in this instance ABZEKO) will undertake monitoring at least annually, providing a detailed report to the regulatory authorities. Annual reporting was not completed by either ABZEKO or the landowner.

Section 4.1 of the CMP provides an implementation schedule.

Habitat Assessment is defined as a management action for every year and is described as vegetation and habitat quadrat survey as outlined in the CMP to be conducted between September and October of each year with the results documented in an annual report to the Department of Environment (now DCCEEW). No habitat assessment reporting has been submitted to the Department of Environment in any year.

Targeted Golden Sun Moth surveys are noted as an annual requirement between November and January with 4 surveys required and the results to be documented as part of an annual report to DEWHA. ABZEKO do not appear to have conducted 4 Golden Sun Moth surveys during any years covered by the CMP and the only reporting produced to date is ABZEKO (2025).

Annual reporting is also a documented management action in Section 4.1 for every year of management. No annual reporting has been provided by the landowner or ABZECCO, with the only report available being the summary report (ABZECCO 2025).

ABZECCO (2025) provides a list of works and actions they conducted within the offset site. This list suggests that pest plant and animal control works including weed control, seed collection, pest animal monitoring and control were conducted between 2014 and 2018. Weed control works are also documented for 2024 with controlled grazing implemented by the landowner between 2016 and 2023.

The CMP identifies that weed control works would be conducted to the extent of 30 person days per annum. No documentation has been provided to allow this compliance report to determine if this level of effort was conducted.

It is apparent that ecological management works, including pest plant and animal control works, biomass control works and rehabilitation works (i.e. collection of native seed and subsequent dispersal of that seed) have been conducted within the offset site. However, documentation and monitoring of that effort has been poor, to the extent that it is difficult to impossible to assess the progress of these management efforts over time and whether the extent of effort proposed by the CMP was ever conducted or was adequate to achieve the required results. For example, weed control works outlined under the CMP were designed to achieve <5% weed cover. However, no assessments of the weed cover across the offset site are documented and it is unlikely that the monitoring implemented would be able to conclude how successful weed control works were.

As many components of the CMP appear to have been overlooked, particularly the monitoring and reporting requirements, it can only be concluded that the CMP has only been partially implemented since its activation.

2B. *The person taking the action must improve the **habitat quality** for **Golden Sun Moth** at the **offset site** from 5/10 to 7/10 in accordance with the **Preliminary Documentation** by 4 October 2025.*

Compliance Assessment: Uncertain

How the input values for the offset calculator were determined is not provided and it is likely that they were based on the expert evaluation of the consultant. In the experience of the author this was normal practice at the time of the preparation of the preliminary documentation (noting that the original approval was provided in mid-2014). More rigorous documentation of habitat scores used as input for the offset calculator was introduced well after the approval for EPBC 2011/5812 and therefore the inputs provided by Brett Lane and Associates (the consultants who prepared the preliminary documentation) were accepted by the Department of the Environment at the time. These inputs would unlikely be accepted today.

The current approval conditions note the habitat score for GSM is based on three components, providing a cumulative score out of 10 based on the following:

- **3** points for **site condition**,
- **3** points for **site context**, and
- **4** points for **species stocking rate**

The site context is highly unlikely to change as the offset site is imbedded in a broader area of suitable Golden Sun Moth habitat. Any predicted change in the species stocking rate based on habitat management is fraught, with unpredictable variations in the abundance of this species occurring and difficulties in evaluating changes in stocking rate over time. However, it is possible that an allowance was made for the stocking rate score to be increased by 1 point over the ten-year management period. The most plausible component of the habitat score to influence is the site condition score as active ecological management would be expected to improve

the condition of native vegetation over time. However, this would require the site condition to have been improved markedly and without an understanding of what condition criteria were used to contribute to the base score of 5/10 it cannot be determined if the site condition score contribution was.

Given Site Context is such that the offset represents a relatively large area of habitat contiguous with other areas of suitable habitat it is reasonable to score the Site Context as 3/3. That would leave Site Condition with a score of 1/3 and Species Stocking Rate with a score of 1/4.

Current assessment criteria for Golden Sun Moth habitat previously approved by DCCEEW or its predecessors identify the following criteria for site condition:

- 0/3 = dominated by introduced vegetation that is not a known food source.
- 1/3 = dominated by poor quality native vegetation (VQA site condition score up to 30/75) including <20% cover known food source.
- 2/3 = dominated by moderate quality native vegetation (VQA site condition score 31-45/75) including between 20% and 40% cover known food source with limited inter-tussock space (<5%), or dominated by introduced vegetation that is a known food source (i.e. Chilean needle grass) where the species stocking rate is greater than 20 moths per hectare.
- 3/3 = dominated by high quality native vegetation (VQA site condition score 46+/75) including >40% cover known food source and appropriate inter-tussock space.

The baseline data provided by ABZECO (2025: Table 1) suggests the offset site supported locally high levels of introduced plants, up to 86.5% but ranging from 0.5% cover. ABZECO (2025) provides a general site description for the baseline condition of the offset site indicating weeds are prevalent throughout the study area at low cover. The vegetation is otherwise described as dominated by native grasses including Wheat-grass *Anthosachne scabra*, Weeping Grass *Microlaena stipoides*, Wallaby grasses *Rytidosperma* spp., Spear grasses *Austrostipa* spp., Tussock grasses *Poa* spp. and Kangaroo Grass *Themeda triandra*. This information and the baseline data suggests a Site Condition score of 2/3 would have been appropriate using this methodology. This would mean that Site Context and Site Condition would provide an accumulated total of 5 points, leaving Species Stocking Rate to contribute nothing if this scoring protocol was used.

This suggests that an expert assessment was made to define the habitat scores used in the offset calculator and that, if this scoring protocol was used, the change in habitat condition from a 5/10 to a 7/10 would require a 1 point increase in Site Condition and a 1 point increase in Species Stocking Rate, noting that there would be no change in the Site Context.

However, as this scoring protocol did not exist at the time Brett Lane and Associates allocated a habitat score out of 5/10 for the baseline of the offset site and their professional assessment of this habitat cannot be compared to the use of this scoring protocol.

While it is plausible that the site condition has improved, the lack of annual reporting means there is no available data to support this conclusion. ABZECO also note that the surveys conducted for Golden Sun Moth during the implementation of the CMP indicates the presence of Golden Sun Moth across the offset area (ABZECO 2025: Section 5.2.3, page 16) but they observed the population increased or decreased based on seasonal conditions. Given the inconsistent nature of the Golden Sun Moth survey data provided by ABZECO (2025) no assessment can be made on the change or otherwise of the species stocking rate at the offset site.

Surveys for Golden Sun Moth conducted by ABZECO during the 2012/2013 flight season recorded 155 Golden Sun Moth from 4 surveys in an area described as about 40 hectares (ABZECO 2013 included in the preliminary documentation for this approval – **Attachment 5**). This amounts to a density of approximately 3.9 moths per hectare.

Biosis 2025 recorded 537 individuals from 41.3 hectares at a density of 13 moths per hectare.

Current assessment criteria for Golden Sun Moth habitat previously approved by DCCEEW or its predecessors identify the following criteria for Species Stocking Rate:

- 1/4 = 1-5 males per hectare
- 2/4 = 6-20 males per hectare
- 3/4 = 21-50 males per hectare
- 4/4 = >50 males per hectare

Based on this comparison, the score for Species Stocking Rate changes from 1/4 during the 2012/13 flight season to 2/4 during the 2024/25 flight season. Therefore, if there was also an increase in the Site Condition score of 1 point, it could be argued that a two-point score increase had been achieved. However, this would not represent a change from a score of 5/10 to a score of 7/10 as different baseline and final scores would be defined by this protocol.

At the time of the 2014 approval, the input to the offset calculator provided in the preliminary documentation was accepted by the Department, allowing for the Golden Sun Moth habitat to be improved by 2 points with ecological management over a ten-year period. It is noted that it is unlikely that this would be acceptable today. However, at the time of the approval, this was based on expert opinion which was accepted by the Department that this would occur if the CMP was implemented. I would accept that the ecological management components of the CMP have been implemented, although there is insufficient evidence to confirm the extent of management proposed by the CMP was applied.

In light of these variables, I would suggest that adherence to this condition, which was unknown during most of the application of the CMP, could not be evaluated and therefore compliance to this condition is considered uncertain as a 2 point increase could potentially have occurred, just not that increase identified in this condition.

2C. *By 4 October 2025, the person taking the action must submit an Offset Delivery Report (ODR) prepared by an **independent suitably qualified ecologist** to the **department**.*

Compliance Assessment: In progress – will be compliant

The ODR is being prepared and will be submitted to the Department within the required timeframe.

2D. *The ODR submitted to the **department** in accordance with condition 2C must include:*

- a. *an assessment of the **habitat quality** for **Golden Sun Moth** at the **offset site** made by the **independent suitably qualified ecologist** over the previous 12 months; and*
- b. *an assessment of the success or failure to achieve the outcome specified at condition 2B based on the **independent suitably qualified ecologist's** assessment.*

Compliance Assessment: In progress – will be compliant

This assessment will be conducted and documented before the 4 October 2025 deadline.

3. *Prior to **commencement of construction** the person taking the action must provide the **Department** with a copy of the registered covenant required by condition 2.*

Compliance Assessment: Not compliant

A copy of the registered covenant (s.173 Agreement) is provided to the Department as part of this compliance report. As this date is after the commencement of construction the proponent has not complied with this condition and can never become compliant with this condition.

No further reporting on Condition 3 for the life of the approval is considered necessary.

4. *Within three months of the first, second, fifth, seventh and tenth year anniversary of the date of **commencement of construction**, the person taking the action must submit to the **Department** a detailed offset report that includes an outline of each management activity undertaken during the previous year(s), a description of the works and date completed and an assessment of the effectiveness of management actions and the improvements realised during the previous year(s). **The report should also include any proposed changes to the management regime as a result of monitoring activities.***

Compliance Assessment: Not Compliant

The last sentence (in bold) of Condition 4 as documented in the original approval dated 21 July 2014 has not been included in the varied conditions approved on 11 December 2024. While the balance of Condition 4 is as originally documented, the entirety of Condition 4 has not been replicated in the varied conditions. Condition 4 is taken to be varied as documented in the approved varied conditions.

Detailed offset reports have not been provided to the Department within three months of the first, second, fifth or seventh anniversary of the date of commencement of construction. A detailed offset report is being prepared for year 10 and will be provided in a manner compliant with this condition.

5. *Within five days after the **commencement of construction**, the person taking the action must advise the **Department** in writing of the actual date of commencement.*

Compliance Assessment: Not Compliant

The proponent did not advise the Department within five days of the commencement of construction in August 2015.

As works can only commence once, this component of Condition 5 requires no further reporting for the life of the approval.

6. *(pre-December 11, 2024) The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.*

6. *(post-December 11, 2024) The person taking the action must maintain accurate and complete **compliance records** and document the procedure for recording and storing **compliance records**.*

Compliance Assessment: Not Compliant pre and post December 11, 2024.

This Compliance Report has had difficulties in obtaining records of the activities required by the conditions of approval and the procedure for the retention and storing of documents is not identified.

Adequate records do not appear to have been maintained by Asset1, Neville James Oddie nor ABZECO.

6A. *If the **department** makes a request in writing, the person taking the action must provide electronic copies of **compliance records** to the **department** within the timeframe specified in the request.*

Compliance Assessment: Compliant

The Department is in the process of auditing this approval and the proponent is providing all the details at its disposal within the shortest possible timeframe. The proponent remains in contact with the Department and to my knowledge is still working within the allocated timeframe.

7. *(pre-December 11, 2024) Within three months of every 12 month anniversary of the **commencement of construction**, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published. Non-compliance with any of the conditions of this approval must also be reported to the Department within 48 hours of the non-compliance occurring.*

7. *(post-December 11, 2024) The person taking the action must prepare a **compliance report** for each **Annual Compliance Report period (ACR period)**.*

Compliance Assessment: Not Compliant pre-December 11, 2024, post-December 11, 2024: In progress – will be compliant

The original condition has not been complied with as no compliance reports were prepared or published.

The revised condition has been in place since 11 December 2024. This compliance report represents the first report in relation to this condition and will be finalised within the required ACR period.

7A. *The person taking the action must ensure each **compliance report** includes accurate and complete details of compliance, and any non-compliance with:*

- a. each condition attached to this approval;*
- b. all commitments made in the **Conservation Management Plan**; and*
- c. Conservation Management Plan implementation during the **ACR period** including:

 - i. the progress toward achieving or maintaining the outcome specified at condition 2B;*
 - ii. a description of all management activities undertaken;*
 - iii. the timeframes for implementing those activities; and*
 - iv. an assessment of the effectiveness of those management activities.**

Compliance Assessment: In progress – will be compliant

This condition has been in place since 11 December 2024. This compliance report represents the first report in relation to this condition and will be finalised within the required ACR period.

The landowner / ABZECO will provide all of the relevant data to ensure compliance.

7B. *The person taking the action must ensure each **compliance report** is completed consistent with the **Annual Compliance Report Guidelines, Commonwealth of Australia 2023**.*

Compliance Assessment: Compliant

This compliance report has been prepared in accordance with the Annual Compliance Report Guidelines, Commonwealth of Australia 2023.

7C. *Within 20 **business days** following the end of each ACR period the person taking the action must publish the **compliance report** for that **ACR period** on their **website** in a format that is easily accessible and downloadable.*

Compliance Assessment: In progress – will be compliant

The ACR period ends on 4 October 2025. This report will be published on the Asset 1 website in a format that is easily accessible and downloadable within the prescribed timeframe.

7D. *The person taking the action must exclude or redact **sensitive ecological data** from each **compliance report** published on the **website** or otherwise provided to a member of the public.*

Compliance Assessment: Not applicable

None of the data associated with any compliance report is considered sensitive ecological data and therefore no data needs to be redacted or excluded.

7E. *If **sensitive ecological data** is excluded or redacted from a version of a **compliance report** published or otherwise provided to a member of the public, the person taking the action must submit the full **compliance report** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.*

Compliance Assessment: Not Applicable

None of the data associated with any compliance report is considered sensitive ecological data and therefore no data needs to be redacted or excluded.

7F. *The person taking the action must notify the **department** electronically, within 5 **business days** of each date of publication that the **compliance report** has been published on the **website**. In this notification, the person taking the action must provide the **department** with the web address for where the compliance report and related **shapefile** are published on the **website**.*

Compliance Assessment: In progress – will be compliant

This compliance report is in progress and will be published on the proponent's website within the required timeframe.

7G. *The person taking the action must keep each **compliance report** published on the **website** from the date it is published and until the expiry date of this approval.*

Compliance Assessment: In progress – will be compliant

This compliance report is in progress and will be published on the proponent's website within the required timeframe. It will also be retained on the website until the expiry date of the approval (30 July 2030).

8. *(pre-December 11, 2024) Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit.*

*Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.*

8. *(post-December 11, 2024) The person taking the action must ensure that an **independent audit** of compliance with the conditions is conducted for every **audit period**.*

Compliance Assessment: pre-December 11 Not Applicable, 2024: post-December 11, 2024: In progress – will be compliant

No direction from the Minister was received in relation to an independent audit until 2024. Subsequently the conditions of approval were subject to a directed variation approved on 11 December 2024.

This is the first audit responding to the variation of conditions attached to approval dated 11 December 2024. As it will be completed within a year of the variation of conditions it is considered that it will be completed and published within the **Annual Compliance Report period**. The ACR period ends on 4 October 2025.

8A. The person taking the action must submit details of the proposed **independent auditor** and their qualifications to the **department** within 10 **business days** following the end of each **audit period**.

Compliance Assessment: In progress – will be compliant

The independent auditor is nominated as Stephen Mueck, Director and Principal Botanist with Steve Mueck Biodiversity Pty Ltd. A curriculum vitae for Stephen is attached to this report (Attachment 6).

The department will be provided with the qualification of Stephen Mueck, as the nominated independent auditor, within 10 business days following the end of this audit period (identified as 4 October 2025).

8B. *The person taking the action must ensure the scope of each **independent audit** is sufficient to determine the compliance status for:*

a. each condition of approval; and

*b. each commitment made in the **Conservation Management Plan**.*

Compliance Assessment: In progress – will be compliant

There were no specific constraints associated with this audit. The scope of the audit was to collate all of the relevant information and evidence available to assess the compliance status of each condition of approval and each commitment made in the CMP.

An independent assessment of the Golden Sun Moth population was made by Biosis Pty Ltd during the 2024/2025 flight season (**Attachment 7**).

An audit of the condition of the vegetation and Golden Sun Moth habitat will be completed in September 2025 in compliance with the CMP. This audit will also attempt to assess each commitment made in the CMP.

8C. *The person taking the action must ensure the criteria for each independent audit and the undertaking of each **independent audit** are consistent with the Environment Protection and Biodiversity Conservation Act 1999 **Independent Audit** and Audit Report Guidelines, Commonwealth of Australia 2019.*

Compliance Assessment: In progress – will be compliant

The audit is in progress with the Golden Sun Moth survey component completed during the 2024/25 flight season and a report completed on February 28, 2025.

The completed audit report will be consistent with the EPBC Act Independent Audit and Audit Report Guidelines (Commonwealth of Australia 2019).

8D. *Within 3 months following approval of the **independent auditor**, or as otherwise directed by the **Minister** in writing, the person taking the action must submit an audit **report** to the **department** for written agreement from the **department**.*

Compliance Assessment: In progress – will be compliant

This condition is somewhat confusing. This report is a compliance report which effectively audits the years activities in relation to the requirements of the CMP and documents the proponents ongoing compliance with each condition of approval.

Condition 7C requires the proponent to publish the compliance report for that ACR period within 20 business days following the end of each ACR period.

Condition 8A requires the proponent to submit details of the proposed independent auditor and their qualifications to the department within 10 business days following the end of each audit period. These timeframes leave little room for any issues to be identified and appropriately reported given the spring vegetation assessment requirement and the summer Golden Sun Moth monitoring requirement.

8E. *The person taking the action must ensure each **audit report** is completed to the satisfaction of the **Minister** and is consistent with the Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines, Commonwealth of Australia 2019.*

Compliance Assessment: In progress – will be compliant

This approval condition is in progress and will be completed in the prescribed timeframe.

8F. *The person taking the action must publish each **audit report** on the **website**, in a format that is easily accessible and downloadable, within 10 **business days** of the date of the **department** agrees to the **audit report** in writing.*

Compliance Assessment: In progress – will be compliant

This approval condition is in progress and will be completed in the prescribed timeframe.

8G. *The person taking the action must notify the **department** within 5 **business days** of the date the **audit report** is published on the **website**. In this notification, the person taking the action must provide the **department** with the web address for where the **audit report** is published on the **website**.*

Compliance Assessment: In progress – will be compliant

This approval condition is in progress and will be completed in the prescribed timeframe.

8H. *The person taking the action must keep each **audit report** published on the **website** from the first date which that **audit report** must be published and until the expiry date of this approval.*

Compliance Assessment: In progress – will be compliant

This approval condition is in progress. All audit reports will be maintained on the website until the expiry date of this approval.

9. **(pre-December 11, 2024)** If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plans as specified in the conditions, the person taking the action must submit to the **Department** for the **Minister's** written approval a revised version of that management plan. The varied activity shall not commence until the Minister has approved the varied management plan in writing. The **Minister** will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised management plan, that management plan must be implemented in place of the management plan originally approved.

9. **(post-December 11, 2024)** The person taking the action may, at any time, apply to the **Minister** for a variation to the **Conservation Management Plan** by submitting an application in accordance with the requirements of section 143A of the **EPBC Act**. If the **Minister** approves a revised **Conservation Management Plan** then, from the date specified, the person taking the action must implement the revised **Conservation Management Plan** in place of any previous version.

Compliance Assessment: Not Applicable

No request has been made to vary the approved CMP.

10. *If the **Minister** believes that it is necessary or convenient for the better protection of the listed threatened species and communities to do so, the **Minister** may request that the person taking the action make specified revisions to the management plan specified in the conditions and submit the revised management plan for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved management plan must be implemented. Unless the **Minister** has approved the revised management plan, then the person taking the action must continue to implement the management plan originally approved, as specified in the conditions.*

Compliance Assessment: Not Applicable

No request has been made to vary the approved CMP.

11. *If at any time after five years from the date of this approval, the person taking the action has not **substantially commenced the action**, then the person taking the action must not **substantially commence the action** without the written agreement of the **Minister**.*

Compliance Assessment: Not Applicable

The action was commenced in 2015 which is within five years of the approval date in 2014.

12. **(pre-December 11, 2024)** Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within 1 month of being approved.

12. **(post-December 11, 2024)** The person taking the action must publish the **Conservation Management Plan** on their **website** by 1 January 2025.

Compliance Assessment: Not Compliant

A November 2013 version of the CMP is published on the Asset1 website (<https://asset1.com.au/projects/60-harvest-home-road-wollert-haven/>). It is not known how long that CMP has been on the website but it is included as part of the preliminary documentation and was presumably posted as part of that process. The approved version of the CMP is dated November 2014, and this version is not on the website. While the two versions are almost identical, the approved plan is dated November 2014, and this version is not on the website. Technically therefore the proponent is not compliant with this condition.

13. *The person taking the action must notify the **department** electronically, within 2 business days of becoming aware of any actual or potential non-compliance the conditions attached to this approval, and/or commitments made in the **Conservation Management Plan**. The person taking the action must specify in each notification:*

- a. the condition of this approval or commitment made in the **Conservation Management Plan** which has been or may have been not complied with;*
- b. a short description of the non-compliance and the impacts of the non-compliance to **Golden Sun Moth**.*

Compliance Assessment: Not Compliant

This Compliance Report has identified a number of non-compliance matters which appear to have been non-compliant for lengthy periods of time. Examples of non-compliance in relation to the CMP include the failure to produce annual reports, the failure to conduct annual Golden Sun Moth surveys to the required extent and the failure to collect the prescribed materials for habitat monitoring (i.e. there are no photos for each of the 14 monitoring plots). It is also uncertain whether the level of management prescribed by the CMP was actually applied. This includes the number of days prescribed for pest plant and animal control works and annual reporting. Evidence documenting the extent of works in comparison the CMP requirements, and any rationale for deviations from the CMP, are not available.

These oversights are largely administrative, as it is apparent that the offset site has been subject to ecological management. It is unlikely that there has been any negative impact on Golden Sun Moth as a result of this non-compliance. However, it is uncertain if any potential benefits to Golden Sun Moth have been forgone if the management intensity was below that proposed by the CMP.

14. *The person taking the action must provide to the **department** in writing, within 12 **business days** of becoming aware of any actual or potential **non-compliance** the conditions attached to this approval, and/or commitments made in the **Conservation Management Plan**, the details of that **non-compliance**. The person taking the action must specify:*

- a. all corrective measures and investigations which the person taking the action has already taken in respect of the **non-compliance**.*
- b. the actual and/or potential impacts of the **non-compliance** to **Golden Sun Moth**;*
- c. the method and timing of any corrective measures that the approval holder proposes to undertake to address the **non-compliance**; and*
- d. any variation of these conditions or revision of the **Conservation Management Plan** that may be required to prevent recurrence of the **non-compliance** and/or to address its consequences.*

Compliance Assessment: Uncertain

This compliance audit provides the proponent with formal notification of compliance or otherwise with the conditions of approval. While the proponent has suspected a level of non-compliance since DCCEEW began its assessment of this approval, the actual occurrence of non-compliance with the conditions of approval has only been suspected.

Correcting non-compliance

This report provides the first formal assessment of the conditions of approval associated with EPBC 2011/5812. It also represents the first formal notification to the Department of non-compliances with the conditions of approval.

Non-compliance for administrative failures such as failure to report by a particular date or within a particular timeframe cannot be corrected. The approval holder is now fully aware of their responsibilities in relation to the approval conditions.

Failure to conduct surveys at the required time or at a defined frequency cannot be corrected and the offset provider has been notified to indicate these shortcomings are not acceptable and the requirements of the CMP need to be conducted in full.

Failure to retain adequate records to allow for an audit of the approved CMP has been formally raised as a significant issue to the offset provider appointed by Asset1 to deliver the required offset in accordance with the approved CMP. The offset provider (i.e. the landowner) has passed on this notification to the environmental manager appointed to implement the CMP on behalf of the landowner (ABZECO). On going management and monitoring is expected to occur at the frequency and intensity outlined by the approved CMP and works recorded in a manner which allows independent third-party verification.

These issues and associated instructions were delivered to the offset provider in writing in July 2025.

An independent survey (audit) of the Golden Sun Moth population within the offset site was conducted by Biosis during the 2024/25 flight season. This identified a significant population of Golden Sun Moth occupying the offset site. As such it is likely that any non-compliance is likely to be more administrative than physically limiting.

An independent audit of the condition of the vegetation and Golden Sun Moth habitat within the offset site will be conducted this spring. This audit will produce an additional report which will be provided to DCCEEW in a timely manner.

The offset site will be subject to more regular scrutiny (at least annually) to ensure the CMP is implemented to the fullest extent.

No new environmental risks were noted during this review process.

Specific terms noted in the conditions of approval are described as follows:

Annual Compliance Report period or ACR period – each subsequent 12-month period following the date of this approval decision until the expiry date of this approval, unless otherwise specified in writing by the **Minister**.

Audit period – each subsequent three-year period following the 11 December 2024 until the expiry date of this approval unless otherwise specified in writing by the **Minister**.

Audit report – a written report of an **independent audit**.

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

Compliance report – a written report of compliance with, and fulfilment of, these conditions (including compliance with commitments made in the **Conservation Management Plan**).

Conservation Management Plan — the document titled *Golden Sun Moth Conservation Management Plan 346 Streatham-Carngham Road, Chepstowe*, ABZECO, Report 13002, November 2013

Habitat quality – a score on a scale of 0 to 10 representing a site's utility for each EPBC Act listed threatened species, where zero ('0') represents a site of no value to the species, and '10' represents ideal habitat. The score on a scale of 0 to 10 is comprised of **3** points for **site condition**, **3** points for **site context**, and **4** points for **species stocking rate**.

Suitably qualified ecologist – a person or persons who has relevant professional qualifications and:

- at least 3 years of work experience writing and implementing management plans for the habitat of **Golden Sun Moth**;
- has implemented and reported on management plans for the habitat of **Golden Sun Mith** (sic.), and can demonstrate the implementation of those plans achieved the desired **habitat quality** for habitat of **Golden Sun Moth**; and
- can give authoritative assessment and advice on offset management to improve the habitat quality of the habitat of **Golden Sun Moth** using relevant protocols, standards, methods and/or literature.

Please contact me on 0429 808 732 if you would like to discuss further.

Yours sincerely

Stephen Mueck
Principal Botanist

Declaration of accuracy

In making this declaration, I am aware that sections 490 and 491 of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed _____

Full name (please print) _Stephen Mueck

Position (please print) _Principal Botanist

Organisation (please print including ABN/ACN if applicable) Steve Mueck Biodiversity (ACN 666 396 345)

Date ____/____/2025

Appendix 1: EPBC Approval Conditions Compliance Table: 4 Compliant, 8 Non-compliant, 16 In progress, 7 Not applicable, 2 Uncertain.

Condition Number	Condition	Compliance	Evidence/Comments
1	The person taking the action must not remove or impact more than 17 hectares of habitat for the Golden Sun Moth within the study area .	Compliant	The development site covers less than 17 hectares.
2 (pre-December 2024)	The person taking the action must offset the loss of Golden Sun Moth habitat by securing, protecting and managing at least 40 hectares of Golden Sun Moth habitat at 346 Streatham-Carngnam Road, Chepstow, as specified in the Conservation Management Plan . The offset site must be secured by a covenant under the Victorian Conservation Trust Act 1972 or under section 173 of the Victorian Planning and Environment Act 1987 prior to the commencement of construction .	Compliant	The nominated offset site was secured by one of the defined legal instruments prior to the commencement of works.
2 (post December 11, 2024)	The person taking the action must offset the loss of Golden Sun Moth habitat by securing the offset site under a Victorian Conservation Trust Act 1972 covenant or under section 173 of the Victorian Planning and Environment Act 1987 prior to the commencement of construction .	Compliant	The nominated offset site was secured by one of the defined legal instruments prior to the commencement of works.
2A	The person taking the action must implement the Conservation Management Plan until at least 4 October 2025, or another date specified in writing by the Minister .	Non-compliant	Actions described by the CMP were not conducted and it is uncertain if the extent of works required by the CMP were conducted.

2B	The person taking the action must improve the habitat quality for Golden Sun Moth at the offset site from 5/10 to 7/10 in accordance with the Preliminary Documentation by 4 October 2025.	Uncertain	Adherence to the changes in condition scores defined by this condition, which were unknown during most of the application of the CMP. While a 2 point increase in habitat quality could potentially have occurred, adherence to any known habitat scoring protocol would not yield the scores identified in the condition. Therefore, the prescribed change could not be evaluated and therefore compliance to this condition is considered uncertain.
2C	By 4 October 2025, the person taking the action must submit an Offset Delivery Report (ODR) prepared by an independent suitably qualified ecologist to the department .	In progress – will be compliant	The required ODR is being prepared and will be completed and provided to the Department by the prescribed date.
2D	The ODR submitted to the department in accordance with condition 2C must include: a. an assessment of the habitat quality for Golden Sun Moth at the offset site made by the independent suitably qualified ecologist over the previous 12 months; and b. an assessment of the success or failure to achieve the outcome specified at condition 2B based on the independent suitably qualified ecologist's assessment.	In progress – will be compliant	This assessment will be conducted and documented before the 4 October 2025 deadline.
3	Prior to commencement of construction the person taking the action must provide the Department with a copy of the registered covenant required by condition 2.	Non-compliant	A copy of the register covenant (s. 173 Agreement) is provided to the Department as part of this compliance report. As this date is after the commencement of construction the proponent has not complied with this condition and can never become compliant with this condition.

4	Within three months of the first, second, fifth, seventh and tenth year anniversary of the date of commencement of construction , the person taking the action must submit to the Department a detailed offset report that includes an outline of each management activity undertaken during the previous year(s), a description of the works and date completed and an assessment of the effectiveness of management actions and the improvements realised during the previous year(s). The report should also include any proposed changes to the management regime as a result of monitoring activities.	Non-compliant	Detailed offset reports have not been provided to the Department within three months of the first, second, fifth or seventh anniversary of the date of commencement of construction. A detailed offset report is being prepared for year 10 and will be provided in a manner compliant with this condition.
5	Within five days after the commencement of construction , the person taking the action must advise the Department in writing of the actual date of commencement.	Non-compliant	The proponent did not advise the Department within five days of the commencement of construction in August 2015.
6 (pre-December 2024)	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans, and make them available upon request to the Department . Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.	Non-compliant	This Compliance Report has had difficulties in obtaining records of the activities required by the conditions of approval and the procedure for the retention and storing of documents is not identified. Adequate records do not appear to have been maintained by Asset1, Neville James Oddie nor ABZECO.

6 (post December 11, 2024)	The person taking the action must maintain accurate and complete compliance records and document the procedure for recording and storing compliance records .	Non-compliant	This Compliance Report has had difficulties in obtaining records of the activities required by the conditions of approval and the procedure for the retention and storing of documents is not identified. Adequate records do not appear to have been maintained by Asset1, Neville James Oddie nor ABZECO.
6A	If the department makes a request in writing, the person taking the action must provide electronic copies of compliance records to the department within the timeframe specified in the request.	Compliant	The Department is in the process of auditing this approval and the proponent is providing all the details at its disposal within the shortest possible timeframe. The proponent remains in contact with the Department and to my knowledge is still working within the allocated timeframe.
7 (pre-December 11, 2024)	Within three months of every 12 month anniversary of the commencement of construction , the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published. Non-compliance with any of the conditions of this approval must also be reported to the Department within 48 hours of the non-compliance occurring.	Non-compliant	The original condition has not been complied with as no compliance reports were prepared or published.
7 (post December 11, 2024)	The person taking the action must prepare a compliance report for each Annual Compliance Report period (ACR period) .	In progress - will be compliant	The revised condition has been in place since 11 December 2024. This compliance report represents the first report in relation to this condition and will be finalised within the required ACR period.

7A	<p>The person taking the action must ensure each compliance report includes accurate and complete details of compliance, and any non-compliance with:</p> <ul style="list-style-type: none"> a. each condition attached to this approval; b. all commitments made in the Conservation Management Plan; and c. Conservation Management Plan implementation during the ACR period including: <ul style="list-style-type: none"> i. the progress toward achieving or maintaining the outcome specified at condition 2B; ii. a description of all management activities undertaken; iii. the timeframes for implementing those activities; and iv. an assessment of the effectiveness of those management activities. 	In progress – will be compliant	<p>This condition has been in place since 11 December 2024. This compliance report represents the first report in relation to this condition and will be finalised within the required ACR period.</p> <p>The landowner / ABZECO will provide all of the relevant data to ensure compliance.</p>
7B	<p>The person taking the action must ensure each compliance report is completed consistent with the Annual Compliance Report Guidelines, Commonwealth of Australia 2023.</p>	Compliant	<p>This compliance report has been prepared in accordance with the Annual Compliance Report Guidelines, Commonwealth of Australia 2023.</p>
7C	<p>Within 20 business days following the end of each ACR period the person taking the action must publish the compliance report for that ACR period on their website in a format that is easily accessible and downloadable.</p>	In progress – will be compliant	<p>The ACR period ends on 4 October 2025. This report will be published on the Asset 1 website in a format that is easily accessible and downloadable within the prescribed timeframe.</p>
7D	<p>The person taking the action must exclude or redact sensitive ecological data from each compliance report published on the website or otherwise provided to a member of the public.</p>	Not applicable	<p>None of the data associated with any compliance report is considered sensitive ecological data and therefore no data needs to be redacted or excluded.</p>

7E	If sensitive ecological data is excluded or redacted from a version of a compliance report published or otherwise provided to a member of the public, the person taking the action must submit the full compliance report to the department within 5 business days of its publication on the website and notify the department in writing what exclusions and redactions have been made in the version published on the website or otherwise provided to a member of the public.	Not applicable	None of the data associated with any compliance report is considered sensitive ecological data and therefore no data needs to be redacted or excluded.
7F	The person taking the action must notify the department electronically, within 5 business days of each date of publication that the compliance report has been published on the website . In this notification, the person taking the action must provide the department with the web address for where the compliance report and related shapefile are published on the website .	In progress - will be compliant	This compliance report is in progress and will be published on the proponent's website within the required timeframe.
7G	The person taking the action must keep each compliance report published on the website from the date it is published and until the expiry date of this approval.	In progress - will be compliant	This compliance report is in progress and will be published on the proponent's website within the required timeframe. It will also be retained on the website until the expiry date of the approval (30 July 2030).
8 (pre-December 11, 2024)	Upon the direction of the Minister , the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister . The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister .	Not applicable	No direction from the Minister was received in relation to an independent audit until 2024. Subsequently the conditions of approval were subject to a directed variation approved on 11 December 2024.

8 (post December 11, 2024)	The person taking the action must ensure that an independent audit of compliance with the conditions is conducted for every audit period .	In progress – will be compliant	This is the first audit responding to the variation of conditions attached to approval dated 11 December 2024. As it will be completed within a year of the variation of conditions it is considered that it will be completed and published within the Annual Compliance Report period . The ACR period ends on 4 October 2025.
8A	The person taking the action must submit details of the proposed independent auditor and their qualifications to the department within 10 business days following the end of each audit period .	In progress – will be compliant	The independent auditor is nominated as Stephen Mueck, Director and Principal Botanist with Steve Mueck Biodiversity Pty Ltd. A curriculum vitae for Stephen is provided. The department will be provided with the qualification of Stephen Mueck, as the nominated independent auditor, within 10 business days following the end of this audit period (identified as 4 October 2025).
8B	The person taking the action must ensure the scope of each independent audit is sufficient to determine the compliance status for: a. each condition of approval; and b. each commitment made in the Conservation Management Plan .	In progress – will be compliant	There were no specific constraints associated with this audit. The scope of the audit was to collate all of the relevant information and evidence available to assess the compliance status of each condition of approval and each commitment made in the CMP.
8C	The person taking the action must ensure the criteria for each independent audit and the undertaking of each independent audit are consistent with the Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines, Commonwealth of Australia 2019.	In progress – will be compliant	The audit is in progress with the Golden Sun Moth survey component completed during the 2024/25 flight season and a report completed on February 28, 2025. The completed audit report will be consistent with the EPBC Act Independent Audit and Audit Report Guidelines (Commonwealth of Australia 2019).

8D	Within 3 months following approval of the independent auditor , or as otherwise directed by the Minister in writing, the person taking the action must submit an audit report to the department for written agreement from the department .	In progress – will be compliant	Condition 7C requires the proponent to publish the compliance report for that ACR period within 20 business days following the end of each ACR period. Condition 8A requires the proponent to submit details of the proposed independent auditor and their qualifications to the department within 10 business days following the end of each audit period. These timeframes leave little room for any issues to be identified and appropriately reported given the spring vegetation assessment requirement and the summer Golden Sun Moth monitoring requirement.
8E	The person taking the action must ensure each audit report is completed to the satisfaction of the Minister and is consistent with the Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines, Commonwealth of Australia 2019.	In progress – will be compliant	This approval condition is in progress and will be completed in the prescribed timeframe.
8F	The person taking the action must publish each audit report on the website , in a format that is easily accessible and downloadable, within 10 business days of the date of the department agrees to the audit report in writing.	In progress – will be compliant	This approval condition is in progress and will be completed in the prescribed timeframe.
8G	The person taking the action must notify the department within 5 business days of the date the audit report is published on the website . In this notification, the person taking the action must provide the department with the web address for where the audit report is published on the website .	In progress – will be compliant	This approval condition is in progress and will be completed in the prescribed timeframe.

8H	The person taking the action must keep each audit report published on the website from the first date which that audit report must be published and until the expiry date of this approval.	In progress – will be compliant	This approval condition is in progress. All audit reports will be maintained on the website until the expiry date of this approval.
9 (pre-December 11, 2024)	If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plans as specified in the conditions, the person taking the action must submit to the Department for the Minister's written approval a revised version of that management plan. The varied activity shall not commence until the Minister has approved the varied management plan in writing. The Minister will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome over time, If the Minister approves the revised management plan, that management plan must be implemented in place of the management plan originally approved.	Not applicable	No request has been made to vary the approved CMP.
9 (post December 11, 2024)	The person taking the action may, at any time, apply to the Minister for a variation to the Conservation Management Plan by submitting an application in accordance with the requirements of section 143A of the EPBC Act . If the Minister approves a revised Conservation Management Plan then, from the date specified, the person taking the action must implement the revised Conservation Management Plan in place of any previous version.	Not applicable	No request has been made to vary the approved CMP.

10	If the Minister believes that it is necessary or convenient for the better protection of the listed threatened species and communities to do so, the Minister may request that the person taking the action make specified revisions to the management plan specified in the conditions and submit the revised management plan for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plan must be implemented. Unless the Minister has approved the revised management plan, then the person taking the action must continue to implement the management plan originally approved, as specified in the conditions.	Not applicable	No request has been made to vary the approved CMP.
11	If at any time after five years from the date of this approval, the person taking the action has not substantially commenced the action , then the person taking the action must not substantially commence the action without the written agreement of the Minister .	Not applicable	The action was commenced in 2015 which is within five years of the approval date in 2014.
12 (pre-December 11, 2024)	Unless otherwise agreed to in writing by the Minister , the person taking the action must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within 1 month of being approved.	Non-compliant	An earlier version of the CMP is provided on the proponent's website. Technically therefore, the proponent is not compliant with this condition.
12 (post December 11, 2024)	The person taking the action must publish the Conservation Management Plan on their website by 1 January 2025.	Non-compliant	An earlier version of the CMP is provided on the proponent's website. Technically therefore, the proponent is not compliant with this condition.

13	<p>The person taking the action must notify the department electronically, within 2 business days of becoming aware of any actual or potential non-compliance the conditions attached to this approval, and/or commitments made in the Conservation Management Plan. The person taking the action must specify in each notification:</p> <p>a. the condition of this approval or commitment made in the Conservation Management Plan which has been or may have been not complied with;</p> <p>b. a short description of the non-compliance and the impacts of the non-compliance to Golden Sun Moth.</p>	Non-compliant	<p>This Compliance Report has identified a number of non-compliance matters which appear to have been non-compliant for lengthy periods of time.</p> <p>The non-compliances are largely administrative, as it is apparent that the offset site has been subject to ecological management. It is unlikely that there has been any negative impact on Golden Sun Moth as a result of this non-compliance. However, it is uncertain if any potential benefits to Golden Sun Moth have been forgone if the management intensity was below that proposed by the CMP.</p>
14	<p>The person taking the action must provide to the department in writing, within 12 business days of becoming aware of any actual or potential non-compliance the conditions attached to this approval, and/or commitments made in the Conservation Management Plan, the details of that non-compliance. The person taking the action must specify:</p> <p>a. all corrective measures and investigations which the person taking the action has already taken in respect of the non-compliance.</p> <p>b. the actual and/or potential impacts of the non-compliance to Golden Sun Moth;</p> <p>c. the method and timing of any corrective measures that the approval holder proposes to undertake to address the non-compliance; and</p> <p>d. any variation of these conditions or revision of the Conservation Management Plan that may be required to prevent recurrence of the non-compliance and/or to address its consequences.</p>	Uncertain	<p>This compliance audit provides the proponent with formal notification of compliance or otherwise with the conditions of approval. While the proponent has suspected a level of non-compliance since DCCEEW began its assessment of this approval, the actual occurrence of non-compliance with the conditions of approval has only been suspected.</p>

Attachment 1: Referral document submitted for EPBC 211/5812

Attachment 2: Offset Agreement between Neville James Oddie & J.H. Oddie & Co Pty Ltd and Asset1 Pty Ltd

Attachment 3: Agreement under s. 173 of the Planning and Environment Act 1987 between Pyrenees Shire Council and Neville James Oddie.

Attachment 4: Construction contract between Asset 1 Construction (Northeast) and Winslow Constructors

Attachment 5: 60 Harvest Home Road, Wollert: Preliminary Documentation EPBC Act Referral Number 2011/5812.

Attachment 6: CV for the independent ecologist – Stephen Mueck

Attachment 7: Biosis 2025. 346 Streatham–Carngham Road, Chepstowe: Targeted Golden Sun Moth Survey. Report for Soho Living. Author Shannon Braun. Biosis Melbourne. Project No. 41785.