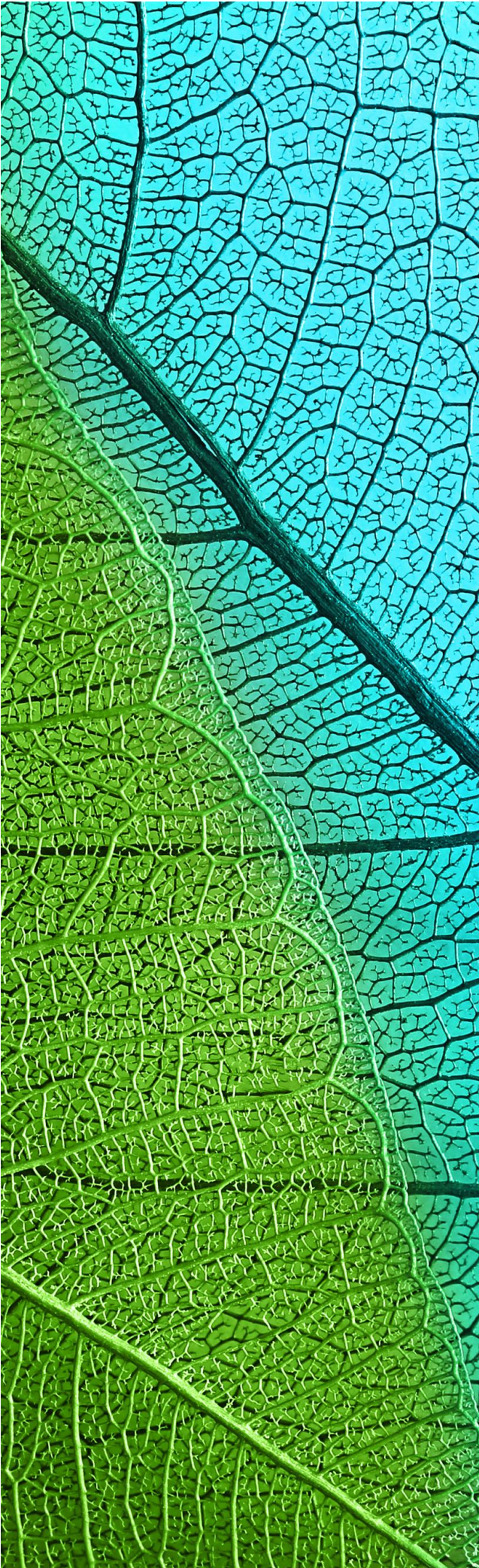




Manzeene Village Subdivision – Lara

Compliance Report – EPBC 2013/6771

Prepared for Dacland Pty Ltd

March 2025
Report No. 11212.08 (1.0)



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Nature Advisory acknowledges the traditional owners and sovereign custodians of the land on which we work from – the Wurundjeri people of the Woi Wurrung language group. We extend our respect to their Ancestors and all First Peoples and Elders, past and present.

Summary of compliance

Table 1. EPBC approval conditions compliance table – summary

Condition number	EPBC approval condition	Is the project compliant with this condition?
1	The approval holder must ensure the action does not occur outside of the project area and drainage outfall (Option 2) as illustrated at Annex 1 and Annex 2 .	Compliant
2	Prior to commencement of construction of a specific development stage, the approval holder must secure a Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP) Offset at the Warrambeen Estate Property to compensate for the complete loss of NTGVVP within the specific development stage: ▪ Prior to the commencement of construction of Stage 1, at least 4.9 ha of NTGVVP Offset must be secured; ▪ Prior to the commencement of construction of Stage 2, at least 11.6 ha of NTGVVP Offset must be secured; ▪ Prior to the commencement of construction of Stage 3, at least 13.5 ha of NTGVVP Offset must be secured	Compliant
3	Prior to commencement of construction for each development stage, the approval holder must enter into an Agreement under section 173 of the Planning and Environment Act 1987 (Vic) to secure the corresponding NTGVVP Offset for that stage as set out in condition 2 at the Warrambeen Estate Property, as identified in Annex 4; and ▪ Within 30 days of all parties signing the agreement, ensure the Agreement is lodged at the Titles Office and registered on the title on which the NTGVVP Offset is located; and ▪ Within 2 weeks of lodgement at the Titles Office: ○ Provide the Department with the offset attribute, shapefile and map(s) clearly defining the location and boundaries of the NTGVVP Offset; ○ Provide the Department with a signed copy of the Agreement and documentary evidence of lodgement with the Titles Office.	Non-compliant – Stage 2 was lodged two days past the deadline. Additionally, records detailing what and when documentation was provided to the Department was inaccessible.
4	The approval holder must ensure each NTGVVP Offset is managed in accordance with the NTGVVP Offset Management Plan for a period of at least 10 years from the day the corresponding Agreement is entered into. The NTGVVP Offset Management Plan must be implemented.	Compliant

Condition number	EPBC approval condition	Is the project compliant with this condition?
5	Within 7 days after the commencement of the action or of each development stage, the approval holder must advise the Department in writing of the actual date of commencement.	Potentially compliant – records are inaccessible to prove submission to Department
6	The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement management plans and make them available upon request to the Department. Such records may be 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 in the Department's website. The results of audits may also be publicised through the general media.	Compliant
7	Within 3 months of every 12 month anniversary of the commencement of construction, the approval holder must publish an annual report of compliance on their website addressing compliance with each of the conditions of this approval over the previous 12 months, including implementation of any 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 annual report of compliance is published. The approval holder must continue to publish the annual report until such time as agreed in writing by the Minister.	Compliant - given submission of the summarised 10-year report
8	Upon the direction of the Minister, the approval holder 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

Condition number	EPBC approval condition	Is the project compliant with this condition?
9	If the approval holder wishes to carry out any activity otherwise than in accordance with management plans as specified in the conditions, the approval holder 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 that varied management plan in writing. The Minister will not approve a varied management plan unless revised management plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan, the management plan must be implemented in place of the management plan originally approved.	Not Applicable
10	If the Minister believes it is necessary or convenient for the better protection of listed threatened species and ecological communities, the Minister may request that the approval holder make specified revision to the management plans specified in the conditions and submit the revised management plans for the Minister's written approval. The approval holder must comply with any such request. The revised approved management plans must be implemented. Unless the Minister has approved the revised management plans then the approval holder must continue to implement the management plans originally approved, as specified in the conditions.	Not Applicable
11	Unless otherwise agreed to in writing by the Minister, the approval holder must publish a copy of each approved management plan referred to in these conditions of approval on their website within 1 month of approval of the management plan by the Minister. Each management plan must be accessible to the general members of the public on the approval holder's website for a period of at least 10 years from the date of approval of the management plan. Any variations to management plans must be published on the website within 1 month of the variation being approved by the Minister.	Non-compliant - Warambeen documents were originally published to the Manzeene Village website, however given the website has been discontinued they were not accessible for a period of at least 10 years from the date of approval
12	If, at any time after 5 years from the date of this approval, the approval holder has not substantially commenced Stage 1, then the approval holder must not substantially commence Stage 1 without the written agreement of the Minister.	Compliant

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1. Introduction

Dacland Capital Limited engaged Nature Advisory Pty Ltd to prepare a report that assesses the level of compliance to the conditions of approval decision EPBC 2013/6771. This decision was made under sections 130(1) and 133 of the Environment Protection and Biodiversity Conservation (EPBC) Act 1999. The approval decision was made on 25 September 2015 and is effective until 21 July 2040.

Proposed works included the development of a 60 ha residential and commercial subdivision and associated roads, sewerage, power, water and drainage infrastructure, northwest of Lara. As part of the approval conditions (condition 7) the approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval. This compliance report assesses compliance with the 12 conditions of approval (outlined in Section 2 and Table 1) over a 10-year period.

This report draws together information from the following sources:

- Onsite monitoring and reporting undertaken by Nature Advisory;
- Monitoring and reporting undertaken by Dacland and Warrambeen's landowner; and
- Correspondence from the approval holder.

This report was prepared by a team from Nature Advisory comprising Neassa Fritchley (Botanist) and Emma Basile (Project Manager). The approval holder, Dacland Capital Limited, accepts responsibility for this report.

1.1. Declaration of accuracy

In making this declaration, I am aware that sections 490 and 491 of the EPBC Act 1999 (Cth) 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 Emma Basile

Position Project Manager

Organisation Nature Advisory Pty Ltd ABN 12 095 541 334

Date 04/03/2025

2. Compliance with approval conditions

To minimise impacts of the action on listed threatened species and ecological communities, 12 conditions were attached to the approval decision. Specifically, they relate to the EPBC Act-listed Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP) threatened community. Thirteen habitat zones within the study area had been identified as the listed NTGVVP community (Nature Advisory 2015), totalling 9.97 ha of NTGVVP.

All conditions of the EPBC approval have been considered for compliance and are listed below.

2.1. Conditions 1 to 4 – Minimise Impacts

Condition 1

The approval holder must ensure the action does not occur outside of the project area and drainage outfall (Option 2) as illustrated at [Annex 1](#) and [Annex 2](#).

Compliant

Works area is as agreed in Annex 1 and Annex 2.

Condition 2

Prior to commencement of construction of a specific development stage, the approval holder must secure a Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP) Offset at the Warrambeen Estate Property to compensate for the complete loss of NTGVVP within the specific development stage:

- a. *Prior to the commencement of construction of Stage 1, at least 4.9 ha of NTGVVP Offset must be secured;*
- b. *Prior to the commencement of construction of Stage 2, at least 11.6 ha of NTGVVP Offset must be secured;*
- c. *Prior to the commencement of construction of Stage 3, at least 13.5 ha of NTGVVP Offset must be secured*

Compliant

The approval holder secured 30 ha of the listed NTGVVP community at Warrambeen Estate Property (date: 07/03/2016) to offset the approved removal of 9.97 ha of NTGVVP following the development of Manzeene Village in Lara. The offset site was portioned to accommodate the loss of NTGVVP according to the development stage; Stage 1 at 4.9 ha, Stage 2 at 11.6 ha, and Stage 3 at 13.5 ha.

Condition 3

Prior to commencement of construction for each development stage, the approval holder must enter into an Agreement under section 173 of the Planning and Environment Act 1987 (Vic) to secure the corresponding NTGVVP Offset for that stage as set out in condition 2 at the Warrambeen Estate Property, as identified in [Annex 4](#); and

- a. *Within 30 days of all parties signing the agreement, ensure the Agreement is lodged at the Titles Office and registered on the title on which the NTGVVP Offset is located; and*
- b. *Within 2 weeks of lodgement at the Titles Office:*
 - i. *Provide the Department with the offset attribute, shapefile and map(s) clearly defining the location and boundaries of the NTGVVP Offset;*

- ii. *Provide the Department with a signed copy of the Agreement and documentary evidence of lodgement with the Titles Office.*

Non-compliant

Prior to the commencement of construction of each stage, the approval holder entered into a S173 Agreement to secure the NTGVVP offsets for the corresponding stage and lodged to the Titles Office as per the dates outlined below.

Stage 1 and 3 were lodged within the 30 days of all parties signing, however, Stage 2 was lodged 32 days after signing and is therefore non-compliant.

Stage	Date Signed	Date Lodged
1	17/03/2016	8/04/2016
2	29/05/2017	30/06/2017
3	12/07/2018	12/07/2018

Dacland has advised that within two weeks of lodging, the Department was provided with the relevant documentation (offset attribute, shapefile and maps of NTGVVP offsets, a signed copy of the agreement and documentary evidence of lodgement); however, they were unable to provide documentary evidence due to staffing changes and difficulties accessing emails. For this reason, the approval holder is potentially compliant with this part of the condition. DCCEEW can confirm compliance for condition 3.b.

Condition 4

The approval holder must ensure each NTGVVP Offset is managed in accordance with the NTGVVP Offset Management Plan for a period of at least 10 years from the day the corresponding Agreement is entered into. The NTGVVP Offset Management Plan must be implemented.

Compliant – yet to complete year 10 monitoring for any stage

An Offset Management Plan (OMP) was prepared by Nature Advisory (formerly known as Brett Lane & Associates) in December 2015.

Under the OMP, the following were determined:

- 1) Strategies and targets for weed control;
- 2) Management actions and targets;
- 3) Methods for offset protection;
- 4) Persons responsible for implementing and monitoring;
- 5) Timeframes for implementing the offset plan.

As such, each monitoring report outlines the following assessments undertaken in compliance with the requirements of the OMP:

- Flora surveys by a qualified botanist, documenting the overall vegetation condition and percentage cover of weed species;
- Assessment of mapped vegetation against the criteria for the EPBC Act-listed community NTGVVP.
- Surveys to ensure the following proposed management actions are being imposed
 - Access control and fencing
 - Biomass reduction

- Pest plant control
- Pest animal control
- Protection of significant flora and fauna.

The offset site contains three stages, as specified in Condition 2. A baseline report was prepared (July 2016) to establish baseline data for the annual monitoring program. The OMP stated that monitoring was to occur in years 1, 2, 3, 5, and 10 following the starting date of each stage. Table 2 outlines when monitoring reports were completed and which stages were assessed in each report. In accordance with the requirements of the OMP, each stage has been assessed at years 1, 2, 3, and 5, however year 10 is yet to be completed for any of the stages. So long as monitoring is completed in the tenth year for each stage, compliance will be achieved.

Table 2. Monitoring report completion dates (month and year) for each stage.

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 10
Stage 1	December 2016	December 2017	April 2019	N/A	December 2020	December 2021	TBC
Stage 2	December 2017	April 2019	February 2020	December 2020	December 2021	N/A	TBC
Stage 3	April 2019	February 2020	December 2020	December 2021	March 2023	N/A	TBC

2.2. Conditions 5 to 12 – Administrative Conditions

Condition 5

Within 7 days after the commencement of the action or of each development stage, the approval holder must advise the Department in writing of the actual date of commencement.

Potentially compliant – Records unable to be accessed

Approval holder has indicated that the Department was notified of commencement within the specified time range. Due to staffing changes and difficulties accessing emails, documentary evidence was not able to be provided. DCCEEW can confirm compliance.

Condition 6

The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement management plans and make them available upon request to the Department. Such records may be 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 in the Department's website. The results of audits may also be publicised through the general media.

Compliant

Relevant documents can be found in the following links:

- Annual offset site monitoring reports completed by Nature Advisory for Warrambeen → [Manzeene Ave - Documents for DCCEEW audit 240521 - Dropbox](#)
- Dacland reporting summary comprising the annual landowner reports and independent monitoring reports → [Dacland Reporting Summary as at Jan 22/2025 - Google Docs](#)

Condition 7

Within 3 months of every 12-month anniversary of the commencement of construction, the approval holder must publish an annual report of compliance on their website addressing compliance with each of the conditions of this approval over the previous 12 months, including implementation of any 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 annual report of compliance is published. The approval holder must continue to publish the annual report until such time as agreed in writing by the Minister.

Compliant – given submission of the summarised 10-year report

Compliance reports have not been completed on an annual basis within the timeframe specified or published to the approval holder's website. Instead, the Department has allowed the submission of this document, which summarises the previous 10 years of compliance with the approval conditions.

Condition 8

Upon the direction of the Minister, the approval holder 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

There has been no direction from the Minister to undertake an independent audit of compliance

Condition 9

If the approval holder wishes to carry out any activity otherwise than in accordance with management plans as specified in the conditions, the approval holder 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 that varied management plan in writing. The Minister will not approve a varied management plan unless revised management plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan, the management plan must be implemented in place of the management plan originally approved.

Not applicable

The approval holder did not wish to carry out activities otherwise stated in the approved management plans as specified in the conditions.

Condition 10

If the Minister believes it is necessary or convenient for the better protection of listed threatened species and ecological communities, the Minister may request that the approval holder make specified revision to the management plans specified in the conditions and submit the revised management plans for the Minister's written approval. The approval holder must comply with any such request. The revised approved management plans must be implemented. Unless the Minister has approved the revised management plans then the approval holder must continue to implement the management plans originally approved, as specified in the conditions.

Not applicable

There has been no direction from the Minister to carry out any additional activity otherwise stated in the original management plans.

Condition 11

Unless otherwise agrees to in writing by the Minister, the approval holder must publish a copy of each approved management plan referred to in these conditions of approval on their website within 1 month of approval of the management plan by the Minister. Each management plan must be accessible to the general members of the public on the approval holder's website for a period of at least 10 years from the date of approval of the management plan. Any variations to management plans must be published on the website within 1 month of the variation being approved by the Minister.

Non-compliant

Dacland Capital has never itself had a website or internet presence. Previously, all Warrambeen links were published to the Manzeene Village website, however this has since been discontinued. Given the management plan was not accessible for a period of at least 10 years from the approval, this condition is non-compliant.

Condition 12

If, at any time after 5 years from the date of this approval, the approval holder has not substantially commenced Stage 1, then the approval holder must not substantially commence Stage 1 without the written agreement of the Minister.

Compliant

The action has been commenced and is almost at completion. Works had begun within 5 years of the date of approval.