



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Notification of approval

Residential Development 40-46 Cyril Beechey Lane, Cranbourne, Victoria (EPBC 2019/8406)

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

Approved Action

person to whom the approval is granted (approval holder)	Greenridge Properties Pty Ltd
ABN of approval holder	74 129 431 170
Proposed Action	To undertake a residential development at 40-46 Cyril Beechey Lane, Cranbourne, Victoria [See EPBC Act referral 2019/8406]

Approval decision

Decision

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

Controlling Provision	Decision
Listed threatened species and communities (section 18 and section 18A)	Approved

Period for which the approval has effect	This approval has effect until 2 April 2049.
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Conditions of approval	The approval is subject to conditions under the EPBC Act as set out in Annexure A.
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Person authorised to make decision

name and position	Rachel Short, Branch Head, Environment Assessments (Vic and Tas) and Post Approvals
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signature

date of decision	March 2024
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Annexure A

Note: Words appearing in **bold** have the meaning assigned to them at PART C – DEFINITIONS.

Part A – Operational Conditions

CLEARING LIMITS

1. To avoid **harm** to **protected matters**, the approval holder must not take the Action outside the **Project area**.
2. To minimise **harm** to **Southern Brown Bandicoot**, the approval holder must not **clear** more than 3.143 hectares (ha) of **Southern Brown Bandicoot habitat** within the **Project area**.

FAUNA CORRIDOR MANAGEMENT PLAN

3. To avoid and mitigate **harm** as a result of the Action on **Southern Brown Bandicoot**, the approval holder must:
 - a. commence implementing the **Fauna Corridor Management Plan** prior to the **commencement of the Action**; and
 - b. continue to implement the **Fauna Corridor Management Plan** until the **Minister** confirms in writing that she accepts advice from the approval holder that a mechanism has been registered to **conserve** the **Fauna Corridor** in perpetuity.

OFFSETS

4. To compensate for the residual significant impacts of the Action on the **Southern Brown Bandicoot**, the approval holder must not **commence the Action** unless the **offset area** has been **secured**. The approval holder must ensure the offset area remains secured at least until the expiry of the approval.
5. Within 10 **business days** of the **offset area** being **secured**, the approval holder must provide the **department** with written evidence demonstrating that the **offset area** has been **secured**.
6. The approval holder must commence implementing the **Southern Brown Bandicoot Offset Management Plan** prior to the **commencement of the Action** and continue to implement it at least until the expiry of the approval.

Part B – Administrative conditions

REVISION OF ACTION MANAGEMENT PLANS

7. The approval holder may, at any time, apply to the **Minister** for a variation to an action management plan approved by the **Minister**, by submitting an application in accordance with the requirements of section 143A of the **EPBC Act**. If the **Minister** approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.
8. The approval holder may choose to revise an action management plan required under condition 3, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the Action in accordance with the RAMP would not be likely to have a **new or increased impact**.
9. If the approval holder makes the choice under condition 8 to revise an action management plan without submitting it for approval, the approval holder must:

- a. Notify the **department** electronically that the approved action management plan has been revised and provide the **department** with:
 - i. An electronic copy of the RAMP.
 - ii. An electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP.
 - iii. An explanation of the differences between the approved action management plan and the RAMP.
 - iv. The reasons the approval holder considers that taking the Action in accordance with the RAMP would not be likely to have a **new or increased impact**.
 - v. Written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 **business days** after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the **department**.
 - b. Subject to condition 11, implement the RAMP from the RAMP implementation date.
10. The approval holder may revoke its choice to implement a RAMP under condition 8 at any time by giving written notice to the **department**. If the approval holder revokes the choice under condition 8, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 8.
 11. If the **Minister** notifies the approval holder that the **Minister** is satisfied that the taking of the Action in accordance with the RAMP would be likely to have a **new or increased impact**, then:
 - a. Condition 8 does not apply, or ceases to apply, in relation to the RAMP.
 - b. The approval holder must implement the action management plan specified by the **Minister** in the notice.
 12. At the time of giving the notice under condition 11, the Minister may also notify that for a specified period of time, condition 8 does not apply for one or more specified action management plans.

Note: Conditions 8, 9, 10 and 11 are not intended to limit the operation of section 143A of the **EPBC Act** which allows the approval holder to submit a revised action management plan, at any time, to the **Minister** for approval.

SUBMISSION AND PUBLICATION OF PLANS

13. The approval holder must submit all **plans** required by these conditions electronically to the **department**.
14. Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish each **plan** on the **website** within 15 **business days** of the date:
 - a. of this approval, if the version of the **plan** to be implemented is specified in these conditions, or
 - b. the **plan** is approved by the **Minister** in writing, if the **plan** requires the approval of the **Minister**, or
 - c. the **plan** is submitted to the **department** in accordance with a requirement of these conditions if the **plan** does not require the approval of the **Minister**.

15. The approval holder must keep all **plans** required by these conditions published on the **website** until the expiry date of this approval.
16. The approval holder is required to exclude or redact **sensitive ecological data** from **plans** published on the **website** or otherwise provided to a member of the public. If **sensitive ecological data** is excluded or redacted from a **plan**, the approval holder must notify the **department** in writing what exclusions and redactions have been made in the version published on the **website**.

NOTIFICATION OF DATE OF COMMENCEMENT OF THE ACTION

17. The approval holder must notify the **department** electronically of the date of **commencement of the Action**, within 5 **business days** following **commencement of the Action**.
18. The approval holder must not **Commence the Action** later than 5 years after the date of this approval decision.

COMPLIANCE RECORDS

19. The approval holder must maintain accurate and complete **compliance records**.
20. If the **department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **department** within the timeframe specified in the request.

Note: **Compliance records** may be subject to audit by the **department**, or by an independent auditor in accordance with section 458 of the **EPBC Act**, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the **department's** website or through the general media.

21. The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guidelines for biological survey and mapped data*, Commonwealth of Australia 2018, or as otherwise specified by the **Minister** in writing.
22. The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guide to providing maps and boundary data for EPBC Act projects*, Commonwealth of Australia 2021, or as otherwise specified by the **Minister** in writing.
23. The approval holder must submit all **monitoring data** (including **sensitive ecological data**), surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the **department** within 20 business days of each anniversary of the date of this approval decision - or in accordance with the requirements of the Fauna Corridor Management Plan.

ANNUAL COMPLIANCE REPORTING

24. The approval holder must prepare a **compliance report** for each 12-month period following the date of this approval decision (or as otherwise agreed to in writing by the **Minister**).
25. Each **compliance report** must be consistent with the *Annual Compliance Report Guidelines*, Commonwealth of Australia 2014.
26. Each **compliance report** must include:
 - a. Accurate and complete details of compliance and any non-compliance with the conditions and the **plans**, and any **incidents**.

- b. One or more **shapefiles** showing all **clearing of protected matters**, and/or their habitat, undertaken within the 12-month period at the end of which that **compliance report** is prepared.
- c. A schedule of all **plans** in existence in relation to these conditions and accurate and complete details of how each **plan** is being implemented.

27. The approval holder must:

- a. Publish each **compliance report** on the **website** within 60 **business days** following the end of the 12-month period for which that **compliance report** is required.
- b. Notify the **department** electronically, within 5 **business days** of the date of publication that a **compliance report** has been published on the **website**.
- c. Provide the weblink for the **compliance report** in the notification to the **department**.
- d. Keep all published **compliance reports** required by these conditions on the **website** until the expiry date of this approval.
- e. Exclude or redact **sensitive ecological data** from **compliance reports** published on the **website** or otherwise provided to a member of the public.
- f. If **sensitive ecological data** is excluded or redacted from the published version, 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**.

Note: Compliance reports may be published on the **department's** website.

REPORTING NON-COMPLIANCE

28. The approval holder must notify the **department** electronically, within 2 **business days** of becoming aware of any **incident** and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a **plan**.

29. The approval holder must specify in the notification:

- a. Any condition or commitment made in a **plan** which has been or may have been breached.
- b. A short description of the **incident** and/or potential non-compliance and/or actual non-compliance.
- c. The location (including co-ordinates), date and time of the **incident** and/or potential non-compliance and/or actual non-compliance.

Note: If the exact information cannot be provided, the approval holder must provide the best information available.

30. The approval holder must provide to the **department** in writing, within 12 **business days** of becoming aware of any **incident** and/or potential non-compliance and/or actual non-compliance, the details of that **incident** and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a **plan**. The approval holder must specify:

- a. Any corrective action or investigation which the approval holder has already taken.
- b. The potential impacts of the **incident** and/or non-compliance.

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- c. The method and timing of any corrective action that will be undertaken by the approval holder.

INDEPENDENT AUDIT

31. The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every five-year period following the **commencement of the Action** until this approval expires (unless otherwise specified in writing by the **Minister**).
32. For each **independent audit**, the approval holder must:
 - a. Provide the name and qualifications of the nominated **independent** auditor, the draft audit criteria, and proposed timeframe for submitting the **audit report** to the **department** prior to commencing the **independent audit**.
 - b. Only commence the **independent audit** once the nominated **independent** auditor, audit criteria and timeframe for submitting the **audit report** have been approved in writing by the **department**.
 - c. Submit the **audit report** to the **department** for approval within the timeframe specified and approved in writing by the **department**.
 - d. Publish each **audit report** on the **website** within 15 **business days** of the date of the **department's** approval of the **audit report**.
 - e. Keep every **audit report** published on the **website** until this approval expires.
33. Each **audit report** must report for the five-year period preceding that audit report.
34. Each **audit report** must be completed to the satisfaction of the **Minister** and be consistent with the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019.

COMPLETION OF THE ACTION

35. The approval holder must notify the **department** electronically 60 **business days** prior to the expiry date of this approval, that the approval is due to expire.
36. Within 20 **business days** after the **completion of the Action**, and, in any event, before this approval expires, the approval holder must notify the **department** electronically of the date of **completion of the Action** and provide **completion data**. The approval holder must submit any spatial data that comprises **completion data** as a **shapefile**.

Part C – Definitions

In these conditions any bolded use of a word or term refers to the below definition of that word or term:

Audit report means a written report of compliance and fulfilment of the conditions attached to this approval, objectively evaluated against the audit criteria approved by the **department**.

Business day means a day that is not a Saturday, a Sunday, or a public holiday in Victoria.

Clear or **Clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation not including **weeds**.

Commencement of the action means the first instance of any specified activity associated with the action including **clearing** and **construction**. **Commencement of the action** does not include minor physical disturbance necessary to:

- i. undertake pre-clearance surveys or monitoring programs
- ii. install signage and /or temporary fencing to prevent unapproved use of the project area

- iii. protect environmental and property assets from fire, weeds and pests, including installation of temporary fencing, and maintenance of existing surface access tracks
- iv. install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the **protected matters**

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met.

Completion of the Action means the date on which all activities associated with this approval have permanently ceased and/or been completed.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the 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 means a written report of compliance with, and fulfilment of, the conditions attached to the approval.

Conserve means to provide enduring conservation protection for the site through a mechanism agreed to in writing by the **department**.

Construction means:

- a. the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site,
- b. the alteration, maintenance, repair or demolition of any building or structure,
- c. any work which involves breaking of the ground (including pile driving) or bulk earthworks,
- d. the laying of pipes and other prefabricated materials in the ground, and
- e. any associated excavation work.

Construction does not include the installation of temporary fences and signage.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

Environmental Offsets Policy means the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy*, Commonwealth of Australia 2012.

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

Fauna Corridor Management Plan means the document submitted to the **department** titled *Final Report, Fauna Corridor Management Plan: 40-46 Cyril Beechy Lane, Victoria*, Prepared for Greenridge Properties Pty Ltd. Author: Ecology and Heritage Partners Pty Ltd, Melbourne. Final version prepared January 2024.

Harm means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.

Incident means any event which has the potential to, or does, **harm any protected matter**.

Independent means a person or firm who does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder's staff, representatives, or associated persons.

*Other than for the purpose of undertaking the role for which an independent person is required

Independent audit means an audit conducted by an **independent** and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019.

Minister means the Australian Government Minister administering the **EPBC Act**, including any delegate thereof.

Monitoring data means the data required to be recorded under the conditions of this approval.

New or increased impact means any direct or indirect increase in the impacts of an Action, an increase to the likelihood of an impact occurring, a reduction to the monitoring or mitigation measures for a **protected matter**, and/or a change to the nature or management of an environmental offset as outlined in the *Guidance on 'new or increased impact' relating to changes to approved management plans under EPBC Act environmental approvals*, Commonwealth of Australia 2017.

Offset area means the two areas proposed as the offset site for this action, represented in Attachment B by the two yellowed shaded polygons labelled 'Proposed Southern Brown Bandicoot offset site (10 ha)'.

Offset attributes means the relevant features of the **offset area**, including the **EPBC Act** reference number, the physical address of the **offset area**, coordinates of the boundary points in decimal degrees, and survey methods and results of surveys to identify **protected matter(s)** present at the **offset area**.

Plan means any action management plan or strategy that the approval holder is required by these conditions to implement.

Project area means the area where the Action will be undertaken, represented in Attachment A by the area inside the red border labelled 'Study Area'.

Protected matter means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

Secure or **secured** means to provide enduring conservation protection on the title of land through a Trust for Nature Covenant under the Victorian Conservation Trust Act 1972 or another enduring protection mechanism agreed to in writing by the department, to provide protection for the site against development incompatible with conservation.

Sensitive ecological data means data as defined in the *Sensitive Ecological Data – Access and Management Policy V1.0*, Commonwealth of Australia 2016.

Shapefile means location and attribute information about the Action provided in an Esri shapefile format containing:

- a. '.shp', '.shx', '.dbf' files,

- b. a '.prj' file which specifies the projection or geographic coordinate system used, and
- c. an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

Southern Brown Bandicoot means the **EPBC Act** listed threatened species Southern Brown Bandicoot (eastern) (*Isodon obesulus obesulus*).

Southern Brown Bandicoot habitat means habitat for the **Southern Brown Bandicoot**, represented in Attachment A by the green shaded polygons labelled 'Heathy Woodland (EVC 48)'.

Southern Brown Bandicoot Offset Management Plan means the document submitted to the **department** titled *Final Report, Offset Management Plan: Beach Road, Ocean Grange, Victoria (EPBC 2019/8406)*, Prepared for Greenridge Properties Pty Ltd. Author: Ecology and Heritage Partners Pty Ltd, Melbourne. Final version prepared January 2024.

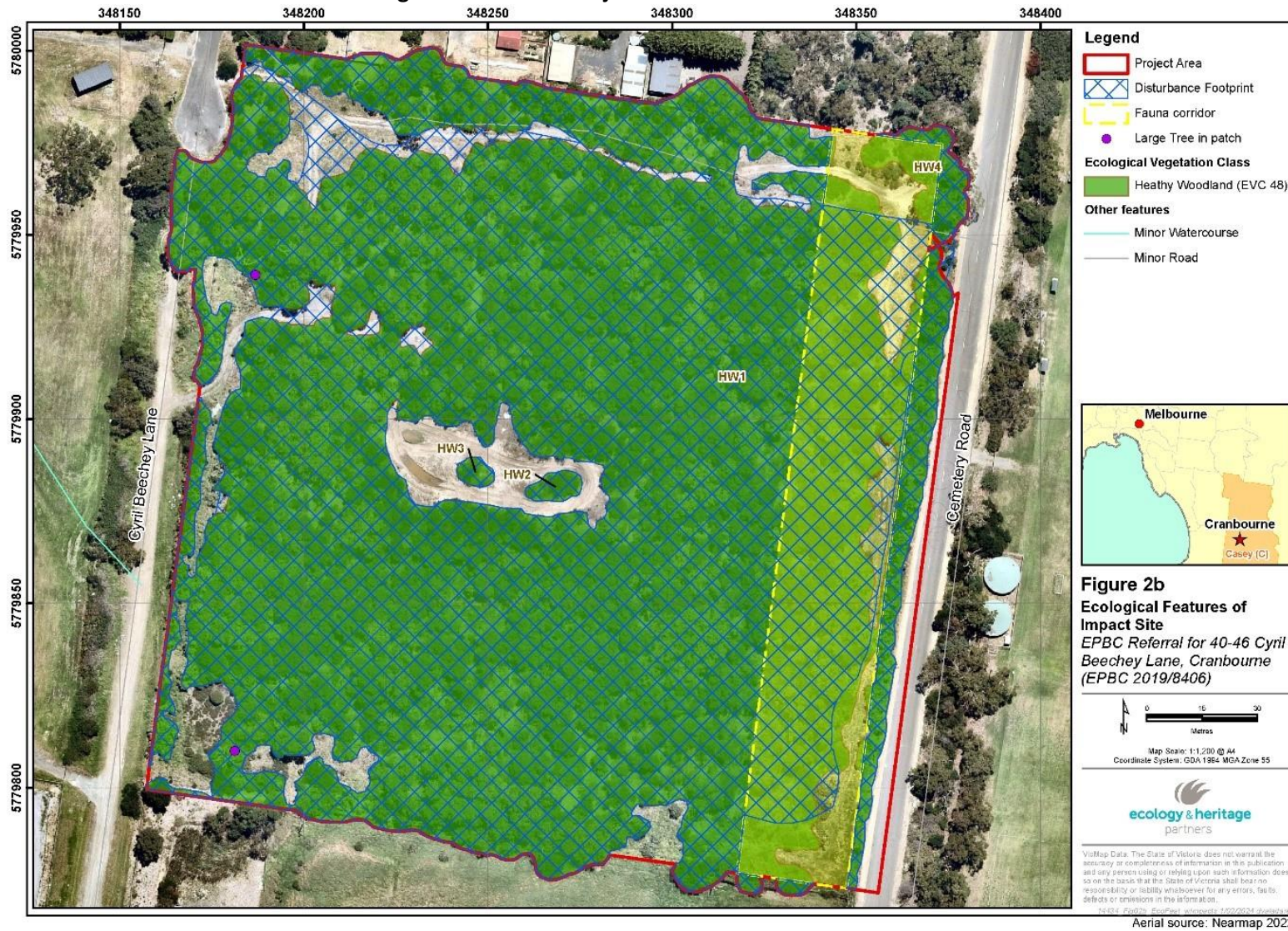
Suitably qualified person means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Weeds means viruses, bacteria, fungi, nematodes, and any weed as defined in the *Australian Weeds Strategy 2017 to 2027*, Commonwealth of Australia 2017.

Attachments

Attachment A: Location and Ecological Features of Project area



Attachment B: Offset Area

