



Lindum Vale Residential Development (EPBC 2015/7516)

Compliance Report

26 October 2022 to 26 October 2023

FINAL REPORT

Prepared for Satterley Property Group Pty Ltd

17 January 2024

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- Satterley Property Group: Jeremy Hughes

Biosis staff involved in this project were:

- Paul Kearsley and Mitchell Deaves (quality assurance)
- Abi van der Linden and Samuel Trollope (ecology)

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1. Introduction

1.1. Description of activities

Biosis Pty Ltd (Biosis) was commissioned by Satterley Property Group Pty Ltd (SPG) to prepare an annual compliance report for Lindum Vale residential development, Mickleham, Victoria (EPBC 2015/7516).

EPBC 2015/7516 approval was granted to SPG (ACN: 009 054 979) on 25 October 2020 with a variation to the conditions granted on 20 April 2021. The approval is to *construct a residential development of approximately 1,500 housing allotments at 1960 and 2040 Mickleham Road, Mickleham, Victoria [see EPBC Approval 2015/7516]* (the Action).

Condition 12 of the approval requires the approval holder to prepare a compliance report for each 12 month period following the date of commencement of the action. This report officially covers the period 26 October 2022 to 26 October 2023.

Current activities undertaken during the period covered by this report include:

- Continuing construction of Stages 1 & 2 of the Action.
- Carrying out of management actions relating to the implementation of Offset Management Plans (OMPs) for the four offset sites including:
 - Weed & pest management
 - Fencing
 - Monitoring and reporting
- Responding to written requests from the Department, providing compliance records, and notifications.

1.2. New environmental risk

No new environmental risks have become apparent during this reporting period. Should new environmental risks be identified, a risk analysis and reporting will be undertaken and the relevant management plans reviewed (if required).

1.3. 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	<u>Jeremy Hughes</u>
Full name	<u>Jeremy Hughes</u>
Position	<u>Senior Development Manager</u>
Organisation	<u>Satterley Property Group Pty Ltd</u>
Date	<u>16 / 01 / 2024</u>

2. Compliance table

This section addresses the requirement in the *Annual Compliance Report Guidelines* (DoE, 2014) for a compliance table. Table 1 includes the full wording of all conditions under EPBC 2015/7516 approval, the condition reference number, a designation regarding compliance or non-compliance, a summary of evidence and comments, and references to other parts of this compliance report which relate to the approval condition.

Table 1 EPBC approval compliance table

Condition number/ reference	Condition	Is the project compliant with this condition?	Evidence/ comments
1	<p><i>In the project area, the approval holder must not clear more than:</i></p> <ul style="list-style-type: none"> • 0.226 hectares of GEWVVP • 97.11 hectares of Golden Sun Moth habitat 	Compliant	No more than 0.226 hectares of GEWVVP and 97.11 hectares of Golden Sun Moth habitat have been cleared.
2	<p><i>To compensate for the loss of up to 31.13 ha of Golden Sun Moth habitat, the approval holder must secure the Stage 1 GSM offset areas prior to the commencement of the action within Stage 1.</i></p>	Compliant	Offsets for Stage 1 were secured prior to this annual reporting period and documented in in the <i>Lindum Vale Residential Development (EPBC 2015/7516) Compliance Report 26 October 2021 – 26 October 2022</i> annual compliance report.
3	<p><i>To compensate for the loss of up to 65.975 ha of Golden Sun Moth habitat, the approval holder must secure the Stage 2 GSM offset areas prior to the commencement of the action within Stage 2.</i></p>	Compliant	Offsets for Stage 2 were secured prior to this annual reporting period and documented in in the <i>Lindum Vale Residential Development (EPBC 2015/7516) Compliance Report 26 October 2021 – 26 October 2022</i> annual compliance report.
4	<p><i>To protect and enhance GEWVVP in the project area, the approval holder must:</i></p> <p><i>a. demonstrate that it has control of the GEWVVP offset area and is managing the area in accordance with its offset values prior to the commencement of the action;</i></p>	Compliant	<p>The agreement to secure the GEWVVP offset area was finalised before the commencement date of Stage 1 action.</p> <p>The application to register the covenant was executed on 05/04/2022 (less than 24</p>

Condition number/ reference	Condition	Is the project compliant with this condition?	Evidence/ comments
	<p>b. commence the process to secure the GEWWP offset area prior to commencement of the action; and</p> <p>c. secure the GEWWP offset area within 24 months of commencement of the action, or as otherwise agreed by the Minister in writing.</p>		<p>months following commencement of the action).</p> <p>Implementation of the Offset Management Plan (OMP) (Biosis 2020a) began in July 2021.</p> <p>Compliance with this condition is documented in the <i>Lindum Vale Residential Development (EPBC 2015/7516) Compliance Report 26 October 2021 – 26 October 2022</i> annual compliance report.</p>
5	<p>Within 10 business days of each offset area being secured, the approval holder must provide the Department with:</p> <p>a. written evidence demonstrating that the offset area has been secured; and</p> <p>b. shapefiles and the offset attributes for the offset area</p>	Partially compliant	<p>SPG did not provide the department with evidence within 10 business days of each offset area being secured due to a transition in managers and new project personnel commencing.</p> <p>However, this evidence has since been provided in the <i>Lindum Vale Residential Development (EPBC 2015/7516) Compliance Report 26 October 2021 – 26 October 2022</i> annual compliance report.</p> <p>Whilst not completed within the timeframe this information has now been provided.</p>
6	<p>Once each offset area has been secured, the approval holder must implement the Offset Management Plan for that offset area, for the duration of the approval.</p>	Partially compliant	<p>Four offset sites have been secured. The actions to meet the conditions of the OMP's for the following sites have been implemented:</p> <ul style="list-style-type: none"> - 235 Muncktons Lane, Glenaroua - 5066 Western Highway, Beaufort - Sievers Lane, Glenhope

Condition number/ reference	Condition	Is the project compliant with this condition?	Evidence/ comments
			<p>SPG is working towards compliance in implementing the OMP for the 1960 Mickleham Road, Mickleham offset site. See Section 3.1 for details.</p>
7	<p><i>The approval holder must notify the Department in writing of the date of commencement of the action in each Stage within 10 business days after the date of commencement of the action in that Stage.</i></p>	Partially compliant	<p>Although notification has been provided it was not provided within 10 business days of the date of commencement due to a transition in managers and new project personnel commencing.</p> <p>The action for each of the stages commenced on the following dates:</p> <ul style="list-style-type: none"> - Stage 1 – 26 October 2021; and - Stage 2 – 14 March 2022 <p>Notification to the Department of the commencement of the action was overlooked at this time, however notification in writing of the date of commencement of the action for both stages was provided to DCCEEW in writing on 8 March 2023.</p> <p>Compliance with this condition is documented in the <i>Lindum Vale Residential Development (EPBC 2015/7516) Compliance Report 26 October 2021 – 26 October 2022</i> annual compliance report.</p>
8	<p><i>If all offset areas are not secured within 5 years from the date of this approval, then the approval holder must not commence the action in whichever of Stage 1 or Stage 2 has not already been commenced without written agreement of the Minister. The Minister may review the suitability of the offset areas in making this decision.</i></p>	Not applicable	<p>All offsets were secured in 2021/2022.</p>

Condition number/ reference	Condition	Is the project compliant with this condition?	Evidence/ comments
9	<i>The approval holder must maintain accurate and complete compliance records</i>	Compliant	This compliance report provides evidence of the accurate and complete compliance records to date.
10	<i>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.</i>	Compliant	See Section 3.2
11	<i>The approval holder must keep the Offset Management Plans published on the website until the end date of this approval.</i>	Compliant	See Section 3.3
12	<p><i>The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:</i></p> <ul style="list-style-type: none"> <i>a. publish each compliance report on the website within 60 business days following the relevant 12 month period;</i> <i>b. notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within five business days of the date of publication;</i> <i>c. keep all compliance reports publicly available on the website until this approval expires;</i> <i>d. exclude or redact sensitive ecological data from compliance reports published on the website; and</i> <i>e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.</i> 	Partially compliant	See Section 3.4
13	<i>The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-</i>	Not applicable	

Condition number/ reference	Condition	Is the project compliant with this condition?	Evidence/ comments
	<p><i>compliance with the commitments made in the Offset Management Plans. The notifications must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:</i></p> <ul style="list-style-type: none"> <i>a. any condition which is or may be in breach;</i> <i>b. a short description of the incident and/or non-compliance; and</i> <i>c. the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.</i> 		
14	<p><i>The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in the Offset Management Plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</i></p> <ul style="list-style-type: none"> <i>a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</i> <i>b. the potential impacts of the incident or non-compliance; and</i> <i>c. the method and timing of any remedial action that will be undertaken by the approval holder.</i> 	Not applicable	
15	<p><i>The approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted as requested in writing by the Minister.</i></p>	Not applicable	No audit request has been received.
16	<p><i>For each independent audit, the approval holder must:</i></p>	Not applicable	No audit request has been received.

Condition number/ reference	Condition	Is the project compliant with this condition?	Evidence/ comments
	<p>a. provide the name and qualifications of the proposed independent auditor and the draft audit criteria to the Department;</p> <p>b. only commence the independent audit once the independent auditor and audit criteria have been approved in writing by the Department; and</p> <p>c. submit the audit report to the Department within the timeframe specified in the approved audit criteria.</p>		
17	<p>The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.</p>	Not applicable	No audit request has been received.
18	<p>Within 30 days after whichever is the earlier of</p> <ul style="list-style-type: none"> • the completion of the action, or • 60 business days before the end date of the period for which this approval has effect, <p>the approval holder must notify the Department in writing and provide completion data.</p>	Not applicable	The action has not been completed and the approval has effect until 30 June 2040.
19	<p>If the completion of the action is unlikely to occur before the end date of the period for which the approval has effect, the approval holder must submit to the Department, before the end date of the period for which the approval has effect, a request, in accordance with the requirements of section 145C of the EPBC Act, to extend the period of effect of the approval.</p>	Not applicable.	The approval has effect until 30 June 2040, so this condition is currently not relevant.

3. Approval conditions

3.1. Condition 6

Once each offset area has been secured, the approval holder must implement the Offset Management Plan for that offset area, for the duration of the approval.

3.1.1. 1960 Mickleham Road, Mickleham Offset Management Plan

Implementation of the OMP (Biosis 2020a) began in July 2021.

Delivery of the Year 1 annual report and management actions for the initial reporting period of 15 February 2022 to 15 February 2023 was delayed, due to internal management transitions at SPG (see *Lindum Vale Residential Development (EPBC 2015/7516) Compliance Report 26 October 2021 – 26 October 2022* for details). This annual report was submitted to Trust for Nature (TfN) and DCCEEW on 14/08/2023.

For the 2022-2023 reporting period the following tasks have been completed towards implementation of the OMP:

- Preparation of a Baseline Vegetation Monitoring Report for Grassy Eucalypt Woodland and Golden Sun Moth habitat Offset Site. This was submitted to the Department on 17 April 2023.
- Slashing of perimeter boundary in park preparation for fire break February 2023.
- Preparation of a 2023 TfN annual works plan.
- 1x quarterly inspections.
- Annual report for Feb 2022-Feb 2023 period.
- Woody weed control works and broad leaf spraying undertaken in December 2023.

The below tasks are currently being undertaken by Biosis (Ecologists) and/or Naturelinks (Land Managers) or are scheduled in January to work towards achievement of the management goals:

- TfN Annual works plan for 2024.
- Annual vegetation site assessment undertaken in December 2023, report to be completed in January 2024.
- Golden Sun Moth surveys completed in December 2023, report to be completed in January 2024.
- Fencing of 2 control plots.
- Second quarterly inspection of the site.
- Completion of a revegetation plan and draft fire management plan for the site.
- Pest animal monitoring.
- Woody weed and grass control and targeted slashing for herbaceous weeds.
- Thinning of river red gums.

SPG is working towards compliance in implementing the OMP for the Mickleham offset site.

3.1.2. 235 Muncktons Lane, Glenaroua Offset Management Plan

Implementation of the OMP (Biosis 2020b) began in March 2021. The Year 1 annual report from the landholder to address progress against the commitments set out in the OMP (Biosis 2020b) was completed on 5 April 2022 and the Year 2 annual report was completed on 28 March 2023.

Both reports were submitted to the Department by SPG on 17 April 2023.

Year 3 annual report is expected for completion in February 2024.

SPG is compliant with implementing the OMP for the Glenaroua offset site.

3.1.3. 5066 Western Highway, Beaufort Offset Management Plan

Implementation of the OMP (Biosis 2020c) began in March 2022. An annual report from the landholder to address progress against the commitments set out in the OMP was completed on 6 March 2023.

This report was submitted to the Department by SPG on 17 April 2023.

Year 2 annual report is expected for completion in February 2024.

SPG is compliant with implementing the OMP for the Beaufort offset site.

3.1.4. Sievers Lane, Glenhope Offset Management Plan

Implementation of the OMP (Biosis 2020d) began in March 2022. An annual report from the landholder to address progress against the commitments set out in the OMP was completed on 15 February 2023.

This report was submitted to the Department on 17 April 2023.

Year 2 annual report is expected for completion in February 2024.

SPG is compliant with implementing the OMP for the Glenhope offset site.

3.2. Condition 10

If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.

The following written requests in Table 2 have been made by DCCEEW with responses provided in the timeframe specified in the requests. No further requests have been received from DCCEEW.

Table 2 Responses to written DCCEEW requests

Request	Response
<p>Show cause letter dated 7 February 2023 requesting a response by email to epbcmonitoring@dcceew.gov.au within 10 business days</p>	<p>Email response provided on 17 February 2023 by Jeremy Hughes.</p>
<p>Request for further information dated 21 February 2023 requesting a response no later than COB 8 March 2023</p>	<p>Email notification responses provided on 8 March 2023 and detailed in the <i>Lindum Vale Residential Development (EPBC 2015/7516) Compliance Report 26 October 2021 – 26 October 2022</i> annual compliance report.</p>
<p>Warning letter dated 21 March 2023 requesting:</p> <ul style="list-style-type: none"> – A response in relation to Condition 11 no later than 20 business days from the date of the letter; – Preparation of a compliance report for the 12-month period 26 October 2021 – 26 October 2022; – Publication of the compliance report on SPG's website no later than 30 business days from the date of the letter; and – Notification to the department via email to epbcmonitoring@dcceew.gov.au that the compliance report has been published, within 5 business days of the date of publication. 	<p>Responses to the warning letter:</p> <ul style="list-style-type: none"> – DCCEEW was notified by email of the publication of the specified documents on 29 March 2023 – The <i>Lindum Vale Residential Development (EPBC 2015/7516) Compliance Report 26 October 2021 – 26 October 2022</i> annual compliance report was prepared in response to the warning letter request, it was published on SPG's website and DCCEEW was notified.

3.3. Condition 11

The approval holder must keep the Offset Management Plans published on the website until the end date of this approval.

The following OMPs are published on a standalone page on SPG's website

<https://satterley.com.au/botanical/buying-building/lindum-vale-precinct-structure-plan/>

- EPBC Act referral 2015/7516 Lindum Vale Residential Development, Mickleham Road, Mickleham: Offset Management Plan for Grassy Eucalypt Woodland and Golden Sun Moth habitat: 1960 Mickleham Road, Mickleham, Victoria. Report for Satterley Property Group. Authors: Mueck S Biosis Pty Ltd, Melbourne. Final version 01 prepared 9 April 2020.
- EPBC Act referral 2015/7516 Lindum Vale Residential Development, Mickleham Road, Mickleham: Offset Management Plan for Golden Sun Moth habitat: Sievers Lane, Glenhope, Victoria. Report for Satterley Property Group. Authors: Mueck S Biosis Pty Ltd, Melbourne. Final version 02 prepared 26 May 2020.
- EPBC Act referral 2015/7516 Lindum Vale Residential Development, Mickleham Road, Mickleham: Offset Management Plan for Golden Sun Moth habitat: 235 Muncktons Lane, Glenaroua, Victoria. Report for Satterley Property Group. Authors: Mueck S Biosis Pty Ltd, Melbourne. Final version 01 prepared 12 May 2020.
- EPBC Act referral 2015/7516 Lindum Vale Residential Development, Mickleham Road, Mickleham: Offset Management Plan for Golden Sun Moth habitat: 5066 Western Highway, Beaufort, Victoria. Report for Satterley Property Group. Authors: Mueck S Biosis Pty Ltd, Melbourne. Final version 01 prepared 16 October 2020.

3.4. Condition 12

The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:

- publish each compliance report on the website within 60 business days following the relevant 12 month period;*
- notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within five business days of the date of publication;*
- keep all compliance reports publicly available on the website until this approval expires;*
- exclude or redact sensitive ecological data from compliance reports published on the website; and*
- where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.*

The action commenced on 26th October 2021. The first annual compliance report was sent to DCCEEW by Jeremy Hughes on 02/05/2023 (see email confirmation in Appendix A) and is published on the SPG website at the below address:

<https://satterley.com.au/botanical/buying-building/lindum-vale-precinct-structure-plan/>

SPG recognises that the delivery of the first annual monitoring report was not delivered within 60 days of the first 12 month period. A transition in managers and new project personnel commencing to oversee the EPBC approval conditions at SPG, resulted in the annual report being overlooked. SPG is therefore partially compliant with Condition 12.

This report meets the compliance requirement for the second annual monitoring period, 27th October 2022-26th October 2023 and has been published at the above address and notified to DCCEE within 60 days.

REFERENCES

Biosis 2020a. EPBC Act referral 2015/7516 Lindum Vale Residential Development, Mickleham Road, Mickleham: Offset Management Plan for Grassy Eucalypt Woodland and Golden Sun Moth habitat: 1960 Mickleham Road, Mickleham, Victoria, Report for Satterley Property Group. Authors: Mueck S Biosis Pty Ltd, Melbourne. Final version 01 prepared 9 April 2020.

Biosis 2020b. EPBC Act referral 2015/7516 Lindum Vale Residential Development, Mickleham Road, Mickleham: Offset Management Plan for Golden Sun Moth habitat: 235 Muncktons Lane, Glenaroua, Victoria., Report for Satterley Property Group. Authors: Mueck S Biosis Pty Ltd, Melbourne. Final version 01 prepared 12 May 2020.

Biosis 2020c. EPBC Act referral 2015/7516 Lindum Vale Residential Development, Mickleham Road, Mickleham: Offset Management Plan for Golden Sun Moth habitat: 5066 Western Highway, Beaufort, Victoria., Report for Satterley Property Group. Authors: Mueck S Biosis Pty Ltd, Melbourne. Final version 01 prepared 16 October 2020.

Biosis 2020d. EPBC Act referral 2015/7516 Lindum Vale Residential Development, Mickleham Road, Mickleham: Offset Management Plan for Golden Sun Moth habitat: Sievers Lane, Glenhope, Victoria, Report for Satterley Property Group. Authors: Mueck S Biosis Pty Ltd, Melbourne. Final version 02 prepared 26 May 2020.

Biosis 2022. Grassy Eucalypt Woodland and Golden Sun Moth habitat Offset Site, 1960 Mickleham Road, Mickleham (EPBC 2015/7516): Baseline Vegetation Monitoring Report, Report prepared for Satterley Group Pty Ltd. Author: Bodycomb. S, Biosis Pty Ltd, Port Melbourne, VIC. Project no. 34282.

Biosis 2023. Lindum Vale Residential Development (EPBC 2015/7516) Compliance Report 26 October 2021 – 26 October 2022. Prepared for Satterley Property Group Pty Ltd. Spragg. K, Melbourne. Project No. 38920.

DoE 2014. *Annual Compliance Report Guidelines*. Australian Government Department of the Environment.

APPENDICES

Appendix A. Email confirmation of Annual Compliance report

From: [EPBC Monitoring](#)
To: [Jeremy Hughes](#)
Cc: [Smith, Tom](#); [Kimberly Spragg](#); [EPBC Monitoring](#)
Subject: RE: EPBC 2015/7516 notification of annual compliance reporting (Condition 12) [SEC=UNOFFICIAL]
Date: Tuesday, 2 May 2023 1:49:01 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Dear Jeremy,

Thank you for the submission of the 2021-22 Annual Compliance Report for EPBC 2015/7516.

The department acknowledges receipt of this submission, and it will be reviewed accordingly.

Due to IT Security reasons, I cannot open the hightail link below. Can you please upload the appendices to the departments files sharing platform – SIGBOX. You will receive a separate email with the invite. Please let me know if you have any issues.

For further information please do not hesitate to contact the EPBC Monitoring Mailbox.

Kind regards,

[Hannah Brugman](#)

Administration Officer

Environmental Audit Section | Compliance and Enforcement Branch | Environmental Permitting and Compliance Division

Department of Climate Change, Energy, the Environment and Water

Ngunnawal and Ngambri Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600 Australia

[DCCEEW.gov.au](#) ABN 63 573 932 849

Acknowledgement of Country

Our department recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge First Nations Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past and present.

From: Jeremy Hughes <jeremyh@satterley.com.au>
Sent: Tuesday, 2 May 2023 12:50 PM
To: EPBC Monitoring <epbcmonitoring@dcceew.gov.au>
Cc: Smith, Tom <Tom.Smith@dcceew.gov.au>; Kimberly Spragg <KSpragg@biosis.com.au>
Subject: EPBC 2015/7516 notification of annual compliance reporting (Condition 12) [SEC=UNOFFICIAL]

Dear Department of Climate Change, Energy, the Environment and Water,

Please find attached annual compliance report for the Lindum Vale Residential Development (EPBC 2015/7516). The appendices listed in the compliance report can be downloaded here

<https://spaces.hightail.com/receive/9FarAQfyNF>

Please consider the above as Satterley's notification relating to EPBC 2015/7516 approval Condition 12.

Should you have any queries, please let me know.

Kind Regards,

Jeremy

JEREMY HUGHES
Development Manager



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