

# EPBC Act Compliance Report

*Undertake investigations associated with the delivery of the M3R Project at Melbourne Airport, Victoria (Permit E2019-0161)*



Prepared by:

**Australia Pacific Airports (Melbourne) Pty Ltd**

# 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)	<b>Gigi Yuen</b>
Position (please print)	<b>Head of Environment and Sustainability</b>
Organisation (please print including ABN/ACN if applicable)	<b>Australia Pacific Airports (Melbourne), ACN: 076 999 114</b>
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# DOCUMENT VERSION CONTROL

Version	Date	Status	Author	Reviewer
V1	28/10/2024	Final	Rachael Young	Gigi Yuen

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# 1 INTRODUCTION

<b>Approved action</b>	
Person to whom the permit is granted	<b>Australia Pacific Airports (Melbourne) Pty Ltd, Level 2, Terminal 4, Melbourne Airport, VIC 3043</b> <b>ACN: 076 999 114</b>
Approved action	<b>To undertake investigations associated with the delivery of the M3R Project at Melbourne Airport, Victoria</b>
Permit/EPBC Number	<b>E2019-0161</b>
Reporting period	<b>9/10/2019 – 1/09/2024</b>
Date of Report	<b>28/10/2024</b>

## 1.1 Approval under the Environment Protection and Biodiversity Conservation Act 1999

The Department of Environment issued approval for above mentioned action on 9 October 2019. The permit conditions were subject to two variations made under section 202(2) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The first variation was made on 30 November 2021 and the second on 15 March 2022. The permit was valid until 1 September 2024.

### 1.1.1 First variation

The first variation approved the following:

- Update to Condition 9 to allow an increase in the maximum impacts to Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP), Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of south-eastern Australia (GBW), and Growling Grass Frog (*Litoria raniformis*) (GGF) habitat as a result of contaminated land investigations.
- Update to the disturbance footprint presented in Annexure A

### 1.1.2 Second variation

The second variation approved the following:

- Further update to Condition 9 to allow an increase in the maximum impact to GBW.

## 1.2 Purpose of this report

This compliance report outlines the state of compliance with each approval condition over the life of the permit from 9/10/2019 – 1/09/2024. Completion of the action was achieved at the expiry of the permit on 1/09/2024.

Statements regarding compliance with Permit E2019-0161 conditions are detailed in Table 1. This table reflects the final condition set as approved by the second variation.

## 1.3 New Environmental Risks

No new environmental risks were identified during the reporting period, apart from those subsequently incorporated into the approved variations.

## 2 COMPLIANCE WITH APPROVAL

**Table 1: Compliance with Part 13 Permit**

Condition	Condition	Is the project compliant with this condition	Comment
1	The <b>permit holder</b> must only carry out the operational and infrastructure maintenance activities within the <b>project area</b> , in accordance with the methods described in the <b>permit application</b> .	<b>Compliant</b>	All activities were undertaken within the project area as identified in Annexure A of Permit E2019-0161.
<u>Heritage Investigations</u>			
2	The <b>permit holder</b> is permitted to excavate up to 240 test locations as part of cultural heritage subsurface investigations using the following test methodology: <b>a.</b> Targeted subsurface testing in areas of archaeological potential and within each landform type - approximately 1 x1 metre hand excavated test pits <b>b.</b> Subsurface testing - approximately 1.2 x 10 metre mechanically excavated test trenches.	<b>Compliant</b>	A total of 128 test locations were excavated across a series of investigations for both historic heritage (5 locations) and First Nations cultural heritage (123 locations). Information regarding the investigations is available in the <i>Melbourne Airport's Third Runway (M3R) Historical Archaeological Survey Report</i> (Biosis 2021), as well as the <i>M3R Cultural Heritage Management Plan 16792</i> (Biosis 2022). DCCEEW has a copy of these reports in relation to matter E2021-8886.
3	Heritage investigations must be undertaken by specialist heritage advisors in consultation with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation.	<b>Compliant</b>	Investigations for First Nations cultural heritage were undertaken by Biosis who are specialist heritage advisors, in consultation with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation. See the M3R CHMP (Biosis 2022) for further detail on the consultation conducted.
4	The heritage test excavations described in Condition 2 may result in the following maximum impacts: <b>a.</b> Up to 0.0304 hectares of <b>NTGVVP</b> <b>b.</b> Up to 0.0438 hectares of <b>Grey Box Woodland</b> <b>c.</b> Up to 0.0373 hectares of <b>Growling Grass Frog</b> habitat	<b>Compliant</b>	The following impacts resulted from heritage investigations and are attributable to Permit E2019-0161: <ul style="list-style-type: none"> <li>- 0.0005ha of NTGVVP (from 'Stage 2' First Nations cultural heritage investigations)</li> <li>- 0.009ha of GBW (from 'Stage 2' First Nations cultural heritage investigations)</li> </ul> <b>Note:</b> APAM has previously reported impacts resulting from historic heritage investigations, and 'Stage 1' of the First Nations cultural heritage

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			<p>investigations as part of annual compliance reporting under Permit E2018-0144. See the following annual compliance reports provided to DCCEEW and available on the APAM website:</p> <p><a href="#">E2018-0144 Annual Compliance Report 2021</a></p> <p><a href="#">E2018-0144 Annual Compliance Report 2020</a></p>
5	<p>The permit holder must implement the following measures to minimise impacts occurring as a result of the activities described in Condition 2:</p> <p><b>a.</b> Vehicle movements around the testing sites must be limited to the minimum movements necessary to undertake the works.</p> <p><b>b.</b> Only vehicles specifically required for testing activities may traffic grassland and woodland areas.</p> <p><b>c.</b> Vehicles must travel laterally offset from each other when traversing grassland and woodland areas so as to not repeatedly impact grass within the wheel path.</p> <p><b>d.</b> Testing must not be undertaken in wet conditions or where ground conditions are too soft to support vehicle traffic without disturbing the surface.</p> <p><b>e.</b> Where possible vehicles must travel on existing tracks and roadways.</p> <p><b>f.</b> For works located within <b>Growling Grass Frog</b> habitat, Version 02 of the Melbourne Airport operational and infrastructure maintenance <b>Growling Grass Frog</b> habitat management plan (Biosis 2019) must be implemented.</p> <p><b>g.</b> Vehicles and personal must be free of weed seeds and soil prior to accessing the site and boots/vehicle tyres must be sprayed down with the chemical benzalkonium chloride at a ratio of 5 % benzalkonium chloride to 95% water between different waterway catchment areas.</p> <p><b>h.</b> All works must comply with the Melbourne Airport Environmental Management Plan (APAM 2019).</p>	<b>Compliant</b>	<p>Vehicle movements during the heritage investigation programs were limited to light vehicles with rubber tyres. Vehicles were kept on existing tracks where possible. No ground disturbance resulted from vehicle movements.</p> <p>The ecological investigation program was conducted in accordance with requirements of the Melbourne Airport EMP (APAM 2019) and subsequent versions, and Melbourne Airport operational and infrastructure maintenance Growling Grass Frog habitat management plan (Biosis 2019). This includes the requirement for vehicle tyres and personnel boots to be sprayed down with the chemical benzalkonium chloride at a ratio of 5% benzalkonium chloride to 90% water between different catchment areas.</p> <p>Excavation locations were relocated where possible to avoid impacts to EPBC Act listed threatened species of ecological communities. This resulted in there being only 0.0005ha impact to NTGVVP as a result of heritage investigations (significantly less than the approved 0.0304ha).</p>

	i. Wherever possible, works locations must be identified on site to avoid <b>EPBC Act</b> listed threatened species or ecological communities (i.e. on cleared areas I tracks in the <b>grey box woodland</b> ).		
<u>Ecological Investigations</u>			
<b>6</b>	For the purposes of conducting an assessment of the extent and quality of the <b>NTGVVP, Grey Box Woodland</b> and <b>Growling Grass Frog</b> habitat, the <b>permit holder</b> is permitted to: <b>a.</b> Take up to 1000 specimens from <b>NTGVVP</b> for identification and record keeping purposes. <b>b.</b> Take up to 500 specimens from <b>Grey Box Woodland</b> community for identification and record keeping purposes. <b>c.</b> Walk/drive in <b>Growling Grass Frog</b> habitat.	<b>Compliant</b>	No more than 100 specimen were taken across both NTGVVP and GBW for identification and record keeping purposes during ecological investigations.  Vehicle movements were required within GGF habitat areas to enable suitable surveys. No damage to GGF habitat areas resulted from the ecological investigation program.
<b>7</b>	The <b>permit holder</b> must implement the following measures to minimise impacts occurring as a result of the activities described in Condition 6: <b>a.</b> Where possible vehicle movement must occur on existing tracks and roadways. <b>b.</b> Vehicle movements that occur off existing tracks and roadways must be limited to the minimum movements necessary to undertake works. <b>c.</b> Vehicle movements that occur off existing tracks and roadways must not be undertaken in wet conditions or where ground conditions are too soft to support vehicle traffic without disturbing the surface. <b>d.</b> Vehicles and personal must be free of weed seeds and soil prior to accessing the site and boots/vehicle tyres must be sprayed down with the chemical benzalkonium chloride at a ratio of 5 % benzalkonium chloride to 95% water between different waterway catchment areas. <b>e.</b> All works must comply with the Melbourne Airport Environmental Management Plan (EMP) (APAM 2019).	<b>Compliant</b>	Vehicle movements during the ecological investigation program were limited to light vehicles with rubber tyres. Vehicles were kept on existing tracks where possible. No ground disturbance resulted from vehicle movements.  The ecological investigation program was conducted in accordance with requirements of the Melbourne Airport EMP (APAM 2019) and subsequent versions, and Melbourne Airport operational and infrastructure maintenance Growling Grass Frog habitat management plan (Biosis 2019). This includes the requirement for vehicle tyres and personnel boots to be sprayed down with the chemical benzalkonium chloride at a ratio of 5% benzalkonium chloride to 90% water between different catchment areas.

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	f. All works must comply with the Melbourne Airport operational and infrastructure maintenance Growling Grass Frog habitat management plan (Biosis 2019).		
<u>Contaminated Land Investigations</u>			
<b>8</b>	<p>The <b>permit holder</b> is permitted to undertake the following investigations to determine the extent and magnitude of subsurface contamination:</p> <p><b>a.</b> collection of approximately 141 grid-based samples of soil and groundwater across the <b>project area</b>, using the following techniques:</p> <p><b>i.</b> Drilling of boreholes using a sonic coring rig (preferred method).</p> <p><b>ii.</b> Drilling using other methods including push tube, down hole hammer, wash boring, diamond coring where required/ appropriate.</p> <p><b>iii.</b> Test pit sampling using a backhoe.</p> <p><b>iv.</b> Advancement at shallow locations with hand auger if no other method above can be employed.</p>	<b>Compliant</b>	<p>Contaminated land investigations were completed in two stages. Stage 1 involved 70 sample locations, and Stage 2 involved 220 sample locations. Whilst the number of sample locations exceeds the number in Condition 8, the impacts to MNES as a result of the locations did not exceed the approved allowance in Condition 9 (see below).</p> <p>Investigations were completed substantially in accordance with the permit application documentation, including the extend and magnitude parameters outlined in Condition 8.</p>
<b>9</b>	<p>The contaminated land investigations described in Condition 8 may result in the following maximum impacts:</p> <p><b>a.</b> Up to 0.158 hectares of <b>NTGVVP</b></p> <p><b>b.</b> Up to 0.518 hectares of <b>Grey Box Woodland</b></p> <p><b>c.</b> Up to 0.732 hectares of <b>Growling Grass Frog</b> habitat</p>	<b>Compliant</b>	<p>Contaminated land investigations were completed in two stages. Impacts associated with Stage 1 of investigations were:</p> <ul style="list-style-type: none"> <li>- 0.0014ha of NTGVVP</li> <li>- 0.0025ha of GBW</li> <li>- Nil GGF habitat</li> </ul> <p>Impacts associated with Stage 2 of investigations were:</p> <ul style="list-style-type: none"> <li>- 0.031ha of NTGVVP</li> <li>- 0.122ha of GBW</li> <li>- 0.112ha of GGF habitat</li> </ul> <p>In total, the following impacts resulted from contaminated land investigations:</p> <ul style="list-style-type: none"> <li>- 0.0324ha of NTGVVP</li> <li>- 0.1245ha of GBW</li> <li>- 0.112ha of GGF habitat</li> </ul>



<p><b>10</b></p>	<p>The <b>permit holder</b> must implement the following measures to minimise impacts occurring as a result of the activities described in Condition 8:</p> <p><b>a.</b> Following completion, borehole locations must be backfilled with a cement bentonite grout mix to reduce potential surface water ingress and downhole cross-contamination. Where possible, sods must be replaced.</p> <p><b>b.</b> Following completion, test pit locations must be backfilled with excavated soil and where possible, sods replaced.</p> <p><b>c.</b> Vehicles with rubber tyres must be utilised, where possible.</p> <p><b>d.</b> Works and site access must be restricted following periods of heavy rainfall.</p> <p><b>e.</b> Wastewater from drilling works and groundwater sampling must be collected and disposed of offsite</p> <p><b>f.</b> Wherever possible, works locations must be identified on site to avoid <b>EPBC Act</b> listed threatened species or ecological communities (i.e. on cleared areas I tracks in the <b>Grey Box Woodland</b>).</p>	<p><b>Compliant</b></p>	<p>Vehicle movements during the contaminated land investigation program were limited to light vehicles where possible, and rubber tyre / tracked vehicles only. Vehicles were kept on existing tracks where possible. Some tracks were required to be installed within GGF habitat to allow access to Arundel Creek. Disturbance associated with these new tracks is captured in the impact areas reported against Condition 9.</p> <p>The contaminated land investigation program was completed substantially in accordance with the permit application documentation, including the parameters outlined in Condition 10.</p>
<p><u>Other Conditions</u></p>			
<p><b>11</b></p>	<p>If, at any time during the life of the permit, the <b>permit holder</b> kills or injures one or more individuals of <b>Growling Grass Frog</b> as a result of the action, the <b>permit holder</b> must report in writing to the <b>Department</b> within seven (7) <b>business days</b> of becoming aware of any death or injury. The report must state the number of individuals of the species killed or injured, the cause, the response measures and actions taken to prevent further occurrences.</p>	<p><b>Compliant</b></p>	<p>No Growling Grass Frog individuals were killed or injured during the life of the permit.</p>
<p><b>12</b></p>	<p>The <b>permit holder</b> is authorised to give an authority to another person to take for, or on behalf of the <b>permit holder</b>, the action authorised by this permit. If the <b>permit holder</b> gives an authority to another person, the <b>permit holder</b> must give the <b>Minister</b> written notice within ten (10) <b>business days</b> after giving the authority detailing the name/s and relevant</p>	<p><b>Not applicable</b></p>	<p>Melbourne Airport maintained operational control of all activities authorised by this permit.</p>

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	qualifications and experience of whom the authority has been given to.		
<b>13</b>	The <b>permit holder</b> must inform the <b>Department</b> in writing within ten (10) <b>business days</b> if, whilst the action that is authorised by this permit is being carried out, any <b>EPBC Act</b> listed threatened species or ecological communities, other than that specified in this permit and identified in the permit application, is found to be impacted by the action. In the event that this occurs, the action must cease immediately and must not recommence unless authorised in writing by the <b>Department</b> .	<b>Compliant</b>	No impacts identified outside conditions of this permit approval.
<b>14</b>	The <b>permit holder</b> must hold and comply with any permit required and granted under State, Territory, or other Commonwealth legislation in relation to specimens affected within any area to which that legislation applies.	<b>Compliant</b>	Noted.
<b>15</b>	Within thirty (30) <b>business days</b> after the <b>completion of the action</b> , the <b>permit holder</b> must notify the <b>Department</b> in writing and provide <b>completion data</b> .	<b>Compliant</b>	Acknowledging a minor delay to ensure completion data was a complete data set.
<b>16</b>	The <b>permit holder</b> must prepare a <b>compliance report</b> prior to the <b>completion of the action</b> , or as otherwise agreed to in writing by the <b>Minister</b> . The <b>permit holder</b> must: <ul style="list-style-type: none"> <li><b>a.</b> publish the <b>compliance report</b> on their <b>website</b> within thirty (30) <b>business days</b> after the <b>completion of the action</b>;</li> <li><b>b.</b> notify the <b>Department</b> by email that a <b>compliance report</b> has been published on their <b>website</b> within five (5) <b>business days</b> of the date of publication;</li> <li><b>c.</b> exclude or redact <b>sensitive ecological data</b> from the <b>compliance report</b> published on the <b>website</b>; and</li> <li><b>d.</b> where any <b>sensitive ecological data</b> has been excluded from the version published, submit the full <b>compliance report</b> to the <b>Department</b> within five (5) <b>business days</b> of publication.</li> </ul>	<b>Compliant</b>	Acknowledging a minor delay to ensure completion data was complete, this report addresses this condition.
<b>17</b>	The <b>permit holder</b> must notify the <b>Department</b> in writing of any: <b>incident</b> ; noncompliance with the conditions; or non-	<b>Compliant</b>	No incident or non-compliances identified during the life of the permit.

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	<p>compliance with the commitments made in the permit application. The notification must be given as soon as practicable, and no later than two (2) <b>business days</b> after becoming aware of the <b>incident</b> or non-compliance. The notification must specify:</p> <p><b>a.</b> The condition which is or may be in breach; and</p> <p><b>b.</b> A short description of the <b>incident</b> and/or non-compliance.</p>		
<b>18</b>	<p>The <b>permit holder</b> must provide to the <b>Department</b> the details of any <b>incident</b> or non-compliance with the conditions or commitments made in the permit application as soon as practicable and no later than ten (10) <b>business days</b> after becoming aware of the <b>incident</b> or non-compliance, specifying:</p> <p><b>a.</b> any corrective action or investigation which the <b>permit holder</b> has already taken or intends to take in the immediate future;</p> <p><b>b.</b> the potential or actual impacts of the <b>incident</b> or non-compliance; and</p> <p><b>c.</b> the method and timing of any remedial action that will be undertaken by the <b>permit holder</b>.</p>	<b>Compliant</b>	No incident or non-compliances identified during the life of the permit.

## REFERENCES

Australia Pacific Airports (Melbourne) 2021, *Melbourne Airport Environmental Management Plan*, Rev 2, 14 September 2021.

Biosis 2019, *Melbourne Airport Operational and Infrastructure Maintenance Growling Grass Frog Habitat Management Plan*, Version 2, 9 May 2019.

Biosis 2021, *Melbourne Airport's Third Runway (M3R), Melbourne Airport, Victoria: Historical Archaeological Survey Report*, 21 June 2021.

Biosis 2022, *Melbourne Airport Third Runway (M3R) Project Cultural Heritage Management Plan 16792*, Version 2, 15 July 2022.