



Notification of approval

Melton Renewable Energy Hub, Plumpton, Victoria (EPBC 2021/8908)

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) | MREH Pty Ltd as trustee for the MREH Asset Trust |
| ACN of approval holder | 656 938 797 |
| Action | To construct and operate a solar farm, battery storage facility, and associated infrastructure at Plumpton, Victoria, approximately 24.5 km north-west of Melbourne [See EPBC Act referral 2021/8908 subject to the variation of the Action accepted by the Minister under section 156B on 21 June 2023]. |

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 31 August 2053. | |
| conditions of approval | The approval is subject to conditions under the EPBC Act as set out in Annexure A. | |

Person authorised to make decision

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

signature



date of decision 7 October 2023



Australian Government


Department of Climate Change, Energy,
the Environment and Water

Notification of consent to transfer approval

Melton Renewable Energy Hub, Plumpton, Victoria (EPBC ref 2021/8908)

This decision is made under Section 145B of the *Environment Protection and Biodiversity Conservation Act 1999 Act* (EPBC Act).

Transfer decision

| | |
|---|--|
| approved action | To construct and operate a solar farm, battery storage facility, and associated infrastructure at Plumpton, Victoria, approximately 24.5 km north-west of Melbourne. See EPBC Act referral 2021/8908. |
| transferor (the person from whom the approval is transferred) | MREH Pty Ltd as trustee for the MREH Asset Trust ACN 656 938 797 |
| transferee (the person to whom the approval is transferred) | MREH Common AssetCo Pty Ltd ACN 669 645 569 |
| Person authorised to make decision | |
| name and position | Claudio Garnelli Assistant Director Post Approvals (Vic, Tas) |
| signature |  |
| date of decision | 8 February 2024 |

**Australian Government****Department of Climate Change, Energy,
the Environment and Water**

Correction Notification

Notification of approval decision, Melton Renewable Energy Hub, Plumpton, Victoria (EPBC ref 2021/8908)

The Notification of approval decision signed on 7 October 2023 contained an error:

The offset area map at Attachment B of the notice incorrectly stated that the area of one of the four offset management zones (the northernmost zone) was 8.92 hectares. The correct area of the offset management zone should read 8.82 hectares.

A corrected version of the notice is at Annexure 1.

Person making the correction

| | |
|---------------------------|---|
| name and position | Mike Smith Director Post Approvals Strategy Section |
| date of correction | 15 November 2024 |

Annexure 1

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

Part A – Conditions specific to the Action

CLEARING AND CONSTRUCTION LIMITS

- 1) To avoid and mitigate **harm** to **protected matters**, the approval holder must not **clear** or **construct** outside of the **project area**.
- 2) To mitigate **harm** to **Striped Legless Lizard**, the approval holder must not **clear** more than 12.643 hectares (ha) of **Striped Legless Lizard habitat**.

GROWLING GRASS FROG MITIGATION

- 3) To mitigate **harm** to **Growling Grass Frog** within the **project area**, the approval holder must commence implementing the **Growling Grass Frog Impact Mitigation Protocol** prior to **construction**. The approval holder must continue to implement the **Growling Grass Frog Impact Mitigation Protocol** until the expiry date of this approval.

OFFSETS

- 4) To compensate for the loss of up to 12.643 ha of **Striped Legless Lizard habitat**, the approval holder must not commence **construction** unless it **controls** the **offset area**. Once the approval holder has **control** of the **offset area**, the approval holder must continue to **control** the **offset area** at least until the **offset area** is **secured**.
 - 5) Prior to **operation**, to compensate for the loss of up to 12.643 ha of **Striped Legless habitat**, the approval holder must:
 - a) **secure** the **offset area**, and
 - b) provide the **department** with written evidence demonstrating that the **offset area** has been **secured** within 10 **business days** of the **offset area** being **secured**.
 - 6) To compensate for the loss of up to 12.643 ha of **Striped Legless Lizard habitat**, the approval holder must commence implementing the **OMP** prior to **operation**. The approval holder must continue to implement the **OMP** until the expiry date of this approval.
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Part B – Administrative conditions

REVISION OF MOU

- 7) The approval holder may, at any time, apply to the **Minister** to revise the **MoU** by submitting an application to the **department** for the **Minister's** written approval. This application must be in writing and include an explanation and justification of the proposed changes. If the **Minister** approves a revised **MoU**, the approval holder must implement the revised **MoU** in place of the previous **MoU**.

SUBMISSION AND PUBLICATION OF PLANS

- 8) The approval holder must submit all **plans** required by these conditions electronically to the **department**.
- 9) 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**.
- 10) The approval holder must keep all **plans** required by these conditions published on the **website** until the expiry date of this approval.
- 11) 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

- 12) 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**.
- 13) If **commencement of the Action** does not occur within 5 years from the date of this approval, then the approval holder must not **commence the Action** without the prior written agreement of the **Minister**.

COMPLIANCE RECORDS

- 14) The approval holder must maintain accurate and complete **compliance records**.
- 15) 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.

- 16) 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.
- 17) 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.
- 18) 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** in accordance with the requirements of the **OMP**.

ANNUAL COMPLIANCE REPORTING

- 19) 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**.
- 20) Each **compliance report** must be consistent with the *Annual Compliance Report Guidelines*, Commonwealth of Australia 2014.
- 21) 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.
- 22) 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

- 23) 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**.
- 24) 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.

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- 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.

- 25) 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.
 - c) The method and timing of any corrective action that will be undertaken by the approval holder.

INDEPENDENT AUDIT

- 26) 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**.
- 27) 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.
- 28) Each **audit report** must report for the five-year period preceding that audit report.
- 29) 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

- 30) 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.
- 31) 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 the State of Victoria.

Commence or **commencement** means the date on which the first instance of an activity associated with the Action is undertaken.

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.

Construction means the first instance of any activity associated with the Action (including **clearing** and **construction**) is undertaken. **Construction** does not include minor physical disturbance necessary to:

- a) Undertake pre-clearance surveys or monitoring programs.
- b) Install signage and/or temporary fencing to prevent unapproved use of the **project area**, so long as the signage and/or temporary fencing is located where it does not **harm** any **protected matter**.
- c) Protect environmental and property assets from fire, weeds, and feral animals, including use of existing surface access tracks.
- d) Install temporary site facilities for persons undertaking pre-commencement activities so long as these facilities are located where they do not **harm** any **protected matter**.

Control means to exercise effective management authority over the **offset area** in accordance with the **MoU**.

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DEECA means the Victorian Department of Energy, Environment and Climate Action, or the subsequent Victorian Government agency responsible for administering the *Conservation, Forests and Lands Act 1987* (Vic).

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

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

Growling Grass Frog Impact Mitigation Protocol means the *Striped Legless Lizard (Delma impar) Revised Report - Targeted Growling Grass Frog Survey and Habitat Assessment, Growling Grass Frog Impact Mitigation Protocol, Melton Renewable Energy Hub, 77-347 Holden Road, Plumpton*, Ecolink Consulting Pty Ltd (Report for MREH Pty Ltd as trustee of the MREH Asset Trust on behalf of Ecolink Consulting Pty Ltd) 16 May 2023, or a revised version approved by the **Minister** in writing.

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 project, 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.

MoU means the Memorandum of Understanding titled *Amendments to the SLL Offset MoU*, prepared by Equis Development Pty Ltd for agreement between MREH Pty Ltd trustee for the MREH Asset Trust and Mia Mia Conservation Pty Ltd, signed 31 May 2022 and varied by letters of variation dated 11 May 2023 and 14 September 2023, or a revised version approved by the **Minister** in writing.

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.

Offset area means the areas represented in Attachment B by the zones enclosed by the solid green lines designated 'Offset site (4 zones)'.

OMP means the *Striped Legless Lizard (Delma impar) Offset Management Plan – EPBC 2021/8908, Heathcote – Redesdale Road, Mia Mia, Victoria*, Living Rural (Report for MREH Pty Ltd as trustee of the MREH Asset Trust on behalf of Living Rural) 29 June 2023, or a revised version approved by the **Minister** in writing.

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Operation means the date from which the usage of the battery storage facility or the solar farm commences, whichever comes first, for the purpose of generating, storing and/or distributing electric current.

Plan means any action management plan or strategy that the approval holder is required by these conditions to implement, including the **OMP** and **Growling Grass Frog Impact Mitigation Protocol**.

Project area means the location of the Action, represented in Attachment A by the zone enclosed by the solid red line designated 'R35 Development Footprint' and the zone enclosed by the solid orange line designated 'R35 Transmission Line Development Footprint'.

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

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

Secure or **secured** means to execute a signed agreement with the Secretary of **DEECA** under Section 69 of the *Conservation, Forests and Lands Act 1987* (Vic), or via a signed agreement with Trust for Nature to register an offset covenant under the *Victorian Conservation Trust Act 1972* (Vic), providing for the conservation management of the **offset area** and preventing the **offset area** from being diminished in quality.

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.

Striped Legless Lizard means the **EPBC Act** listed threatened species *Delma impar*.

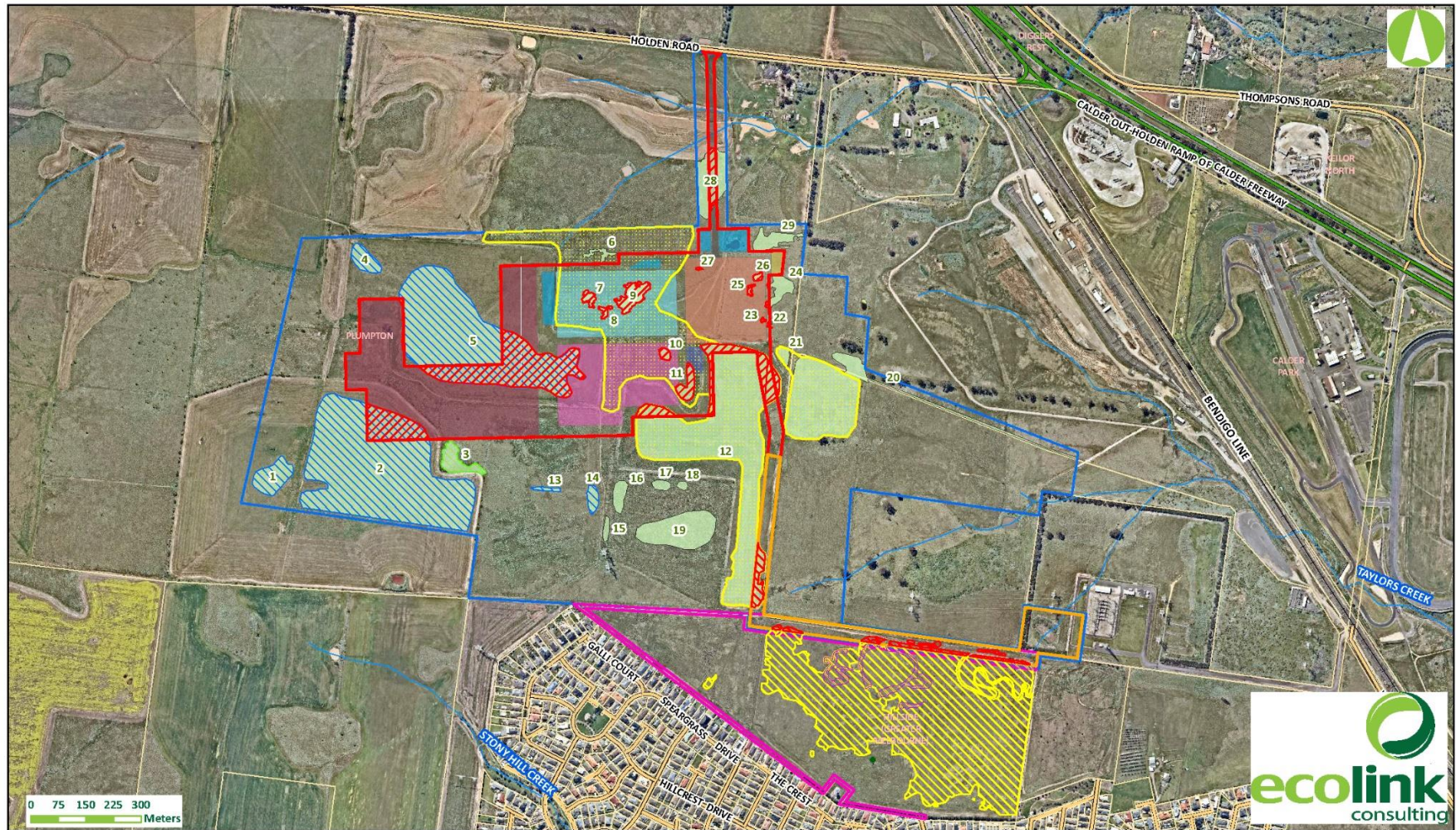
Striped Legless Lizard habitat means the area represented in Attachment A by the zones enclosed by the solid yellow lines and shaded with yellow dots designated 'Striped Legless Lizard Habitat'.

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.

Attachments

Attachment A – Project area



Attachment 2. Study Area, R35 Development Footprint and Native Vegetation

Melton Renewable Energy Hub, Victoria

Legend

- Study Area
- R35 Development Footprint
- R35 Transmission Line Development Footprint

Proposed Infrastructure

- Access Track
- BESS - A Development

- BESS - B Future Development
- High Voltage Development
- Stormwater Basin
- Synchronous Condenser
- Temporary Construction Area
- Stage C - Solar Future Development

- Southern Egress (Ecology and Heritage Partners Assessment)
- Patches of Native Vegetation (Plains Grassland)
- Natural Temperate Grasslands of the Victorian Volcanic Plain
- Previously Cultivated and Subject to Future Cultivation
- Striped Legless Lizard Habitat

Ecology and Heritage Partners (2020) Mapped Vegetation

- Natural Temperate Grasslands of the Victorian Volcanic Region
- Patches of Native Vegetation (Plains Grassland)
- Scattered Tree
- Impacted Vegetation (Terminal Area)
- Impacted Vegetation (Transmission Line)



PIN 10114 Attachment 2. May 2023. Aerial Imagery: Nearmap 2022, dated 10 Oct 2022

Attachment B – Offset area

