



# Melton Renewable Energy Hub

*MREH EPBC Approval 2021/8909*

**MREH Common AssetCo Pty Ltd | Annual Compliance Report for Year 1**

**Date: 20 December 2024**

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**Reporting period from 7 October 2023 to 7 October 2024**



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 *Elizabeth Zorondo*

Full name (please print) Elizabeth Zorondo

Position (please print) Approval and Permit Compliance Manager

Organisation (please print including ABN/ACN if applicable)

MREH Common AssetCo Pty Ltd (ACN 669 645 569)

Date 20/12/2024

Revision	Date	Description	Author	Approver
1	20 November 2024	Annual compliance reporting Year 1	Elizabeth Zorondo	Roby Camagong

Acknowledgement of Country

Equis would like to acknowledge the traditional owners of the places where we live, work and host our projects and their continued spiritual relationship with land, water and culture. We pay our respect to past and present elders.

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# 1 Introduction

The approval holder of the Melton Renewable Energy Hub (**MREH**) (the **Project**) which consists of large-scale battery storage facility, solar farm and associated infrastructure connecting to the Sydenham Terminal Substation has prepared this annual compliance report.

The purpose of this report is to demonstrate compliance with Condition 19 of the Project's EPBC approval (2021/8908) (the **Approval**) which states:

**“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.”**

This annual compliance report covers the period from 7<sup>th</sup> October 2023 to 7<sup>th</sup> October 2024 and represents the first 12 months of compliance reporting for the Project.

This compliance report has been prepared to respond to Conditions 20 -21 of the Approval in accordance with the Commonwealth's 2014 guidelines for annual compliance reporting.

## 1.1 History of approval

The Project was determined a control action (under section 75 and section 87(f) of the Environment Protection and Biodiversity Conservation Act 1999 (**EPBC Act**)) for potential impacts to listed threatened species and communities (under sections 18 & 18A of the EPBC Act) on 1 April 2021.

On 7 October 2023 the Project received EPBC approval (2021/8908) under section 133(1) of the EPBC Act to mitigate potential impacts to the Stripped Legless Lizard/habitat and Growling Grass Frog.

The Table below provides a history of the EPBC approval process.

**Table 1.1 EPBC Approval History**

No.	Date	Detail
1	March 2021	Syncline Energy Pty Ltd (ACN: 117 458 803) (first person proposing to take an action) referred the Project.
2	1 April 2021	EPBC referral decision notice and assessment pathway was determined. The Project was considered a controlled action requiring assessment and approval under the EPBC Act via preliminary documentation.
3	22 Feb 2022	Details of the person proposing to take the action were updated on from Syncline Energy Pty Ltd (the first person) to MREH Pty Ltd as trustee for the MREH Asset Trust (the second person).
4	10 June 2022	Draft Preliminary document was submitted for assessment.
5	20 June 2022	Further information was requested.
6	22 May 2023	A Request for a variation was made under section 156A-E of the EPBC Act to include land subject to the Planning Permit (PA 2201624) and layout changes resulting in new impacts to biodiversity matters.
7	21 June 2023	The Minister's delegate provided his acceptance of the variation request.
8	7 October 2023	The Minister's delegate granted EPBC approval, subject to approval conditions.
9	8 February 2024	Request to transfer the EPBC Act approval from MREH Pty Ltd as trustee for the MREH Asset Trust to MREH Common AssetCo Pty Ltd was approved.



## 2 Description of activities

Without limitation, the Project includes the following activities:

- removal of rock and grading of ground surface to create benches for the batteries and substation with the appropriate geotechnical and drainage requirements;
- installation of battery megapacks and conduits;
- open trenching to install underground 500kV cable will connect the battery storage and High voltage substation to the Sydenham Terminal Substation; and
- creation of an earth mound and landscaping for screening

The department was notified of the action commencing on 12 Jan 2024. The construction phase of the Project is expected to take over two years to complete, with commercial operations expected Q4 2025.

The following key construction activities have occurred within the reporting period:

- Site mobilization, fencing and drainage
- Civil works associated with access track and benching
- Rock crushing and stockpiling
- Delivery of approximately 156 Megapack batteries
- Delivery of MV transformers
- Installation of piling and conduits
- Installation of megapacks and transformers
- Trenching works

The table below sets of the description of Project activities in accordance with section 3.4 of the 2014 Annual Compliance Report Guidelines (**Guidelines**).

**Table 2.1 Project Details**

Project information	Detail
EPBC number	2021/8908
Project Name	Melton Renewable Energy Hub (MREH)
Approval Holder And ACN	MREH Common AssetCo Pty Ltd (ACN 669 645 569)
The 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 subject to the variation of the Action accepted by the Minister under section 156B on 21 June 2023 and Conditions of EPBC Approval

## Melton Renewable Energy Hub (MREH) EPBC Approval 2021/8908

<b>Location Of The Project</b>	<p>The Project is located in Plumpton, Victoria, approximately 24.5 km north-west of Melbourne, 12.5 km east of Melton and 9 km west of Melbourne Airport within the City of Melton.</p> <p>The Site is located approximately 1.2km west from Calder Park racecourse and 500m north of Hillside Residential Estate.</p>
<b>Person Accepting Responsibility For The Report – Signed Declaration</b>	Elizabeth Zorondo (Approvals and Permit Compliance Manager)
<b>Dates For the Reporting Period of the Report</b>	7 October 2023 to 7 October 2024
<b>Date Of Preparation Of The Report.</b>	19 December 2024

Melton Renewable Energy Hub (MREH) EPBC Approval 2021/8908

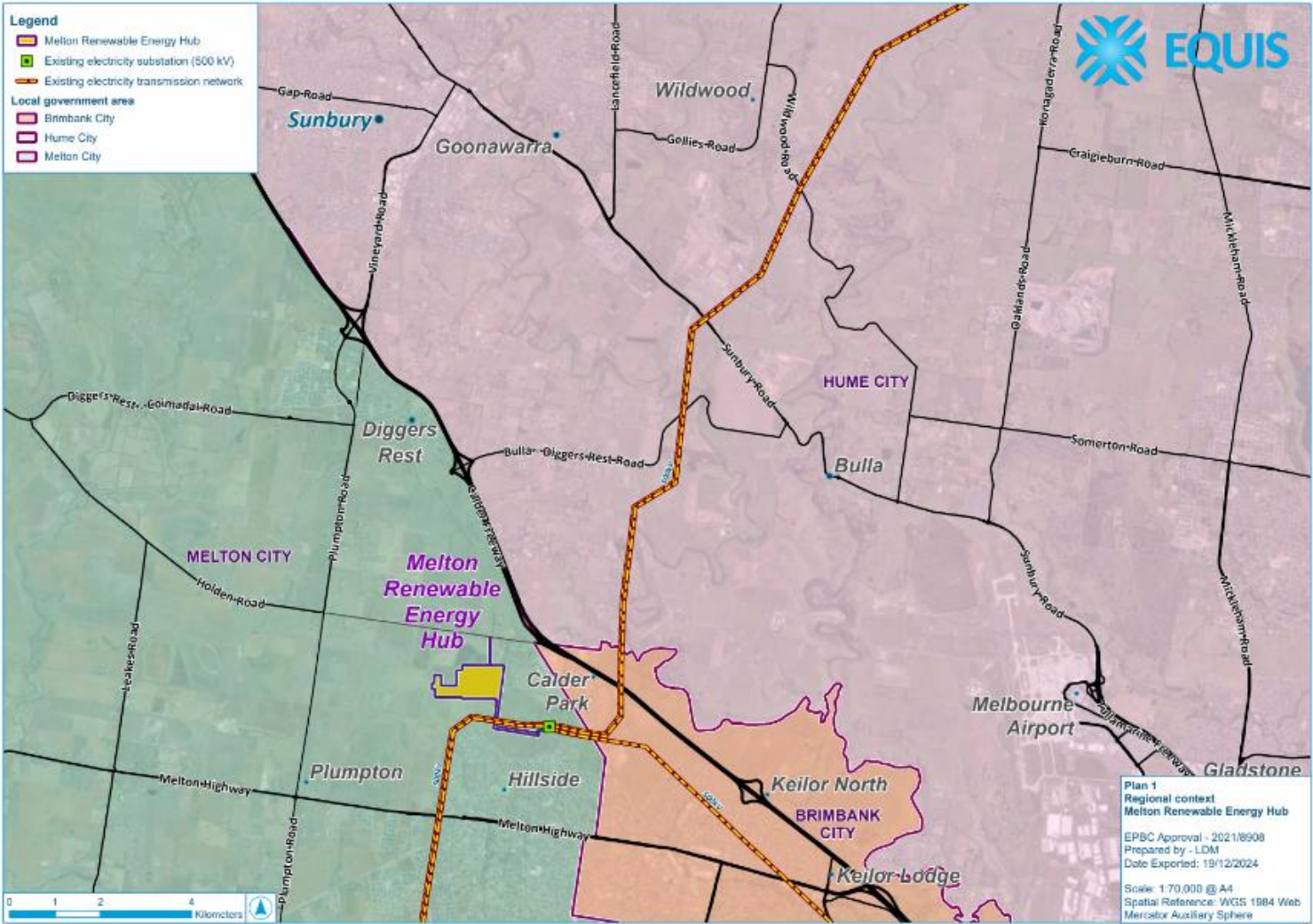


Figure 1 MREH Regional Context Plan



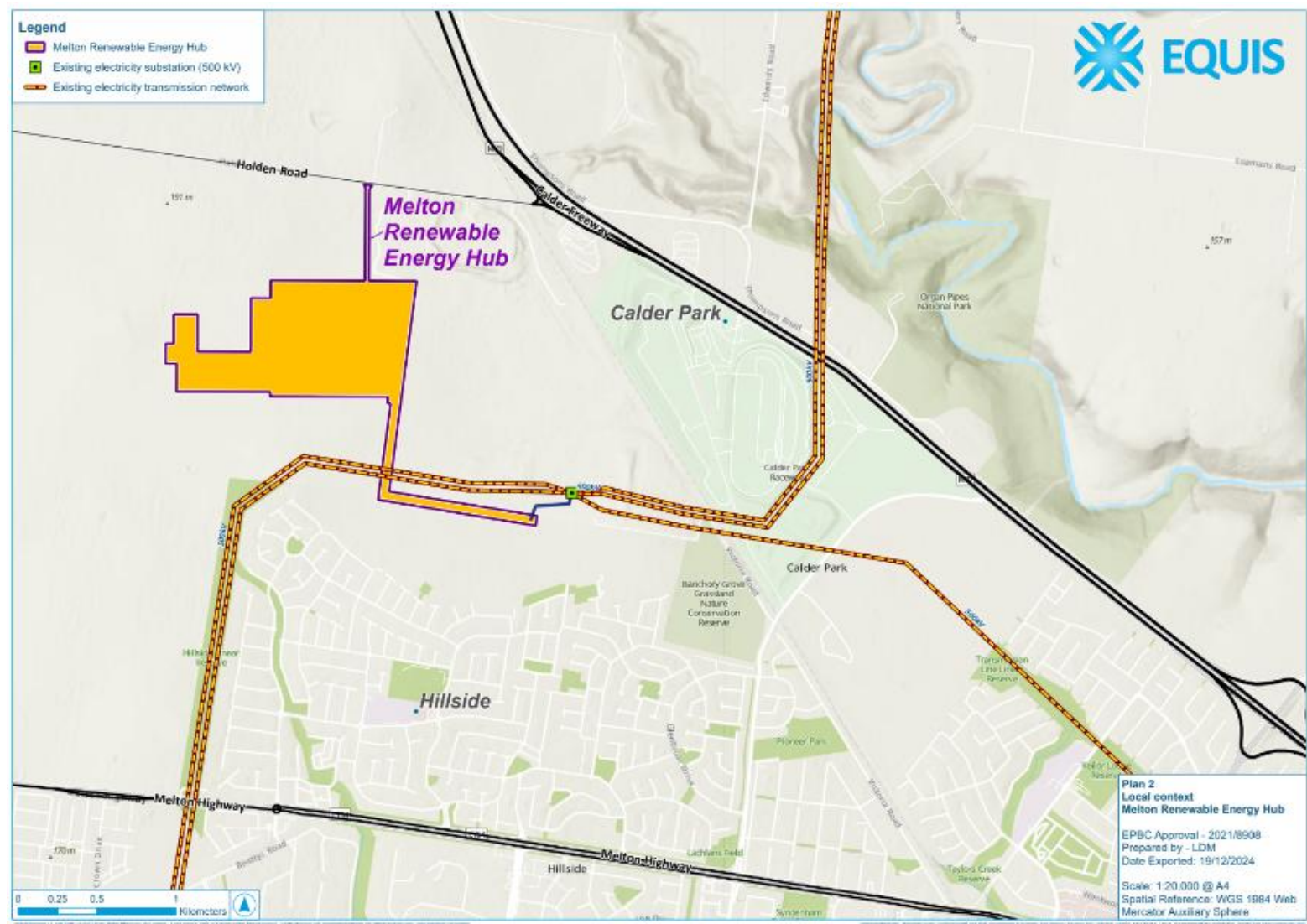


Figure 2 MREH Local Context Area Plan

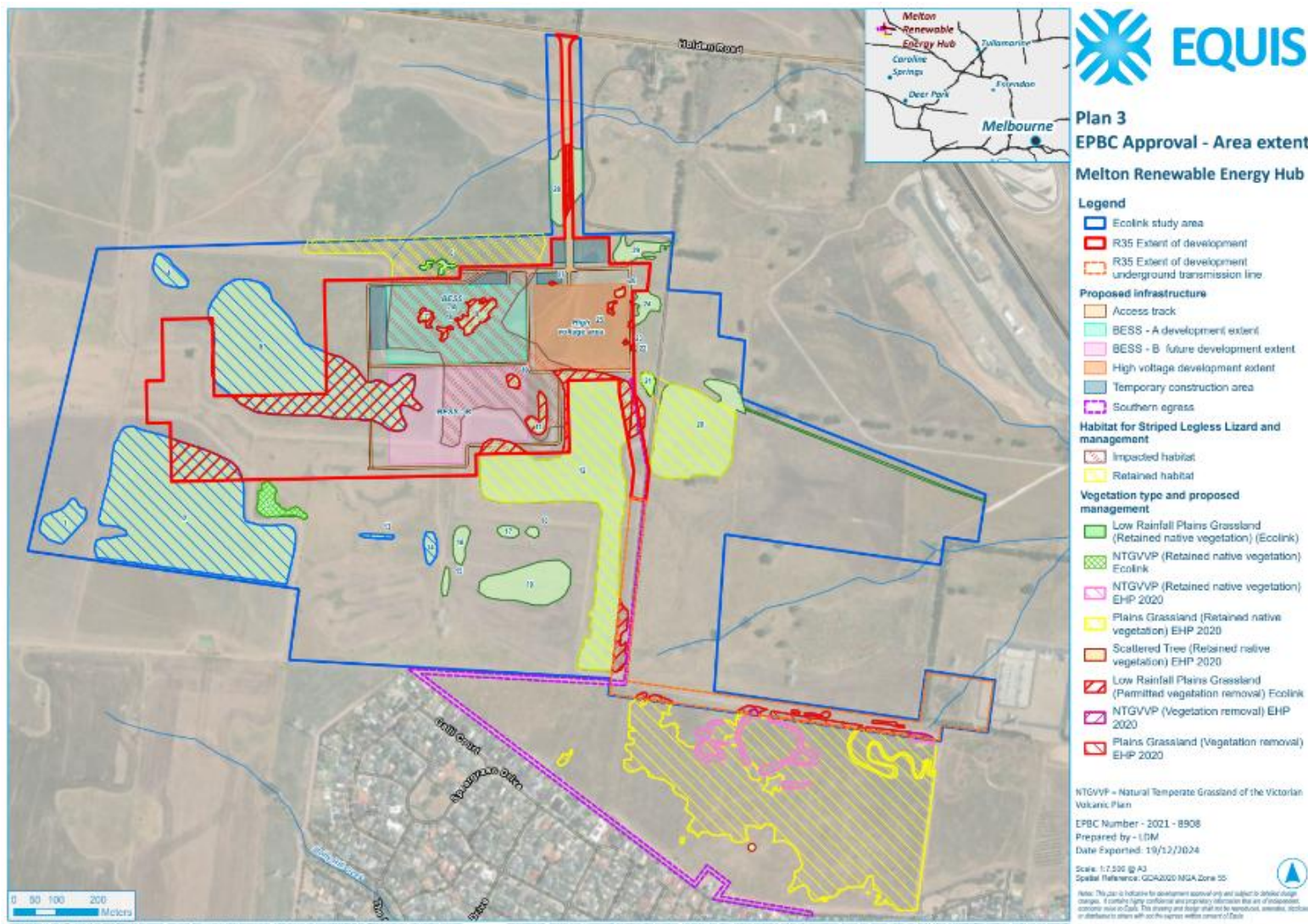


Figure 3 MREH Project Area Extent

# 3 EPBC approval conditions and Compliance

## 3.1 Designations of findings

Consistent with the Annual Compliance Report Guidelines, Commonwealth of Australia 2014 required under Condition 20 of the Approval, this annual compliance reporting follows the three designations below to record its findings.

Table 3.1 Meaning of designations

Term	Meaning
<b>Compliant</b>	'Compliance' is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
<b>Non-compliant</b>	A designation of 'non-compliance' should be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
<b>Not applicable</b>	A designation of 'not applicable ' should be given where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example, a condition which applies to an activity that has not yet commenced.

## 3.2 Summary of results

The results of Year 1 compliance reporting for EPBC approval (2021/8908) indicate:

- Compliance with 17 Conditions
- Non-compliance with the (3) Conditions
- 12 conditions were found to not be applicable at this stage.



## 3.3 Compliance tracking and reporting

**Table 3.2 Findings against EPBC Approval (2021/8908) Conditions.**

Note: Words appearing in bold have the meaning assigned to them in Part C – Definitions of the EPBC Approval

Condition Number/reference	Complete Condition wording	Compliant/ Non-Compliant/ Not applicable	Evidence/Comments
<b>Part A – Conditions specific to the Action</b>			
<b>CLEARING AND CONSTRUCTION LIMITS</b>			
1	To avoid and mitigate harm to protected matters, the approval holder must not clear or construct outside of the project area.	Non-compliant	<p>Before works commenced the Project area boundary was established and delineated by a temporary fence (with no go signage) by its Principal Contractor.</p> <p>This condition is noted as non-compliant as the approval holder became aware of the installation of a temporary site car parking bay for site personnel located outside of the Project Area extent.</p> <p>The temporary site car parking bay was in an area of cleared agricultural land, outside of any areas where protected matters could potentially occur.</p> <p>However, as the temporary works occurred outside the Project Area extent, the approval holder notified and reported the non-compliance to the department, as required under Conditions 23-25 of the Approval.</p> <p>See Appendix A for details of the notification and reporting made to the Department.</p>

## Melton Renewable Energy Hub (MREH) EPBC Approval 2021/8908

Condition Number/ reference	Complete Condition wording	Compliant/ Non-Compliant/ Not applicable	Evidence/Comments
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.	Compliant	The Contractor provides monthly progress reports to ensure compliance with the clearance limits provided by this condition. A shapefile of the cleared potential Striped Legless Lizard (SLL) Habitat area extent is provided in Appendix B. A total of approximately 10.789 ha of SLL habitat has been cleared during this reporting period.
<b>GROWLING GRASS FROG MITIGATION</b>			
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.	Complaint	To mitigate harm to potential Growling Grass Frog (GGF) individuals, the contractor has inducted site construction personnel on the GGF protocols, and has installed, monitored and maintained a floppy-to frog fence along the site access track as required by the Growling Grass Frog Impact Mitigation Protocol prior to construction works commencing. See the extract of the Contractor's work photo dairy in Appendix C.
<b>OFFSETS</b>			
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.	Compliant	Construction did not commence before the approval holder <b>controlled</b> the offset area (as defined by the EPBC approval). The MOU for the SLL Offset area between Mia Mia Conservation Pty Ltd and the approval holder was executed on 22 October 2023, consistent with the timeframe requirements set out by the MOU variation letter dated 14 September 2023.  The Credit Trade Agreement between Trust for Nature (TFN), the approval holder and Mia Mia Conservation Pty Ltd was executed on 22 <sup>nd</sup> October 2023 . The approval holder made an upfront payment in full to TFN on 15 <sup>th</sup> December 2023 to secure the biodiversity credits needed

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Condition Number/ reference	Complete Condition wording	Compliant/ Non-Compliant/ Not applicable	Evidence/Comments
			by the Approval. A copy of this has already been provided to the Department. This Condition has been fully satisfied.
5(a)	Prior to operation, to compensate for the loss of up to 12.643 ha of Striped Legless habitat, the approval holder must secure the offset area.	Compliant	The two (2) covenant deeds for the conservation of land (being AY117597D and AY117718T) were executed on 5 <sup>th</sup> June 2024. The deeds were signed with Trust for Nature to register an offset covenant under the Victorian Conservation Trust Act 1972 (Vic). The covenant was registered on Title through the Lands Title Office (Crown Allotment Z13 Parish of Langwornor and Lot 1 on Title Plan 868339D) on the 20 <sup>th</sup> June 2024. The SLL Offset areas were secured well in-advance of the Project's scheduled operational phase. This Condition has been fully satisfied.
5(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.	Non-complaint	The approval holder emailed the Department on 3 <sup>rd</sup> July 2024 notifying compliance with condition 5 (a), the email was sent 20 business days from the offset area being secured. This Condition is assigned as non-compliant due to the notification period exceeding the ten (10) business days administrative period noted in the Condition.
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.	Compliant	The approval holder has secured the required SLL Offset area via a full upfront payment to TFN on behalf of the landowner (Mia Mia Conservation Pty Ltd). Now that the deeds have been registered on Title the landowner received their initial payment from TFN near or around 9 <sup>th</sup> August 2024 to commence implementing the Year 1 management actions required by the Stripped Legless Lizard Offset Management Plan (SLL OMP) (see Table 6, page 22 and 23 of the SLL OMP). Regardless, the landowner had already commenced installing fencing



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Condition Number/ reference	Complete Condition wording	Compliant/ Non-Compliant/ Not applicable	Evidence/Comments
			<p>to enable whole-of-property strategic sheep grazing. Baseline habitat condition survey were scheduled for November 2024.</p> <p>Results for Year 1 monitoring will be provided in next year's compliance reporting.</p> <p>Note, within this reporting period the approval holder has requested minor changes to the SLL OMP to be approved. The minor changes assist in clarifying management actions and address any inconsistency. Post this reporting period the variation was approved.</p>
<b>Part B – Administrative conditions</b>			
<b>REVISION OF MOU</b>			
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.	Not applicable	The MOU does not need to be revised.
<b>SUBMISSION AND PUBLICATION OF PLANS</b>			
8	The approval holder must submit all plans required by these conditions electronically to the department.	Compliant	The SLL OMP (dated 29 <sup>th</sup> June 2023) and Growling Grass Frog Impact Mitigation Protocol (dated 16 <sup>th</sup> May 2023) specified by the Conditions were submitted to the Department electronically on 29 <sup>th</sup> June 2023 and referenced in the Approval.

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Condition Number/ reference	Complete Condition wording	Compliant/ Non-Compliant/ Not applicable	Evidence/Comments
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.	Compliant	The approval holder has published each of the plans mentioned above on the Project's website (see link below). The Plans were published on its website on 16 <sup>th</sup> October 2023, within six (6) business days after receiving the approval. <a href="https://equis.engagementhub.com.au/mreh">https://equis.engagementhub.com.au/mreh</a>
10	The approval holder must keep all plans required by these conditions published on the website until the expiry date of this approval.	Compliant	The Plans have remained published on the Project's website.
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.	Not applicable	There is no sensitive ecological data noted on the Plans published on the website that requires redaction to avoid negative outcomes.
<b>NOTIFICATION OF DATE OF COMMENCEMENT OF THE ACTION</b>			
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.	Compliant	The approval holder sent the Department an email on 16 <sup>th</sup> January 2024 notifying works commenced on Site on 12 <sup>th</sup> January 2024. The notification was made within five (5) business days following the commencement of the Action.
13	If commencement of the Action does not occur within 5 years from the date of this approval, then the	Not applicable	The action commenced within four months after gaining approval.

## Melton Renewable Energy Hub (MREH) EPBC Approval 2021/8908

Condition Number/ reference	Complete Condition wording	Compliant/ Non-Compliant/ Not applicable	Evidence/Comments
	approval holder must not commence the Action without the prior written agreement of the Minister.		
<b>COMPLIANCE RECORDS</b>			
14	The approval holder must maintain accurate and complete compliance records.	Compliant	The approval holder maintains 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.	Compliant	The Project was notified that it was selected by the Department for an EPBC compliance audit on 14 <sup>th</sup> May 2024. It was able to provide the Department with electronic copies of its compliance records within the timeframe specified in the request.
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.	Not applicable	Baseline Monitoring is scheduled to occur in November this year at the SLL Offset area.  Data will be captured in accordance with the method mentioned in this Condition and included in next year's compliance reporting.
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.	Not applicable	As above



## Melton Renewable Energy Hub (MREH) EPBC Approval 2021/8908

Condition Number/ reference	Complete Condition wording	Compliant/ Non-Compliant/ Not applicable	Evidence/Comments
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.	Not applicable	As above
<b>ANNUAL COMPLIANCE REPORTING</b>			
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.	Compliant	The approval holder has prepared this annual compliance report for the period from 7 <sup>th</sup> October 23 (when the approval was granted) to 7 <sup>th</sup> October 2024 covering a 12-month period.
20	Each compliance report must be consistent with the Annual Compliance Report Guidelines, Commonwealth of Australia 2014.	Compliant	This annual compliance report has been prepared in accordance 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.	Compliant	<p>This compliance report includes the details required by this Condition.</p> <p>This compliance report has provided complete details of compliance and non-compliance.</p> <p>Appendix B provides GIS details (shapefiles) of the extent of cleared SLL habitat for the reporting period; Appendix C provides extracts of the Contractor's Work Diary showing evidence of control measures; Appendix D provides a Schedule of Approved Plans.</p> <p>The approval holder would like to note that post this reporting period the Department has approved a revised SLL OMP. The revised plan was</p>

## Melton Renewable Energy Hub (MREH) EPBC Approval 2021/8908

Condition Number/ reference	Complete Condition wording	Compliant/ Non-Compliant/ Not applicable	Evidence/Comments
			approved on the 13 <sup>th</sup> December 2024 and is available for viewing via our Project's portal.
22	<p>The approval holder must:</p> <p>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.</p> <p>b) Notify the department electronically, within 5 business days of the date of publication that a compliance report has been published on the website.</p> <p>c) Provide the weblink for the compliance report in the notification to the department.</p> <p>d) Keep all published compliance reports required by these conditions on the website until the expiry date of this approval.</p> <p>e) Exclude or redact sensitive ecological data from compliance reports published on the website or otherwise provided to a member of the public.</p> <p>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.</p>	Compliant	This year 1 compliance report has been published within 60 business days following the end of the 12 months reporting period on the project's website. The Department will be notified electronically within 5 business days of the date of the publication along with a website link.

## Melton Renewable Energy Hub (MREH) EPBC Approval 2021/8908

Condition Number/ reference	Complete Condition wording	Compliant/ Non-Compliant/ Not applicable	Evidence/Comments
<b>REPORTING NON-COMPLIANCE</b>			
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.	Non-compliant	<p>Equis provided the department with a verbal notification of a potential non-compliance on 29 August 2024 and submitted written notification on the 30 August 2024, eight (8) business days after becoming aware of a non-compliance.</p> <p>This condition is designated as non-compliant due to the administrative timing extending beyond the two (2) business days of becoming aware of a potential non-compliance.</p>
24	<p>The approval holder must specify in the notification:</p> <p>a) Any condition or commitment made in a plan which has been or may have been breached.</p> <p>b) A short description of the incident and/or potential non-compliance and/or actual non-compliance.</p> <p>c) The location (including co-ordinates), date and time of the incident and/or potential non-compliance and/or actual non-compliance.</p>	Compliant	<p>The notification included details of the incident required by Conditions 24 (a-c) noting:</p> <ul style="list-style-type: none"> <li>no harm to MNES had occurred as a result of the incidental works; and</li> <li>the works were incidentally enacted by the contractor without approval from Equis</li> </ul> <p>See Appendix A for details.</p>
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:	Complaint	<p>The required details were provided to the Department on the 4<sup>th</sup> of September 2024 within the 12 Business day period.</p> <p>See Appendix A.</p> <p>After reviewing the range of information provided to the Department, a warning letter was issued (on 28<sup>th</sup> October 2024) as a result of the non-compliance, this warning finalised the compliance matter. The warning letter was issued after this reporting period.</p>

## Melton Renewable Energy Hub (MREH) EPBC Approval 2021/8908

Condition Number/ reference	Complete Condition wording	Compliant/ Non-Compliant/ Not applicable	Evidence/Comments
	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.		
<b>INDEPENDENT AUDIT</b>			
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.	Not Applicable	Noted – This condition is not triggered yet. The Commencement of Action occurred 12 <sup>th</sup> January 2024, the first audit is not due until 12 <sup>th</sup> January 2029.
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	Not Applicable	As above.



## Melton Renewable Energy Hub (MREH) EPBC Approval 2021/8908

Condition Number/ reference	Complete Condition wording	Compliant/ Non-Compliant/ Not applicable	Evidence/Comments
	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.	Not Applicable	As above
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.	Not Applicable	As above
<b>COMPLETION OF THE ACTION</b>			
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.	Not Applicable	The Approval expires on 31 <sup>st</sup> August 2053

## Melton Renewable Energy Hub (MREH) EPBC Approval 2021/8908

Condition Number/ reference	Complete Condition wording	Compliant/ Non-Compliant/ Not applicable	Evidence/Comments
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.	Not Applicable	As above

## 4 Correcting non-compliances

In summary, the 3 non-compliances recorded during this reporting period, have carried out the following actions to correct the non-compliances.

**Condition 1-** designated as non-compliant due to works occurring outside the Project area extent without consent.

The Approval holder's Approval and Permit Compliance Manager detected the non-compliance after close of business on the 20<sup>th</sup> August 2024, the Department was notified of the non-compliance verbally on 29<sup>th</sup> August 2024 and via email on the 30<sup>th</sup> August 2024, eight (8) business days after becoming aware of a non-compliance.

The agricultural land cleared for a temporary car park will be rehabilitated back to its original condition by the Principal Contractor once the facility is constructed currently scheduled for June 2025.

### **The approval holder has improved procedures to ensure strict oversight of environmental compliance**

The approval holder has commissioned an independent audit of the site with a focus on Environmental Management, Total Quality Management, Risk Management and Design Change Management to investigate the performance of its Contractor against specific measures and plans and improve processes.

### **The following measures have been taken to avoid recurrence and increase accountability**

As a result of the audit, Equis now holds weekly minuted meetings with key contractors. The Principal Contractor, now formally reports on the Environmental Register each month. The Monthly Project Report has also been amended to highlight environmental lessons learnt, and a more rigorous reporting approach is in place for risk and non-compliance. Before any new works activity is undertaken an Environmental Work Method Statement is prepared.

### **Rigorous on-site procedures**

On-site the contractor has maintained the presence of an Environmental Officer, with appropriate cover for this role. The incident has been used as a case study in Site Inductions and Toolbox Talk during pre-start meetings. Documentation has been prepared to track compliance and risk mitigation at contractor level, with clearer escalation points nominated if a change to approval conditions is required.

**Condition 5 (b)** - This condition is designated as non-compliant due to a notification period exceeding the 10 business days administrative.

The Approval holder's Approval and Permit Compliance Manager emailed the Department on 3<sup>rd</sup> July 2024 notifying the Department of two (2) covenant deeds for the conservation of land (being AY117597D and AY117718T) were executed on 5<sup>th</sup> June 2024. The deeds were signed with Trust for Nature to register an offset covenant under the Victorian Conservation Trust Act 1972 (Vic). The covenant was registered on Title through the Lands Title Office (Crown Allotment Z13 Parish of Langwornor and Lot 1 on Title Plan 868339D) on the 20<sup>th</sup> June 2024.

## Melton Renewable Energy Hub (MREH) EPBC Approval 2021/8908

The SLL Offset areas were secured well in-advance of the Project's scheduled operational phase. However, this Condition is assigned as non-compliant due to the approval holder exceeding the ten (10) business days administrative notification period noted by the Condition.

### **The following measures have been taken to avoid recurrence**

The approval holder has recorded administrative notification requirements within its electronic software planning schedule to avoid exceeding administrative notification dates.

**Condition 23** - This condition is designed as non-compliant due to the administrative notification timing extending beyond the two (2) business days of becoming aware of a potential non-compliance.

The Approval holder's Approval and Permit Compliance Manager detected the non-compliance after close of business on the 20<sup>th</sup> August 2024, the Department was notified of the non-compliance verbally on 29<sup>th</sup> August 2024 and via email on the 30<sup>th</sup> August 2024, eight (8) business days after becoming aware of a non-compliance.

### **The following measures have been taken to avoid recurrence**

The two (2) business day notification period has been communicated internally.

## 5 New environmental risks

No new environmental risks have been identified within this reporting period.









## Appendix A Details of the notification and reporting

# MREH EPBC Approval 2021-8908 Notification of an non compliance

Elizabeth Zorondo

To [epbcmonitoring@dcceew.gov.au](mailto:epbcmonitoring@dcceew.gov.au)

Cc [\[REDACTED\]](#)

  Reply  Reply All  Forward  

Fri 30/08/2024 1:00 PM



MREH EPBC 20218908 notification of incident .pdf  
480 KB



1811g\_Ecological\_Assessment\_MREH\_Report\_Final\_16082024.pdf  
7 MB



29082024 MREH Attachment A.pdf  
10 MB

Dear Sir/Madam,

Melton Renewable Energy Hub Common AssetCo Pty Ltd (Equis) notifies the Department of Climate Change, Energy, the Environment and Water (Department) of a non-compliance with a condition of its EPBC approval (2021-8908).

Equis welcomes a meeting to discuss this matter further and will send out detail of an investigation shortly.

Equis notes:

- no harm to MNES has occurred as a result of the incidental works;
- the works were incidentally enacted by the contractor without approval from Equis;
- Equis is investigating its processes to ensure contractor compliance with its approvals;

Equis is still investigating this matter and will provide further information shortly as required under condition 25 of the Approval.

Equis' is committed to ensuring the project's compliance with its approvals.

Equis has established and maintains a number of processes and protocols to ensure compliance with its approvals including:

- the provision of site inductions to all site personnel so that they understand their environmental obligations under the Project's approvals and Acts;
- preparation of Environmental Work Method Statements to assess the risks of new activities within different locations;
- delineation and establishment of fencing and no-go signage prior to any works being carried on-site to avoid any incidental impacts on native vegetation and SLL habitat;
- weekly site inspections of environmental controls;
- incident reporting and investigation; and
- internal and external auditing.

Best Regards,



[www.equis.com.au](http://www.equis.com.au)

Mobile +61 499 630 096

Ground Floor

36 Esplanade Brighton

Melbourne VIC 3186

RE: MREH EPBC Approval 2021-8908 follow-up details post notification of non-compliance

Elizabeth Zorondo  
To ☐ epbcmonitoring@dcceew.gov.au  
Cc ☐ [REDACTED]

Reply

Reply All

Forward

Wed 4/09/2024 3:32 PM

040924 Details of reported non compliance MREH 20218908.pdf  
599 KB

Dear Sir/Madam,

Melton Renewable Energy Hub Common AssetCo Pty Ltd (Equis) is writing to the Department of Climate Change, Energy, the Environment and Water (Department) in accordance with Condition 25 of its EPBC approval (2021-8908) (Approval) concerning post-notification requirements of a reported non-compliance.

Condition 25 requires the approval holder to provide details of the non-compliance within 12 business days of becoming aware of it.

Please attached Equis's response to Condition 25 requirements.

Equis welcomes a meeting to discuss this matter further and a potential remedy.

Again, Equis would like to note:

- o no harm to MNES has occurred as a result of the incidental works;
- o the works were incidentally enacted by the contractor without approval from Equis;
- o Equis is continuing to investigate its processes to ensure contractor compliance with its approvals;

Best Regards,

[REDACTED]  
[REDACTED]

**EQUIS**  
[www.equis.com.au](http://www.equis.com.au)

Mobile +61 499 630 096  
Ground Floor  
36 Esplanade Brighton  
Melbourne VIC 3186

## Appendix B Shapefile of the cleared SLL Habitat area extent



Appendix C Contractor's work photo dairy

Clearing Diary	
<b>Purpose:</b>	Native Vegetation Removal/Clearing Diary
<b>Permits/ Approvals:</b>	I. Melton Incorporated Document c225melt II. Melton Transmission Line Planning Permit III. Environment Protection and Biodiversity Conservation (EPBC) Act - Melton Renewable Energy Hub, Plumpton, Victoria (EPBC 2021/8908)
<b>Permit Number:</b>	TL PA2201624 / EPBC 2021/8908 / EPBC 2021/8908
<b>Location:</b>	Melbourne Renewable Energy Hub, 99 Holden Road, Plumpton, VIC, 3336
<b>Principal:</b>	Equis
<b>PC:</b>	Samsung Genus Joint Venture
<b>Date:</b>	01.05.24

Date	Activity	Comments
18/01/24	Topsoil stripping at beginning of access track.	Patches of native vegetation permitted to be cleared. Growling Grass Frog Habitat. Clearance given by ecologist on 09/01/24 for stripping.



Date	Activity	Comments
19/01/24	Continuing topsoil stripping on access track and laydown areas.	Barrier fencing and no-go zone signage in place to prevent damage to retained vegetation.



Date	Activity	Comments
20/01/24	Continuing topsoil stripping on access track and laydown areas.	Barrier fencing and no-go zone signage in place to prevent damage to retained vegetation.





Date	Activity	Comments
22/01/24	Continuing topsoil stripping on access track and laydown areas.	Barrier fencing and no-go zone signage in place to prevent damage to retained vegetation.



Date	Activity	Comments
23/01/24	Continuing topsoil stripping on access track and laydown areas.	Barrier fencing and no-go zone signage in place to prevent damage to retained vegetation.





Date	Activity	Comments
14/02/2024	Dewatering Dam in compound area.	Barrier fencing and no-go zone signage in place to prevent damage to retained vegetation/habitats.



Date	Activity	Comments
19/02/245	Access Rd swale – topsoil	Barrier fencing and no-go zone signage in place to prevent damage to retained vegetation/habitats



## Preclearance Inspection – MREH

**Date:** 9<sup>th</sup> January 2024

**Site location:** 77-347 Holden Road Plumpton, VIC 3335

**Name of Ecologist:** Gavin Trewella

**Description of Proposed Works:** Grubbing of vegetation for road construction

**Southern Fauna and Ecology operate under Research and Management Authorisation Permit No: 10009095 issued under the Wildlife Act 1975. The Wildlife Act 1975 establishes procedures that promote the protection and conservation of wildlife and prevent taxa of wildlife from becoming extinct. The Act prohibits and regulates the conduct of persons engaged in activities related to wildlife.**

---

### Ecologist Actions/Recommendations:

An ecologist undertook a preclearance inspection of the planned access road work zone aligned with the planned frog mitigation fencing on the 9<sup>th</sup> of January 2024 (Fig. 1).

The vegetation across the site consists primarily of scattered weeds including Bathurst Burr (*Xanthium spinosum*), Sow Thistle (*Sonchus oleraceus*), Artichoke Thistle (*Cynara cardunculus*) and Serrated Tussock (*Nassella trichotoma*). Small sections of Serrated Tussock form areas of high ground cover, particularly along the gully that connects the two significant water bodies within the property (Fig. 2) but the majority of the site consists of exposed soil with weedy shrub cover (Fig. 3).

No significant habitat features that could harbor known threatened species on site such as the Growling Grass Frog (*Litoria raniformis*) or the Striped Legless Lizard (*Delma impar*) were observed in the planned work zone. However, due to the recent inundation of the site, there is a likelihood of non-threatened frog and reptile species occurring in the work zone that could be impacted by vegetation clearing.

We approve the clearing of the work zone to begin without the presence of an ecologist on-site, following these recommendations:

- Each section of grubbed vegetation be laid down in a line, avoiding stacking into one heap, and left undisturbed for a minimum of 4 hours (or preferably overnight if project allows) to allow time for animals to disperse safely from the upturned vegetation,

- The work zone is cleared methodically from one side of the zone to the other to avoid animals being trapped in pockets of vegetation with no connectivity to retained vegetation outside the work zone, and
- If non-threatened animal species are encountered that impede work progress, contact Gavin Trewella on 0401 359 318 to advise on safe relocation or natural dispersion options.

Signature:



Date: 09/01/2024





*Figure 1. Vegetation occurring within the planned work zone.*





*Figure 2. Sections of high ground cover along connecting gully within work zone.*



*Figure 3. Representative section of ground vegetation showing prominent weed species and exposed soil.*



## Appendix D Schedule of Plans

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

**Table D.1 Schedule of Plans**

Plan Title, date and version	Comment
<b>Striped Legless Lizard Offset Management Plan, Rev 5.3 dated 29 June 2023</b>	<p>This version is published on the Project's website and referenced in the Approval.</p> <p>A revised version of the SLL OMP (Version 6, 20 November 2024) was approved outside of the reporting period (13<sup>th</sup> December 2024) and uploaded to the Project's website (<a href="https://equis.engagementhub.com.au/mreh">https://equis.engagementhub.com.au/mreh</a>) within the 15 business days of approval in accordance with Condition 9 and demonstrate compliance with Conditions 10-11.</p>
<b>Targeted Growling Grass Frog Survey and Habitat Assessment including Growling Grass Frog Impact Mitigation Protocol, dated 16 May 2023</b>	<p>This version is published on the Project's website and referenced in the Approval.</p>

## **Appendix 1. Growling Grass Frog Impact Mitigation Protocol**

### **Background**

Ecolink Consulting Pty Ltd (Ecolink) was engaged by Syncline Energy, to prepare a Growling Grass Frog *Litoria raniformis* Impact Mitigation Protocol for the proposed Melton Renewable Energy Hub (MREH) project located at 77-347 Holden Road, Plumpton (the study area).

The proposed access track extending from Holden Road south, into the facility, bisects a low-lying area which acts as a tributary to Jacksons Creek. The unnamed tributary contains three dams which capture the overflow water and prevent the low-lying area acting as a waterway. The habitat quality of these dams is very poor for Growling Grass Frog. In addition, a small dam is located in the north-western portion of the study area. Targeted surveys for this species undertaken in 2020 did not record this species, and it was concluded that the habitat quality was poor, and that Growling Grass Frogs were unlikely to occur at the dam.

Growling Grass Frogs, have previously been recorded at the property to the east, 1-75 Holden Road, Plumpton. Growling Grass Frogs were recorded at a dam in the north-eastern corner of the property, and at a dam in the south-eastern portion of the study area, in 2010 (Department of Environment Land Water and Planning 2021; Rail Infrastructure Alliance 2019). They were not recorded during any subsequent surveys or site assessments undertaken by ecologists (Rail Infrastructure Alliance 2019). This property was developed as a railway stabling and maintenance facility, and was subsequently referred to the Department of Agriculture, Water and the Environment pursuant to the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). It was deemed a controlled action and a Conservation Management Plan was prepared for Growling Grass Frog at that location (Rail Infrastructure Alliance 2019). The Conservation Management Plan nominated sediment and frog protection fencing on either side of the access track into the property, where it intersected the tributary to Jacksons Creek, and a sediment and frog fence on the northern side of the tributary to Taylors Creek. It also required pre-clearance checks for Growling Grass Frog and restrictions on works near suitable habitats and ongoing monitoring and maintenance. The sediment and frog fences and work restrictions were not required where the proposed construction works were not close to Growling Grass Frog habitats.

### **Purpose**

The purpose of the current Growling Grass Frog Impact Mitigation Protocol is to:

- Prescribe a Growling Grass Frog Impact Mitigation Protocol which is commensurate with the potential impacts to Growling Grass Frogs, based on the proposed construction works and the findings of the Growling Grass Frog surveys and habitat assessments; and
- Ensure that Growling Grass Frog management prescriptions are compliant and consistent with the Growling Grass Frog Conservation Management Plan prepared for 1-75 Holden Road, Plumpton (Rail Infrastructure Alliance 2019).

A Construction Environment Management Plan will also be prepared for the proposed development. As a minimum, this will limit all works and laydown areas to the development footprint. The mitigation measures prescribed in this Growling Grass Frog Impact Mitigation Protocol will form the minimum standards required in the CEMP as they relate to mitigating impacts to this species. Failure to adhere to these prescriptions may result in the requirement for an impact assessment, site remediation or a fine under the EPBC Act.

### **Growling Grass Frog Status and Biology**

The Growling Grass Frog is listed as vulnerable on the EPBC and is therefore nationally significant. It is also listed as Vulnerable on the *Flora and Fauna Guarantee (FFG) Act 1988* (Vic).

Ecolink has prepared a Growing Grass Frog Survey and Habitat Assessment which includes a detailed discussion on the biology of the species. A Contractor Identification Sheet is provided as Attachment 1 to this document, which further expands upon this for the purposes of construction.

### **Growling Grass Frog Impact Mitigation Protocol**

#### *Pre-Construction*

An induction by a suitably qualified expert will be given to the Site Manager and construction personnel. The induction should include relevant matters of the CEMP, Growling Grass Frog identification and impact mitigation measures (Attachment 1). An induction sheet, the same or equivalent to Attachment 1, will be left with the Site Manager and retained on site at all times.

The areas outside of the works area are deemed “No Go Areas” for the project. These areas will be fenced with 1.5-metre star pickets and high visibility plastic mesh (or equivalent). The fences will form exclusion areas, where access will not be permitted at any time. Signage will be erected on the fence that states ‘Conservation Zone - No Work Permitted’. Signs will be erected for every 50 metres of fence, and will be attached to the fences with cable ties.

The fence will be maintained in functional order at all times, with signs clearly visible and maintained. Breaches of this fence will be reported to the Site Manager and remedied as soon as practicable.

The areas within 100 metres of a waterbody are deemed Sensitive Habitat Areas for Growling Grass Frog. Sensitive habitat areas include the dams. There are restrictions on works which may be undertaken within Sensitive Habitat Areas for Growling Grass Frog (as described below).

The fencing of Sensitive Habitat Areas will be modified to include a floppy top “frog fence” attached on the outside of the fence. This floppy-top fence will be erected with a narrow-gauge wire or shade cloth so that it sags at the top, and contain holes no larger than chicken wire, to prevent frogs scaling the fence or passing through fence holes. The frog fence will be securely attached to the ground with pegs or excavated into the ground to prevent frogs from moving under the fence and into the works area (Figure 1).

As well as waterways, areas such as depressions, cracks in soil, rocks, and long vegetation may provide shelter habitats to Growling Grass Frogs. Works areas that contain these habitats will be cleared by hand, or using hand tools (e.g. removing logs, rocks) where practicable prior to

commencement of construction. This will allow frogs to disperse to more preferable habitats and provide a disincentive to their return. Grasses will be mown or slashed no closer than 5 centimetres from ground level. This will improve visibility for Growling Grass Frog salvage work and create a disincentive for the use of these areas by Growling Grass Frogs. In this way, frogs (and other wildlife) are likely to move away of their own accord.

Any Growling Grass Frogs that are observed during the pre-construction phase will not be touched. Works will temporarily cease in this location until the frog has moved away.

During the morning prior to construction, a wildlife handler or ecologist will search the development footprint for Growling Grass Frogs. Any frogs encountered will be physically salvaged and relocated to the nearest suitable habitat by the wildlife handler. Sick or injured frogs will not be relocated, but taken to a wildlife specialist for appropriate treatment. Handling of GGF during salvage and relocation will be undertaken in accordance with Hygiene protocols for the control of diseases in Australian frogs (Murray et.al. 2011), or other suitable best practice guidelines, to minimise the risk of Chytrid fungus and the spread of other diseases in frogs.

#### *During Construction*

Construction can only commence once the site has been suitably prepared (as described above).

Frogs (and other wildlife) may be injured or drowned by falling into pits and trenches. Pits and trenches will be open for the minimum time practicable to accommodate the works, and will be designed to allow wildlife exit via ramps. The wall of pits and trenches will generally be graded to a slope of approximately 45 degrees at each end. This will allow wildlife that fall into pits to safely move out.

Prior to works commencement each day, pits and trenches will be inspected for wildlife. In the event that wildlife is found, a suitably qualified zoologist/fauna handler will be contacted to remove these species to a suitable location. Works in this location will not re-commence until Growling Grass Frogs have been removed from the area.

Sediment and erosion control measures will be implemented around the exclusion fencing (as recommended in the CEMP). This will prevent damage to Growling Grass Frog habitats.

The following restrictions apply to maintain the integrity of the Sensitive Habitat Areas for Growling Grass Frog:

- No vehicles, machinery, equipment or materials may be leaned against the fence;
- No refuelling within 20 metres of the Conservation Zone;
- No stockpiles within 20 metres of the Conservation Zone;
- No vehicle washdown areas within 20 metres of the Conservation Zone;
- Sediment and erosion control measures will be implemented along the fenceline, as required, to prevent sediment laden runoff, pollutants and weed seed entering the Conservation Zone; and
- Rubbish and refuse that accumulates along the fenceline, and within the study area will be collected on a weekly basis.

Any Growling Grass Frogs that are observed during construction phase will not be touched. A suitably qualified zoologist/fauna handler will be called via phone. Works can recommence once the zoologist/fauna handler has cleared the area and provided approval to proceed. Any zoologist/fauna handler must maintain necessary hygiene protocols to avoid the potential spread of infectious pathogens such as Chytrid fungus. The zoologist/fauna handler must have the necessary animal ethics approvals to treat sick or injured wildlife on-site, or these may be taken off-site to suitably a qualified veterinarian or wildlife shelter.

#### *Post Construction*

In the event that Growling Grass Frogs are encountered, the zoologist/fauna handler will make a file note of the situation and remedial actions undertaken (as describe above). This note may be provided to regulatory authorities upon request.



**Attachment 1.** Growling Grass Frog Contractor Information Sheet



# Growling Grass Frog *Litoria raniformis*

## Contractor Information Sheet



### *If you see a Growling Grass Frog:*

- *Stop all earth works immediately;*
- *Contact the nominated company representative who will contact the salvage contractor;*
- *The nominated company representative is:*  
-----
- *If the frog is injured, try to capture it and store it in an aerated, plastic bag in a cool, area. Only put one animal per bag;*
- *Use plastic gloves whenever frogs are handled and change gloves between handling different frogs.*

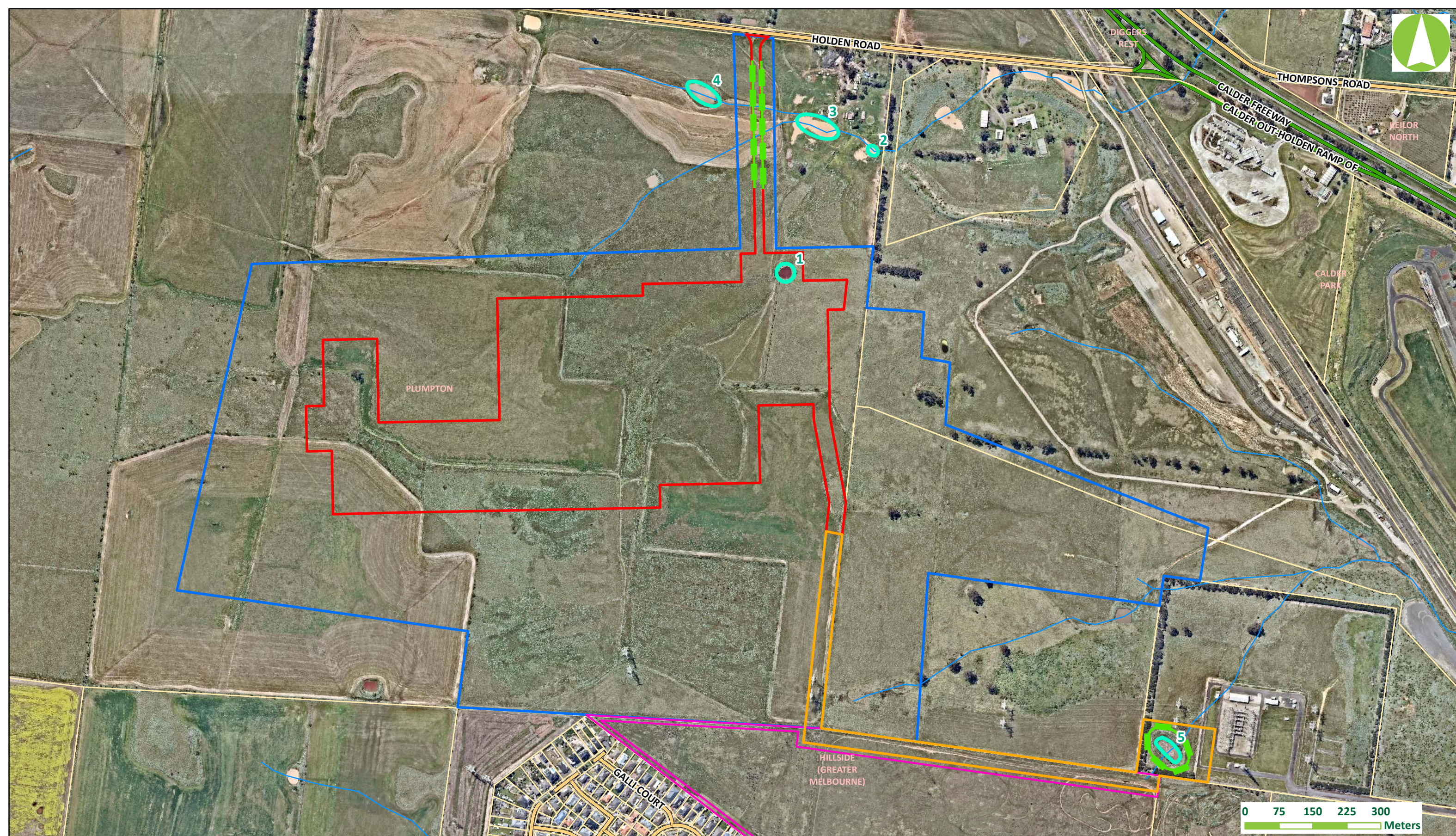
### Species description:

- A large frog up to 100mm long;
- Warty back;
- Upper parts are dark olive to bright emerald green or brown, usually with large blotches of brown, bronze or gold;
- Under parts are pale coloured;
- Call described as a long modulated growl or drone, followed by a few short grunts: "crawark-crawark-crawark-crok-crok", reminiscent of a motorbike revving;
- Tadpoles are large pinkish grey with yellowish fins, up to 100mm long;
- The green and gold pattern emerges at the end of the tadpole stage.

**Figure 1.** Frog Fencing Requirements within the study area.







**Figure 1: Growling Grass Frog Fencing Requirements**  
77-247 Holden Road, Plumpton, Victoria

### Legend

#### Proposed Developemnt

- R35 Extent of Development
- R35 Transmission Line Easement
- Study Area
- Construction Footprint (Ecology and Heritage Partners Assessment)

- Floppy Top Frog Fences
- Growling Grass Frog survey location





## Appendix E Definitions of the approval

Part C – Definitions	
In these conditions any bolded use of a word or term refers to the below definition of that word or term:	
Word/s	Definition
<b>Audit report</b>	Means a written report of compliance and fulfilment of the conditions attached to this approval, objectively evaluated against the audit criteria approved by the <b>department</b> .
<b>Business day</b>	Means a day that is not a Saturday, a Sunday or a public holiday in the State of Victoria.
<b>Commence or commencement</b>	<b>Means the date on which the first instance of an activity associated with the Action is undertaken.</b>
<b>Completion data</b>	Means an environmental report and spatial data clearly detailing how the conditions of this approval have been met.
<b>Completion of the Action</b>	Means the date on which all activities associated with this approval have permanently ceased and/or been completed.
<b>Compliance records</b>	Means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval (including compliance with commitments made in <b>plans</b> ) in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.
<b>Compliance report</b>	Means a written report of compliance with, and fulfilment of, the conditions attached to the approval.
<b>Construction</b>	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
<b>Control</b>	<b>Means to exercise effective management authority over the offset area in accordance with the MoU .</b>
<b>DEECA</b>	Means the Victorian Department of Energy, Environment and Climate Action, or the subsequent Victorian Government agency responsible for administering the <i>Conservation, Forests and Lands Act 1987</i> (Vic).



Word/s	Definition
<b>Department</b>	Means the Australian Government agency responsible for administering the <b>EPBC Act</b> .
<b>EPBC Act</b>	Means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
<b>Growling Grass Frog Impact Mitigation Protocol</b>	Means the <b>Striped Legless Lizard (<i>Delma impar</i>) 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.</b>
<b>Harm</b>	<b>Means</b> to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.
<b>Incident</b>	Means any event which has the potential to, or does, <b>harm</b> any <b>protected matter</b> .
<b>Independent</b>	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
<b>Independent audit</b>	Means an audit conducted by an <b>independent</b> and <b>suitably qualified person</b> as detailed in the <i>Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines</i> , Commonwealth of Australia 2019.
<b>MoU</b>	<b>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.</b>
<b>Minister</b>	Means the Australian Government Minister administering the <b>EPBC Act</b> , including any delegate thereof.
<b>Monitoring data</b>	Means the data required to be recorded under the conditions of this approval.
<b>Offset area</b>	<b>Means the areas represented in <u>Attachment B</u> by the zones enclosed by the solid green lines designated 'Offset site (4 zones)'.</b>
<b>OMP</b>	<b>Means the <i>Striped Legless Lizard (Delma impar) Offset Management Plan – EPBC 2021/8908, Heathcote – Redesdale Road, Mia Mia, Victoria, Living Rural</i> (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 .</b>
<b>Operation</b>	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.
<b>Plan</b>	Means any action management plan or strategy that the approval holder is required by these conditions to implement, including the <b>OMP</b> and <b>Growling Grass Frog Impact Mitigation Protocol</b> .

Word/s	Definition
<b>Project area</b>	<b>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'.</b>
<b>Protected matter</b>	Means a matter protected under a controlling provision in Part 3 of the <b>EPBC Act</b> for which this approval has effect.
<b>Sensitive ecological data</b>	Means data as defined in the <i>Sensitive Ecological Data – Access and Management Policy V1.0</i> , Commonwealth of Australia 2016.
<b>Secure or secured</b>	<b>Means to execute a signed agreement with the Secretary of DEECA under Section 69 of the <i>Conservation, Forests and Lands Act 1987</i> (Vic), or via a signed agreement with Trust for Nature to register an offset covenant under the <i>Victorian Conservation Trust Act 1972</i> (Vic), providing for the conservation management of the offset area and preventing the offset area from being diminished in quality .</b>
<b>Shapefile</b>	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.
<b>Striped Legless Lizard</b>	Means the <b>EPBC Act</b> listed threatened species <i>Delma impar</i> .
<b>Striped Legless Lizard habitat</b>	<b>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'.</b>
<b>Suitably qualified person</b>	<b>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.</b>
<b>Website</b>	Means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.