



## Variation of conditions attached to approval

### Diggers Rest Precinct Development Lots 1 & 3, Diggers Rest, Victoria (EPBC 2012/6556)

This decision to vary conditions of approval is made under section 143(1)(a) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

#### Approved Action

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| approval holder | Investa Nominees (2) Pty Ltd<br>ABN: 52 751 437 863   |
| approved Action | Proposal to develop a residential estate at Lots 1 and 3, Diggers Rest, Victoria [See EPBC Act referral 2012/6556]. |

#### Variation

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| variation of conditions attached to approval | <p>The variation is:</p> <p>Delete conditions 1, 3, 4, 5, 6 and 7 attached to the approval and substitute with the conditions specified in the table below.</p> <p>Add conditions 1A, 1B, 5A, 6A, 6B, 6C, 6D, 6E, 6F, 8, 9, 10 and 11 as specified in the table below.</p> <p>Delete definitions for <b>Construction</b> and <b>Minister</b> attached to the approval and substitute with the definitions for '<b>Construct</b> or <b>Construction</b>' and <b>Minister</b> specified in the table below.</p> <p>Add definitions for <b>Action area</b>, <b>Biodiversity data</b>, <b>Business day</b>, <b>Clear or clearing</b>, <b>Completion of the Action</b>, <b>Compliance records</b>, <b>Compliance Report period</b>, <b>EPBC Act</b>, <b>Harm</b>, <b>Incident</b>, <b>Independent auditor</b>, <b>Protected matters</b>, <b>Sensitive biodiversity data</b>, <b>Shapefile</b> and <b>Website</b> as specified in the table below.</p> <p>Revoke condition 2 and the definition for <b>Striped legless lizard</b>.</p> <p>Add <b>Attachment A</b> specified in the table below.</p> |
| date of effect                               | This variation has effect on the date this instrument is signed.  |
| period for which this approval has effect    | This approval has effect until 31 December 2060.  |

**Person authorised to make decision**

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| <b>name and position</b> | Sam Hush<br>Acting Branch Head<br>Compliance and Enforcement Branch |
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| <b>Signature</b> |  |
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| <b>date of decision</b> | 15 August 2025 |
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| <b>date of decision</b>                          | <b>Conditions attached to the approval</b>   |
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| As varied on the date this instrument was signed | <b>1.</b> Prior to the <b>commencement</b> of subdivision, site works, or <b>construction</b> , the approval holder must secure in perpetuity an area of land containing at least 3.96 Habitat hectares of <b>Natural Temperate Grasslands of the Victorian Volcanic Plains</b> to compensate for the loss of 11.653ha (2.64 Habitat hectares) of <b>Natural Temperate Grasslands of the Victorian Volcanic Plains</b> on the development site. This offset is to be located at the Warrambreen Landcare Demonstration Farm or another site of the approval holder's choosing and the location agreed by the Victorian Department of Environment and Primary Industries. |
| As varied on the date this instrument was signed | <b>1A.</b> The approval holder must not:<br>a) <b>Clear</b> outside of the <b>Action area</b> .<br>b) <b>Construct</b> outside of the <b>Action area</b> .   |
| As varied on the date this instrument was signed | <b>1B.</b> The approval holder must not <b>clear</b> more 11.653ha (2.64 Habitat hectares) of <b>Natural Temperate Grasslands of the Victorian Volcanic Plains</b> in the <b>Action area</b> .   |
| As varied on the date this instrument was signed | <b>2. Revoked.</b>   |
| As varied on the date this instrument was signed | <b>3.</b> The approval holder must provide the <b>Department</b> with written confirmation that the requirements of condition 1 of this approval have been fully met within five <b>business days</b> of those requirements having been met and prior to <b>commencement</b> .   |
| As varied on the date this instrument was signed | <b>4.</b> Within five days after the <b>commencement</b> of the action, the approval holder must advise the <b>Department</b> in writing of the actual date of <b>commencement</b> .   |
| As varied on the date this instrument was signed | <b>5.</b> The approval holder must maintain accurate and complete <b>compliance records</b> and document the procedure for recording and storing <b>compliance records</b> .   |
| As varied on the date this instrument was signed | <b>5A.</b> If the <b>Department</b> makes a request in writing, the approval holder must provide electronic copies of <b>compliance records</b> to the <b>Department</b> within the timeframe specified in the request.<br><b>Note: Compliance records</b> may be subject to audit by the <b>Department</b> , or by an <b>independent auditor</b> in accordance with section 458 of the <b>EPBC Act</b> , and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the <b>Department's</b> website or through the general media.  |
| As varied on the date this instrument was signed | <b>6.</b> The approval holder must prepare a <b>compliance report</b> for each <b>Compliance Report period</b> .   |
| As varied on the date this instrument was signed | <b>6A.</b> The approval holder must ensure each <b>compliance report</b> includes:<br>a) accurate and complete details of compliance and any non-compliance with each condition attached to this approval decision, and<br>b) if any <b>incident</b> occurred, accurate and complete details of each <b>incident</b> .   |

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| As varied on the date this instrument was signed | <p><b>6B.</b> The approval holder must ensure each <b>compliance report</b> is completed to the satisfaction of the <b>Minister</b> and is consistent with the <i>Annual Compliance Report Guidelines</i>, Commonwealth of Australia 2023.</p>  |
| As varied on the date this instrument was signed | <p><b>6C.</b> The approval holder must, within 20 <b>business days</b> following the end of each <b>compliance report period</b>, in a format that is easily accessible and downloadable, publish on the <b>website</b>:</p> <ol style="list-style-type: none"><li>each <b>compliance report</b>, and</li><li>a <b>shapefile</b> showing all <b>clearing of protected matters</b>, and their habitat, undertaken <b>commencement</b> of the action.</li></ol>   |
| As varied on the date this instrument was signed | <p><b>6D.</b> The approval holder must:</p> <ol style="list-style-type: none"><li>Exclude or redact <b>sensitive biodiversity data</b> from each <b>compliance report</b> and <b>shapefile</b> published on the <b>website</b> or otherwise provided to a member of the public.</li><li>If <b>sensitive biodiversity data</b> is excluded or redacted from a version of a <b>compliance report</b> published or otherwise provided to a member of the public, submit the full <b>compliance report</b> to the <b>Department</b> within 5 <b>business days</b> of its publication on the <b>website</b> and notify the <b>Department</b> in writing what exclusions and redactions have been made in the version published on the <b>website</b> or otherwise provided to a member of the public.</li><li>If <b>sensitive biodiversity data</b> is excluded or redacted from a version of a <b>shapefile</b> published or otherwise provided to a member of the public, submit the full <b>shapefile</b> to the <b>Department</b> within 5 <b>business days</b> of its publication on the <b>website</b> and notify the <b>Department</b> in writing what exclusions and redactions have been made in the version published on the <b>website</b> or otherwise provided to a member of the public.</li></ol> |
| As varied on the date this instrument was signed | <p><b>6E.</b> The approval holder must notify the <b>Department</b> electronically, within 5 <b>business days</b> of each date of publication that the <b>compliance report</b> has been published on the <b>website</b>. In this notification, the approval holder must provide the <b>Department</b> with the web address for where the <b>compliance report</b> and related <b>shapefile</b> are published on the <b>website</b>.</p>  |
| As varied on the date this instrument was signed | <p><b>6F.</b> The approval holder must keep each <b>compliance report</b> and related <b>shapefile</b> published on the <b>website</b> from the first date which that <b>compliance report</b> must be published and until the expiry date of this approval.</p> <p><b>Note:</b> <b>Compliance reports</b> may be published on the <b>Department's</b> website.</p>   |
| As varied on the date this instrument was signed | <p><b>7.</b> If, at any time after 3 years from the date of this approval, the approval holder has not commenced the action, then the approval holder must not commence the action without the written agreement of the <b>Minister</b>.</p>  |
| As varied on the date this instrument was signed | <p><b>8.</b> The approval holder must notify the <b>Department</b> electronically, within 2 <b>business days</b> of becoming aware of any <b>incident</b>. The approval holder must specify in each notification:</p> <ol style="list-style-type: none"><li>any condition which has not been, or may have not been, complied with,</li><li>a short description of the <b>incident</b>, and</li><li>the location (if applicable, including co-ordinates), date and time of the <b>incident</b>.</li></ol>  |

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| As varied on the date this instrument was signed   | <p><b>9.</b> The approval holder must provide to the <b>Department</b> in writing, within 12 <b>business days</b> of becoming aware of an <b>incident</b>, the details of that <b>incident</b>. The approval holder must specify:</p> <ul style="list-style-type: none"> <li>a) all corrective measures and investigations which the approval holder has already taken in respect of the <b>incident</b>,</li> <li>b) the potential impacts of the <b>incident</b>,</li> <li>c) the method and timing of any corrective measures that the approval holder proposes to undertake to address the <b>incident</b>, and</li> <li>d) any variation of these conditions or revision of a <b>plan</b> that will be required to prevent recurrence of the <b>incident</b> and/or to address its consequences.</li> </ul> |
| As varied on the date this instrument was signed   | <p><b>10.</b> Within 20 <b>business days</b> after the <b>completion of the Action</b>, and, in any event, at least 20 <b>business days</b> prior to the expiry date of this approval, the approval holder must notify the <b>Department</b> electronically of the date of <b>completion of the Action</b> and provide <b>completion data</b>. The approval holder must submit any spatial data that comprises <b>completion data</b> as a <b>shapefile</b>.</p>   |
| As varied on the date this instrument was signed   | <p><b>11.</b> The approval holder must notify the <b>Department</b> electronically at least 60, but not more than 70, <b>business days</b> prior to the expiry date of this approval, that the approval is due to expire.</p> <p><b>Note:</b> Section 145C of the <b>EPBC Act</b> entitles the approval holder to request an extension to the period of effect of this approval.</p>   |
| <b>date of decision</b>  | <b>Definitions attached to approval</b>  |
| In these conditions, except where contrary intention is expressed, the following definitions are used: |  |
| As varied on the date this instrument was signed   | <p><b>Action area</b> means the location of the Action, represented in <u>Attachment A</u> by zones enclosed by a white line and identified as properties 3, 4, 6, 7 and 9.</p>  |
| As varied on the date this instrument was signed   | <p><b>Biodiversity data</b> means ‘biodiversity data’ as described in the <i>Policy on Accessing and Sharing Biodiversity Data</i>, Commonwealth of Australia 2024.</p>  |
| As varied on the date this instrument was signed   | <p><b>Business day</b> means a day that is not a Saturday, a Sunday, or a public holiday in Victoria.</p>  |
| As varied on the date this instrument was signed   | <p><b>Clear or clearing</b> means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation.</p>  |
| Original dated 20 December 2013  | <p><b>Commencement</b> means the construction of any infrastructure, excluding fences and signage, associated with the proposed action or preparatory works such as clearing vegetation to begin construction.</p>   |
| As varied on the date this instrument was signed   | <p><b>Completion of the Action</b> means the date on which all activities associated with the approved Action, other than those which provide compensation for the impacts of the Action, have permanently ceased and/or been completed.</p>   |
| As varied on the date this instrument was signed   | <p><b>Compliance records</b> means all documentation or other material in whatever form required to demonstrate compliance with these conditions of approval in the approval holder’s possession, or that are within the approval holder’s power to obtain lawfully.</p>   |
| As varied on the date this instrument was signed   | <p><b>Compliance Report period</b> means each subsequent 24-month period following the date of this variation decision until the expiry date of this approval, unless otherwise specified in writing by the <b>Minister</b>.</p>   |
| As varied on the date this instrument was signed   | <p><b>Construct or construction</b> means:</p>   |

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| instrument was signed                            | <ul style="list-style-type: none"><li>- the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site,</li><li>- the alteration, maintenance, repair or demolition of any building or structure,</li><li>- any work which involves breaking of the ground (including pile driving) or bulk earthworks,</li><li>- the laying of pipes and other prefabricated materials in the ground,</li><li>- any associated excavation work.</li></ul>                 |
| Original dated 20 December 2013                  | <b>Department</b> means the Australian Government Department administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .  |
| As varied on the date this instrument was signed | <b>EPBC Act</b> means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).  |
| As varied on the date this instrument was signed | <b>Harm</b> means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.   |
| As varied on the date this instrument was signed | <b>Incident</b> means any: <ul style="list-style-type: none"><li>- event which has the potential to, or does, <b>harm</b> any <b>protected matter</b>,</li><li>- potential non-compliance with these conditions, including the administrative requirements, and</li><li>- actual non-compliance with these conditions, including the administrative requirements.</li></ul>  |
| As varied on the date this instrument was signed | <b>Independent auditor</b> means a person, or firm, who: <ul style="list-style-type: none"><li>- does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder's staff, representatives, or associated persons,</li><li>- has demonstrated experience in undertaking government-regulated environmental compliance audits, and</li><li>- holds relevant professional qualifications and accreditations.</li></ul> |
| Original dated 20 December 2013                  | <b>Minister</b> means the Australian Government Minister administering the <b>EPBC Act</b> , including any delegate thereof.   |
| Original dated 20 December 2013                  | <b>Natural Temperate Grasslands of the Victorian Volcanic Plain</b> means the <b>EPBC Act</b> listed grassland community.  |
| As varied on the date this instrument was signed | <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.  |
| As varied on the date this instrument was signed | <b>Sensitive biodiversity data</b> means <b>biodiversity data</b> which, if released, published or otherwise exposed, may result in <b>harm</b> to the relevant <b>protected matter</b> as a result of the intentional or unintentional misuse of that <b>biodiversity data</b> .  |
| As varied on the date this instrument was signed | <b>Shapefile</b> means location and attribute information about the Action provided in an Esri shapefile format containing: <ul style="list-style-type: none"><li>- '.shp', '.shx', '.dbf' files,</li><li>- a '.prj' file which specifies the projection or geographic coordinate system used, and</li><li>- an '.xml' metadata file that describes the shapefile for discovery and identification purposes.</li></ul>   |

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As varied on the  
date this  
instrument was  
signed

**Striped legless lizard - revoked**

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As varied on the  
date this  
instrument was  
signed

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

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