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16 February 2024

Progress Power Unit Trust
409 Princes Highway
NOBLE PARK VIC 3174

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Sent Via Email Only

Dear Chris & Craig

Environmental Protection and Biodiversity Conservation Act Query
Project: Construction of Renewable Energy Facility on the Site
Site: 66-88 and 168-222 Clarke Road Springvale South

We refer to the above matter, and your query as to whether the above Project triggered the requirement for approvals under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) ("EPBC Act").

In that regard, we note that an approval under the EPBC Act will be triggered where the Project has the potential to impact matters of national environmental significance, which with respect to the Project, would include where the Project would include an action that has or will have a significant impact on listed threatened species and ecological communities, or migratory species.

We confirm that throughout the application process for planning permit PLN18/0688 neither the Greater Dandenong Council, VCAT nor your planning consultants identified that any requirement for an approval under the EPBC had been triggered as a result of the Project.

We understand that you have reviewed this issue, having regard to the history of the site as a former landfill under rehabilitation, the non-existence on site of listed threatened species and ecological communities and migratory species, and the nature of the construction required to be undertaken with respect to the Project, and have instructed that the Project will not have a significant impact on listed threatened species and ecological communities, or migratory species.

As such, on the basis of those instructions, we confirm that the Project has not triggered a requirement for approvals under the EPBC Act.

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Yours faithfully,



Damien McKenna, Principal
Duffy & Simon Lawyers

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