Request for additional information – assessment by preliminary documentation

Beveridge Intermodal Precinct, 2025 Merriang Road, Beveridge, Victoria – EPBC 2023/09693

On 4 June 2024 the delegate of the Minister for the Environment and Water determined that the proposed action to construct and operate an intermodal freight terminal and associated infrastructure, 2025 Merriang Road, Beveridge was a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and that the controlling provisions were sections 18 and 18A (listed threatened species and communities) and section 28 (Commonwealth action).

It has been determined that the proposed action will be assessed by preliminary documentation. Preliminary documentation for the proposal will include:

- The information contained in the original referral.
- The further information you provide on the impacts of the action and the strategies you propose to avoid, mitigate and offset those impacts (as described below); and
- Any other relevant information on the matters protected by the EPBC Act.

The preliminary documentation should be sufficient to allow the Minister (or delegate) to make an informed decision on whether to approve, under Part 9 of the EPBC Act, the taking of the action for the purposes of each controlling provision.

The preliminary documentation must address the matters set out below and follow the content, style and formatting requirements set out in Appendix A.

1. HABITAT ASSESSMENT

Based on the information provided in your referral, and other available information, the department considers that the listed species identified below may be significantly impacted by the proposed action and did not have sufficient information provided in the original referral.

- Victorian Grassland Earless Dragon – *Tympanocryptis pinguicolla* – Critically Endangered

1.1 Species specific information required

1) Assessment of all the habitat specific features available in the proposed action area as per the habitat description in the *Approved Conservation Advice for* Tympanocryptis pinguicolla *(Victorian Grassland Earless Dragon)*.

2) Provide the scientific reasoning for how the extent of known and unknown potential habitat for the Victorian Grassland Earless Dragon were derived. Consideration should be given to the *Draft National Recovery Plan for Four Grassland Earless Dragons (*Tympanocryptis spp.*) of Southeast Australia* and definitions contained in Appendix B.

3) If the assessment of habitat specific features concludes that there is potential for detection of VGED on site, please provide results from targeted surveys and historical desktop records

to confirm the status and extent of Victorian Grassland Earless Dragon within the proposed action area and project area, undertaken in accordance with the relevant survey guidelines.

2. IMPACT ASSESSMENT

The proposed action is considered likely to have impacts to threatened species and communities (section 18 and section 18a) and the environment as a Commonwealth action (section 28). An assessment of direct, indirect, and consequential impacts as a result of the proposed action must be provided in accordance with relevant departmental policies and guidelines. Consideration of impacts should include the consideration of the nature, likelihood, and severity of the impacts.

The department considers the proposed action may result in, but is not limited to, the following impacts:

- Direct and indirect impacts to the environment of the Hernes Swamp wetland, including:
    - Decrease in habitat quality or quantity for species
    - Altered hydrology and/or water quality

2.1 Information required

1) Impact assessment of Victorian Grassland Earless Dragon – *Tympanocryptis pinguicolla*, if assessment *1.1 Species specific information required* (above) indicates potential occurrence on site.
2) An assessment of the likely direct and indirect impacts to the environment of Hernes Swamp wetland and the associated waterways, and species habitat that are associated with the action components such as, construction, operational and maintenance components of the project. That includes:
    a. an assessment of the likely duration of impacts to Hernes Swamp wetland and the associated waterways, species and community habitat and the environment as a result of the proposed action (consideration should be given to definitions in Appendix B).
    b. a discussion of whether the impacts are likely to be repeated, for example as part of maintenance.
    c. a discussion of whether any impacts are likely to be unknown, unpredictable or irreversible.

3. AVOIDANCE, MITIGATION AND MANAGEMENT MEASURES

Avoidance and mitigation measures are the primary methods of eliminating and reducing significant impacts on MNES. If impacts cannot be avoided, then they should be minimised or mitigated as much as possible.

The department notes the referral includes a description of the proposed mitigation and management measures to be implemented by the proponent during the construction, operation and maintenance stages of the proposed action.

3.1 Information required

1) The details on the mitigation measures that will be applied to the project area to ensure that there are no significant direct or indirect impacts to the Hernes Swamp wetland and the associated waterways, species habitat and the environment through the proposed action.

    a. including the on-going management plans that has:

        i. a statement of the objectives, ongoing management and monitoring, and locations and timing

        ii. the party responsible

        iii. the policy basis.

Draft action management plans (AMP) must be prepared by a suitably qualified ecologist and in accordance with the department's Environmental Management Plan Guidelines (2024), available at: www.environment.gov.au/epbc/publications/environmental-management-plan-guidelines.

4. OTHER INFORMATION REQUIRED

4.1 Ecologically sustainable development (ESD)

Principles of ESD, as defined in section 3A of the EPBC Act.

1) A statement outlining how the proposed action follows the principles of ecologically sustainable development:

    a. decision making processes should effectively integrate both long term and short term economic, environmental, social and equitable considerations.

    b. if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

    c. the principle of inter-generational equity—that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

    d. the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision making.

    e. improved valuation, pricing and incentive mechanisms should be promoted.

4.2 Economic and social matters

Consideration of economic and social matters (section 136(1)(b)).

1) A summary outlining how the proposed action has considered economic and social matters, including:

    a. details of any public consultation activities undertaken and their outcomes.

    b. projected economic costs and benefits of the project, including the basis for their estimate through cost/benefit analysis or similar studies.

    c. employment opportunities expected to be generated by the project (including construction and operational phases).

Although a cultural heritage management plan (CHMP) may not be mandatory, the department recommends that you engage with the Victorian State Government, First Peoples State Relations section to ensure that all cultural heritage issues are managed appropriately.

2) A statement overviewing the any consultation with Indigenous stakeholders and the Victorian State Government, First Peoples State Relations section to ensure that all cultural heritage issues are managed appropriately.

5. OFFSETS

Environmental offsets are measures that compensate for the residual significant impacts of an action on the environment. Offsets provide environmental benefits to counterbalance the impacts that remain after consideration of avoidance and mitigation measures. It is important to consider environmental offsets early in the assessment process. Correspondence with the department regarding offsetting is highly encouraged. The department's *EPBC Act Environmental Offsets Policy* (2012) (Offsets Policy) is available at: www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy.

If, residual impacts are likely to be significant, please provide a summary of the proposed environmental offset and key commitments to achieve a conservation gain for each protected matter with residual significant impacts. Where offset area/s have been nominated, include a draft OAMP (Offset Area Management Plan). The draft OAMP must meet the information requirements set out by the department, and must be prepared by a suitably qualified ecologist and in accordance with the department's Environmental Management Plan Guidelines (2024), available at: www.environment.gov.au/epbc/publications/environmental-management-plan-guidelines.

APPENDIX A: Preliminary documentation content, style and formatting requirements

A1. Content requirements	
A1.1	Be a stand-alone document/s containing sufficient information to avoid the need to search out previous or supplementary reports.
A1.2	Enable interested stakeholders and the Minister to easily understand the consequences of the project on MNES.
A1.3	Be written so that any conclusions reached can be independently assessed. Include all key claims, findings, proposals and undertakings.
A1.4	Refer to all relevant standards, policies and other guidance material published by the department. Any instances where published guidance is not followed must be justified. Where no Commonwealth standards exist, state government and industry standards may be useful.
A1.5	Include the names, roles and qualifications (where relevant) of all persons involved in preparing the preliminary documentation.
A1.6	Include a copy of this request for information and a cross-reference table indicating where the information fulfilling this request is included in the preliminary documentation (e.g., Section 4.2.2 and Appendix A, Chapter 2.1).
A1.7	The preliminary documentation must state the following for all information provided: • The source and date of the information. • How the reliability of the information was tested. • The uncertainties (if any) in the information. • The guidelines, plans, and/or policies considered.
A2. Format and style requirements	
A2.1	Be in a suitable format to be published in hardcopy (A4 or A3 size, with maps and diagrams in A4 or A3 size and in colour) and published in electronic format (e.g., MSWord or PDF) on the internet.
A2.2	Include detailed technical information, studies or investigations necessary to support the information in the stand-alone document as appendices.
A2.3	Be objective, clear, succinct, avoid technical jargon and, where appropriate, be supported by maps, plans, diagrams, data or other descriptive detail.

A2.4	Reference all sources using the Harvard standard of referencing. Ensure that other supporting documents (e.g., academic studies, regulatory standards) are publicly accessible, with electronic links provided where possible.
A2.5	Redact the contact details of departmental officers.
A2.6	Not contain any commercial in confidence markings. If the preliminary documentation contains sensitive information, please discuss this with the assessment officer.
A3. Ecological data provision	
A3.1	The further preliminary documentation must include an appendix of occurrence records (both sightings and evidence of presence) for identified MNES, above, and any other MNES encountered during field surveys for the proposed action. This data may be used by the department to update the relevant species distribution models that underpin the publicly available Protected Matters Search Tool (PMST).
A3.2	The species occurrence records must be provided in accordance with the department's *Guidelines for biological survey and mapped data* (2018). Sensitive ecological data must be identified and treated in accordance with the department's *Sensitive Ecological Data – Access and Management Policy V1.0* (2016) or subsequent revision.

APPENDIX B: Definitions to be considered in preparing Preliminary Documentation

Buffer zones

A buffer zone is an area adjacent to a patch of an ecological community or species habitat or wetland that is important for protecting the integrity of the biological and ecological requirements of the area. The purpose of a buffer zone is to minimise the risk of indirect impact by physically separating the patch from direct impacts and by identifying it to land managers. For instance, a buffer zone will help protect the root zone of edge trees and other components of the ecological community from spray drift (fertiliser, pesticide or herbicide sprayed in adjacent land), weed invasion, polluted water runoff and other damage. The best buffer zones are typically comprised of native vegetation.

Defining patches of a community or species habitat

A patch is a discrete and mostly continuous area of an ecological community or species habitat, as defined by the key diagnostics, but can include small-scale variations, gaps and disturbances that do not significantly alter the overall function of the patch. Permanent structures, such as roads and buildings, are typically excluded from a patch, although a patch may be considered continuous across or around them.

When it comes to defining a patch of an ecological community or species habitat allowances are made for 'breaks' between areas that meet the key diagnostics (e.g., a narrow strip of other native vegetation along a watercourse). The size of break that can be included within a patch without altering its overall function varies for different ecological communities and species – further guidance on a specific community may be provided in a conservation advice, policy statement or similar.

Variation in structure, quality or condition of vegetation across a patch of an ecological community or species habitat does not necessarily mean it should be split into multiple patches. For example, woodland communities often incorporate areas of derived native grassland, which should generally be considered as part of the same patch or for aquatic organism's waterbodies, drainage lines or tributaries within a catchment whether ephemeral or permanent that form a connected ecological habitat. Average quality across the largest area that meets the key diagnostics should be used in determining the overall condition of the ecological community. Where the average condition falls below the minimum condition thresholds for a patch as a whole, the largest area or areas that meet minimum condition thresholds should be identified as the patch or patches of the nationally listed ecological community.

Shapefile(s)

Shapefile(s) means locations and attribute information about the Action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' and a '. prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.