

Prepared for  
Australian Rail Track Corporation Ltd  
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# Environment Report

## Attachments

Inland Rail - Beveridge to Albury

# Attachment A

## DELWP Scoping Requirements



# Scope for the environment report under EPBC Act *Bilateral (Assessment) Agreement 2014 and EE Act*

ARTC's proposed  
Inland Rail – Beveridge to Albury

## 1 Background

The Australian Rail Track Corporation (ARTC) proposes to upgrade sections of the existing rail corridor from Beveridge to Albury, to provide passage for double-stacked freight trains. The project is part of the broader national program to create a freight route from Brisbane to Melbourne. The project is the only confirmed Victorian element of the program.

The project is predominantly located in an existing and active rail corridor, with exception of works being undertaken for overhead powerlines, which occurs mostly within electricity easements. The project works include a combination of track lowering, bridge raising, removal of footbridges, track slews (to move the rail track sideways), relocation or raising of signal gantries and modifications or relocations of overhead powerlines. Tracks will be lowered or bridges raised at 12 enhancement sites. Minor works to overhead powerlines, signal gantries and track slews will occur at approximately 130 additional sites along the route.

ARTC submitted referrals for Inland Rail – Beveridge to Albury under the *Environment Effects Act 1978* (EE Act) (EES referral 2020R-07) and under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (EPBC 2020/8721). The latter referral excluded Glenrowan and its national heritage impacts, which was the subject of another EPBC Act referral (EPBC 2020/8710) that was determined to be 'not a controlled action' and therefore no further assessment of this action is required under the EPBC Act. ARTC also excluded works at Murray Valley Highway from referral EPBC 2020/8721 on the basis that no impacts to EPBC-listed species or communities were identified.

On 23 August 2020, the Victorian Minister for Planning decided under the EE Act that an environment effects statement (EES) is not required for this project, subject to conditions being met to assess and manage specific impacts. The conditions require an environment report and an environmental management framework (EMF), informed by the findings and conclusions of the environment report, to the satisfaction of the Victorian Minister for Planning prior to the commencement of works. Both the environment report and EMF are to be prepared in consultation with the Department of Environment, Land, Water and Planning to address uncertainties about the extent of potential adverse environmental effects on native vegetation and biodiversity values, as well as the feasibility and effectiveness of avoidance and mitigation measures. The EMF will include a statement of all environmental commitments for the project.

On 18 August 2020, the project (action<sup>1</sup>) was determined to be a 'controlled action' under the EPBC Act by the Commonwealth Minister for the Environment's delegate, as it is likely to have a significant impact on listed threatened species and communities (sections 18 and 18A), a matter of national environmental significance (MNES) that is protected under Part 3 of the EPBC Act.

Assessment of the project under the EPBC Act is being undertaken by the State, via the accredited environmental report process, as set out in Schedule 1 (part 5) of the *Bilateral (Assessment) Agreement* between the Commonwealth and Victorian governments under section 45 of the EPBC Act (the *Bilateral Agreement*). This accredited state assessment process (environmental report) is being implemented under the EE Act and will help avoid process duplication and enable integrated and efficient consideration of related impacts on relevant Commonwealth and Victorian government matters, as well as improve alignment of the mitigation and approval requirements under the relevant Commonwealth and Victorian laws. As such, the environment report required

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<sup>1</sup> Under the EPBC Act, projects are considered as "actions". For the purposes of this document the term "project" also means "the action".

under the EE Act will need to meet assessment requirements set out by the Minister for Planning under the EE Act as well as the relevant Commonwealth matters identified for this controlled action (as set out in this document).

ARTC needs to prepare an environment report that sufficiently describes the project and assesses the likely relevant effects/impacts<sup>2</sup>, in particular, on native vegetation, habitat and biodiversity values associated with listed threatened species and communities, as well as describe any feasible alternatives and mitigation measures that could avoid or reduce relevant impacts. The report will also need to address matters technically beyond those formally required under the conditions set under the EE Act, to ensure it meets the requirement of the Bilateral Agreement. The required scope of the environment report to address these requirements (under both the Bilateral Agreement and EE Act conditions) is described in detail within this document.

Following ARTC's completion of the environment report (addressing all matters set out within this scope), to the satisfaction of the Victorian Minister for Planning, ARTC will be able to advertise the environment report for public comment, consistent with requirements under part 5 of the Bilateral Agreement.

Any submissions from the public on the advertised documentation must be addressed by ARTC in an addendum to the environment report (together called 'Assessment Documentation') and be submitted to the Minister for Planning to inform his assessment of the project's impacts.

At the conclusion of the accredited process, the Victorian Minister for Planning will provide an 'Assessment Report' to the Commonwealth Government Minister for the Environment, which will inform the Commonwealth's decision on whether the project is approved, refused or approved with conditions under the EPBC Act. The Assessment Report will also be considered by Victorian Government decision makers.

## 2 General content, format and style

The environment report should be 'stand alone' such that interested stakeholders and decision-makers can readily understand the significance of environmental impacts of the proposed development, in particular on matters of state and national environmental significance, without needing to search for supplementary reports, documents and references. Any information provided within the referral documentation can be incorporated as appropriate.

The environment report should be written so that any conclusions reached by ARTC can be independently checked i.e., the information and analysis should be objective, clear, succinct and, where appropriate, supported by maps, plans, diagrams or other descriptive detail. It should also include a concise executive summary. Detailed technical information, studies or investigations necessary to support the main text and assessment of relevant impacts should be attached as appendices.

ARTC should prepare documentation using a format and style that it is appropriate for publication on the internet to support access by the public during its public exhibition.

The documentation must use active, clear language and commitments (e.g. 'must' and 'will').

## 3 Plans, policies, guidelines and instruments

It is the proponent's responsibility to ensure that relevant documents, plans, policies and guidelines are identified, reviewed, analysed and their implications taken into account when analysing impacts in the environment report. This includes:

- Victoria's native vegetation removal regulations including the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017).
- Flora and Fauna Guarantee Act 1988 – Ecological community descriptions (Department of Environment, Land, Water and Planning, 2018).
- Victorian Government documents including action statements prepared under the *Flora and Fauna Guarantee Act 1988*.

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<sup>2</sup> See definition of impact, defined in section 82 of the EPBC Act.

# Scope for the environment report under EPBC Act Bilateral (Assessment) Agreement 2014 and EE Act

- *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, 2013).
- Commonwealth Government documents including listing advice, conservation advice, recovery plans and threat abatement plans for each relevant listed threatened species or community can be accessed at: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>.
- EPBC Act *Significant Impact Guidelines 1.1 - Matters of National Environmental Significance* (Department of the Environment, Water, Heritage and the Arts, 2013).
- EPBC Act Environmental Offsets Policy (Department of Sustainability, Environment, Water, Population and Communities, 2012).

## 4 Description of the project

The environment report should include details about the proposed action: its title, the name and postal address of the designated proponent, its objective, background to its development, its relationship to statutory policies, plans and strategies, including the justification for need for the project, how it relates to any other actions, its current status and implications of the project not proceeding.

The environment report must describe the project in sufficient detail to allow an understanding of all components, processes and development stages, and to enable assessment of their likely potential environmental effects. This should include the location of all works to be undertaken (including plans and maps) in relation to potentially affected environmental assets and elements of the action that may have impacts on matters of state or national environmental significance or may have social or economic impacts.

The description of the project must also describe how the works are to be undertaken (including staging, methods and timing for construction, rehabilitation and operation) and design parameters for those aspects of the structures, elements or operation that may have impacts.

## 5 Description of the environment and potential impacts

The environment report must provide a description of existing and planned land uses within, and in the vicinity of, the proposed project, supported by plans and maps. This description should include information on listed threatened species and ecological communities, as well as threatening processes that may be present in the vicinity of the site.

The environment report must include a description and assessment of the predicted environmental impacts on species and communities, particularly on matters of state and national environmental significance protected by controlling provisions of Part 3 of the EPBC Act and species and communities listed under the FFG Act and Victorian threatened species advisory lists. The information provided in the report should be detailed enough to provide a sound understanding of the nature of the impacts, including:

- a) Identify species or community records or potential habitat in and around the proposed action area and describe any connections with biodiversity values in the broader landscape that could be affected. Information must include maps indicating the distribution of matters of state or national environmental significance and associated habitat. Identify any disruption to habitat connectivity for listed fauna and communities.
- b) Describe targeted surveys and ecological investigations undertaken by suitably qualified persons in accordance with relevant survey guidelines in consultation with DELWP, to inform the prediction of potential environmental impacts of the project on native vegetation and biodiversity values.
- c) Describe survey methods, areas and timing, and present data and historical records used to identify and assess the environmental values on site. Survey data must be provided for the matters of state or national environmental significance.
- d) Assess the adequacy of any surveys undertaken including consideration of survey effort, timing, seasonal conditions and the extent to which these surveys followed DELWP and DAWE's scientific and policy guidance.

- e) Assess the quality and importance of known or potential habitat for the listed threatened species or communities in the proposed action area and surrounding areas, including for connectivity.
- f) Describe potential direct, indirect and cumulative impacts on matters of state or national environmental significance, including listed threatened species and communities, from the project.
- g) Assess potential cumulative impacts arising in conjunction with the impacts of other projects or actions that may affect the same environmental asset or assets.
- h) Discuss the likelihood of adverse effects as a result of proposed activities.
- i) Describe the methods used to predict potential environmental impacts including discussing uncertainty associated with these predictions or estimates.

### Listed threatened species and communities

The report must assess the direct and indirect impacts of the project on flora and fauna species and communities listed as threatened under the EPBC Act, FFG Act and/or Victorian threatened species advisory lists and their habitats, including but not limited to the following:

- Euroa Guinea-Flower (*Hibbertia humifusa* subsp. *erigens*)
- Mountain Swainson-pea (*Swainsona recta*)
- Purple Diuris (*Diuris punctata* var. *punctata*)
- Buloke (*Allocasuarina luehmannii*)
- Golden Sun Moth (*Synemon plana*)
- Sloane's Froglet (*Crinia sloanei*)
- Growling Grass Frog (*Litoria raniformis*)
- Swift Parrot (*Lathamus discolor*)
- Regent Honeyeater (*Anthochaera phrygia*)
- Painted Honeyeater (*Grantiella picta*)
- Striped Legless Lizard (*Delma impar*)
- Brush-tailed Phascogale (*Phascogale tapoatafa*)
- Squirrel Glider (*Anthochaera phrygia*)
- Barking Owl (*Ninox connivens*)
- Grey Box (*Eucalyptus macrocarpa*) Grassy Woodlands and Derived Native Grasslands of South-Eastern Australia ecological community listed under the EPBC Act
- Victorian Temperate Woodland Bird Community listed under the *Flora and Fauna Guarantee Act 1988*.

## 6 Details of proposed avoidance and mitigation measures and alternatives considered

The environment report must present design and mitigation measures that could substantially reduce and/or mitigate the likelihood, extent and/or duration of potential effects. All design and mitigation measures must apply the mitigation hierarchy, with justification of why higher order measures cannot be applied:

- Avoidance - measures taken to avoid creating adverse effects on the environment from the outset, such as careful spatial or temporal placement of infrastructure or disturbance.
- Minimisation - measures taken to reduce the duration, intensity and extent of impacts that cannot be avoided.

# Scope for the environment report under EPBC Act Bilateral (Assessment) Agreement 2014 and EE Act

- Rehabilitation/restoration - measures taken to improve a degraded environment following exposure to impacts that cannot be completely avoided or minimised.
- Offsets - measures taken to compensate for any residual, adverse impacts after full implementation of the previous three steps of the mitigation hierarchy.

The environment report must provide specific and detailed descriptions of the proposed avoidance and mitigation measures to be implemented during project construction, rehabilitation and operation, based on best available practices and must include:

- a) Demonstration of avoidance of vegetation removal to the maximum extent practicable, particularly where this supports habitat for matters of state or national environmental significance.
- b) Demonstration of the avoidance of large trees to the maximum extent practicable.
- c) Provision of a consolidated list of mitigation measures proposed to be undertaken to prevent or minimise impacts of the project on specific aspects/values or compensation measures.
- d) If salvage and translocation are proposed, identification and description of translocation sites, justification of their suitability and descriptions for monitoring of effectiveness.
- e) Provision of maps that illustrate the location of exclusion or protection zones and details about how these areas will be excluded or protected.
- f) Assessment of the expected effectiveness of avoidance and mitigation measures, including reduced environmental impacts.
- g) Provision of further management measures proposed where avoidance and mitigation measures do not adequately address effects on environmental assets, including specific details of how the measures address relevant policies.
- h) Outline of an EMF that provides for avoidance, management, mitigation, monitoring, auditing, reporting, corrective action, contingencies, responsibilities and timing in regard to impacts of the action on matters of state or national environmental significance.
- i) Discussion of the achievability of the measures proposed, including affordability.
- j) Details of any statutory or policy basis for the measures proposed.
- k) The agency responsible for endorsing or approving each mitigation measure or monitoring program.
- l) The predicted cost of the mitigation measures.

## Alternatives

The environment report must include, to the extent practicable, any feasible alternatives to the action that could avoid or reduce environmental impacts (such as alternative construction methods and siting), including:

- a) The alternative of not undertaking the project or only part of it.
- b) A comparative description of the impacts, advantages and disadvantages of any feasible alternative, including on the values of matters of state and national environmental significance.
- c) Sufficient detail to make clear why any alternative is preferred to another.

If there are no feasible alternatives to the action, please provide a justification addressing the alternatives that were looked at and why they were not feasible.

## 7 Social and economic

The environment report must identify the social and economic impacts (both positive and negative) of the proposed project, at local, regional, state and national levels. This may include:

- a) Insights into social and economic impacts from public consultation (see section 10).

- b) Employment opportunities expected to be generated by the project.
- c) Projected short-term and long-term social and economic costs and benefits of the project compared with no project.
- d) The basis for predicted costs and benefits.
- e) Social and economic costs and benefits of feasible alternatives identified in section 6.

## 8 Residual impacts and offsets

The environment report must also provide details of:

- a) Predicted residual impacts, including on matters of state and national environmental significance, and ecosystem function (including magnitude, extent and duration) after the proposed avoidance and mitigation measures are taken into account.
- b) Describe residual environmental impacts during construction, rehabilitation and operation of the project.
- c) Analyse the nature, extent and significance of direct, indirect and cumulative residual impacts on matters of state or national environmental significance, including potential short-term and long-term impacts and implications for habitat connectivity for threatened and protected species and for ecosystem function. For MNES refer to the Significant Impact Guidelines 1.1 - Matters of National Environmental Significance for guidance on the various types of impact that need to be considered. Analyse potential cumulative impacts of nearby and coinciding infrastructure projects (such as the Shepparton Line Upgrade and the North-East Rail Upgrade).
- d) Assess the significance of residual impacts that this proposed action may facilitate on matters of state or national environmental significance at the local, regional, state and national scale and their potential acceptability.
- e) The reasons why further avoidance or mitigation of impacts cannot reasonably be achieved.
- f) Any impacts that are likely to be unknown, unpredictable or irreversible.
- g) Justify all conclusions based on the best available information, including applicable conservation advices, recovery plans, threat abatement plans and guidance documents.
- h) Any offset package to compensate for significant residual impacts on matters of state or national environmental significance consistent with EPBC Act Environmental Offsets Policy (October 2012) and to meet Victorian native vegetation offset requirements including:
  - i. an offset proposal (an offset strategy) - a description of the offset site(s) including location, size, condition and evidence of MNES and other environmental values present, justification of how the offsets meet the EPBC Act Environmental Offsets Policy and the Victorian *Guidelines for the removal, destruction or lopping of native vegetation*, and an assessment (and justification for each input used) of the offset site(s) using DAWE's Offset Assessment Guide available at: [www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy](http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy);
  - ii. key commitments and management actions for delivering and implementing proposed offsets (an offset management plan) - details on how the offset will be secured, managed, monitored, including management actions, responsibility, timing and performance criteria, and specific environmental outcomes to be achieved from management measures.

## 9 Other approvals and conditions

The environment report must include information on any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed project. This must include:

- a) Details of any Victorian planning scheme or other statutory plan, policy or strategy relevant to the proposed project, including:



# Scope for the environment report under EPBC Act Bilateral (Assessment) Agreement 2014 and EE Act

- i. what environmental assessment of the proposed project is required under the scheme, plan, policy or strategy;
  - ii. how the scheme, plan, policy or strategy provides for the prevention, minimisation and management of any relevant impacts;
  - iii. requirements of Clause 52.17 Native Vegetation of the Victorian Planning Provisions; and
  - iv. the environmental overlays that apply to the land (such as VPO, ESO, SLO, HO with tree controls, EMO and any others), the vegetation required to be removed in these overlay areas and whether this vegetation removal would normally trigger a planning permit. If a planning permit would normally be required for the vegetation removal then an assessment against the objectives of the overlay and response to the decision guidelines as applicable is required
- b) A description of any project approval that has been obtained from a Commonwealth or Victorian government agency or authority, including any conditions that apply to the project.
  - c) A statement identifying any additional approvals that are required.
  - d) A description of the monitoring, audit and review procedures that apply, or are proposed to apply, to the project.

## 10 Consultation

The environment report must include information relating to any consultation undertaken about the project, including:

- a) Any consultation that has already taken place.
- b) Proposed consultation about impacts of the project.
- c) If there has been consultation about the proposed project, any response to, or result of, the consultation.
- d) Identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.

## 11 Environmental record of organisation proposing to undertake the project

The environment report must include details of any proceedings under a Commonwealth or Victorian law for the protection of the environment or the conservation and sustainable use of natural resources against the organisation proposing to take the project.

The proponent organisation's environmental policy and planning framework must be described.

## 12 Conclusion

The environment report must provide an overall conclusion as to the environmental acceptability of the proposal, including discussion on compliance with the principles of ecologically sustainable development (ESD) and the objects and requirements of the EPBC Act. Reasons that justify undertaking the proposal in the manner proposed should also be outlined.

## 13 Information sources provided in the environment report

For information provided or referenced in the environment report, state the date, source and reliability of the information as well as any uncertainties you are aware of.