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**REASONS FOR DECISION UNDER *ENVIRONMENT EFFECTS ACT 1978*
(REFERRAL NUMBER 2021-R05)**

Proponent

Rail Projects Victoria

Project

Melbourne Airport Rail

Description

The project comprises approximately 11 kilometres of new linear infrastructure extending from a new railway station at Melbourne Airport through to Sunshine Station via the Albion-Jacana rail corridor. Project works include:

- the upgrade of existing tracks and signalling services between Newport, Footscray and St Albans;
- 1.8 km of new elevated tracks between Sunshine and St Albans;
- 2.3 km of new elevated tracks between Sharps Road, Tullamarine and the Albion-Jacana rail corridor; and
- 8 km of new duplicate tracks and associated signalling services along the Albion-Jacana rail corridor.

Decision

The Minister for Planning has decided that an environment effects statement (EES) is not required for the Melbourne Airport Rail, as described in the referral accepted on 20 October 2021, subject to the following conditions:

1. An environment report must be prepared in consultation with DELWP and completed to the satisfaction of the Minister for Planning, prior to the commencement of project works. The report needs to examine and document the following:
 - a) The predicted impacts (direct and indirect) of the project works on threatened biodiversity values, particularly associated with:
 - listed species of flora and fauna (under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999*);
 - listed communities (under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999*);
 - disruption to habitat connectivity for relevant listed species of flora and fauna; and
 - habitat values of modified environments that may support threatened flora and fauna species.
 - b) Project design refinements or configurations that further avoid and minimise significant adverse environmental effects on threatened biodiversity values, including locations and extent of no-go zones to avoid, minimise and mitigate potential impacts on biodiversity values examined in the report.
 - c) Mapping that clarifies the potential locations of proposed project infrastructure, project works and construction, as well as predicted environmental impacts and key environmental assets and values to be avoided (i.e. including no-go zones).
 - d) Targeted surveys for threatened flora and fauna, particularly in areas of modified vegetation, 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 biodiversity values.

- e) The approach to staging (approval and delivery) of preferred configuration of project works.
2. The environment report (condition (1)) is to be completed in order to inform the project (or project sections/ components) to be examined through planning processes under the *Planning and Environment Act 1987*. The environment report may be completed and submitted in stages, to correspond with project sections/ components of the project works proposed to be delivered in stages.
3. An environmental management framework (EMF) for the project, informed by the findings and conclusions of the environmental report, including location of no-go zones, must be completed by the proponent to the satisfaction of the Minister for Planning prior to the commencement of project works. The EMF needs to be prepared in consultation with DELWP and articulate key environmental outcomes and management of residual environmental effects (e.g. location of no go zones).

Reasons

- With the exception of effects on threatened biodiversity values, the environmental effects of the project are unlikely to be of significance and complexity that warrant assessment under the *Environment Effects Act*.
- The project has effectively avoided high value native vegetation, but there remains uncertainty about the extent to which threatened species of flora and fauna persist in modified natural environments. Further targeted assessment is required to understand the extent of these areas of modified environments, their habitat values and what avoidance, mitigations and offset arrangements may be required.
- The conditions set out through this decision provide the most appropriate means for examining these specific effects on biodiversity values and the associated uncertainties. They will also enable examination of the adequacy of the measures proposed to avoid and mitigation impacts in the context of the relevant policy and regulatory environments.
- Potentially adverse effects on Aboriginal cultural heritage and historic heritage can be addressed through the statutory process under the *Aboriginal Heritage Act 2006* and the *Heritage Act 2006*.
- Other potential effects can be readily addressed through respective statutory requirements under the *Planning and Environment Act 1987*, *Environment Protection Act 2017* and *Water Act 1989*.

Date of Decision:

5/12/21