



Notification of

REFERRAL DECISION – not controlled action if undertaken in a particular manner

Gippsland Line Upgrade Corridor Works, Longwarry East to Traralgon, Victoria (EPBC 2019/8564)

This decision is made under sections 75 and 77A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).


Proposed action

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| person named in the referral | Department of Transport ABN: 69 981 208 782 |
| proposed action | To upgrade the rail line between Longwarry East and Traralgon, Gippsland Railway Corridor, Victoria [See EPBC Act referral 2019/8564]. |

Referral decision: Not a controlled action if undertaken in a particular manner

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| status of proposed action | The proposed action is not a controlled action provided it is undertaken in the manner set out in this decision. |
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Person authorised to make decision

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| Name and position | Declan O'Connor-Cox A/g Assistant Secretary Assessments (Victoria and Tasmania) and Post Approvals |
| signature |  |
| date of decision | 13 August 2020 |

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| manner in which proposed action must be taken | The following measures must be taken to avoid significant impacts on Listed threatened species and communities (sections 18 & 18A) |
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Measures to protect the Giant Gippsland Earthworm (*Megascolides australis*)

1. 'Areas of Constraint: Giant Gippsland Earthworm' will be clearly marked on all relevant site maps and within these areas the following will be implemented:
 - a. a qualified spotter will be employed and present at all works undertaken.
 - b. no works will be carried out between September and December (inclusive).
 - c. no works will occur during and immediately after heavy rainfall periods that result in areas of standing water or saturated soil.
 - d. signalling construction methods will be limited to **trenchless construction** and above ground construction. Signalling cables will be positioned in areas unlikely to support Giant Gippsland Earthworm, including in disturbed areas as close to the railway line and ballast as possible, and in areas that remain dry all year round.
 - e. to avoid alterations to local hydrology and drainage within or adjacent to habitat for the Giant Gippsland Earthworm, all surface contours will be restored to the same levels as preconstruction.
 - f. revegetation works undertaken will be undertaken in accordance with *Revegetation Guidelines for Giant Gippsland Earthworm*.
2. In the event that a Giant Gippsland Earthworm is unearthed, the procedures in the *Guidelines for the Accidental Unearthing of Giant Gippsland Earthworm* will be followed.

Measures to protect the Matted Flax-lily (*Dianella amoena*) and Strzelecki Gum (*Eucalyptus strzeleckii*)

3. **No Go Zones** will be **fenced** prior to commencement of **construction**.
4. **Construction** activities, vehicles, machinery or equipment, including lay down of materials will be prohibited within all **fenced No Go Zones**.
5. Only foot access by authorised personnel who are accompanied by a qualified ecologist, and for the purpose of guiding bores in **No Go Zones**, is permitted.
6. **Tree Protection Zones** will be established and will only be reduced under the guidance of an appropriately qualified arborist and where an existing cleared access track or hardstand area is present.

Measures to protect the Australian Grayling (*Prototroctes maraena*) and Dwarf Galaxias (*Galaxiella pusilla*)

7. No permanent barriers to instream migration will be constructed.
 8. No direct works, particularly construction of instream structures, within or adjacent to potential habitat for the Australian Grayling and Dwarf Galaxias, including any low flow river channels or the extended low flow river channels will be undertaken during higher flow events between April to June (inclusive) and September to November (inclusive).
 9. A dry worksite must be established prior to **construction** using a temporary coffer dam or other method that demonstrates minimal impact on the waterway.
 10. If relining of culverts at the Morwell River bridge is required and temporary coffer dams are established, two of the four culverts can be relined at the same time and staged in two phases.
 11. **Construction** is to be undertaken over a four-week period and upon completion of construction, the infrastructure will be removed from the Morwell River.
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Definitions:

Above ground construction is a construction method where cables are laid above ground and attached to existing infrastructure so there is no excavation or disturbance within 30 metres of creek banks.

Areas of Constraint: Giant Gippsland Earthworm means areas identified as 'Giant Gippsland Earthworm Habitat (potential)' on Maps 1 to 137 provided at Attachment E to the referral (EPBC 2019/8564).

Construction means all physical works associated with the proposed action, including any preparatory works required to be undertaken, but excluding the installation of temporary fences and signage.

Fenced means fencing that is high-visibility mesh bunting or temporary construction fencing (including erosion fencing if necessary) and included on all site maps. The area must be signed as a 'No Go Zone'. Fencing must enable fauna to move through areas of mapped habitat.

Guidelines for the Accidental Unearthing of Giant Gippsland Earthworm is the publication by South Gippsland Shire Council, *Guidelines For The Accidental Unearthing Of Giant Gippsland Earthworms, Protection of Giant Gippsland Earthworm and Habitat Areas*, November, 2015 which provides guidance on the protocol to be followed if undetected populations of the Giant Gippsland Earthworm are accidentally unearthed during project works. This documentation can be found at the following link:

http://www.southgippsland.vic.gov.au/download/downloads/id/1346/guidelines_for_the_accidental_unearthing_of_giant_gippsland_earthworms.pdf

No Go Zone is an area identified as Matted Flax-lily Habitat (potential) or Strzelecki Gum in Maps 1 to 137, provided at Attachment E to the referral (EPBC 2019/8564).

Revegetation Guidelines for Giant Gippsland Earthworm is the publication by Dr. Beverley Van Praagh (BSc. PhD.), *Protecting Giant Gippsland Earthworm Habitat - guidelines for revegetation and plantation projects*, Fact Sheet No.2, April 2014 which provides guidance on how to revegetate areas known to be habitat for the Giant Gippsland Earthworm. This documentation can be found at the following link:

<http://www.giantearthworm.org.au/sitefiles/fact-sheet2.pdf>

Spotter is a person qualified to undertake rescue and release protocols in accordance with the *Guidelines for the Accidental Unearthing of Giant Gippsland Earthworm* should any Giant Gippsland Earthworms be uncovered during excavation works.

Tree Protection Zones are areas surrounding trees that isolate them from construction disturbance. Defined in the *AS4970 - Protection of trees on development sites* (Australian Standards 2009).

Trenchless construction is a construction method that involves drilling a tunnel beneath the bed and banks of the waterway or habitat into which the pipeline can be installed. Requirements for Horizontal Direction Drilling in Areas of Constraint include a minimum depth of 3 metres from the soil surface and a minimum 30m buffer between the edge of the **Area of Constraint** and the excavation of launching and receival pits.
