

Grassy Plains Network and VNPA response to:
Preliminary Documentation, Birregurra-Ombersley Poultry
Farm and associated infrastructure upgrades: EPBC
referral 2025/10098



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Contact:
Adrian Marshall
Facilitator, Grassy Plains Network Victorian
National Parks Association
adrian@vnpa.org.au
0413 757 173

1. Executive summary

1.1. Who we are

The Victorian National Parks Association (VNPA) is one of Victoria's leading nature conservation organisations. It is an independent, non-profit, membership-based group, which for 70 years has existed to protect Victoria's unique natural environment and biodiversity through the establishment and effective management of national parks, conservation reserves and other measures.

The Grassy Plains Network represents land management professionals, academics, ecologists and community members concerned about the ongoing decline of grassy ecosystems across Melbourne and its surrounds. We advocate for improved grassland protection and management. We are part of the VNPA.

1.2. Summary

The project area of the development encompasses potential habitat of numerous EPBC listed species. Targeted surveys have only been conducted for one of these species (the Striped Legless Lizard) in a small portion of the total project area (2.4ha out of 145.9ha). A more thorough assessment of the project area's flora and fauna needs to be conducted. The proposed management actions including the offset and salvage method need to be reviewed to ensure that the protection of Striped Legless Lizards is prioritised.

1.3. Key points

- More surveying, at the appropriate time and under appropriate conditions, is required for the following listed flora and fauna in order to provide an appropriate level of understanding of the risks the project poses to Matters of National Environmental Significance:
 - Growling Grass Frog *Litoria raniformis*
 - Swamp Wallaby Grass *Amphibromus fluitans*
 - Matted Flax-lily *Dianella amoena*
 - Clover Glycine *Glycine clandestina*
 - Pale Swamp Everlasting *Coronidium gunnianum*
 - Purple Blown-grass *Lachnagrostis semibarbata* var. *filifolia*
 - Purple Blown-grass *Lachnagrostis semibarbata* var. *semibarbata*
- Concern for the interference with Growling Grass Frog (Growling Grass Frog) movement corridors with potholes, parking of equipment and Chytrid Fungus.
- Surveys for Seasonal Herbaceous Wetland are insufficient and therefore proposed measures are not accounting for potential wetlands across the site. This includes HZ22.
- A transparent offset process needs to occur to ensure that the habitat is adequately represented, and Striped Legless Lizard protected.
- The need for ongoing management and monitoring of the selected offset area to ensure that the area is providing suitable habitat for Striped Legless Lizard.
- Reconsideration of salvage as the scrape method could result in injury of Striped Legless Lizard and a low number of individuals found to be relocated.

2. Issues

2.1. Striped Legless Lizard

The proposed project will result in a total loss of 1.255 hectares of Striped Legless Lizard habitat.

It is important to recognise that the listing advice states: “All populations of the Striped Legless Lizard are likely to be important for the species recovery.”

DCC EWW have stated that “the permanent loss of known habitat supporting an important population constitutes a residual significant impact requiring offsets”. The decision that the loss of the known Striped Legless Lizard habitat within the project site is ‘unlikely’ to result in species decline is therefore unacceptable.

The Striped Legless Lizard population present gains greater significance when we recognise that it is close to the southern limit of known or likely Striped Legless Lizard habitat distribution.

The assessment of habitat condition ‘from the boundary fence’ of Acciona Wind Farm is not an appropriate method of determining Striped Legless Lizard habitat and presence. The claim that the poultry farm infrastructure will not fragment Striped Legless Lizard populations is therefore baseless as populations of Striped Legless Lizard are unknown. Surveys for the lizard have only been conducted in 2.4 hectares out of 145.9 hectares of the total project area and therefore their total area of distribution is unknown.

An area with known Striped Legless Lizard habitat confirmed by extensive surveys should be prioritised for the offset zone. The amount of soil cracking at the potential revegetation site being indicated as ‘some’ is a concern especially in conjunction with the current cattle trampling. A site with high levels of cracked soils would be preferable.

Ideally, any offset site should occur within the identified ‘high quality grasslands’ within the southern part of Acciona Windfarm. This should only occur following survey for Striped Legless Lizard to ensure the ongoing protection of any population present from future development, disturbances and fragmentation.

If the offset is to occur on the proposed north-east of the poultry farm, then revegetation should be best-practice seed-based restoration that encompasses a rich diversity of locally vascular indigenous species not limited to grasses.

There are additional issues with the way the offsetting has been calculated. Offsetting should be conducted transparently to form a framework that is agreed upon from relevant stakeholders and experts to ensure the appropriate offset is set for the amount and degree of disturbed habitat.

There is currently limited ongoing management and restoration plans outlined for the revegetation zone with only ‘two monitoring inspections’ over the first- and second-year post construction. Details of what the monitoring inspections would include need to be outlined. There needs to be ongoing research, including ongoing Striped Legless Lizard surveys, to ensure this area is providing suitable habitat for Striped Legless Lizard into the future especially with relocations occurring. Clear alternative offset options need to be provided and pursued if the area isn’t providing habitat for Striped Legless Lizard.

The chosen salvage method of scraping the top layer of soil is a brutal method of removing Striped Legless Lizard and other species. This method poses a high level of risk including injury or death of individual Striped Legless Lizard and other species. Alternatives such as placing tiles and pitfall across the impact footprint at the correct time of year would prioritise their safety. This method would allow for direct repetitive sampling which could increase the number of individuals found and the success of the overall population.

2.3. Growling Grass Frog

The impact of the pipeline cannot be listed as 'indirect' on the Growling Grass Frog when surveys have not been conducted along the proposed pipeline area.

The Growling Grass Frog is known to move up to 200m from waterways, which means that even with the realignment of the pipeline there are still potential direct impacts.

Targeted Growling Grass Frog surveys should therefore be conducted along the pipeline footprint to ensure that all populations are known.

The route of the pipeline has been realigned, however associated impacts including potholes and parking of construction equipment will still be occurring within the known movement corridor. Fragmentation of habitat is a leading contributor of Growling Grass Frog decline and so protection of movement corridors should therefore be prioritised.

The potholes within the known movement corridor are a disturbance that could greatly degrade the functionality of these corridors. The approval by the 'superintendent or their delegate' prior to excavation is not sufficient as it is not ecologically guided and thus does not prevent these impacts from occurring.

The statement that 'as far as reasonably practical construction equipment is to be parked on the opposite side of the road' does not protect the movement corridor. No vehicles should be parked within the movement corridor at any stage as this may interfere with the purpose of the corridor and population of known Growling Grass Frog.

High level hygiene measures are not in place despite the proximity to known Growling Grass Frog habitat, potential parking of construction equipment and potholes within the movement corridor. Chytrid fungus is a major concern, thus, high level hygiene practices should still be in place.

Pipeline construction should also be planned around the Growling Grass Frog breeding season to avoid disturbance.

2.4. EPBC Listed Flora and EVCs

The following matters have not been addressed and have hence been reinstated below.

The ecological consultant identified there is a medium to high likelihood of two EPBC listed and five FFG listed flora species occurring within the project area of the poultry farm (see Table 1).

The Fauna and Flora Assessment was conducted in autumn which is an inappropriate time to be surveying for these threatened species. Despite acknowledging this fact, the ecological consultant suggests further flora surveys are not needed due to degradation from grazing. This is disappointing.

It is not enough to just assume these threatened species are not present. Surveys for these threatened species need to be conducted at the correct time to ensure they are not missed. There are many instances of striking flora discoveries when heavily grazed grasslands have subsequently been left ungrazed.

Surveys for the vulnerable Swamp Wallaby Grass *Amphibromus fluitans* should be conducted. Though current plans avoid disturbing where the species was found, it is important to know of the species existence on the Birregurra Creek so it can be managed effectively.

2.6. Seasonal Herbaceous Wetlands

The use of exclusion fencing to protect the known Seasonal Herbaceous Wetlands is now included in the project documentation, which is commendable.

However, the site has not been adequately surveyed to ensure all areas of Seasonal Herbaceous Wetlands are known, as mentioned in our previous submission.

It is important to recognise that Seasonal Herbaceous Wetlands are often difficult to identify. The listing advice notes that:

This [the best time to make observations] will usually be spring to early summer but can vary depending on the rainfall pattern within seasons.

Surveys should be postponed if the wetland vegetation has been recently modified e.g. grazed or mown. (Listing advice, p15).

Given the extent of grazing, the lack of removal of grazing, and the known presence of Seasonal Herbaceous Wetlands, it would be wise to survey again for Seasonal Herbaceous Wetlands in more appropriate conditions.

Table 1. Listed species with medium to high likelihood of presence on poultry farm property		
Species	EPBC listing	FFG Listing
Matted Flax-lily <i>Dianella amoena</i>	Endangered	Critically endangered
Clover Glycine <i>Glycine clandestina</i>	Vulnerable	Vulnerable
Pale Swamp Everlasting <i>Coronidium gunnianum</i>	N/A	Critically endangered
Purple Blown-grass <i>Lachnagrostis semibarbata</i> var. <i>filifolia</i>	N/A	Endangered
Purple Blown-grass <i>Lachnagrostis semibarbata</i> var. <i>semibarbata</i>	N/A	Endangered

A potential Swamp Wallaby Grass (*Amphibromus fluitans*), vulnerable under the EPBC Act, was found on the Birregurra Creek during the Fauna and Flora Assessment for the pipeline construction. As the current plans will not disturb the creek, further surveys were deemed unnecessary. However, it is important for targeted surveys to be undertaken to determine

the presence of this threatened species in the broader area so that it can be managed properly.

The small Seasonal Herbaceous Wetlands area HZ22 is inhabited by a quality array of indigenous flora but does not meet the size requirement for EPBC protection as a Seasonal Herbaceous Wetland. Any remnant of a critically endangered ecological community is of critical importance in a landscape where the great majority of native vegetation has been cleared. Therefore, further steps should be taken to protect this area, e.g. through the use of directional boring.

Similarly, directional boring should be used where patches of Plains Sedgy Wetland EVC 647 have been identified along the planned pipeline, so as to avoid damaging these vegetation patches.