VICTORIAN NATIONAL PARKS ASSOCIATION
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Grassy Plains Network

Grassy Plains Network and VNPA submission regarding Preliminary Documentation Somerton Intermodal Terminal, EPBC 20230-9728

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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 is an independent organisation representing land management professionals, academics, ecologists and community members concerned about the ongoing decline of grassy ecosystems across Victoria. We advocate for improved grassland protection and management. We are part of the VNPA.

2. Key points

This is a project that has the Commonwealth and the Victorian government as partners. As such, we expect integrity. Yet that has not been the case. What has so far transpired is very unusual, to say the least.

The proponent has illegally cleared native vegetation on site.

There have been no (publicly documented) punitive actions in response to that illegal clearing.

The proponent is proposing to simply offset the illegal clearing. To do so subverts the EPBC process, and sends a clear message to others that illegal clearing is condoned. Are the Commonwealth and Victorian governments above the law here? Is this another case of "Building Bad"? The government is making its own homework. Independent, trustworthy oversight appears to be absent.

The proponent has built on large areas of the site despite no approval being given to this controlled action (Fig. 1, 2). The site is now an operation intermodal freight hub. Our understanding is that this is illegal. If it is legal, the mechanism for that legality should be clearly explained.

Activity is ongoing at the site which may be causing harm to remaining Matters of National Environmental Significance, including Grassy Eucalypt Woodland of the Victorian Volcanic Plain and Striped Legless Lizard.

No thorough effort has been made to secure a suitable offset for the clearing of Grassy Eucalypt Woodland of the Victorian Volcanic Plain. A more thorough search needs to be made. All the emails provided as demonstration of the lack of an offset are dated 2024, which shows a poor lack of persistence by the proponent. It is crucially important that offsets are like for like. The proposed Woodland offset is technically inappropriate and the proponent should be required to do better. We commend NEPA's ruling that the proposed offset is not a direct offset.

The fact that no appropriate offset can be found speaks to the importance of avoidance when it comes to Grassy Eucalypt Woodland of the Victorian Volcanic Plain. However, due to their illegal clearing, the proponent has obviated that more ecologically responsible pathway.

The alternative additional offset proposed, which is to fund works at a Parks Victoria reserve, however worthy, is doing the work that Parks Victoria should be doing. It is one part of the

government giving money to another part of the government to make up for that part of the government's own environmental management failings.

These alternative offsets are generally poor outcomes, in that they are not like for like offsets, and they should only be used in the most extreme circumstances. We welcome the fact that they are limited to 10% of the total cost, but we note that cost calculations have not been provided.

If NEPA are of the mind that an alternative offset is required, then we note that funding improvement works to an existing reserve does not increase the protection of this Critically Endangered ecosystem. Purchase of Grassy Eucalypt Woodland of the Victorian Volcanic Plain would be a much more appropriate outcome. Another suitable outcome would be to fund the conservation work of a suitable NGO, such as was done to create the position of Pimelea Conservation Officer at Trust for Nature.

Beyond these extraordinary issues, a range of more typical issues remain. These have been well-detailed in the Real Gain for Nature submission, and we only highlight issues here:

- Surveys have been inadequate.
- Information necessary for evidenced-based decision making has not been provided.
- Offset calculations are skewed in favour of minimising offsets.
- There is no avoidance, and insufficient evidence put forward for that failure to avoid.

The way this project has proceeded to date shows disappointing governance and contempt for EPBC-listed communities, species and the due processes of the law. Nature is being trashed with impunity and this undermines the integrity of the EPBC process.

The outcomes to date suggest public–private partnerships are above the law when it comes to compliance with the EPBC Act.

We urge NEPA to:

- Undertake a detailed investigation into the proponent's culpability with respect to the illegal clearing and the illegal construction on site. The findings of that investigation should be made public to restore trust.
- Enforce real consequences for the guilty parties, and to make those outcomes public.
- Halt all activities at Somerton Intermodal until such investigations and the consequent compliance are resolved.
- Insist on the further information necessary for an evidenced-based decision to be reasonably made regarding the Matters of National Environmental Significance associated with the proposal.
- Ensure offsets are appropriate.



Fig. 1: Nearmap, 1 December 2024.



Fig. 2: Nearmap 22 October 2026, showing extensive concreting and stockpiling.