

Our ref 450/01766  
Your ref EPBC 2020/8803  
Enquiries

Department of  
**Transport and Main Roads**

22 December 2020

Mr Mike Smith  
GPO Box 787 Canberra ACT 2601

Dear Mr Smith,

**RE: Beerburrum to Nambour Rail Upgrade Project, Queensland (EPBC 2020/8803)**

Further to correspondence received by DTMR on 10<sup>th</sup> December 2020 and subsequent discussions between your Carl Menke and DTMR's delegates on Friday the 17<sup>th</sup> December 2020, DTMR would like to re-activate the referral decision timeframe (i.e. the remaining 4 days) for this matter. DTMR also agree to the request by DAWE to extend the referral decision timeframe by 10 business days, however request that an earlier decision is provided if possible.

DTMR confirms that it would like to proceed with Option 1 as outlined in your letter, that is, to include the early works as part of the referred action.

This is a formal request, made under section 156 A(1) of the EPBC Act, to vary the EPBC referral proposal (EPBC 2020/8803). The request is to include the B2N Early Works as part of the referred action. Additional information to support this request, and in response to the other points in the DAWE letter, is attached.

Should the Minister determine the proposed action is controlled, we are seeking the Minister's consideration to allow the early works to commence in early February 2021, before the controlled action is approved.

Yours sincerely



Ms Leah McKenzie  
Deputy Regional Director

Enc  
(Response to additional information request)  
(Attachment A)

## Response to Additional Information Request

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This response is to assist the Department of Agriculture, Water and the Environment (DAWE) in its recommendation to the Minister (or delegate) on whether to accept the B2N referral (EPBC 2020/8803) and proceed to make a referral decision. Additional to the information requested in the DAWE letter dated 10th December 2020, is a check against the EPBC Policy Statement Staged Developments—Split referrals: Section 74A of the EPBC Act and a check against the objects of the EPBC Act. This is ATTACHMENT A. The early works footprint has also been included in ATTACHMENT B, in a GIS layer, to further inform the Department's assessment of the impact on MNES from these works

The following statement was made in the DAWE letter dated 10<sup>th</sup> December 2020:

"The Department understand that early works may result in the loss of remnant and regrowth habitat which is considered likely Koala habitat and based on a self-assessment, DTMR are of the view that this will not result in a significant impact on protected matters. The Department notes however that this area of habitat is part of a contiguous patch of Koala habitat within the broader referral footprint, and impacts to this area should be considered in its entirety."

TMR notes that, the small patches of habitat to be cleared for the early works (in particular for Steve Irwin Way and the clearing in the road/rail corridor for utility realignment) are located to the east of the existing rail and/or road corridors which may form an existing barrier, consistent with the definition of a barrier in the EPBC Act Referral Guideline for the Vulnerable Koala. It is acknowledged that these corridors may not form a complete barrier as Koalas may still be able to cross in the absence of Koala proof fencing. There are areas of contiguous habitat to the west of the existing rail corridor as part of Glass House Mountains National Park. To the east of the early works is cleared agricultural land (approximately 300m width), some areas of Koala habitat, and existing development including a quarry and exotic pine forest. The landscape context is shown in Figure 1 of this response. Due to the very small, disturbed and fragmented areas of vegetation to be cleared for the early works this is not expected to significantly increase fragmentation of Koala habitat in this location. Further detail about potential impacts, including the habitat assessment tool for the early works is provided below in response to Question 2 of the information request.

**1. Project critical timeframes and details on consequences of early works not being undertaken in early 2021**

1.1. The B2N project (the project) critical timeframes include:

Early works contract awarded	30/11/2020 (actual)
Early works construction start	18/01/2021
Stage 1 contract tender start	6/05/2021
Stage 1 contract award	31/03/2022
Stage 1 design start	01/06/2022
Early works road works complete	08/06/2022
Stage 1 site works commence	01/07/2022
Stage 1 construction complete	09/06/2025
Infrastructure operational	09/06/2025
<b>Latest date for early works to start without impacting the program</b>	<b>08/02/2021</b>

1.2. Consequences should works not begin by 8 February 2021:

- a) Delays to accessing the works on Steve Irwin Way, resulting in delays to early works contractor's program and delay of the tender for Stage 1 (critical path). Costs up to \$65,000 per day
- b) Delays to Stage 1 program
- c) Potential loss of up to 100 local jobs if the referral cannot be resolved expeditiously (core workforce, staff and subcontractors)
- d) Reputational damage for TMR
- e) Impacts to timelines widely communicated to community and media (for example, construction commencement early 2021)
- f) Inefficient use of public money. The Australian Government has committed funding for this project and requested that this project is not delayed
- g) Potential termination of early works contract and restart of new procurement process later
- h) Relationship damage between stakeholders
- i) Disgruntled property owners/former tenants, affected by resumption and termination of leases aligned to a timeframe which significantly changes; exacerbated by current COVID-affected rental market with extremely low vacancy rates
- j) Consequences to planned services relocation impacting on relationships with providers
- k) Community repercussions of delayed delivery of much needed infrastructure
- l) Loss of resources due to current railway projects demand
- m) Delay in realising the benefits of the full infrastructure operation

## **2. Confirmation on how much habitat is likely to be impacted as a result of the proposed early works and a discussion on the potential for indirect impacts and edge effects.**

Early works include geotechnical investigations, topographic ground surface surveys, realignment of a portion of Steve Irwin Way with associated public utility plant relocations and provision of additional parking spaces at Landsborough and Nambour Stations.

Appendix B of the Commonwealth Matters Ecological Report provides an assessment of impacts to MNES from the early works. This was updated in the response to Information Request #1, and has been updated again below, to reflect a recent update to the early works design footprint (which has resulted in minor changes to the area of impact) and to clarify the methods and approach used in the assessment. The works were assessed through desktop and/or field assessment to identify environmental values, impacts and mitigation.

A full explanation of the methodology used to map Koala habitat was provided in our response to the previous Information Request from DAWE, which was issued on 23 November 2020. This method has been applied to the early works and is summarised below:

- Based on the results of the ecological field investigations, aerial imagery and review of habitat mapping available for the survey area as supporting desktop information (i.e. State regional ecosystem [RE] mapping, essential habitat mapping and State Koala habitat mapping for Southeast Queensland), critical Koala habitat values were mapped for the study area consistent and in accordance with the EPBC Act Referral Guidelines for the Vulnerable Koala.
- The habitat assessment score (Table 4 in the EPBC Act Referral Guidelines for the Vulnerable Koala) for the early works is 5 as demonstrated in the table below indicating the impact area of the early works contains marginal quality habitat critical to the survival of the Koala.
- The State Koala habitat mapping was used as a desktop information source for what is already known about Koala habitat values in the project boundary. The State mapping of Core Koala Habitat represents the best quality Koala habitat areas, based on modelling of biophysical measures including climate, suitable vegetation for both food and shelter, and Koala sighting records. Therefore, this mapping was used to identify areas that would constitute habitat critical to the survival of the Koala.
- As raised by DAWE in discussions about this Information Request response (18/12/2020), Locally Refined Koala Habitat under State mapping should also be considered when identifying habitat critical to the survival of the Koala. The early works impact area has been reviewed to identify areas mapped as Locally Refined Koala Habitat, and identified 0.5 hectares in the road/rail corridor that will be impacted by utility relocation. This has been factored into the areas described below.
- Not all areas of Koala habitat present would constitute 'habitat critical to the survival of the species'. Much of the vegetation impacted by the early works generally consists of agricultural land, non-remnant vegetation, plantings or areas dominated by exotic plants, and disturbed area like road verges.
- Therefore, the assessment has included consideration of other potential Koala habitat in the early works boundary (considered to be of low value and not critical to the survival of the species). Noting that the EPBC Referral Guideline for the Vulnerable Koala includes a broad definition of Koala habitat (which is distinct from the definition of habitat critical to the

survival of the Koala) and may include remnant and non-remnant vegetation in natural, agricultural, urban and peri-urban environments. These other Koala habitat areas were mapped with reference to aerial photography and included all vegetated patches (this is expected to be conservative as not all vegetation within the early works boundary would contain Koala food trees).

- The assessment also considered the site-specific attributes of the project area as discussed above, i.e. existing fragmentation and large proportion of modified/developed area, existing lack of connectivity, low density and abundance of Koala evidenced from Koala surveys, and vegetation impacts being to the edges of vegetation patches along the alignment (not broad-scale clearing).

The early works are largely located in areas that have been subject to previous disturbance, however, some vegetation clearing will be required for the Steve Irwin Way realignment, including:

- Approximately 0.25 ha of habitat critical to the survival of the Koala (mapped remnant vegetation that is also identified as core Koala habitat under State mapping) that is on existing agricultural property. This area is already fragmented by agricultural clearing and the presence of Steve Irwin Way to the west.
- Approximately 1.5 ha of non-remnant vegetation that is not mapped as core Koala habitat that is made up of multiple small patches of vegetation within the Steve Irwin Way footprint.
- Approximately 0.7 ha of non-remnant vegetation that is not mapped as core Koala habitat, between the existing road and rail for the relocation of public utility plant. Of this area, approximately 0.45 ha is mapped as Locally Refined Koala Habitat under State legislation, therefore recognising that this area has potential Koala habitat value, this has also been included as habitat critical to the survival of the Koala. This vegetation was assessed in flora surveys and contains open Eucalyptus and Casuarina woodland. The vegetation is disturbed and fragmented given its location between the railway and road.

The Landsborough Station carpark expansion will affect some vegetation (non-remnant and not mapped under State mapping as core Koala habitat), totalling approximately 0.9 ha. This vegetation is isolated and separated from other vegetation by roads, rail and residential and industrial areas therefore would be low value as Koala habitat.

In total the early works will impact approximately 3.35 ha of vegetation, of which 0.7 ha is marginal quality critical Koala habitat (mapped as core Koala habitat or Locally Refined Koala Habitat under State mapping) and therefore would also potentially serve as a foraging resource for Grey-headed Flying Fox. The other vegetated areas are fragmented and separated from other vegetation by barriers therefore are likely to be low value as Koala habitat. As stated in the referral guideline for Koala, the loss of two hectares or less of marginal quality habitat critical to the survival (habitat score of 5) is highly unlikely to have a significant impact on the Koala for the purposes of the EPBC Act.

The other aspects of the early works (geotechnical investigations and Nambour Station carpark) do not require any vegetation clearing (except potentially some landscaping in the case of Nambour Station carpark).

Desktop and field assessment did not identify any other habitat for MNES in the areas of the early works.

Due to the small amount of marginal quality critical Koala habitat impacted (0.7 ha), which is already fragmented and surrounded by agricultural land and vegetation that does not constitute critical Koala habitat (2.65 ha), also fragmented and disturbed, the early works are not considered to be having a significant direct impact to the Koala or other MNES, and would not be likely to change the outcome of the Significant Impact Assessments that were conducted for the B2N Stage 1 and 2 works.

Indirect impacts to habitat as a result of the early works may include noise, dust and light during construction that may affect adjacent areas. Note however that the areas adjacent to the early works are largely cleared agricultural land, or existing developed areas (rail, road, residential), therefore these indirect impacts are not expected to contribute to a significant impact to MNES. The realigned Steve Irwin Way will impact two thin strips of vegetation which connect to a larger patch of mapped core Koala habitat to the east and may result in edge effects to the remaining strips of vegetation. However, these are already highly fragmented by existing agricultural land uses and there is limited connectivity to the west due to the existing Steve Irwin Way. Further east there is an existing quarry and State Forest consisting largely of exotic pine forest, which limit the availability and connectivity of suitable Koala habitat in this location. Therefore, fragmentation and edge effects from the early works are also not expected to significantly impact MNES in this location.

Table 1 EPBC Act Referral Guidelines Koala Habitat Assessment Tool for the early works

Attributes	Score	Coastal	Assessment within project boundary
Koala occurrence	+2 (high)	Evidence of one or more Koalas within the last 5 years.	1 No Koala sightings or evidence of Koala found inside the area of the early works however faecal pellet and historic Koala records within 2km.
	+1 (medium)	Evidence of one or more Koalas within 2km of the edge of the impact area within the last 10 years	
	0 (low)	None of the above	
Vegetation composition	+2 (high)	Has forest or woodland with 2 or more known Koala food tree species, OR 1 food tree species that alone accounts for >50% of the vegetation in the relevant strata.	2 To take a conservative approach, score of 2 given as the early works impact vegetation containing eucalypts in the road/rail corridor as part of the PUP relocation and 0.25 ha of remnant vegetation in the Steve Irwin Way realignment which is mapped as <i>Eucalyptus racemosa</i> woodland.
	+1 (medium)	Has forest or woodland with only 1 species of known Koala food tree present.	
	0 (low)	None of the above.	
Habitat connectivity	+2 (high)	Area is part of a contiguous landscape ≥500ha.	1 Similar to the main works, the early works are within a fragmented landscape with existing partial barriers including existing road and rail to the west and quarry and limited habitat availability to the east (exotic Pine forest). Remaining habitat fragments are already disturbed and dominated by edge environments.
	+1 (medium)	Area is part of a contiguous landscape <500ha, but ≥300ha.	
	0 (low)	None of the above.	

Attributes	Score	Coastal	Assessment within project boundary
Key existing threats	+2 (high)	Little or no evidence of Koala mortality from vehicle strike or dog attack at present in areas that score 1 or 2 for Koala occurrence, OR Areas which score 0 for Koala occurrence and have no dog or vehicle threat present.	1 Based on Koala hospitalisation records from DES (1996 to 2017), there have been car strikes within suburbs in the study area. To take a conservative approach, a score of 1 is given. Based on the records, it is considered that these occurrences are 'infrequent or irregular' rather than 'frequent or regular'. Many properties around the project boundary have domestic dogs therefore there is dog threat to Koala present.
	+1 (medium)	Evidence of infrequent or irregular Koala mortality from vehicle strike or dog attack at present in areas that score 1 or 2 for Koala occurrence, OR Areas which score 0 for Koala occurrence and are likely to have some degree of dog or vehicle threat present.	
	0 (low)	Evidence of frequent or regular Koala mortality from vehicle strike or dog attack in the study area at present, OR Areas which score 0 for Koala occurrence and have a significant dog or vehicle threat present.	
Recovery value	+2 (high)	Habitat is likely to be important for achieving the interim recovery objectives for the relevant context, as outlined in Table 1 of the guidelines.	0 Koala habitat impacted by the early works does not consist of large connected patches and does not form corridors or connective habitat (as noted above – there is existing fragmentation and small patches will be cleared). Although there is State-mapped Core Koala Habitat (0.25ha) and Locally Refined Koala Habitat (0.45 ha) within the early works footprint, the size and existing disturbance of this vegetation and other vegetation impacted by the works means they are unlikely to be important for the long-term survival of the species.
	+1 (medium)	Uncertain whether the habitat is important for achieving the interim recovery objectives for the relevant context, as outlined in Table 1 of the guidelines.	
	0 (low)	Habitat is unlikely to be important for achieving the interim recovery objectives for the relevant context, as outlined in Table 1 of the guidelines.	
<b>Total</b>			<b>5</b>

### **3. Justification why early works is being undertaken separately, and whether any impacts on EPBC protected matters can be avoided completely.**

3.1. Early works is being undertaken separately and was not referred for the following reasons:

- a) These works need to occur ahead of Stage 1 works as there are significant public utility plant (PUP) relocations which need to occur before the rail is realigned
- b) Other drainage relocation also needs to occur in advance of the rail realignment
- c) The section of Steve Irwin Way between Nursery Road and Moffatt Road in Glass House Mountains overlaps with the area required to accommodate the new rail corridor and track infrastructure
- d) The existing shared user path in this section needs to be relocated clear of the proposed rail works
- e) At two pre-lodgement meetings on the strategy for the referral submission held in February and July 2020, TMR was informed by DAWE that there was a four to five-month backlog on referral processing across the country. This backlog would have dramatically impacted on the early works program. It is TMR's understanding that this backlog has since been resolved and the assessment process is generally following legislative timeframes
- f) During the pre-lodgement meetings noted above, the assessment officer providing advice at the time, identified that separating the early works from the referral was an acceptable approach under the EPBC Act if information was provided to demonstrate there would be no significant impact to MNES and providing the reason for the works occurring early. An assessment of potential impacts to MNES from the early works was provided in Appendix B of the Commonwealth Matters Ecological Report and further detail was subsequently provided in response to the DAWE Information Request (29 October 2020) and in response to Question 2 above. It was also advised during the pre-lodgement meetings that reasons were to be provided why the early works needed to occur in advance of the referred works; the purpose of this letter is to provide further clarification on this to inform the Minister's decision.

3.2. Can impact on MNES be completely avoided?

No, it cannot. The chosen alignment for the relocated section of Steve Irwin Way has the least impact on MNES.

The Glass House Mountains National Park is located immediately to the west of the current rail corridor in this section and the project has completely avoided impact on this national landscape by proposing to realign Steve Irwin Way and the railway to the east.

To the east of the proposed realigned Steve Irwin Way there are patches of habitat mapped as Core Koala habitat under State mapping. However, there is also a quarry in this location and pine forest within Beerburrum East State Forest, which impacts on the existing availability and connectivity of habitat in this location

Given the options and existing barriers, the proposed Steve Irwin Way realignment has the least impact on MNES. Additionally, Koala detection dog survey undertaken in the area of the early works in August 2020 did not detect presence of Koalas (see Koala dog tracks in the early works area in Figure 2).



It is important to note that the impact from the Steve Irwin Way realignment consists of 0.7 ha of habitat that is mapped as either Core Koala habitat or Locally Refined Koala habitat under state legislation and has been assessed as marginal quality habitat 'critical to the survival of the species' in accordance with the EPBC Referral Guideline for the Koala. There is also other vegetation impacted by the early works as described above for Question 2, which consists of existing fragments that would not be critical the survival of the species.

The Nambour and Landsborough park 'n' ride expansions and other services upgrades included in the early works have no impact on MNES.

Figure 1 below illustrates the Steve Irwin Way realignment (white layer) in context with State mapped core Koala habitat (dark green), Locally Refined Koala habitat (pale green) and existing infrastructure that may limit connectivity of habitat.

Figure 1. Early Works footprint in context with surrounding Koala habitat state mapping and existing barriers

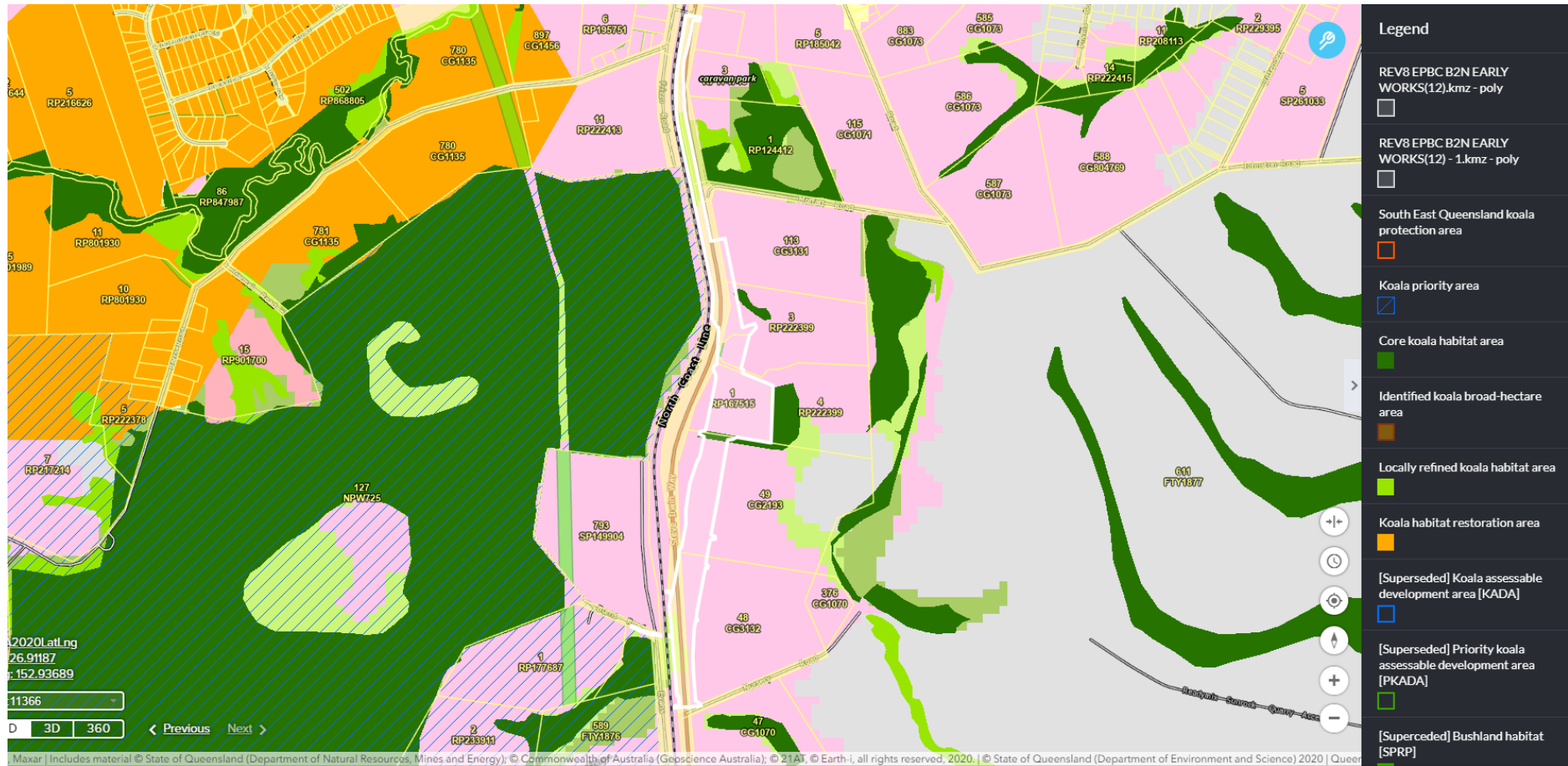


Figure 2 Koala detection dog tracks in the early works area

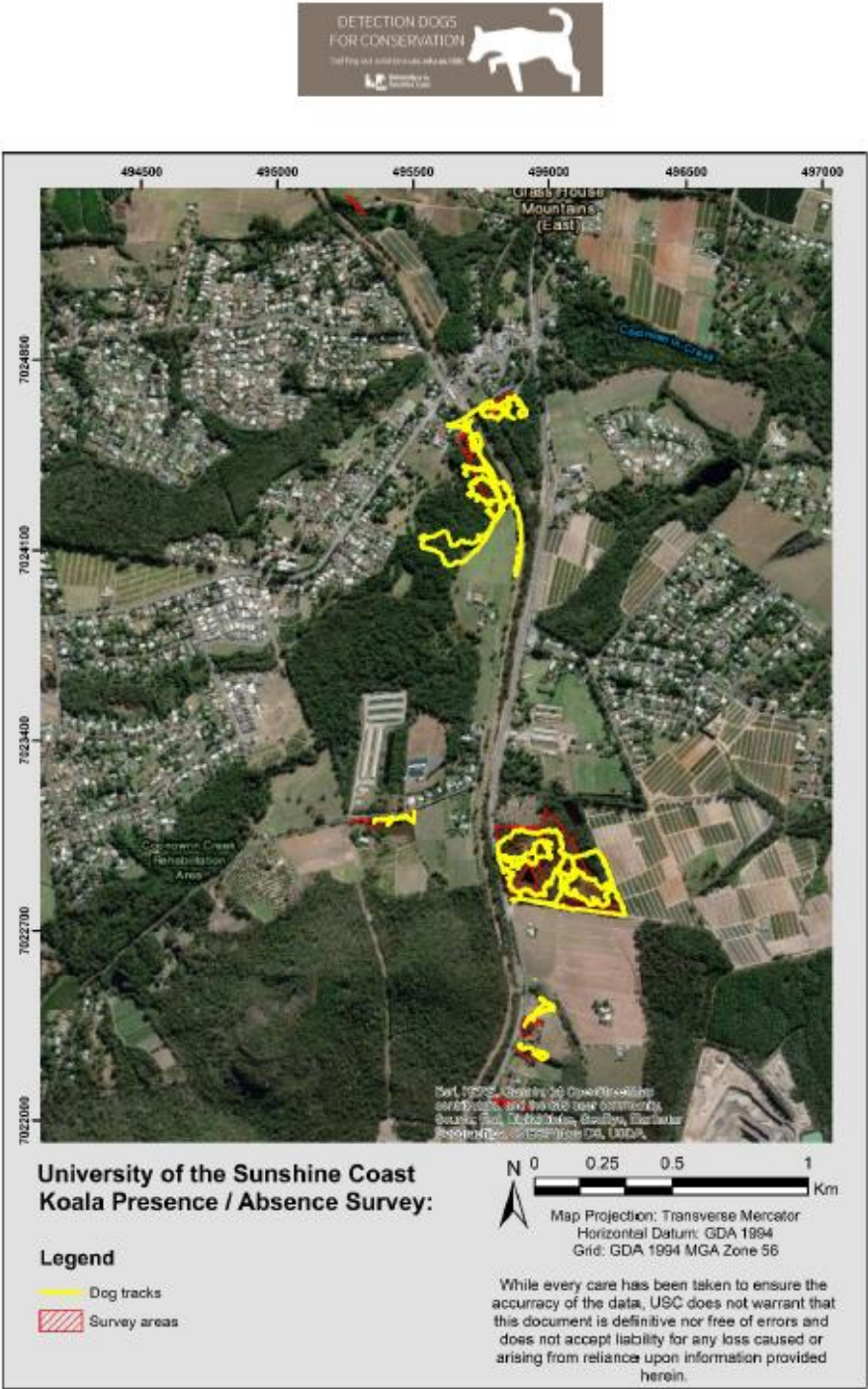


Figure 6. Koala scat survey using detection dog – Glasshouse Mountains

## ATTACHMENT A – B2N EPBC Referral (2020/8803) – Information Request #2

The table below provides relevant extracts from the *Environment Protection and Biodiversity Conservation Act 1999 Policy Statement “Staged Developments – Split referrals: Section 74A of the EPBC Act”* and identifies how the Beerburum to Nambour (B2N) early works are consistent with the policy statement.

As identified in the policy statement, the making of a section 74A decision in relation to a referral is discretionary rather than mandatory, and a ‘split referral’ is not automatically rejected. Where an action is referred that appears to be part of a larger action, the Minister will consider whether to accept a ‘split referral’ where it is likely to promote the objects of the EPBC Act.

A split referral includes where a referred action is part of a larger action that has not been referred and it can be treated separately, as a component of a larger action. This is the case for the B2N Early Works which were excluded from the B2N Referral due to the reasons explained in response to question 3 of the requested for additional information dated 10<sup>th</sup> December 2020. These works are proposed to occur early to enable the Stage 1 project works to commence however, they were assessed in accordance with the EPBC referral guidelines (and included desktop and field assessments). The assessment concluded that the early works will not have a significant impact to MNES.

**Table 1 – Assessment of B2N Early Works against relevant extracts of the EPBC Act policy statement**

Extract from Policy Statement	Relevance to B2N Early Works
Is the same person proposing to take the related actions?	Queensland Department of Transport and Main Roads (TMR) is the proponent for both the early works and B2N Stage 1 and 2 works (referred under the EPBC Act)
There may be practical or financial circumstances relating to the design, timeframe or geography of a project that make split referrals a suitable approach for the proponent which is also consistent with the objects of the EPBC Act.	<p><u>Design and geography:</u> The early works have been planned to occur prior to the B2N Stage 1 works as they enable construction of the realigned rail through this section of the Glasshouse Mountains which is part of Stage 1 works. For example, there are major Public Utility Plant (PUP) relocation, drainage relocation and realignment of a 1.2km section of Steve Irwin Way which must occur before the rail can be re-aligned. The current Steve Irwin Way alignment clashes with the re-aligned rail corridor.</p> <p><u>Timeframes:</u> The timing for delivery of early works is crucial and urgent as it directly impacts on the delivery of Stage 1. Consequence for not delivering these works in time have been explained in the response to the additional information request. Additionally, the contract for the early works was awarded on 30<sup>th</sup> November 2020 and terminating this contract would have larger consequences associated with higher costs and reputational impacts. The</p>

	<p>project is part of the economic recovery response following the Covid19 pandemic and is ready to provide local jobs to deliver the early works.</p> <p><u>Financial:</u> In April 2019, The Australian Government approved \$59.546 million of funding for the B2N project and stated that the funding contributions committed to date was to ensure that the delivery of this important project is not delayed.</p> <p>A consistency check with the objects of the EPBC Act is addressed in Table 2 below.</p>
<p>Departmental officers will consider both the referred action, and the potential larger action in the context of their impact on protected matters.</p>	<p>Impact from the Stage 1 and 2 of the B2N project have been identified and assessed throughout the B2N Commonwealth Matters Ecological Report and further clarified in the response to the additional information request dated 29<sup>th</sup> October 2020.</p> <p>Impacts on protected matters caused by the early works have been assessed in accordance with the EPBC referral guidelines as documented in Appendix B of the B2N Commonwealth Matters Ecological Report. This is further clarified in response to question 4 of the additional information request dated 29<sup>th</sup> October 2020 and, additionally, in response to question 2 of the additional information request dated 10th December 2020.</p> <p>The early works will result in impacts to a very small area (0.7 ha) of Koala habitat that is likely to be <i>critical to the survival of the species</i> (the habitat assessment score for the early works is <b>5</b> in accordance with the Koala habitat assessment tool, indicating marginal quality habitat) and approximately 2.65 ha of other non-remnant vegetation that may form low quality Koala habitat (noting that the EPBC Referral Guideline for the Vulnerable Koala includes a broad definition of Koala habitat which may include remnant and non-remnant vegetation in natural, agricultural, urban and peri-urban environments). The identified Koala habitat may also form foraging habitat for Grey Headed Flying Fox.</p> <p>The habitat proposed to be impacted by the early works are small fragmented patches, that are adjacent to existing road and rail corridors that limit connectivity to larger areas of habitat (although acknowledging that they may not form complete barriers in the absence of koala proof fencing). To the east is a quarry and State Forest which limit the availability and connectivity of Koala habitat in this</p>

	<p>location. This is illustrated in Figure 1 attached to this response. Additionally, koala detection dog surveys were undertaken in the area in question in August 2020 and no presence of koalas were found (see Figure 2).</p> <p>These minor additional impacts from early works, detailed in response to question 2 of the additional information requested dated 10<sup>th</sup> December 2020 and also response to question 3 and 4 of the additional information request dated 29<sup>th</sup> October 2020, would not be likely to change the significance of the impact for the wider action.</p>
The Minister needs to have sufficient information about the larger action in order to be satisfied about whether a referral is part of that larger action.	<p>The B2N project team recognises that the early works were not referred due to timeframe and the other reasons discussed in the response to the information requested and summarised above, however, we have provided an assessment of the impact of these works on MNES in Appendix B of the Commonwealth Matters Report, in accordance with the referral guidelines and are providing further information about the early works in the responses to the additional information requests.</p> <p>TMR believes there is sufficient information about the early works and Stage 1 and 2 works to inform the Minister's decision.</p>
Can the referred action stand alone?	<p>The larger action encompasses the B2N project which is comprised of an early works phase (not referred) and a Stage 1 and 2 phase (referred).</p> <p>The referred action is dependent on the early works (the related action) due to the major clashes with rail and road alignment and existing drainage as explained above.</p>
Are the referred action and related actions co-dependent?	No, B2N Stage 1 works are dependent on the completion of the early works however, the early works are not dependent on Stage 1 and 2.
What is the timeframe between the referred action and the related action?	The B2N Stage 1 site works are schedule to commence one month after the early works construction is completed. Delays to the early works will result in significant delays to Stage 1 works.
What is the geographical relationship between the referred action and the related action?	The early works and Stage 1 works are geographically adjacent.
Is there an overall plan or vision for the larger action and does that plan encompass the referred action?	The B2N project requires the early works to facilitate the Stage 1 works. The referred action (Stage 1 and 2) are the vision for the North Coast Line (NCL) upgrade, for which benefits are discussed in detail in the Commonwealth Matters Ecological Report.

Are the actions authorised by a single local government or State/Territory permit, licence or other authorisation?	No, however, State government and local government are stakeholders for the project and future asset owners so, it is in their interest that the actions are approved.
Will the action be financed from a single funding source?	No, the action funds will be originated from the Australian Government (70%) and State Government (30%) funding sources, however funding of \$119m has already been released on a 50:50 basis to progress the project.
Can the impacts of Part 3 matters only be assessed through the consideration of a larger action?	<p>TMR believes the impact of the early works and the impact of Stage 1 and 2 works on MNES has been thoroughly assessed, in accordance with EPBC referral guidelines, and provided in the Commonwealth Matters Report and subsequent information request responses. The assessment of the impacts of the early works provided in Appendix B of the Commonwealth Matters Report, supported by the responses to the additional information requests dated 29/10/2020 and 10/12/2020 provide completeness of information about the early works and enable the Minister (or delegate) to make an informed decision which is consistent with the objects of the Act.</p> <p>Although the early works were not referred, it is believed that the impact of this action on MNES can still be assessed via the information provided in the referral and in the additional responses and that the Minister (or delegate) should be able to exercise his/her discretion whether this meets the objects of the Act. This is consistent with the EPBC Policy Statement Staged Developments—Split referrals: Section 74A of the EPBC Act.</p>
Will the referral of a series of single actions result in the larger action being effectively taken without the need for an approval?	<p>No. The impacts arising from the early works are very minor in the context of the B2N Stage 1 and Stage 2 works which are the subject of the B2N EPBC referral (EPBC 2020/8803).</p> <p>The additional information provided herein and in the two additional requests for information is to help further inform the Minister's decision and to provide assurance that the impact on MNES caused by the early works is not significant. There is no intention to undertake other single actions associated with this project which would jeopardize the Minister's decision on EPBC 2020/8803. All the actions have been disclosed, whether they are related actions or referred actions. If a scope change for Stage 2 were to trigger additional impact on MNES, then a new assessment would occur and TMR would re-refer the project at a later date, in compliance with section 68 of the EPBC Act</p>

Is it preferable to assess and approve the larger action as a whole? The acceptance of a referral of components in the earlier stages of a larger action may limit the scope of decision-making under the EPBC Act for parts of the larger action at a later date. This could weaken the protection of the EPBC Act by exposing protected matters to risk	Perhaps it is preferable to assess the action as a whole however, the timeframes and other constraints discussed here meant the early works were not included in the referral. Nevertheless, all information requested regarding the early works has been provided to ensure the Minister's understanding of the action is not limited and that his/her decision is informed and consistent with the objects of the Act. Table 2 below also documents a check for consistency with the objects of the Act.
Will splitting of a project reduce the ability to achieve the objects of the EPBC Act?	No, please see above. The actions associated with the project have all been disclosed whether via the referral itself or via the additional information requested. TMR believes the decision made on the referral, in consideration of the information provided, will be achieving the objects of the Act. See Table 2 below which provides a check for consistency with the objects of the Act in relation to the B2N project.

**Table 2 – Objects of the EPBC Act**

<b>Objects of the Act</b>	<b>Relevance to B2N Early Works</b>
(a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance; and	<p>The referral of the B2N Stage 1 and Stage 2 works provides comprehensive assessment of potential impacts to MNES, including potential impacts from the early works (although the early works have not been referred).</p> <p>Further information about the impacts of the early works has been provided in subsequent responses to DAWE Information Request #1 and #2.</p> <p>The early works have been assessed through desktop assessment and field survey by suitably qualified professionals, and the assessment identified that the early works would not be likely to have a significant impact to MNES.</p> <p>The impacts to the environment and MNES will be managed through environmental management processes consistent with TMR's approach on road projects in Queensland.</p>
(b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources; and	<p>TMR incorporates requirements relating to use of natural resources in their policies and contracts for construction projects, and this is the case for the B2N early works.</p> <p>TMR has committed to all infrastructure projects &gt;\$100M and recommended for \$50-\$100M register under the Infrastructure Sustainability Council of Australia's (ISCA) Infrastructure Sustainability Rating Scheme. Stage 1 and 2 will be registering for a sustainability rating with ISCA. This will</p>



	ensure sustainable practices are implemented and documented.
(c) to promote the conservation of biodiversity; and	<p>The project follows the existing rail alignment, where possible and rehabilitation of the disused rail corridor has been proposed where a new alignment is being pursued, i.e. At Beerburrum.</p> <p>The early works are occurring in a largely disturbed agricultural environment with impacts to already highly fragmented vegetation and habitats that are adjacent to existing barriers including Steve Irwin Way, the existing B2N rail corridor to the west and a quarry to the east</p> <p>The chosen alignment for the relocated section of Steve Irwin Way is the least impacting option on MNES. Immediately to the west of the current rail corridor in this section is the Glasshouse Mountains National Park. The project has completely avoided impact on this national landscape and associated biodiversity by proposing to re-align Steve Irwin Way and the railway to the east.</p> <p>Further opportunities to enhance biodiversity within the project corridor will be pursued through the implementation of ISCA objectives.</p>
(ca) to provide for the protection and conservation of heritage; and	No heritage places of national significance will be impacted by the early works or Stage 1 and 2 works. Planning and design will ensure the protection of local heritage values through the use of TMRs Environmental Management System heritage processes and procedures
(d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples; and	<p>The impacts to the environment and MNES from the early works and the main referred works will be managed through environmental management processes consistent with TMR's approach on road projects in Queensland and regulated by the several State agencies who are involved with promoting the objectives of State legislation. These State Government processes are regularly applied to protect the environment on minor and major infrastructure projects throughout the State.</p> <p>Community consultation is ongoing for the project and community participation is being highly rewarded during this initial stage of the project.</p> <p>Traditional Owner participation is currently being sought and the project is currently engaging the relevant group to undertake monitoring and provide advice to the project team on indigenous matters.</p>
(e) to assist in the co-operative implementation of Australia's	N/A

international environmental responsibilities; and	
(f) to recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and	N/A. This will be implemented at a State level through the execution of a Cultural Heritage Management Agreement
(g) to promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in co-operation with, the owners of the knowledge.	N/A. As above