



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Notification of referral decision – not controlled action if taken in a particular manner

Ruthven Street, Macleod Level Crossing Removal Project, Macleod, Victoria
(EPBC ref: 2025/10336)

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

Proposed Action

person proposing to take the Action	Victorian Infrastructure Delivery Authority (VIDA) ABN: 69 981 208 782
proposed Action	To remove the level crossing and construct an elevated rail bridge at Ruthven Street, Macleod, Victoria. See EPBC Act referral 2025/10336

Referral decision: not a controlled action if taken in a particular manner

status of proposed Action	The proposed Action is not a controlled action provided it is taken in the manner set out in <u>Annexure A</u> .
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Person authorised to make decision

name and position	Brendan Linton-Smith Acting Branch Head Environment Assessments (Vic and Tas) and Post Approvals Branch Environment Regulation Division
signature	
date of decision	13 April 2026

Annexure A

Note: Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them at **Part B - Definitions**.

Part A – Particular manners specific to the Action

The following measures must be taken to avoid significant impacts on:

- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A)

CLEARING LIMITS

- 1) To avoid impacts to **protected matters**, the person taking the Action must not, as part of the taking of this Action, **clear** outside the area comprising both the **Disturbance footprint** and the **Construction footprint**.
- 2) To avoid and mitigate impacts to **Matted Flax-lily**, the person taking the Action must:
 - a) Prior to undertaking any other **clearing** where any **Matted Flax-lily** individual is located within the **Construction footprint**, translocate any **Matted Flax-lily** individual in accordance with the **Translocation Management Plan**.
 - b) Not **clear** or translocate any **Matted Flax-lily** individual located outside of the **Construction footprint**.
 - c) Establish and maintain a demarcated 'no-go zone' extending at least 5 metres from the edge of any **Matted Flax-lily** individual located outside of the **Construction footprint**.
 - d) Not allow any **clearing, construction** and vehicle movement or parking (other than on existing infrastructure), waste disposal, material or equipment storage or other activity that could harm **Matted Flax-lily** in any 'no-go-zone'.

Translocation Management Plan

- 3) To mitigate impacts to **Matted Flax-lily**, the person taking the Action must implement the **Translocation Management Plan** for the duration specified in the **Translocation Management Plan**.

Threatened Species Management Plan

- 4) To mitigate impacts to **protected matters**, the person taking the Action must implement the **Threatened Species Management Plan**, except as set out in particular manner 2) and 5), for the duration specified in the **Threatened Species Management Plan**.
- 5) Where any **Matted Flax-lily** individual is located too close to an operational railway line, road or path for fencing to be safely installed around it, protective fencing surrounding no-go-zones is not required.

Part B – Definitions

Clear means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation.

Construct means:

- to erect a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site,
- to alter, maintain, repair or demolish any building or structure,
- any work which involves breaking of the ground (including drilling or pile driving) or bulk earthworks,
- any landscaping or revegetation works which involves replanting and rebuilding the vegetation,
- the laying of pipes and other prefabricated materials in the ground, and
- any associated excavation work.

Construct does not include the installation of temporary fences or signage

Construction footprint means the location of the **construction** activities of the Action, represented in Attachment A by the beige shaded zones designated ‘Construction Footprint’.

Disturbance footprint means the location of activities of the Action that will cause disturbance, represented in Attachment A by the green shaded zones designated ‘Disturbance footprint’

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

Matted Flax-lily means the **EPBC Act** listed threatened species (*Matted Flax-lily Dianella amoena*).

Protected matter means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this decision notice has effect.

Threatened Species Management Plan means the document Ruthven Street, Macleod Level Crossing Removal Project Threatened Species Management Plan, Victoria State Government, November 2025

Translocation Management Plan means the document Matted Flax-lily *Dianella amoena* Salvage and Translocation Plan Ruthven Street, Macleod Level Crossing Removal Project, Abzeco, version 5.0, August 2025

Attachments

A: Location of Construction footprint and Disturbance footprint.

Attachment A: Location of Construction footprint and Disturbance footprint.

