



Notification of approval decision

Beveridge Intermodal Precinct, Beveridge, Victoria (EPBC 2023/09693)

This decision is made under section 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Note that section 134(1A) of the EPBC Act also applies to this approval. That provision provides, in general terms, that if the approval holder authorises another person to undertake any part of the Action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such conditions.

Approved Action

person to whom the approval is granted (approval holder)	National Intermodal Corporation Ltd ACN: 161 635 105
Action	To construct and operate an intermodal freight terminal and associated infrastructure, 2025 Merriang Road, Beveridge, Victoria. See EPBC Act referral 2023/09693.

Approval decision

decision	My decision on whether or not to approve the taking of the Action for the purposes of each controlling provision for the Action are as follows.	
	Controlling Provision	Decision
	Listed threatened species and communities (section 18 and section 18A)	Approved
	Commonwealth Actions (section 28)	Approved
period for which the approval has effect	This approval has effect until 30 June 2037.	
conditions of approval	The approval is subject to conditions under the EPBC Act as set out in Annexure A.	

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
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signature



date of decision

25 July 2025

Annexure A

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

Part A – Avoidance and mitigation conditions

CLEARING LIMITS

- 1) The approval holder must not:
 - a) **Clear** any **protected matter** outside of the **Action area**.
 - b) Undertake **Construction** outside of the **Action area**.Unless otherwise approved for the purposes of the **EPBC Act**
- 2) The approval holder must not **clear** more than 0.03 hectares (ha) of **SHWFTLP** within the **Action Area**.

ACTION MANAGEMENT PLANS

Action Management Plan

- 3) To avoid and mitigate **harm** as a result of the Action on **protected matters**, the approval holder must commence implementing the **Action Management Plan (AMP)** no later than the **commencement of the Action** and continue to implement the **AMP** until the expiry date of this approval.

Conservation Management Plan

- 4) The approval holder must submit a Conservation Management Plan to the **department** for the **Minister's** approval to mitigate **harm** to **SHWFTLP** within the **Herne Swamp Exclusion Zone**. In preparing the Conservation Management Plan, the approval holder must consider the **Approved Conservation Advice for the Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains (SHWFTLP)**.
- 5) The approval holder must not **commence operations** unless the **Minister** has approved the Conservation Management Plan in writing. The approval holder must commence implementing the approved Conservation Management Plan no later than the **commencement of operations**

and continue to implement the approved Conservation Management Plan until the expiry date of this approval.

- 6) By implementing the Conservation Management Plan, the approval holder must prevent any avoidable **harm** to **SHWFTLP** and mitigate unavoidable and accidental **harm** to **SHWFTLP**.
- 7) The Conservation Management Plan must be prepared by a **suitably qualified ecologist**. All commitments, including environmental outcomes, management measures, corrective measures, trigger values and performance indicators in the Conservation Management Plan must be **SMART** and based on referenced or included evidence of effectiveness. The Conservation Management Plan must be consistent with the **Environmental Management Plan Guidelines**, and must include:
 - a) the measures outlined in the 'Conservation Management Plan' section (FF6) in section 5.3 of the **Action Management Plan**,
 - b) details of the extent and **condition** of **SHWFTLP** within the **area excluded from the MSA** and a reference to **EPBC Act** approval conditions to which the plan refers,
 - c) a table of commitments made in the plan to achieve the environmental outcomes, and a reference to exactly where these commitments are detailed in the plan,
 - d) commitments capable of ensuring that the environmental outcomes are achieved,
 - e) reporting and review mechanisms to demonstrate compliance with the commitments made in the plan,
 - f) an assessment of risks relating to achieving the environmental outcomes and risk management strategies and/or mitigation measures that will be applied to address identified risks,
 - g) impact avoidance, mitigation and/or repair measures, and the timing of those measures,
 - h) a monitoring program, which must include:
 - i) performance indicators,
 - ii) trigger values for corrective measures,
 - iii) the timing and frequency of monitoring, ensuring monitoring is capable of detecting trigger values and changes in the performance indicators,
 - iv) proposed corrective measures if trigger values are reached,
 - v) extent and **condition** of **SHWFTLP** within **Herne Swamp Exclusion Zone**, and
 - vi) water quality parameters including salinity, nutrient load and pollution in **Herne Swamp Exclusion Zone**,
 - vii) surface and groundwater flow parameters into the **Herne Swamp Exclusion Zone**.

- i) references to other relevant plans or conditions of approval (including state or territory approval conditions).

Part B – Administrative conditions

PLAN REVISION

Note: Section 143A of the **EPBC Act** entitles the approval holder to apply for the **Minister’s** approval of a revised version of a **plan**.

- 8) The approval holder may choose to revise a **plan** required to be implemented under condition 4 without submitting it for approval under section 143A of the **EPBC Act**, if:
 - a) the taking of the Action in accordance with the revised **plan** would be consistent with the approved Action,
 - b) the taking of the Action in accordance with the revised **plan** would be consistent with the conditions attached to this approval,
 - c) the taking of the Action in accordance with the revised **plan** would not be likely to have a **new or increased impact**, and
 - d) the approval holder notifies the **department** electronically that it has prepared a revised version of the **plan** (the ‘revised **plan**’). In notifying the **department**, the approval holder must specify each condition which references the **plan** and provide the **department** with:
 - i) an electronic copy of the revised **plan**,
 - ii) an electronic copy of the revised **plan** marked up with track changes to show the differences between the **plan** and the revised **plan**,
 - iii) a comprehensive explanation of all differences between the **plan** and the revised **plan**,
 - iv) a declaration that the approval holder has read and understands the *Guidance on ‘new or increased impact’ relating to changes to approved management plans under EPBC Act environmental approvals*, Commonwealth of Australia 2017,
 - v) a comprehensive analysis and detailed discussion on the likelihood that taking the Action in accordance with the revised plan will not have, or will be not likely to have, a **new or increased impact**,
 - vi) written notice of the date on which the approval holder will implement the revised **plan** (the ‘revised **plan** implementation date’), being at least 30 **business days** after the date of providing notice of the revision of the **plan**, or a date agreed to in writing with the **department**, and
 - vii) a copy of the **compliance report** for the latest **ACR period** and a statement of any relevant history of compliance (including non-compliance) in relation to the **plan**.

The approval holder must commence implementation of the revised **plan** from the revised **plan** implementation date unless otherwise notified in writing by the **Minister**.

- 9) If the **Minister** notifies the approval holder that the **Minister** is satisfied that the taking of the Action in accordance with a **plan** which has been revised without submitting it for the **Minister's** approval would be likely to have a **new or increased impact**, then:
 - a) the approval holder's ability to revise a **plan** without submitting the **plan** for **Minister** approval does not apply, or ceases to apply, in relation to the revised **plan**,
 - b) the approval holder must implement the **plan** in force immediately prior to that revised **plan** or a version of the **plan** specified by the **Minister** in the notice, and
 - c) the **Minister** may also notify that, for a specified period, the approval holder's ability to revise a **plan** without submitting the **plan** for **Minister** approval does not apply for one or more specified **plans**.
- 10) The approval holder may, at any time by giving written notice to the **department**, revoke its choice to implement a **plan** which has been revised without submitting it for the **Minister's** approval. If the approval holder revokes the choice to implement a revised **plan**, the approval holder must implement the plan in force immediately prior to that revised **plan**.

Note: The above conditions are not intended to limit the operation of section 143A of the **EPBC Act**.

SUBMISSION AND PUBLICATION OF PLANS

- 11) Wherever these conditions require the approval holder to submit any **plan** to the **department**, all such **plans** must be submitted to the **department** electronically.
- 12) Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish each **plan** on the **website** within 15 **business days** of the date:
 - a) of this approval, if the version of the **plan** to be implemented is specified in these conditions,
 - b) the **plan** is approved by the **Minister** in writing, if the **plan** requires the approval of the **Minister**,
 - c) the **plan** is submitted to the **department** in accordance with a requirement of these conditions, if the **plan** does not require the approval of the **Minister**.
- 13) The approval holder must keep all **plans** published on the **website**, in a format that is easily accessible and downloadable, from the first date which that **plan** must be published and until the expiry date of this approval. This requirement applies to all current and superseded versions of **plans**.
- 14) The approval holder is required to exclude or redact **sensitive biodiversity data** from any version of a **plan** before that **plan** is published on the **website** or otherwise provided to a member of the public. If **sensitive biodiversity data** is excluded or redacted from a **plan**, the

approval holder must notify the **department** in writing what exclusions and redactions have been made in the version published on the **website**.

COMMENCEMENT OF THE ACTION

- 15) The approval holder must notify the **department** electronically of the date of **commencement of the Action**, within 5 **business days** following **commencement of the Action**.

COMMENCEMENT OF OPERATIONS

- 16) The approval holder must notify the **department** electronically of the date of **commencement of operations**, within 5 **business days** following **commencement of operations**.
- 17) The approval holder must not **commence operations** later than 5 years after the date of this approval decision.

COMPLIANCE RECORDS

- 18) The approval holder must maintain accurate and complete **compliance records** and document the procedure for recording and storing **compliance records**.
- 19) If the **department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **department** within the timeframe specified in the request.

Note: Compliance records may be subject to audit by the **department**, or by an **independent auditor** in accordance with section 458 of the **EPBC Act**, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the **department's** website or through the general media.

- 20) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guidelines for biological survey and mapped data*, Commonwealth of Australia 2018, or as otherwise specified by the **Minister** in writing.
- 21) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guide to providing maps and boundary data for EPBC Act projects*, Commonwealth of Australia 2021, or as otherwise specified by the **Minister** in writing.
- 22) The approval holder must submit all **monitoring data**, surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the **department** within 20 **business days** of the next anniversary of the date of this approval decision except where otherwise specified in a **plan**.

ANNUAL COMPLIANCE REPORTING

- 23) The approval holder must prepare a **compliance report** for each **Annual Compliance Report period (ACR period)**.
- 24) The approval holder must ensure each **compliance report** includes:
- a) accurate and complete details of compliance and any non-compliance with:

- i) each condition attached to this approval decision, and
 - ii) all commitments made in each **plan**,
- b) a schedule of all **plans** in effect in relation to these conditions during the **ACR period**,
 - c) accurate and complete details of how each **plan** was implemented during the **ACR period**, and
 - d) if any **incident** occurred, accurate and complete details of each **incident**.
- 25) The approval holder must ensure each **compliance report** is completed to the satisfaction of the **Minister** and is consistent with the *Annual Compliance Report Guidelines*, Commonwealth of Australia 2023.
- 26) The approval holder must, within 20 **business days** following the end of each **ACR period**, in a format that is easily accessible and downloadable, publish on the **website**:
- a) each **compliance report**, and
 - b) a **shapefile** showing all **clearing of protected matters**, and their habitat, undertaken within the **ACR period**.
- 27) The approval holder must:
- a) Exclude or redact **sensitive biodiversity data** from each **compliance report** and **shapefile** published on the **website** or otherwise provided to a member of the public.
 - b) If **sensitive biodiversity data** is excluded or redacted from a version of a **compliance report** published or otherwise provided to a member of the public, submit the full **compliance report** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.
 - c) If **sensitive biodiversity data** is excluded or redacted from a version of a **shapefile** published or otherwise provided to a member of the public, submit the full **shapefile** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.
- 28) The approval holder must notify the **department** electronically, within 5 **business days** of each date of publication that the **compliance report** has been published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **compliance report** and related **shapefile** are published on the **website**.
- 29) The approval holder must keep each **compliance report** and related **shapefile** published on the **website** from the first date which that **compliance report** must be published and until the expiry date of this approval.

Note: **Compliance reports** may be published on the **department's** website.

REPORTING NON-COMPLIANCE

- 30) The approval holder must notify the **department** electronically, within 2 **business days** of becoming aware of any **incident**. The approval holder must specify in each notification:
- a) any condition or commitment made in a **plan** which has not been, or may have not been, complied with,
 - b) a short description of the **incident**, and
 - c) the location (if applicable, including co-ordinates), date and time of the **incident**.
- 31) The approval holder must provide to the **department** in writing, within 12 **business days** of becoming aware of an **incident**, the details of that **incident**. The approval holder must specify:
- a) all corrective measures and investigations which the approval holder has already taken in respect of the **incident**,
 - b) the potential impacts of the **incident**,
 - c) the method and timing of any corrective measures that the approval holder proposes to undertake to address the **incident**, and
 - d) any variation of these conditions or revision of a **plan** that will be required to prevent recurrence of the **incident** and/or to address its consequences.

INDEPENDENT AUDIT

- 32) The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every **audit period**.
- 33) The approval holder must submit details of the proposed **independent auditor** and their qualifications to the **department** within 10 **business days** following the end of each **audit period**.
- 34) The approval holder must ensure the scope of each **independent audit** is sufficient to determine the compliance status for each condition of approval, and each commitment made in each **plan**.
- 35) The approval holder must ensure the criteria for each **independent audit** and the undertaking of each **independent audit** are consistent with the **Independent Audit and Audit Report Guidelines**.
- 36) The approval holder must submit an **audit report** to the **department** for written agreement from the **department** within 3 months following the end of each **audit period**, or as otherwise directed by the **Minister** in writing.
- 37) The approval holder must ensure each **audit report** is completed to the satisfaction of the **Minister** and is consistent with the **Independent Audit and Audit Report Guidelines** to the extent that the **Independent Audit and Audit Report Guidelines** are consistent with these conditions.

- 38) The approval holder must publish each **audit report** on the **website**, in a format that is easily accessible and downloadable, within 10 **business days** of the date the **department** agrees to that **audit report** in writing.
- 39) The approval holder must notify the **department** within 5 **business days** of the date the **audit report** is published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **audit report** is published on the **website**.
- 40) The approval holder must keep each **audit report** published on the **website** from the first date which that **audit report** must be published and until the expiry date of this approval.

COMPLETION OF THE ACTION

- 41) Within 20 **business days** after the **completion of the Action**, and, in any event, at least 20 **business days** prior to the expiry date of this approval, the approval holder must notify the **department** electronically of the date of **completion of the Action** and provide **completion data**. The approval holder must submit any spatial data that comprises **completion data** as a **shapefile**.
- 42) The approval holder must notify the **department** electronically at least 60, but not more than 70, **business days** prior to the expiry date of this approval, that the approval is due to expire.

Note: Section 145C of the EPBC Act entitles the approval holder to request an extension to the period of effect of this approval.

Part C – Definitions

Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them in the list below:

Action area means the location of the Action, represented in Attachment A by the zone enclosed by the solid orange line designated as ‘Proposed Action Area’ within the solid white line designated as ‘Area Excluded from MSA Approval Zone’.

Action Management Plan or (**AMP**) means the document *Beveridge Intermodal Precinct Stage 1A Action Management Plan, V2*, dated 6 March 2025, or the latest subsequent version revised in accordance with these conditions.

Annual Compliance Report period or **ACR period** means each subsequent 12-month period following the date of this approval decision until the expiry date of this approval, unless otherwise specified in writing by the **Minister**.

Approved Conservation Advice for the Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains means the *Approved Conservation Advice for the Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains, 2012*.

Area excluded from MSA means the area, represented in Attachment A by the zone enclosed within the solid white line designated as ‘Area Excluded from MSA Approval Zone’.

Audit period means each subsequent five-year period following the **commencement of the Action** until the expiry date of this approval unless otherwise specified in writing by the **Minister**.

Audit report means a written report of an **independent audit**.

Australian Weeds Strategy 2017-2027 means the *Australian Weeds Strategy 2017-2027, Commonwealth of Australia 2017*.

Biodiversity data means ‘biodiversity data’ as described in the *Policy on Accessing and Sharing Biodiversity Data, Commonwealth of Australia 2024*.

Business day means a day that is not a Saturday, a Sunday, or a public holiday in Victoria.

Clear, cleared or clearing means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation, but does not include weeds (see **Australian Weeds Strategy 2017-2027**).

Commence operations or commences operation means commercial operations of the rail connection and terminal operations for the rail offtake structure.

Commence the Action or commences the Action means the first instance of any on-site **clearing, construction** or other physical activity associated with the Action, but does not include minor physical disturbance necessary to:

- Undertake pre-clearance surveys or monitoring programs.
- Install signage and/or temporary fencing to prevent unapproved use of the **Action area**, so long as the signage and/or temporary fencing is located where it does not **harm any protected matter**.
- Protect environmental and property assets from fire, weeds, and feral animals, including use of existing surface access tracks.
- Install temporary site facilities for persons undertaking pre-commencement activities so long as these facilities are located where they do not **harm any protected matter**.

Commencement of Operations means the date on which the approval holder **commences operations**.

Commencement of the Action means the date on which the approval holder **commences the Action**.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met.

Completion of the Action means the date on which all activities associated with the approved Action, other than those which provide compensation for the impacts of the Action, have permanently ceased and/or been completed.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with these conditions of approval (including compliance with commitments made in **plans**) in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.

Compliance report means a written report of compliance with, and fulfilment of, these conditions (including compliance with commitments made in **plans**).

Condition means the condition of suitable habitat for **SHWFTLP** determined from ecological surveys conducted in consideration of relevant **Departmental** documents including, but not limited to, **EPBC Act** referral guidelines, listing advices, **approved conservation advices** and recovery plans

Construction means:

- the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site,
- the alteration, maintenance, repair or demolition of any building or structure,
- any work which involves breaking of the ground (including pile driving) or bulk earthworks,
- the laying of pipes and other prefabricated materials in the ground, and
- any associated excavation work.

Construction does not include the installation of temporary fences or signage.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

Environmental Management Plan Guidelines means the *Environmental Management Plan Guidelines*, Commonwealth of Australia 2024.

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

Habitat quality means a measure of the overall viability of a site and its capacity to support **protected matters**, with respect to site condition, site context and species stocking rate and/or composition.

Harm means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.

Herne Swamp Exclusion Zone means the area represented in Attachment A by the zone enclosed by solid white line designated as 'Area Excluded from MSA Approval Zone'.

Incident means any:

- event which has the potential to, or does, **harm any protected matter** (other than as authorised by this approval),
- potential non-compliance with these conditions, including the administrative requirements,
- actual non-compliance with these conditions, including the administrative requirements,
- potential non-compliance with one or more commitment made in a **plan**, and/or
- actual non-compliance with one or more commitment made in a **plan**.

Independent audit means an audit, conducted by an **independent auditor**, of compliance with and fulfilment of these conditions and the commitments made in **plans**, objectively evaluated against the audit criteria developed by the **independent auditor**, in accordance with the **Independent Audit and Audit Report Guidelines** to the extent that the **Independent Audit and Audit Report Guidelines** are consistent with these conditions.

Independent Audit and Audit Report Guidelines means the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019.

Independent auditor means a person, or firm, who:

- does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder's staff, representatives, or associated persons,
- has demonstrated experience in undertaking government-regulated environmental compliance audits, and
- holds relevant professional qualifications and accreditations.

*Other than for the purpose of undertaking the role for which the person, or firm, is required.

Minister means the Australian Government Minister administering the **EPBC Act**, including any delegate thereof.

Monitoring data means the data required to be recorded under the conditions of this approval, including **sensitive biodiversity data**.

New or increased impact means any direct or indirect increase in the impacts of an Action, an increase to the likelihood of an impact occurring, a reduction to the monitoring or mitigation measures for a **protected matter**, and/or a change to the nature or management of an environmental offset as outlined in the *Guidance on 'new or increased impact' relating to changes to approved management plans under EPBC Act environmental approvals*, Commonwealth of Australia 2017.

Plan means any action management plan or strategy that the approval holder is required by these conditions to implement.

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

Sensitive biodiversity data means **biodiversity data** which, if released, published or otherwise exposed, may result in **harm** to the relevant **protected matter** as a result of the intentional or unintentional misuse of that **biodiversity data**.

Shapefile means location and attribute information about the Action provided in an Esri shapefile format containing:

- '.shp', '.shx', '.dbf' files,
- a '.prj' file which specifies the projection or geographic coordinate system used, and
- an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

SHWFTLP means the **EPBC Act** listed threatened ecological community Seasonal Herbaceous Wetland (Freshwater) of the Temperate Lowland Plains.

SMART means specific, measurable, achievable, relevant and time bound.

Suitably qualified ecologist (for the purpose of preparing and implementing environmental management plans) means a person who has relevant professional qualifications and:

- at least 3 years of work experience writing and implementing management plans for the habitat of **protected matters**,
- has implemented and reported on management plans for the habitat of **protected matters**, and can demonstrate the implementation of those plans achieved the desired **habitat quality** for habitat of **protected matters**, and
- can give authoritative assessment and advice on offset management to improve the **habitat quality** of the habitat of **protected matters** using relevant protocols, standards, methods and/or literature.

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Year 5 means the period until the 5th anniversary of this approval of the Action.

Attachments

Map showing location of Action area (sourced from page 8 of the **Action Management Plan**)

A: Map showing location of Action area

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