Response to public comments on EPBC 2024/09848

Responder number	Ref	Public Comment	Response
Respondent 1	1.1	The pre-impact patches shown in Figures 3.0 to 3.2 of the PD were presumably delineated as meeting the above condition thresholds. Figures 4.1 to 4.3 show further fragmentation of TEC patches that will result from implementing the action. I am therefore concerned that the remnant patches shown below will no longer meet the TEC condition thresholds, particularly (b). If clearing part of a TEC patch means the remnant patch/es no longer complies with all condition thresholds, then the TEC no longer exists in that remnant patch/es, and should be included in the impact required to be offset. The revised PD should demonstrate that the remnant patches highlighted above meet all TEC condition thresholds and, if not, revise the proposed impact and offset obligations.	The remaining three patches as identified in the submission are all above the minimum size to meet the TEC threshold, which is 0.04 hectares. The patches are 0.062264, 0.051617 and 0.063056 hectares. Biosis does not have data on the number of species occurring within each of these areas (because this was collected at a larger scale), however EGSC could look at opportunities within these patches to maintain their condition following completion of construction. The CMP shows the no go zones on these areas. Monitoring of the CMP implementation will ensure compliance with this mitigation measure to avoid impact.
Respondent 1	1.2	2. Restoration strategies are very unlikely to succeed I cannot locate in the draft Offset Management Plan, dated 30 January 2026 (OMP), interim performance or completion criteria that directly address the above TEC thresholds. Section 3.2.1 of the OMP speaks to increasing the weighted average VQA score, controlling threats, and completing the management, monitoring, reporting and auditing actions outlined in the OMP. These strategies and commitments do not monitor, detect and/or report on attainment of the TEC thresholds.	That the area will meet the condition thresholds for GRGGW has been added as a specific performance and completion criteria in Section 3.2.1. The monitoring methodology (point intercepts or quadrats, and VQAs) has been designed to ensure that the data captured will allow for the vegetation condition to be tested against GRGGW condition thresholds, including proportion of native vegetation cover, and species diversity.

Respondent 1	1.3	For consistency, the method used to delineate TEC at the offset site must be the method used to delineate TEC patches at the impact site. Therefore, the OMP must make explicit that, by no later than Year 15, there will be at least 26.71 hectares at the offset site where each constituent patch: - is delineated using the methodology used at the impact site; - has at least 50% cover of perennial native ground layer vegetation species; and - each patch contains 7 or more native species. Following the above, the OMP should include interim performance indicators, at pre-cautionary timeframes, combined with plausible and reliable contingency responses, that give the community confidence the above will be achieved. Compliance with this requirement should be subject to a published, independent audit. If, for example, compliance is not independently demonstrated by Year 20 then, using the same OAG inputs, the offset area should be expanded to 38.22 hectares with the additional 11.51 hectares comprised of pasture restored to diagnostic TEC3.	As above, the condition thresholds have been added to Sec. 3.2.1 of the OMP. The impact site was assessed via the VQA method. The OMP has been adjusted to reflect periodic VQAs to be completed in both intensively restored pasture and Plains Grassy Woodland areas (at Year 0, 5, 10 and 15). These VQAs will allow for broader-scale assessment of the conservation gains being achieved, will inform adaptive management actions and are timed to coincide with audits of the offset site. Audits by an independent ecologist are included at Year 1, Year 3, Year 6, Year 10 and Year 15 and outlined in section 3.9 of the OMP. EPBC approval conditions requiring publishing of annual approval compliance reporting is anticipated and supported by EGSC. The OMP is structured around achieving site preparation tasks and revegetation plan in Years 1 - 3 and revegetation cover targets for Years 5,8,10 and 15. If targets are not being met during the OMP delivery then adaptive management actions have not demonstrated performance improvement then the contingency step 3.4.1 will be applied. This could include expansion of the offset area on the site if required and suitable area was available. Extending the OMP time horizon to 20 years now will not ensure success if sufficient progress has not been demonstrated during the implementation of the OMP.

Respondent 1	1.4	PD Table 5 specifies lifeforms, species, target cover and diversity, and indicative progress goal to attain the TEC thresholds for native grasses and grass-like plants. The following table summarises what are 'indicative', i.e. unenforceable, cover goals for ground-layer lifeforms in the latter years post OMP commencement. The predicted increase in native grasses and grass-like species between Years 8 and 15 are not explained. What 'agreement' and/or evidence (see below) does Biosis possess that demonstrates the grasses and sedges listed in the OMP will, between these years, at this or a similar site, increase % cover of each 'intensive revegetation zone' by 500%? I suggest this unsubstantiated outcome is backloaded in the OMP because in 10-15 years regulators will have little/no appetite to monitor and enforce compliance4 with ambiguous, qualified and unenforceable commitments.	The OMP provides for a contingency if the restoration is not a success. In the event the offset site does not meet its targets in 15 years, EGSC will have to find an alternative solution (Section 3.4.1 OMP). Section 3.5.10 outlines the approach to revegetation.
Respondent 1	1.5	On information that is/is not provided in the PD I am satisfied it is very unlikely the offset site can be restored to meet the diagnostic TEC5. This is because there are no references to relevant details in peer reviewed papers, project reports or independent expert opinion6 that indicates a reasonable7 likelihood of restoring pastures in the central Gippsland Plain of Victoria, that have been fertilised, improved and grazed over many decades, to diagnostic TEC.	The OMP acknowledges that this level of restoration effort has not been completed previously.

Respondent 1	1.6	My concerns are further confirmed by the PD taking an experimental and 'adaptive' *-Historical grazing pressure and pasture improvement may have altered soil chemistry … and structure. No detailed data … for the site has been collected to confirm its suitability for restoration but … woody vegetation can be established on the site (Section 3.3).* This supports the general understanding that converting exotic pastures to native grassy ecosystems is virtually impossible and economically unfeasible, particularly at scale.	The OMP provides for a contingency if the restoration is not a success. In the event the offset site does not meet its targets in 15 years, EGSC will have to find an alternative solution (Section 3.4.1 OMP). Recent case studies show that assisted natural regeneration can restore native species diversity where some ecological function remains. A 10 hectare degraded paddock in Victoria recovered to a floristically rich native grassland within approximately 10 years following management interventions such as grazing exclusion, burning and weed control. These findings confirm that restoration can be achieved across a continuum of site conditions, from regeneration in higher-quality areas to full reconstruction in highly modified pasture (Gibson Roy 2022). The question of feasibility needs to consider the cost of third party offsets in a scarce market. East Gippsland Shire are taking a leadership role in delivery a restoration project and investing millions of dollars funding into the project. The ecological benefits of the restoration project have the potential to exceed the benefits of a third party offset site by increasing the area of the TEC.
Respondent 1	1.7	*Local trials of top down and bottom restoration and revegetation will be developed under management actions (Section 3.3).* This points to the need for trials to devise a restoration strategy and/or to delay and frustrate compliance action.	Trials will be required to inform the Revegetation Plan. Development of this Plan is not intended to complicate compliance, rather to ensure that the site is best understood at the outset and that a comprehensive guide to its restoration (i.e. the Revegetation Plan) is based on site-specific data.
Respondent 1	1.8	*Whilst management will seek to achieve plant survival targets, these can be affected by rainfall timing, soil moisture, grazing pressure and unplanned fire. These variables that are inherently unpredictable year to year (Section 3.3).* This is correct, and future proofs offset failure and insures against compliance action by enabling 'approved' future attribution to factors beyond Biosis/EGSC control.	An adaptive management approach is necessary because it acknowledges that conditions might change over time, and approaches might need to change. It is in the interest of EGSC for the offset plan to be a success. Any changes to the OMP will be in consultation with DCCEEW.

Respondent 1	1.9	*The areas shown as indicative restoration … are generally dominated by Brown-top Bent … a dense, mat-forming perennial introduced grass species, which is highly competitive … The target cover of high threat herbaceous weeds (including Brown-top Bent) to be achieved prior to the implementation of any native revegetation in Years 3 onwards is ≤10% (Section 3.5.3).* Biosis provides no evidence that this critical outcome is achievable at scale.	There have been good results in the removal of perennial weedy grasses (e.g. Phalaris aquatica) at smaller scales, and the OMP acknowledges that this scale of restoration effort has not been completed previously.
Respondent 1	1.10	*The weed control strategy is a multi-faceted approach that takes advantage of the ecological conditions of the offset area … maintain any existing native ground cover … killing weeds prior to seed set with physical removal, heat treatment (such as small hand-held steam weeding or flame weeding) or herbicide … minimising nutrient enrichment … fire to encourage germination of soil-stored weed seed and exhaust the weed seed bank (where feasible and subject … (Section 3.5.5).* The claimed 'advantage' is unclear because maintaining existing native groundcover is commonplace, there is little scope for cost effective physical removal and heat treatment of herbaceous weeds at scale, and ecological burns are highly constrained by regulation, capacity and meteorological conditions (i.e. infeasible – see Section 3.5.8).	The approach to weed control will take advantage of different methods based on the levels of constraint across the site e.g. broad-scale weed removal can initially be completed in areas of introduced pasture with limited risk of any off-target damage. Current native ground cover will be maintained through use of more targeted/finer-scale weed control activities (e.g. hand removal/spot herbicide application). With proper planning, it is reasonable to expect a weed control program (which takes into account seasonal conditions and the life histories of different weed species) will successfully utilise a range of control methods.
Respondent 1	1.11	*Herbicide application must only occur in optimal conditions (i.e. little or no wind, no rain) … Where possible, herbicide will be painted, wiped or dabbed (e.g. with a wicker applicator) onto the target plants rather than sprayed (Section 3.5.5).* Constraints to herbicide spraying mean few opportunities for control without off-target impacts.	Herbicide application at scale (e.g. boom spray within intensive restoration areas) would need to be undertaken during suitable conditions. Application at small-scales (using back-pack sprayer) is unlikely to cause off-target impacts unless conditions are very unsuitable.

Respondent 1	1.12	*Revegetation efforts will employ an adaptive management approach and will be guided by a detailed Revegetation Plan (to be prepared). The Revegetation Plan will outline soil testing and preparation activities, plant selection and sourcing information, planting methods, soil and water management, maintenance and follow up care requirements (Section 3.5.10).* What is the contingent response if, at Year 8, it is clear to Biosis the site is unsuitable, broadacre weed controls are neither sustainable or feasible, and or the outcomes are not achievable? What monitoring strategies are proposed on and/or adjacent to the offset site for offset failure to be attributed to OMP implementation and not factors beyond Biosis/EGSC control (e.g. seasonal variability)?	The monitoring and reporting program is outlined in the OMP and must be undertaken by a qualified ecologist. EGSC are responsible for monitoring the success of the implementation and the practicality of proceeding with implementation of the offset measures at any point based on the evidence collected and costs associated with undertaking further actions.
Respondent 1	1.13	*cover of weeds must be reduced and/or cover of native understorey plants increased such that ≥50% of the perennial ground layer vegetation comprises native species … At the time of preliminary assessment … Plants within the understorey tree, prostrate shrub, large herb, medium herb and large non-tufted graminoid life forms were absent from the offset site or were present at such low covers as to be considered absent … (Section 3.5.10).* This signals an unprecedented, untested, and highly uncertain attempt to restore, at scale, a grazing paddock to a vegetation community dominated by native grasses and grass-like plants.	There have been good results in grassland restoration projects in Victorian agricultural settings previously, albeit at smaller scales. The OMP acknowledges that this level of restoration effort has not been completed previously.
Respondent 1	1.14	The OMP contains exhaustive commentary on a range of management strategies and actions, with qualifying remarks and ambiguous contingencies. However, the OMP does not convince the reader the TEC condition thresholds can and will be achieved at the offset site. I am concerned at the clear intent to avoid compliance with the requirement to attain TEC threshold values at the offset site. I propose Biosis and EGSC are unwilling to commit to restoring grazing pastures to diagnostic TEC9 as they are not confident this will be achieved over the foreseeable future – and because failure represents a compliance risk to EGSC. This omission should alone be grounds for the Minister or delegate to not approve the action.	That the area will meet the condition thresholds for GRGGW has been added as a specific performance and completion criteria in Section 3.2.1 of the OMP

Respondent 1	1.15	In the very unlikely event the plains grassland and intensive restoration zones are restored to threshold TEC, it remains unlikely, on information provided in the PD and OMP, that the direct offset contribution from the 5.21 ha component is that claimed by Biosis. This is because: a) reducing the start quality score by 1/10 because this component does not meet condition thresholds12 appears to be a discount made at Biosis' discretion. I do not see a basis in the Policy or the Guide that enables this, and compliance with listing thresholds is a separate matter to the VQA13/quality scoring method. The start quality should therefore be a minimum 4/10, and the maximum raw gain 2; and b) the future quality score of 6/10 is justified on increasing the VQA score from 41.1/100 to 59.4/100 (+18.3 @80% confidence) on unsubstantiated cause-effect relationships, being: i. reinstatement of small/large logs - dependent on availability (+4.1 @80%); ii. weed control to increase the lack of weeds score (+4.3 @35%); iii. stock exclusion, and weed and pest animal control, to improve understorey recruitment score (+1.9 @65%); iv. ecological burns and revegetation to improve organic litter cover (+2 @35%); and v. restoration of adjacent introduced pastures to GRGGW vegetation and increased patch size (+6.1 @66%14).	Ongoing decline in condition of the site is likely through continued agricultural use. Regardless of which calculator input is used for a three point condition without offset, the justification for increase to six points is detailed in the OMP. 80% for basic restoration is appropriate as the management of this area is not dissimilar to a conventional offset site, which are regularly implemented and successful in achieving targets. 70% for intensive restoration reflects that the level of management is intensive and that there are aspects of the targets which are not straightforward to achieve.
Respondent 1	1.16	On information provided in the OMP, I propose (above) alternate and precautionary confidence in result values using the IPCC likelihood scale, resulting in a weighted average confidence in result value of 59%. I consider the direct offset contribution from this component of the offset proposal to be no more than 7.25%.	80% for basic restoration is appropriate as the management of this area is not dissimilar to a conventional offset site, which are regularly implemented and successful in achieving targets. 70% for intensive restoration reflects that the level of management is intensive and that there are aspects of the targets which are not straightforward to achieve

Respondent 1	1.17	In the very unlikely event the plains grassland and intensive restoration zones are restored to threshold TEC, it remains unlikely, on information provided in the PD and OMP, that the direct offset contribution from the 21.59 hectare component is that claimed by Biosis. This is because the future quality score of 5/10 is justified on increasing the VQA score from 0/100 to 51/100 (+51 @70% confidence) on unsubstantiated cause-effect relationships, being: i. reinstatement of small and large logs - dependent on availability (+5 @80%); ii. weed control to increase the lack of weeds score (+9 @35%); iii. stock exclusion, and weed and pest animal control, to improve understorey recruitment score (+6 @65%); iv. ecological burns and revegetation to improve organic litter cover (+5 @35%); v. revegetation and weed control to improve the understorey score (+15 @35%); vi. reinstatement of GRGGW vegetation to increase patch size (+816 @66%). On information provided in the OMP, I propose (above) alternate and precautionary confidence in result values using the IPCC likelihood scale, resulting in a weighted average confidence in result value of 48%. I consider the direct offset contribution from this component of the offset proposal to be no more than 62.2%.	80% for basic restoration is appropriate as the management of this area is not dissimilar to a conventional offset site, which are regularly implemented and successful in achieving targets. 70% for intensive restoration reflects that the level of management is intensive and that there are aspects of the targets which are not straightforward to achieve.

Respondent 1	1.18	I consider Biosis' justification for confidence in result for the entire offset proposal, discussed in Appendix 3, to be irrelevant, unsubstantiated and conflicted, as it is based on: - factors unrelated to site/offset-specific, scientifically robust, precautionary and adaptive systems required to achieve the claimed ecological benefits at the offset site. For example, Biosis refers to EGSC's 'proven track record of delivering and achieving conservation outcomes at parks and reserves', that 'there is a negligible risk that EGSC will not fulfil its commitments required under the offset program', and 'EGSC undertakes best practice environmental management'; and - a claim by Biosis that the confidence in result score for the proposed offset site also accounts for the level of certainty the successful achievement of the proposed change in quality.	It is in the best interest of EGSC to achieve success with this restoration approach, as such, negligible risk that they will not fulfil commitments under OMP is appropriate. Contingency also provides for back up if offset is not a success. 80% for basic restoration is appropriate as the management of this area is not dissimilar to a conventional offset site, which are regularly implemented and successful in achieving targets. 70% for intensive restoration reflects that the level of management is intensive and that there are aspects of the targets which are not straightforward to achieve.
Respondent 1	1.19	In the very unlikely event the entire offset site is restored to the listed TEC, the current offset proposal provides only 69.45% of the direct offset. If Biosis considers the confidence levels for individual variables (e.g. lack of weeds score) to be greater than proposed above, then Biosis should provide scientifically robust information/evidence17 to support its specific claims.	The calculator and OMP prepared demonstrate direct offsets of 105.42%. The OMP acknowledges that this level of restoration effort has not been completed previously. If the OMP implementation is not successful EGSC have committed to sourcing an alternative.
Respondent 2	2.3	Under s 87(5) of the EPBC Act, the Minister may choose assessment by preliminary documentation only if satisfied that this approach will allow "an adequate assessment of the relevant impacts of the proposed action" sufficient for "an informed decision" under Part 9. This is a justiciable statutory precondition, not a matter of unfettered discretion.	

Respondent 2	2.4	Assessment on preliminary documentation is the least rigorous pathway available under Part 8. Unlike an EIS (Division 6) or PER (Division 5), it requires no formal assessment guidelines, provides only one public comment period (with a minimum of 10 business days), and does not require alternatives analysis. [redacted] submits that this pathway is not capable of producing an informed decision where the proposed action involves the destruction of more than 10 hectares of a Critically Endangered ecological community, the offset strategy relies on an experimental and untested restoration approach, and multiple EPBC-listed species have not been the subject of targeted surveys. An EIS under Division 6, or at minimum a PER under Division 5, with formal assessment guidelines and multiple rounds of public comment, would be required to allow genuinely informed decision-making. The delegate should satisfy themselves that the information before them, including the deficiencies we identify below, is sufficient to discharge the s 87(5) threshold. If the delegate cannot be so satisfied, [redacted] submits that the precondition for assessment on preliminary documentation has not been met, and the delegate should recommend that the Minister reconsider the assessment approach in favour of an EIS or PER before proceeding further.	EGSC were directed by DCCEEW to assess the project by Preliminary Documentation.

Respondent 2	2.5	Section 139(2) of the EPBC Act requires the decision-maker, in deciding whether to approve a proposed action for the purposes of a subsection of s 18 or s 18A (listed threatened species and ecological communities), to have regard to any approved conservation advice for the species or community concerned. The significance of this obligation was authoritatively established in Tarkine [2013] FCA 694. Marshall J held that the Minister's failure to have the Approved Conservation Advice for the Tasmanian Devil before him when making his decision was "fatal to its validity." Cursory or generic reference to "conservation advices" was insufficient; what was required was genuine intellectual engagement with the substance of the relevant advice. [redacted] recognises that the PD does cite the Conservation Advice, Listing Advice and Policy Statement. The question for the delegate is not whether these documents are in evidence, but whether the approval reasoning genuinely engages with their substance in the manner the Tarkine principle requires [redacted] reserves its right to request a statement of reasons under the ADJR Act should this be necessary.	Yes, for the delegate to decide. The impact to the TEC of 10.354 hectares is documented in the PD for the delegate to consider in their assessment. Engagement with conservation advice is provided for in section 3.2 of the PD.
Respondent 2	2.6	3.1 The TEC's critically depleted status The extent of decline documented in Section 2 bears emphasis. The Listing Advice and Policy Statement assessments are now 16 to 17 years old; no evidence before the delegate suggests the trajectory has reversed. The community was once the dominant vegetation of the Gippsland Plain, extending from the Latrobe Valley to Bairnsdale. It has been reduced to isolated fragments on road reserves, rail reserves, cemeteries and similar sites. Every remaining patch is nationally significant. The conservation advice explicitly identifies "loss of habitat through clearing of native vegetation" as a key threat (DEWHA, 2008)	Noted. The derived grassland meets the condition threshold and impacts to the loss of the grassland are considered in the assessment.

Respondent 2	2.7	3.2 The significance of derived grassland The PD describes the on-site TEC as being in a "grassland condition state" subject to "regular and prescriptive vegetation management including in accordance with Civil Aviation Safety Authority (CASA) requirements" (Biosis, 2026a, Section 2.3). The vegetation is, in the language of the Listing Advice, a derived grassland: the tree canopy has been removed but a native ground layer remains (TSSC, 2009). The Policy Statement makes clear that derived grassland components of this TEC are part of the listed community and warrant the same level of protection as the woodland form (DEWHA, 2010). The apparently degraded presentation of the airport grassland should not diminish the significance of its loss; on the contrary, the retention of native species composition under decades of mowing represents an unintentional but ecologically significant form of conservation that cannot be easily replicated.	Noted. The derived grassland meets the condition threshold and impacts to the loss of the grassland are considered in the assessment.
Respondent 2	2.8	3.3 Matters [redacted] submits the delegate should engage with [redacted] requests the delegate to demonstrate in their statement of reasons that they have genuinely considered the following elements of the conservation advice and listing advice, as the Tarkine principle requires: (a) the critically depleted extent of the TEC as documented in Section 3.1, and the implications of further loss for the community's persistence at a national scale; (b) the conservation advice's identification of habitat clearing as a primary threat, and the inconsistency of approving further clearing with the recommended conservation actions (DEWHA, 2008); (c) the presence within the TEC of habitat for additional EPBC-listed species identified in Table 1 of the Listing Advice (TSSC, 2009), whose occurrence is an indicator of TEC quality and ecological integrity, including the Dwarf Kerrawang (*Commersonia prostrata*, Endangered), Gaping Leek-orchid (*Prasophyllum correctum*, Endangered), and Golden Sun Moth (*Synemon plana*, Critically Endangered). The absence of targeted surveys for these species (see Section 8) means the delegate cannot be satisfied that the true ecological value of the impact site has been characterised; and	(a), (b) and (d) The project objectives cannot be achieved without the loss of the TEC and the direct loss of the TEC is clearly stated in the PD. The proposal relies on offsetting 26.71 hectares of the TEC to address these impacts. The offset proposal is the restoration of 26.71 hectares of GRGGW in perpetuity. C) The Flora and Fauna Assessment (Biosis 2023) undertook a likelihoods assessment and did not determine a medium or high likelihood of occurrence for any of the listed species, therefore targeted surveys for the species were not recommended. Dwarf Kerrawang - low likelihood. Some suitable habitat present around the margin of the farm dam (outside impact footprint), however this relatively localised area of habitat was thoroughly surveyed and this distinctive perennial species was not recorded. No suitable habitat occurs within the proposed impact area. The other two species, Golden Sun Moth and Gaping Leek-orchid were not listed in the PMST search that was completed for the FFA in 2023, nor when an updated search was undertaken for the preparation of the PD response. Habitat at the site is unsuitable for Golden Sun Moth, as there is low cover of its feed species (*Rytidosperma, Austrostipa,*

		(d) the cumulative effect of incremental losses on the TEC's viability (see Section 7).	*Nassella*) - dominant native cover is by *Themeda triandra*. The site is regularly slashed, therefore the site is not considered suitable habitat for Gaping Leek-orchid. The site is outside the species distribution as shown on the PMST.

Respondent 2	2.9	4.1 The applicable legal standard The scope of the obligation to "take account of" the precautionary principle in approval decisions under s 133 has been the subject of recent authoritative consideration. In Bob Brown Foundation Inc v Minister for the Environment (No 2) [2022] FCA 873, Moshinsky J held that where a decision-maker is required by s 391(1) to take account of the precautionary principle, this requires "active intellectual processes" directed to two sequential conditions precedent: first, whether there are threats of serious or irreversible environmental damage; and second, whether there is scientific uncertainty about that damage. However, that decision concerned a controlled action decision under s 75, not an approval decision under s 133. The Full Federal Court in Friends of the Gelorup Corridor Inc v Minister for the Environment and Water [2023] FCAFC 139 (Gelorup Corridor) subsequently considered the precautionary principle in the context of a s 133 approval decision. Jackson and Kennett JJ held that the precautionary principle is not itself a mandatory relevant consideration to be weighed against other factors, but rather a "rule or principle of decision-making." The Full Court held that the precautionary principle "had no direct application to a decision under s 133," in the sense that it does not independently generate a requirement for specific findings. Nevertheless, the Full Court confirmed that what is required is that the assessment of likely impacts and the weighing of those impacts against social and economic benefits must be done "consistently with the value embodied in the precautionary principle." The decision-maker must be "aware of, and reason consistently with," the principle. [redacted] accepts the Gelorup Corridor framework as the applicable standard for the s 133 decision in the present matter. We submit that even under this standard — which does not require the formal two-step analysis mandated by Bob Brown Foundation for s 75 decisions; the scientific uncertainties identified below are so substantial that reasoning consistent with the precautionary principle would require the delegate to give substantial weight to those uncertainties before approving the action on the information currently before them.	The precautionary principle, as set out in s 3A(b) and s 391(2) of the EPBC Act, provides that a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation where there are threats of serious or irreversible damage. Friends of Nyah Vinifera Park Inc v Minister for Environment and Water [2026] FCA 584 confirms that the EPBC Act does not require offsetting environmental benefits to be proven to the same degree of certainty as the environmental harm they are intended to compensate. Where conditions (such as a mandatory OMP with measurable outcomes and monitoring) are attached to an approval, those conditions can adequately address residual uncertainty about whether the offset will succeed. There is no scientific uncertainty about the impact of the construction of the runway. The OMP incorporates a risk-based approach consistent with the precautionary principle, applying a confidence in results level of 70% for the intensive restoration areas and contemplating procedures for monitoring, audit evaluation and review of ecological outcomes.

Respondent 2	2.10	4.2 Threats of serious or irreversible damage The destruction of more than 10 hectares of a TEC that has lost over 95% of its original extent (Section 3.1) is, by any measure, a threat of irreversible environmental damage. The community cannot recover once cleared. As analysed in Section 6, no demonstrated restoration pathway exists for the proposed offset.	The OMP provides for a contingency if the restoration is not a success. In the event the offset site does not meet its targets in 15 years, EGSC will have to find an alternative solution (Section 3.4.1 OMP)

Respondent 2	2.11	4.3 Scientific uncertainty pervading the offset proposal Multiple dimensions of scientific uncertainty are present in this matter. Reasoning "consistently with" the precautionary principle requires the delegate to grapple with each: (a) Offset restoration feasibility: The proponent concedes uncharacterised soil conditions and proposes "local trials" rather than a proven restoration strategy (Biosis, 2026b, Section 3.3). The scientific deficiencies of this approach are analysed in Section 6. (b) Survey adequacy for cryptic species: No targeted surveys have been conducted for the Gaping Leek-orchid, the Golden Sun Moth, or other cryptic grassland species during appropriate survey windows (see Section 8). (c) Brown-top Bent control at scale: The offset site is dominated by Brown-top Bent (Agrostis capillaris), and the target of reducing it to ≤ 10% cover has no demonstrated precedent at the required 21.59-hectare scale (see Section 6.1). A decision-maker reasoning consistently with the precautionary principle cannot approve the irreversible destruction of a Critically Endangered ecological community on the basis of an offset whose feasibility rests on untested assumptions, uncharacterised soil conditions, and incomplete species surveys. The appropriate response is to decline approval pending resolution of these uncertainties, or to decline approval outright.	The precautionary principle, as set out in s 3A(b) and s 391(2) of the EPBC Act, provides that a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation where there are threats of serious or irreversible damage. Friends of Nyah Vinifera Park Inc v Minister for Environment and Water [2026] FCA 584 confirms that the EPBC Act does not require offsetting environmental benefits to be proven to the same degree of certainty as the environmental harm they are intended to compensate. Where conditions (such as a mandatory Offset Management Plan with measurable outcomes and monitoring) are attached to an approval, those conditions can adequately address residual uncertainty about whether the offset will succeed. The OMP incorporates a risk-based approach consistent with the precautionary principle, applying a confidence in results level of 70% for the intensive restoration areas and contemplating procedures for monitoring, audit evaluation and review of ecological outcomes. a) The OMP proposes three years of site preparation using techniques from other restoration sites and local trials on site. b) the extent of survey is addressed at ref 2.8 c) The OMP outlines the management techniques for Brown-top Bent control during the first three years of active management, and will be guided by an adaptive management approach based on the results of trials. Year 1 will involve trialling the above techniques (and combinations of them) to gauge their relative success at the site, the feasibility of their implementation at scale and understand any other issues that each technique may present. Based on the results of trials, the more successful techniques will be employed during Years 2 and 3. The adaptive approach acknowledges the need to achieving a blank slate suitable for revegetation before the native revegetation commences.

Respondent 2		5. The economic and social justification does not withstand scrutiny	There are co-benefits of the project, which are justified in the PD by linking to strategic documents prepared for the Gippsland region (i.e. East Gippsland Economic Development Strategy 2022-2032). This includes the improvement of the airport as an emergency hub, and for the prospective increased use of the airport for commercial purposes which will service tourism and business growth, thus the economic growth of the region. This is stated in Sections 7.3 and 7.4 of the PD.

Respondent 2	2.14	5.1 The existing runway already services all current operational aircraft The Council presents the proposed action as essential for emergency response, air ambulance operations and aerial firefighting. However, the existing 1,101-metre runway is already the operational base for all of these functions: (a) Air Ambulance Victoria operates two Beechcraft King Air 260C and two King Air 360C aircraft (Ambulance Victoria, 2025). The manufacturer's published takeoff distances over a 50-foot obstacle at sea level, ISA conditions and maximum takeoff weight are 643 metres (2,111 feet) for the King Air 260 and 1,006 metres (3,300 feet) for the King Air 360 (Textron Aviation, n.d.). The 260C has comfortable margin on the existing 1,101-metre runway. The 360C has approximately 95 metres of margin under standard conditions, which is operationally tight and will be reduced or eliminated on hot days when air density decreases and takeoff distances increase. [redacted] acknowledges that the 360C's hot-day performance is a legitimate operational consideration that may warrant some runway extension. However, the question for the delegate is one of proportionality. A very modest extension sufficient to provide adequate hot-day margins for the 360C would be materially shorter than 1,600 metres and would not require the destruction of more than 10 hectares of Critically Endangered TEC. The Council's own media releases confirm that Air Ambulance Victoria is already conducting up to three patient retrieval flights daily on the existing runway (EGSC, 2025). The specific proposal before the delegate (a 499-metre extension and 12-metre widening) is not calibrated to any identified air ambulance operational limitation. It is calibrated to achieve Code 3C and Regular Public Transport (RPT) capability (see Section 5.3 below). (b) Aerial firefighting in Victoria is overwhelmingly helicopter-based. Victoria's dedicated aerial firefighting fleet for the 2025–26 fire season comprised approximately 51–57 aircraft, predominantly Aircranes, Super Puma and Black Hawk helicopters, and smaller firebombing and intelligence-gathering aircraft (Country Fire Authority [CFA], 2025). None of these require runways. The only fixed-wing firefighting types that might conceivably require a longer runway are the Large Air Tankers (C-130 Hercules, RJ85, Q400AT), which require runways well in excess of 1,600 metres for safe operations at firefighting weights and are operated from major regional or metropolitan airfields, not from	The surge on Black Saturday was operational, however, it was under extreme pressure. Emergency management needs to think of future needs, the project would ensure future emergency operations are not under the same pressure as they were for Black Saturday. The details are in the publicly available Bairnsdale Airport Masterplan (Rehbein Airport Consulting 2020)

		airports of Bairnsdale's class (CFA, 2025; Emergency Management Victoria [EMV], 2024). (c) During the 2019–20 Black Summer bushfires, the most severe fire emergency in East Gippsland's recorded history, the Council states the airport experienced "more than 100 aircraft movements a day" (EGSC, 2025). This surge was managed on the existing 1,101-metre runway. Rather than demonstrating a need for extension, this evidence demonstrates that the current infrastructure performed under extreme operational demand. The PD does not identify any specific aircraft type or emergency operation that was unable to use the airport during Black Summer due to runway limitations.	

Respondent 2	2.15	5.2 Nearby airports already provide the capacity the proponent claims to need The proposed extension to 1,600 metres would not bring Bairnsdale to a standard capable of supporting Large Air Tanker operations. More significantly, nearby airports already provide substantially greater capacity: (a) RAAF Base East Sale, approximately 60 km west by road and minutes by air, has two sealed asphalt runways of 2,437 metres and 2,230 metres with full air traffic control (Royal Australian Air Force [RAAF], n.d.). During Black Summer, RAAF East Sale was the actual operational hub for large aircraft deployment, hosting Australian Army Black Hawks, MRH-90 Taipan and CH-47 Chinook helicopters, Singapore Armed Forces CH-47s, New Zealand NH-90s, and RAAF C-27J Spartans (RAAF, n.d.). RAAF East Sale is the facility that supports large-scale emergency airlift into East Gippsland; Bairnsdale serves a complementary, not primary, role. (b) West Sale Airport (civilian), approximately 55 km from Bairnsdale, has a sealed asphalt runway of 1,800 metres × 30 metres — already longer and wider than the proposed Bairnsdale extension (1,600 metres × 30 metres) — and is suitable for all general aviation and Code 3C aircraft including the Dash 8 Q400 (Wellington Shire Council, n.d.). The delegate is invited to consider what specific operational capability a 1,600-metre runway at Bairnsdale would deliver that is not already provided by the existing 1,101-metre Bairnsdale runway for smaller aircraft, and by RAAF East Sale and West Sale for larger aircraft. [redacted] submits the answer is: none that relates to emergency response or bushfire management.	Noted there are other options for airports with larger runways within the region, however these are not owned or run by EGSC so they have no remit. The RAAF base and the West Sale airport are not suitable to service the needs of the Bairnsdale community.

Respondent 2	2.16	5.3 The proponent's own statements reveal the true purpose: commercial aviation development The Council's media releases and project documentation consistently reveal that the primary driver of the runway extension is not emergency response but commercial aviation development: (a) the upgrade "has the additional benefit of supporting commercial passenger services, creating new tourism, freight and professional service opportunities that rely on air travel" (EGSC, 2022); (b) the Master Plan "aims to enhance the airport's profile with the intent to potentially attract future commercial services into East Gippsland and promote the local economy and industries by way of air services" including "air transport of fresh produce to market" (EGSC, 2022); (c) the upgrade would "bring the Bairnsdale runway up to a similar standard to what is offered at West Sale, Latrobe, Mt Hotham, Warrnambool and Mildura" (EGSC, 2025) — all airports with scheduled commercial air services; and (d) "[a]n upgraded runway will not only increase capacity by allowing larger aircraft to land and increase the resilience of any disaster-impacted communities reliant on tourism, it will also support air transport of fresh produce to market, which is essential for growth and continuity in the horticultural sector" (EGSC, 2022). These statements make clear that the benchmarking exercise is directed at achieving Regular Public Transport (RPT) capability, not at addressing any identified gap in emergency infrastructure. The emergency narrative appears to have been shaped to secure Black Summer Bushfire Recovery Grant funding, a funding stream that requires a bushfire recovery and resilience nexus, for what is in substance a regional economic development project.	The commercial benefits of the project are acknowledged, the emergency justification is not overstated in the PD. However, we have updated Section 7 of the PD to provide further justification about the co-benefits of the project, for both emergency management and commercial and economic reasons.

Respondent 2	2.17	5.4 Implications for the delegate's weighing exercise under s 136 If the emergency and bushfire justification is materially overstated, the cost-benefit balance the delegate must strike under s 136(1) is fundamentally recast. The question is no longer whether the destruction of more than 10 hectares of the TEC is justified by life-saving emergency infrastructure — it is whether it is justified by speculative commercial aviation development for which no airline commitment, route viability study or passenger demand analysis has been placed before the delegate. [redacted] submits that the delegate should subject the claimed economic and social benefits to genuine scrutiny, and should address in their statement of reasons: the extent to which the existing 1,101-metre runway already meets emergency and air ambulance operational requirements; the availability of superior alternative infrastructure at RAAF East Sale and West Sale Airport; the basis for asserting that the extension will deliver emergency management benefits that are not currently available; and the weight properly attributable to speculative commercial benefits in the absence of any concrete commitment from an air service provider. Where the claimed benefits collapse upon examination, the principles of ecologically sustainable development under s 136(2)(a), including inter-generational equity and the conservation of biological diversity — must weigh decisively against approval. An irreversible loss of Critically Endangered ecological community cannot be justified by a speculative commercial aspiration.	There are co-benefits of the project, which are justified in the PD. This includes the improvement of the airport as an emergency hub, and for the prospective increased use of the airport for commercial purposes which will service tourism and business growth, thus the economic growth of the region. This is stated in Section 7 of the PD.

Respondent 2	2.18	5.5 The project timeline raises further questions about the funding basis The PD discloses that the Council was awarded a grant of $1,546,379 under the Regional Airports Program Round 3, subject to a condition that "the project must be completed by August 2025" (Biosis, 2026a, Section 7.2). The PD is dated 2 February 2026. The project had not commenced construction at that date and remains subject to the EPBC approval process. On its face, the grant completion deadline has passed by approximately six months, and the project is nowhere near completion. The PD does not disclose whether the grant conditions have been varied, whether the funding remains available, or whether any part of the grant has been returned or reallocated. The delegate should seek clarification on the current status of this funding. If the grant has lapsed, the $14 million project cost identified in the PD (Section 7.2) may not be fully funded, which is material to the delegate's assessment of whether the proposed action will in fact proceed as described. More broadly, the tension between the stated August 2025 completion deadline and the February 2026 PD lodgement date raises questions about the rigour of the project planning and the reliability of the proponent's representations about timing and deliverability.	EGSC received an extension for the grant funding, PD updated section 7.2
		6. The offset proposal does not deliver a conservation outcome	
Respondent 2	2.19	The EPBC Act Environmental Offsets Policy requires that offsets deliver an overall conservation outcome that improves or maintains the viability of the protected matter (Principle 1), be of a size and scale proportionate to the residual impacts with appropriate uplift for delayed benefits (Principle 5), be built on a scientific basis (Principle 7), be timely and measurable (Principle 8), and be based on scientifically robust information (Principle 9) (DSEWPC, 2012). [redacted] submits that the proposed offset cannot satisfy these requirements.	Elements addressed below
	20 to 28	6.1 The restoration component lacks a demonstrated scientific basis	

Respondent 2	2.20	The proposed offset comprises two elements: enhancement of 5.12 hectares of modified native vegetation that meets the TEC's key diagnostic characteristics but does not yet meet its condition thresholds (quality 3/10 to 6/10), and conversion of 21.59 hectares of introduced pasture from 0/10 to 5/10 (Biosis, 2026a; Biosis, 2026b, Summary). Neither element constitutes existing TEC under the DEWHA (2010) framework, since both fail to satisfy the Step 2 condition thresholds. The second element is the dominant component and the source of greatest concern.	Due to the lack of available offset sites at this scale which currently support this TEC, an alternative approach (restoration) has been pursued within this OMP. While the policy framework tends to favour secure, measurable, and low-risk gains, which historically leaned toward habitat protection or management the EPBC Offsets Policy (2012) does support restoration offsets. The offset site has the structural elements that lend it to a restoration project. There is native vegetation from the Plains Grassy Woodland EVC 55 on the property. Whilst this native vegetation is consistent with the GRGGW key diagnostic characteristics of the community, none of it is of a high enough quality to meet the community condition thresholds (TSSC 2009). The areas proposed for restoration support large remnant *Eucalyptus tereticornis* subsp. *mediana* trees and the highest proportion of native cover on the property. The presence of *Eucalyptus tereticornis* subsp. *mediana* remnant trees and some native grass cover on a relatively fertile landscape setting indicates the foundation of the community is present and suitable for restoration activities. Areas of introduced pasture vegetation were reviewed in detail to consider the areas most appropriate for full community restoration, including: - How to reconnect disjunct patches of Plains Grassy Woodland. - Avoiding areas of dense Juncus within paddocks. Weed control within these areas, without causing off-target damage to Juncus, is not considered feasible. - Avoiding areas of previous land disturbance or soil compaction (e.g. due to livestock congregation) - Avoiding higher fertility and wetter areas where the dominant weed species was Paspalum or Yorkshire Fog. - Avoiding areas which indicated they were incompatible with key diagnostic characteristics (i.e. would have previously supported another type of vegetation rather than Plains Grassy Woodland).

			The Offset Assessment Guide provides for lower levels of confidence and time based delays from impact to restoration outcome.

Respondent 2	2.21	Converting heavily fertilised, long-grazed pasture dominated by a competitive exotic perennial grass into a native grassy ecosystem meeting TEC diagnostic criteria is an undertaking for which no comparable evidence of success has been placed before the delegate. The OMP's own language reveals the depth of uncertainty: soil conditions at the offset site have not been characterised; the restoration approach contemplates "local trials"; and the OMP concedes that plant survival targets "can be affected by rainfall timing, soil moisture, grazing pressure and unplanned fire" and that "[t]hese variables ... are inherently unpredictable year to year" (Biosis, 2026b, Section 3.3). This is not a proposal grounded in scientifically robust information (Principle 9).	The OMP outlines sampling and trials in the initial stages of the OMP so that a robust and site-specific approach to management of the site can be developed in the early stages of site restoration, and can be adapted as needed based on the results of annual monitoring to be undertaken. Grassland restoration projects in similar agricultural settings (i.e. areas also dominated by perennial exotic grassy vegetation) have demonstrated successes over time scales of up to 13 years, albeit at small scales and outside the Gippsland Plain. The OMP acknowledges that this level of restoration effort has not been completed previously.
Respondent 2	2.22	The available peer-reviewed science underscores this concern. Gibson-Roy, Delpratt and Moore (2024) conducted the most directly relevant study of temperate grassland restoration on former agricultural land in south-eastern Australia. Their findings demonstrate that topsoil removal ("scalping"), physically stripping the nutrient-enriched, weed seed-laden upper soil layer before direct seeding with diverse native species mixes, is the only technique shown to be effective for establishing native grassy communities on sites with a legacy of elevated soil nutrients and competitive exotic vegetation. Critically, the same study found that the alternative approach of repeated shallow cultivation followed by herbicide application failed to achieve this outcome, at least in the short term (Gibson-Roy et al., 2024).	Soil testing is proposed as an initial step within the OMP to gain an understanding of the site conditions. Informed by this data, an adaptive approach that trials different management actions to prepare soil for planting over the first 3 years of management will be developed, and soil scalping is included as one of the methods to be tested. If that approach provides good results at this site, then this method would be utilised at larger scale across the site, informed by the results of soil testing.

Respondent 2	2.23	Three findings from that study bear directly on the OMP's feasibility. First, Agrostis capillaris (Brown-top Bent), the dominant exotic grass at the offset site, is explicitly identified in the study as one of the most commonly observed competitive exotic species at the experimental sites (Gibson-Roy et al., 2024). The OMP's herbicide-based approach is being proposed against a species that the best available research has found it cannot control. Second, on cultivation-plus-herbicide plots, native vegetative cover reached only 16% by Year 3 and was declining, with the authors concluding that vegetation on those plots was on a trajectory towards long-term exotic domination (Gibson-Roy et al., 2024, Table 7). The OMP projects 75% native ground layer cover by Year 15 using substantially the same approach. The peer-reviewed data shows the opposite trajectory. Third, native species diversity on cultivation-plus-herbicide plots declined over the three-year monitoring period from an average of 3.9 to 3.0 species per m² (Gibson-Roy et al., 2024, Table 4). The TEC condition threshold requires a minimum of seven native ground layer species. The OMP's herbicide-based restoration approach is not merely untested at scale on Gippsland Plain soils; the best available evidence from the most directly comparable study shows that it drives both native cover and native diversity in the wrong direction.	The OMP does not intend to specify that weed management should rely on herbicide (nor on any other) use as the main method for weed control, which is why an adaptive management approach is outlined. Successes of species rich grassland restoration has been demonstrated over time periods similar to the active management period of this OMP and in agricultural settings dominated by exotic grasses (Gibson-Roy & Carland 2022), albeit at a smaller scales and outside the Gippsland Plain - the OMP acknowledges that this scale has not been completed previously. This study found that native species diversity continued to increase over the 13 years of monitoring, including with the appearance of species that were not included in seeding (attributed to local remnant populations). The species diversity of the restoration area will be monitored throughout the 15 year active management period of the OMP and in perpetuity, with the performance criteria outlining that the area will meet the TEC species diversity thresholds.

Respondent 2	2.24	The OMP's primary restoration approach relies on herbicide application (spraying, wiping, flame weeding) coupled with adaptive revegetation (Biosis, 2026b, Sections 3.5.5, 3.5.10). While the OMP lists soil scalping as one of five site preparation techniques to be trialled in Year 1 (Biosis, 2026b, Section 3.5.3), it does not commit to scalping as the primary methodology. Instead, it proposes trialling scalping alongside boom-spray herbicide, ecological burning, slashing and smothering, with the "more successful techniques" to be selected after Year 1 (Biosis, 2026b, Section 3.5.3). This approach is fundamentally at odds with the published science, which demonstrates that scalping is not one option among several of comparable efficacy but rather the only technique shown to be effective for establishing native grassy communities on sites with a legacy of elevated soil nutrients and competitive exotic vegetation (Gibson-Roy et al., 2024). The OMP's treatment of scalping as an optional trial technique, without the soil characterisation necessary to determine whether the site is suitable for scalping, without a committed seed supply strategy, and without any commitment to deploy scalping at the required 21.59-hectare scale, does not satisfy the Policy's evidentiary requirements.	The OMP does not specify that herbicide use should be the primary approach to restoration at the site. Soil testing is at the outset is proposed to understand the conditions of reference sites and the offset area, to inform trial design and management approach across the site. If, following completion of trials, any one method is confirmed to provide the most success and is suitable based on soil testing results, that would be deployed at larger scales. Previous grassland restoration projects have used small scale excavators or large scale graders and scrapers to complete soil removal, and it is considered reasonable to expect that this method is achievable at scale (Gibson-Roy et al. 2023). This lead author makes many arguments for the successes of smaller projects to give confidence that larger scale projects can be achieved (Gibson-Roy 2022). The OMP acknowledges this scale of restoration has not been completed previously. Relating to the lack of available published science applicable to this area and for this scale, a trial approach to different weed control methods in the initial years of the OMP is warranted.

Respondent 2	2.25	Even if the proponent were to commit to topsoil scalping as the primary methodology, three further difficulties would remain. First, the Grassy Groundcover Research Project demonstrated its results on experimental plots of approximately 1 hectare each across southern and western Victoria (Gibson-Roy et al., 2010). The proposed 21.59-hectare restoration component would exceed these demonstrated plot sizes by a factor of approximately 20. Second, the scalping research has been conducted on clay soils of western and central Victoria, including basaltic cracking clays on the Volcanic Plains and grey alkaline clays in the Wimmera (Gibson-Roy et al., 2024), none of which are the Sodosols of the Gippsland Plain, the Listing Advice describes the TEC's soils as fertile and duplex, comprising loamy topsoils over clay or clay-loam subsoils (TSSC, 2009). Transferability cannot be assumed, particularly given the OMP's concession that the offset site's soil conditions have not been characterised. Third, scalping requires specialist native seed supply at scale. The GGRP grew approximately 200 species in dedicated Seed Production Areas to supply its trials (Gibson-Roy et al., 2010), a logistical constraint that the OMP does not address.	Exotic grass-dominated roadsides restored to native grasslands in western Victoria exhibited native species dominance and low weed cover 13 years after soil stripping (Gibson-Roy & Carland 2022). These sites also showed an increase in species diversity over time, noting this was attributed to the presence of nearby remnant populations from which colonisation occurred. Restoration of exotic pasture to native grassland has been demonstrated at smaller scales, and the OMP acknowledges that similar restoration has not been completed at this scale in the Gippsland Plain in the past. The OMP outlines initial site investigations, planning and adaptive management approach due to this uncertainty. The feasibility of different revegetation methods (including seed quantity, source from local production nurseries already available and the need for EGSC to undertake seed production itself) will be investigated within the Revegetation Plan.

Respondent 2	2.26	The cumulative effect of these difficulties is that the only restoration technique with demonstrated success on comparable sites is scalping, and even scalping has not been tested on the soil type at this offset site. No proven pathway exists for converting fertilised exotic pasture to diagnostic TEC at this site at any scale, let alone at 21.59 hectares. This is the definition of scientific uncertainty that engages the precautionary principle under s 391. [redacted] anticipates that the proponent may respond by characterising its approach as "adaptive management.' [redacted] does not dispute that adaptive management is appropriate for refining proven techniques to local conditions. What is proposed here is fundamentally different: the OMP proposes to use the approval period to determine whether any technique is capable of achieving the ecological outcome in the first place. Adaptive management presupposes a demonstrated pathway that can be optimised. It is not a substitute for the threshold scientific question; can fertilised exotic pasture on Gippsland Plain Sodosols be converted to diagnostic TEC at scale? This should be answered before an irreversible clearing decision is made, not experimentally after it.	Due to the lack of available offset sites which currently support this TEC, an alternative approach (restoration) has been pursued within this OMP. Successes of species rich grassland restoration has been demonstrated over time periods similar to the active management period of this OMP and in agricultural settings dominated by exotic grasses (Gibson-Roy & Carland 2022), albeit at a smaller scales and outside the Gippsland Plain. A much larger scale restoration project is being pursued in Bengworden for a critical mineral sands project demonstrating there is capability for such efforts in the region.
Respondent 2	2.27	[redacted] notes that Greening Australia, the very organisation whose researchers developed the scalping methodology, has been conducting restoration work on the Gippsland Red Gum Plains in partnership with the EGCMA for over a decade, including direct seeding and supplementary planting at sites near Lindenow South, Moormurng, Bengworden and Forge Creek (Greening Australia, n.d.; EGCMA, 2025). However, these projects have focused on enhancing the condition of existing degraded TEC remnants that retain native species composition, not on converting fertilised exotic pasture to functioning TEC from a zero baseline. The distinction is critical. The fact that the leading practitioners with the deepest experience of this specific landscape and this specific ecological community have not, to EEG's knowledge, attempted pasture-to-TEC conversion at scale on the Sodosols of the Gippsland Plain is itself evidence of the scientific uncertainty surrounding the OMP's 21.59-hectare restoration proposal.	The OMP includes both restoration of degraded remnants of the TEC and introduced pasture. The OMP provides for a contingency if the restoration is not a success. In the event the offset site does not meet its targets in 15 years, EGSC will have to find an alternative solution (Section 3.4.1 OMP).

Respondent 2	2.29	The runway widening will fragment existing TEC patches. Where fragmentation causes residual patches to fall below the TEC's condition thresholds; minimum 0.04 hectares, at least 50% perennial native ground layer cover, and a minimum of 7 native species (DEWHA, 2010), those fragments no longer qualify as TEC and the actual extent of loss is greater than 10.354 hectares. The PD has not assessed whether post-construction remnant patches will meet these thresholds. Until that analysis is completed, the offset obligation cannot be accurately calculated. EEG's concern is not speculative. The PD's own Figures 4.1 to 4.3 show that the proposed works will sever existing TEC patches, leaving narrow linear remnants immediately adjacent to the runway construction envelope. These residual strips, sandwiched between the widened runway and the project area boundary, will be subject to edge effects, altered drainage, and ongoing operational management. Their capacity to sustain 50% perennial native ground layer cover and seven or more native species in perpetuity is doubtful. The method used to delineate TEC at the impact site must be applied to each post-construction remnant patch to determine whether it continues to satisfy the condition thresholds. If any remnant patch falls below those thresholds, the area of that patch must be added to the impact requiring offset. The PD must demonstrate, patch by patch, that the 13.330 hectares of retained TEC will remain qualifying TEC following construction. In the absence of this analysis, the delegate cannot be satisfied that the stated impact of 10.354 hectares is accurate.	The remaining three patches as identified in the submission are all above the minimum size to meet the TEC threshold, which is 0.04 hectares. The patches are 0.062264, 0.051617 and 0.063056 hectares. Biosis does not have data on the number of species occurring within each of these areas (because this was collected at a larger scale), however EGSC could look at opportunities within these patches to maintain their condition following completion of construction. The CMP shows the no go zones on these areas. Monitoring of the CMP implementation will ensure compliance with this mitigation measure to avoid impact.
Respondent 2	2.30	The OMP's performance criteria are directed at vegetation quality assessment (VQA) scores, threat management, and completion of management activities (Biosis, 2026b). These are process-oriented measures. They do not require the offset site to demonstrably attain the TEC's diagnostic condition thresholds across the full 26.71-hectare area by a specified date. Without that commitment, the delegate has no mechanism to determine whether the offset has succeeded or failed, and the proponent has no enforceable obligation to achieve a defined ecological outcome.	That the area will meet the condition thresholds for GRGGW has been added as a specific performance and completion criteria in Section 3.2.1.

Respondent 2	2.31	This is not a distinction without a difference. The VQA scoring system and the TEC condition thresholds operate as separate compliance regimes. A site can achieve a higher VQA score through improvements in logs, litter and landscape context while still failing to meet the condition thresholds for the TEC, which require at least 50% perennial native ground layer cover and a minimum of seven native ground layer species across each qualifying patch (DEWHA, 2010, p. 13). The OMP must make explicit that by no later than Year 15, there will be at least 26.71 hectares at the offset site where each constituent patch is delineated using the same methodology applied at the impact site, supports at least 50% perennial native ground layer cover, and contains seven or more native ground layer species. If the OMP cannot commit to these thresholds as enforceable completion criteria, the delegate cannot be satisfied that the offset will produce functioning TEC rather than a site with an improved VQA score that nevertheless fails to qualify as the ecological community it purports to replace.	That the area will meet the condition thresholds for GRGGW has been added as a specific performance and completion criteria in Section 3.2.1.

Respondent 2	2.32	The OMP's projected trajectory for native groundcover species underscores this concern. The revegetation targets in the OMP's Table 5 show total native ground layer cover in the intensive restoration areas rising from approximately 14% at Year 8 to approximately 75% at Year 15, a more than fivefold increase in seven years (Biosis, 2026b, Table 5). The only comparable empirical data shows the opposite trajectory: Gibson-Roy et al. (2024) found that on cultivation-plus-herbicide plots, native cover reached 16% at Year 3 and was declining, not increasing. The OMP projects a starting point of 14% at Year 8, a figure strikingly close to the Gibson-Roy Year 3 result, and then claims a fivefold increase to 75% by Year 15, without any evidence that such an increase has been achieved on any comparable site[redacted] is concerned that this trajectory is backloaded precisely because it is unfalsifiable in the near term. By the time the projected gains fail to materialise, regulatory attention will have moved on, the proponent will attribute shortfalls to variables that are "inherently unpredictable year to year" (Biosis, 2026b, Section 3.3), and the TEC that was destroyed to make way for the runway will be irrecoverable.	The OMP's indicative progress goals for native plant cover have been updated for interim years to reflect more linear increase in cover for medium tuffed graminoids. The study quoted also demonstrates the effectiveness of topsoil removal for restoring diverse native grassy communities by direct seeding on sites with a legacy of elevated soil nutrients and competitive exotic vegetation (Gibson-Roy et al 2024). As quoted by the submitter the study found 16% native cover for cultivation plus herbicide plots but also found 37% native cover for top soil removal plots over the same three year time period. The OMP contemplates cultivation and/or top soil removal informed by local trials. The OMP provides for a native cover target of 29% by Year 8. Allowing for the Site establishment period of 3 years, and a subsequent 5 year management period, this is less ambitious than the covers achieved in the quoted study. The OMP provides for a contingency if the restoration is not a success. In the event the offset site does not meet its targets in 15 years, EGSC will have to find an alternative solution (Section 3.4.1 OMP)
Respondent 2	2.33	Compliance with TEC condition thresholds should be subject to independent audit at precautionary intervals, not merely reported by the proponent or its consultant. If, by Year 15, TEC condition thresholds have not been independently verified across the full offset area, the approval conditions should require the offset area to be expanded to compensate for the shortfall, using the same Offsets Assessment Guide inputs. A failure to include such contingency provisions would	Audits by an independent ecologist are included at Year 1, Year 3, Year 6, Year 10 and Year 15 and outlined in section 3.9 of the OMP. Contingency measures included in OMP at Section 3.4.1

		leave the delegate with no enforceable mechanism to address the foreseeable risk of offset failure.	
Respondent 2	2.34	6.4 Additionality is not established Principle 4 of the Policy requires that offsets deliver a conservation gain beyond what would occur without the offset (DSEWPC, 2012). The Samuel Review observed that "averted loss offsets" frequently deliver "weak protection to remnant habitats that may never have been at genuine risk" (Samuel, 2020). [redacted] requests the delegate to interrogate whether the 5.12-hectare enhancement component represents a genuine additional conservation gain, or merely formal protection of vegetation that faces no realistic threat of clearing under existing land management.	The Plains Grassy Woodland is already in poor condition with a condition score of 36/75. The existing permitted agricultural land uses on the offset site, including livestock grazing, have likely contributed to the extinction of Gippsland Red Gum Grassy Woodland at the offset site. The conservation benefit from establishment and long-term management of an offset site for Gippsland Red Gum Grassy Woodland would be additional to any existing obligations of the landowner.
Respondent 2	2.35	6.5 Long-term security beyond the management period Neither the PD nor OMP specifies how offset outcomes will be maintained beyond the active management period. The most reliable mechanism would be a conservation covenant registered on title under the Victorian Conservation Trust Act 1972 (Vic) or the Conservation, Forests and Lands Act 1987 (Vic), binding successors in title in perpetuity. Neither document commits to this. Section 134(3)(a) of the EPBC Act provides authority for the Minister to require such a covenant as a condition of approval. [redacted] submits this must be a minimum requirement, accompanied by financial assurances adequate to fund management in perpetuity.	The offset site will be in public ownership by East Gippsland Shire Council and a conservation covenant registered on title.

Respondent 2	36 and 37	6.6 The offset calculator inputs are not precautionary [redacted] has examined the Offsets Assessment Guide inputs used in the OMP (Biosis, 2026b, Appendix 3) and identifies two concerns that materially inflate the claimed offset contribution.	The precautionary principle, as set out in s 3A(b) and s 391(2) of the EPBC Act, provides that a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation where there are threats of serious or irreversible damage. Friends of Nyah Vinifera Park Inc v Minister for Environment and Water [2026] FCA 584 confirms that the EPBC Act does not require offsetting environmental benefits to be proven to the same degree of certainty as the environmental harm they are intended to compensate. Where conditions (such as a mandatory Offset Management Plan with measurable outcomes and monitoring) are attached to an approval, those conditions can adequately address residual uncertainty about whether the offset will succeed. The OMP incorporates a risk-based approach consistent with the precautionary principle, applying a confidence in results level of 70% for the intensive restoration areas and contemplating procedures for monitoring, audit evaluation and review of ecological outcomes.

Respondent 2	2.36	First, the start quality score for the 5.12-hectare component. The OMP assigns this vegetation a start quality of 3/10, which it derives by discounting the VQA score by one point on the ground that the vegetation does not meet the TEC's condition thresholds (Biosis, 2026b, Appendix 3). [redacted] can identify no basis in the Policy or the Offsets Assessment Guide for this discretionary discount. The habitat quality scoring system in the Guide converts VQA scores to a quality score on a 0 to 10 scale using the conversion table. If the VQA score converts to 4/10, the start quality should be entered as 4/10. A discretionary reduction to 3/10 inflates the apparent raw gain from 2 to 3 and increases the offset's claimed contribution by approximately 50%. Whether or not the vegetation meets TEC condition thresholds is a separate compliance question that the OMP must address through its performance criteria (see Section 6.3). It is not a legitimate basis for manipulating the offset calculator inputs.	The discounting of the condition score by 1 point when the TEC is not present is a practice that has been agreed with DCCEEW in previous projects. While the VQA method is the accepted method for assessing vegetation quality in Victoria, the categories for evaluation can be broad and the rounding of the result for inclusion in the OAG further reduces the sensitivity of the results. A practice of discounting the condition score by one point has been agreed with DCCEEW in the past to address the situation where the vegetation condition on the site improves and now meets the definition of the TEC but does not see sufficient increase in the VQA score to register a one point increase in the condition score. It is also noted that regardless of which calculator input is used for a three point condition without offset, the increase to six points is detailed in the OMP.

Respondent 2	2.37	Second, the confidence in result values. The OMP claims 80% confidence for the 5.12-hectare component and 70% for the 21.59-hectare component. The justification for these figures includes generic and unsupported assertions about the Council's "proven track record of delivering and achieving conservation outcomes at parks and reserves" and that "there is a negligible risk that EGSC will not fulfil its commitments" (Biosis, 2026b, Appendix 3). These are assertions about institutional commitment, not about the likelihood of achieving specific ecological outcomes at a specific site. They are also made by Biosis itself, which is not an independent assessor but the proponent's consultant with a direct interest in securing approval. Confidence in result must be informed by site-specific, scientifically robust evidence of the likelihood that the claimed ecological gain will be achieved (DSEWPC, 2012, Principle 9). Where the restoration methodology is untested, the soil conditions are uncharacterised, and the weed control targets have no demonstrated precedent at scale, confidence values of 70 to 80% are not precautionary. They are aspirational. [redacted] submits that precautionary confidence values, informed by the actual evidence base, would be substantially lower, and that the resulting offset calculation would show a significant shortfall against the required offset quantum. [redacted] notes that the proponent's current calculator outputs show a nominal surplus (14.75% + 90.67% = 105.42%), but this surplus is an artefact of the inflated inputs and would not survive correction of the start quality score and adoption of precautionary confidence values.	It is in the best interest of EGSC to achieve success with this restoration approach, as such, negligible risk that they will not fulfil commitments under OMP is appropriate. Contingency also provides for back up if offset is not a success. 80% for basic restoration is appropriate as the management of this area is not dissimilar to a conventional offset site, which are regularly implemented and successful in achieving targets. 70% for intensive restoration reflects that the level of management is intensive and that there are aspects of the targets which are not straightforward to achieve .

Respondent 2	2.38	6.7 The offset cannot deliver a contemporaneous conservation gain Principle 5 of the Policy provides that offsets must be "of a size and scale proportionate to the residual impacts on the protected matter" and that "the further into the future benefits are expected, the larger the offset should be" (DSEWPC, 2012). Principle 8 provides that offsets must be "timely and it must be possible to measure, monitor, audit and enforce" the offset (DSEWPC, 2012).The proposed offset fails both principles. The impact is immediate and irreversible: 10.354 hectares of Critically Endangered TEC will be cleared before any offset gains are realised. The offset site starts from a baseline of zero TEC (the 21.59-hectare pasture component has no native vegetation at commencement) or below the TEC condition thresholds (the 5.12-hectare component). Even on the proponent's optimistic projections, the intensive restoration areas will not approach native ground layer cover of 50% until Year 15. For the intervening period, the national estate of the TEC will have suffered a net reduction with no compensating gain. The time lag between impact and any potential ecological benefit creates a period of heightened extinction risk for the TEC, particularly given the community's critically depleted status (Section 3.1). Neither the PD nor the OMP applies any multiplier or area uplift to account for this time lag, as Principle 5 contemplates. The delegate should satisfy themselves that the offset area is adequate given the temporal disconnect between an irreversible impact and a deferred, uncertain benefit.	The Offset Assessment Guide accounts for the risk of extinction and delay in time to ecological benefit. The OMP time horizon and OAG align at 15 years and the listing status in the OAG is correct at critically endangered. The OAG is the method used to quantify these parameters when calculating offset requirements and it applies the multipliers sought.

		7. Cumulative impacts on the Gippsland Red Gum Plains	The project objectives cannot be achieved without the loss of the TEC and the direct loss of the TEC is clearly stated in the PD. The proposal relies on offsetting 26.71 hectares of the TEC to address these impacts. The offset proposal is the restoration of 26.71 hectares of GRGGW in perpetuity. All loss to the GRGGW have been accounted for.
Respondent 2	2.41	(a) No targeted surveys for the Gaping Leek-orchid (Prasophyllum correctum) during the species' flowering period (October–November). This Endangered species is known from only two populations globally, both on the Gippsland Plains near Bairnsdale (Kohout & Coates, 2010). Its presence at the impact site would materially alter the assessment of the TEC's ecological value.	See ref. 2.8, Targeted surveys not required
Respondent 2	2.42	(b) No targeted surveys for the Critically Endangered Golden Sun Moth (Synemon plana), a grassland-obligate species, using the prescribed flight-season survey protocol. EPBC Act Policy Statement 3.12 specifies that surveys must be conducted during the local flying season (late October to early January) over at least four suitable days at approximately weekly intervals (DEWHA, 2009). No such protocol was followed (Biosis, 2026a).	See ref. 2.8, Targeted surveys not required

Respondent 2	2.43	(c) No habitat assessment for the Green and Golden Bell Frog (Litoria aurea, Vulnerable) at the on-site dam, despite the presence of suitable aquatic vegetation and the species' confirmed presence in the East Gippsland Shire (Biosis, 2026a).	The FFA included a consideration of impacts to Green and Golden Bell Frog. The farm dam located along the northwestern edge of the study area may provide habitat for the species, although there does not appear to be extensive connectivity between the dam and surrounding waterways and wetlands. Regardless, there are no impacts to this farm dam proposed. It was concluded unlikely that the works would constitute a significant impact to Green and Golden Bell Frog. Further mitigation measures can be included in the CMP.
Respondent 2	2.44	(d) No soil chemistry analysis at the offset site to establish baseline conditions for restoration feasibility (see Section 6.1).	Soil testing is proposed as an initial step within the OMP to gain an understanding of the site conditions. See section 3.5.10 of the OMP and ref. 2.22
Respondent 2		9. Conclusions and recommendations. For the reasons set out above, [redacted] submits that:	
Respondent 2	2.46	(a) The preliminary documentation does not provide a sufficient information base for an informed decision under s 87(5) and s 133 of the EPBC Act. The precondition in s 87(5) for assessment on preliminary documentation has not been met, and the Minister should reconsider the assessment approach in favour of an EIS or PER, or at minimum require the proponent to address the identified information gaps before proceeding to a decision.	As per ref 2.3, the Minister for Environment determined that assessment by Preliminary Documentation was appropriate for this project. The PD has been prepared by the proponent on the basis of the RFI received and refined and improved where needed based on feedback from DCCEEW. Changing the assessment method is a matter for DCCEEW.

Respondent 2	2.47	(b) The economic and social justification for the proposed action is substantially overstated. The emergency and bushfire management rationale does not withstand scrutiny when assessed against the operational capabilities of the existing runway, the availability of RAAF East Sale and West Sale Airport (RAAF, n.d.; Wellington Shire Council, n.d.), and the proponent's own statements revealing the primary purpose as commercial aviation development (EGSC, 2022, 2025). If the identified operational need is limited to air ambulance safety margins for the King Air 360C on hot days, a modest extension well short of 1,600 metres would address the stated need without requiring the destruction of over 10 hectares of the TEC. The PD's avoidance analysis evaluates alternative airports and runway alignments, but these alternatives are assessed against the assumed requirement for a Code 3C runway; the prior question — whether Code 3C is necessary for the stated emergency purposes — is not addressed. [redacted] submits the delegate should explain why the full 1,600-metre extension is necessary.	Section 7 of the PD provides justification of the project for both its benefit for emergency management, and for commercial purposes.

Respondent 2	2.48	(c) The offset proposal does not deliver a conservation outcome that maintains the viability of the TEC, as required by the Policy's Principles 1, 2, 4, 5, 7, 8 and 9 (DSEWPC, 2012). The proposed conversion of 21.59 hectares of improved agricultural pasture dominated by Brown-top Bent to diagnostic TEC has no demonstrated precedent at the scale, in the soil conditions, or within the timeframe proposed on the Gippsland Plain. The offset calculator inputs are not precautionary, the performance criteria are not tied to TEC diagnostic thresholds, the confidence in result values are unsupported by site-specific evidence, and no time lag multiplier has been applied despite the offset delivering no conservation gain for a period of years following an immediate impact.	Successes of species rich grassland restoration has been demonstrated over time periods similar to the active management period of this OMP and in agricultural settings dominated by exotic grasses (Gibson-Roy & Carland 2022), albeit at a smaller scales and outside the Gippsland Plain - the OMP acknowledges that this scale has not been completed previously. This study found that native species diversity continued to increase over the 13 years of monitoring, including with the appearance of species that were not included in seeding (attributed to local remnant populations). The Offset Assessment Guide accounts for the risk of extinction and delay in time to ecological benefit. The OMP time horizon and OAG align at 15 years and the listing status in the OAG is correct at critically endangered. The OAG is the method used to quantify these parameters when calculating offset requirements and it applies the multipliers sought.
Respondent 2	2.49	(d) [redacted] submits that the delegate should, in their statement of reasons, demonstrate genuine engagement with the Approved Conservation Advice, Listing Advice, and Policy Statement for the TEC (DEWHA, 2008, 2010; TSSC, 2009), in accordance with the Tarkine [2013] FCA 694 principle.	The impact to the TEC of 10.354 hectares is documented in the PD for the delegate to consider in their assessment. Engagement with conservation advice is provided for in section 3.2 of the PD. How the delegate considers the conservation advice is a matter for their assessment not the proponent.

Respondent 2	2.50	(e) Under the Gelorup Corridor [2023] FCAFC 139 framework, the delegate's assessment of likely impacts and weighing of those impacts against economic and social benefits must be conducted consistently with the value embodied in the precautionary principle. The scientific uncertainties identified in this submission; uncharacterised offset soil conditions, untested restoration methodology, and absence of targeted surveys for co-occurring Critically Endangered and Endangered species, preclude reasoning consistent with the precautionary principle from supporting approval.	There is no scientific uncertainty about the impact of the construction of the runway. The Offset management Plan incorporates a risk-based approach consistent with the precautionary principle, applying a confidence in results level of 70% for the intensive restoration areas and contemplating procedures for monitoring, audit evaluation and review of ecological outcomes. Friends of Nyah Vinifera Park Inc v Minister for Environment and Water [2026] FCA 584 confirms that the EPBC Act does not require offsetting environmental benefits to be proven to the same degree of certainty as the environmental harm they are intended to compensate. Where conditions (such as a mandatory OMP with measurable outcomes and monitoring) are attached to an approval, those conditions can adequately address residual uncertainty about whether the offset will succeed.
Respondent 2	2.51	(f) If the delegate is minded to approve the proposed action, conditions under s 134 must require: a permanent conservation covenant over the offset site binding successors in title; measurable completion criteria directly tied to TEC diagnostic condition thresholds; independent auditing of offset outcomes by a suitably qualified ecologist who is not the proponent's consultant; contingency provisions requiring offset area expansion if diagnostic thresholds are not independently verified across the full offset area by Year 15; and completion of targeted surveys for the Gaping Leek-orchid, Golden Sun Moth, and Green and Golden Bell Frog before any vegetation clearing commences.	Completion criteria have been included at section 3.2.1 of the OMP Audits by an independent ecologist are included at Year 1, Year 3, Year 6, Year 10 and Year 15 and outlined in section 3.9 of the OMP. Contingency measures included in OMP at Section 3.4.1. EGSC are committed to sourcing an alternative solution if the offset does not succeed. Targeted survey requirements addressed at ref 2.8 and ref 2.43 and are not justified.